



THE CONCEPT OF DEMAND IN THE CONTEXT OF TRAFFICKING IN HUMAN BEINGS

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ABSTRACT. In the last decades, considerable efforts have been made to eradicate trafficking in human beings. In this context, the role of “demand” has gained prominence in public and political debates. The term originates from economics. This article therefore rehearses economic understandings of demand and the key terms to which it relates: supply, price and market. This understanding is then used to reflect on the way the idea of demand and related concepts are used within discussions of trafficking. These reflections include qualitative content analysis of the use of terms in the context of migration, prostitution and labor policy. The analysis shows that in anti-trafficking debates, market contexts are referred to. Demand is often used in the sense of “the willingness and ability to purchase a good or service,” but actors exercising and factors influencing this demand are often also called “the demand.” In these debates demand is also used for coercive relations, although this is not compatible with the understandings indicated above. Three cases of empirical economic studies on trafficking in human beings with widely diverging results are analyzed. As they all use demand and supply in their theoretical argumentation they all seem to deal with the same issue. However, because they situate their analysis in different reference markets and policy contexts, it is not simply that they do not measure the same issue differently, but in fact these studies observe agents on different markets that deserve separate attention. These terminological ambiguities relating demand as it is currently used within trafficking hampers progress in generating understanding of the mechanisms that lead to criminal forms of exploitation. It is suggested to use demand only in a market context when it is possible to specify who wants to buy what. “Demand for trafficking” or for “demand for exploitation” should be avoided.

JEL codes: F22; J16; O15

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1. Introduction

A study by Walby et al. (2016: 9) addresses "the ways that the different forms of regulation of prostitution might reduce demand for the services of people trafficked into prostitution." It indicates current relevance of debates on "demand reduction" to curb trafficking in human beings. However, the quoted study does not define "demand." The quote suggests that demand could mean the willingness to spend money for services of trafficked persons, but it is not only used in this sense in the study. A vague and inconsistent use of demand is the rule rather than the exception in anti-trafficking debates and studies.

The confusion about the meaning of demand goes back to the United Nations *Protocol to prevent, suppress, and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime*. Activists had lobbied for a reference to demand in the protocol with the aim to criminalize the "demand for" or purchase of sexual services. What was eventually agreed upon is something different and above all vague, even though some authors claim that the Protocol urges states to reduce prostitution (Waltman, 2011).

Indeed, states are asked to "discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking."¹ It remained open to interpretation what kind of demand that could be. The need to reduce demand is widely accepted, and yet it remains unclear what is meant by demand or what reducing demand may entail. As exemplified in this statement by the United Nations High Commissioner for Human Rights: "While accepting the need to address demand, it is important to acknowledge the limits of a term that is not properly defined, is under-researched and is still subject to debate and confusion" (OHCHR, 2010: 97).

Therefore, the call for an EU-research project *Addressing Demand in Anti-trafficking Efforts and Policies* had not only called for the analysis of a range of policy-relevant questions, but also made an explicit task of deciphering conceptual dimensions of demand. This article has been prepared as part of this effort.² It starts from the assumption that the term "demand" originates in economics and therefore suggests markets as the most relevant framework for analysis. It begins by taking a closer look at economic reasoning and economic contributions on this issue. The concepts of "coercion," "demand,"

and “price” are explored from an economist’s perspective. The resulting insights are then situated in anti-trafficking debates.

Taking a closer look at the application of these concepts in empirical studies, studies are chosen which situate their work in different policy contexts: migration, prostitution and labor policy. The three studies all claim to address trafficking in human beings from an economic perspective and use demand and supply in markets in their argumentation. Even though they use the concept of demand in the same sense, they actually address quite different social realities, referring to migrants’ demand for smuggling services, men’s demand for sexual services and employers’ demand for labor.

This article argues that proper attention to the meaning of analytical concepts is required for scientific accuracy. Without this, researchers and practitioners from different fields talk at cross purposes when addressing “trafficking” and “demand,” making it more difficult to understand mechanisms of exploitation or find adequate means to counter them. Finally, the suggestions are made for further research that aims to reduce misunderstandings within anti-trafficking debates.

2. Methodological Remarks

However, before turning to this task it is necessary to detail the methods used. First, economic literature databases were checked for all journal articles containing the words “human” and “trafficking.” There were no articles in any of the world leading economic journals³ and below 50 articles in other sources,⁴ most of them proving to be very short, programmatic and not situated in the discipline of economics, literature reviews or mathematical exercises with little transfer value for policy oriented readers from other disciplines. This confirms that there is not much economic analysis on human trafficking (Omar Mahmoud and Trebesch, 2010: 174).

A few texts sought to present a general economic theory of trafficking in human beings. However, they proved to have no consistent starting point for analysis. Danailowa-Trainor and Belser (2006: 2) present a simplified model with a recruiter selling the victim at a certain price to an unscrupulous brothel-owner in the place of destination. Then they introduce the “complication” that “in reality, there is often no direct and observable transaction that involves the ‘buying’ and the ‘selling’ of a victim” (Danailowa-Trainor and Belser, 2006: 4), in other words that this market does not exist, before they explore country data with regard to factors labeled as “demand-side” or “supply-side.” In the text by Wheaton et al. (2010) about “the labor market for human trafficking” (130), vulnerable workers are at the core of the analysis, but it is difficult to keep track in which market context: as *supply side* (115), as the *differentiated product supplied* by monopolistically com-

petitive traffickers (118), or as *being involved in the provision of services* demanded by “factors” (130).

A different approach was chosen. Although this paper explores economic texts, it is *not* an economic analysis. Selected texts are analyzed with a variation of qualitative content analysis following a summative approach (Hsieh and Shannon, 2007). The texts were checked for explicit *definitions*. Afterwards, a keyword search guided to instances of the *usage of words*. They were first interpreted in the immediate textual context and additionally related to wider debates. In the second part, three empirical studies are selected as cases in which concepts were used in theoretical arguments and operationalized for empirical observation. Again, the interpretation rests on the immediate textual context and the wider policy context that is evoked.

Part I: Central Concepts in Mainstream Economics and Anti-trafficking Debates

3. Coercion

The discussion begins with a central concept: coercion. The role of coercion in economics and in anti-trafficking debates is discussed.

3.1. Choice, markets and the absence of coercion in economics

The absence of coercion is usually assumed without discussion in mainstream economic textbooks. It is an explicit or implicit precondition for mainstream economic analysis, deviations being dealt with in specialized branches of the discipline. In almost all contemporary economics, people’s decisions are described as maximizing their individual utility function, and they concentrate mostly on decisions in reaction to pecuniary changes (Akerlof and Kranton 2010: 21). Decisions imply choice.

Apart from being an analytical assumption, the absence of coercion is also a high value for many economists. Even very liberal economists who contest the intervention of governments in many fields plead for a strong role of governments to ensure voluntary choice and the absence of coercion. Milton and Rose Friedman describe the key role of government in their book *Free to Choose* as “the protection of individuals in the society from coercion whether it comes from outside or from their fellow citizens. Unless there is such protection, we are not really free to choose. The armed robber’s ‘Your money or your life’ offers me a choice, but no one would describe it as a free choice or the subsequent exchange as voluntary” (Friedman and Friedman, 1980: 29).

The bulk of economic analysis assumes that government fulfils the core function of protecting the individual from coercion of fellow citizens. It deals with the analysis of voluntary exchanges on *markets* as the virtual or real place where buyers and sellers of a particular good or service come together. “Voluntariness” does not imply the absence of pressures to earn one’s living, but the absence of coercion through other people. Economist Jack Hirshleifer juxtaposed two strategies: “There are two ways of getting rich: You can produce goods for mutually beneficial exchange or grab goods that someone else has produced. Analysis has to address the interaction of the two great life-strategy options: on the one hand production and exchange, on the other hand appropriation and defence against appropriation” (Hirshleifer, 1994: 2).

As soon as there is such direct coercion, *the coercive relation is no market relation*. While it is relatively easy to differentiate between exchange and appropriation when coercion takes place in the form of violence or threat of violence, it is less easy to draw the line to appropriation strategies in which the stronger market side manipulates market settings to grab a greater share of the production. In other words, it is easy to identify armed robbery and abduction as appropriation strategies, but more difficult to decide whether an employer manipulates choices. Gécicot gives an example of bonded labor in an agricultural setting in which the landlords strategically restrain the choices available to laborers so that they “voluntarily” accept bonded labor. He deems a contract exploitative “when a party uses its power to restrain the set of alternatives available to another party, so as the latter has no better choice than to agree upon a contract very advantageous to the first party” (Gécicot, 2002: 104–105). In such cases, there is no direct coercion of fellow citizens with obviously criminal means, but the abuse of power to manipulate a market setting.

To conclude, the core of economic analysis deals with interactions in competitive markets in which the participants are not coerced. However, specialized sub-disciplines like the economics of crime and competition theory address the abuse of power by individuals, companies and the state.

3.2. Trafficking definitions

In contrast, coercion is crucial for defining trafficking. Two definitions of trafficking are relevant for public debates on the issue: A colloquial meaning referring to a market where people are sold like commodities, and a legal definition, under which trafficking in the colloquial meaning can be subsumed. It includes also a range of other situations in which the choices of people are illegally restricted to varying degrees. I will shortly introduce both definitions:

In a press conference in 2013, EU Commissioner Cecilia Malmström refers to trafficking in human beings as trade in people: “It is difficult to imagine that in our free and democratic EU countries tens of thousands of human beings can be *deprived* of their liberty and exploited, traded as commodities for profit”.⁵ In the oral statement she adds: “Sold as slaves.”⁶ The Commissioner uses trafficking in human beings in the colloquial meaning of illicit trade in people: People under the control of traffickers are transferred to the control of exploiters, the exploiters paying the traffickers for the transfer of their human cargo. The act of trafficking means the sale of persons.

However, the international definition of human trafficking includes more than such situations. The definition is the highly complex result of an international compromise to define transnational crimes. It is documented in the United Nations *Protocol to prevent, suppress, and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime (UN Protocol)*. In the Anti-Trafficking Directive of the European Union (2011/36/EU), this definition has been adopted. Member states have to ensure that the following *intentional acts* are punishable (Article 2):

The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (Article 2, 1. Anti-Trafficking Directive 2011/36/EU).

Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs (Article 2, 3. Anti-Trafficking Directive 2011/36/EU).

Reading the long list, it should be immediately clear that trafficking in human beings is considered to be more than the sale of people. It refers to a whole range of acts relating to highly different markets. Trafficking in human beings in the colloquial understanding as the sale of people could be called a phenomenon, but trafficking in human beings in the sense of UN definitions and the Anti-Trafficking-Directive should not be called “a complex transnational phenomenon” (European Commission, 2012: 3), as it is a complex social and legal construction, subsuming a *wide range of principally observable acts* (phenomena) under the criminal offence “trafficking in human beings,” but only if they appear in a specific combination.

It is important to recognize that it is a legal definition, thus requiring a dichotomous decision in the end: it is trafficking or it is not. For practitioners in the current legal framework, it is important to draw a clear line not only between trafficking and legitimate transactions (the crime of trafficking took place or not), but also between trafficking and other crimes. For example, the crimes of rape, fraud or kidnapping are to be sanctioned, even if an initial suspicion that they were conducted in a trafficking context cannot be proved.

3.3. Practical implementation and the role of coercion

This legal distinction has consequences for the real world: trafficking victims have a better legal position than victims of other serious crimes. If support agents classify victims as likely to be trafficked, that means help. If a judge convicts someone as a trafficker, that means a higher sanction. Street-level agents have to apply law in their daily practice. They exercise discretion and develop routines and simplifications to define clients and to cope with the interaction (Lipsky, 1980: 85). Meanwhile, a wide range of training activities have been conducted to disseminate the definition and help law enforcement officers and support organizations to link the complex definition to observable phenomena in their daily practice. I have used training materials and practice-oriented explanations to explore simplifications with regard to the role of coercion in anti-trafficking practice.

Training usually includes this simplifying formula (e.g. Hagen, 2013: 27):
Acts + Means + Purposes = Trafficking.

- *Acts* such as recruitment, transport, harboring or receipt of persons are not criminal as such.
- *Means* to conduct such acts are threats or use of force, deception, coercion or abuse of power. These means are mostly criminal, even if not linked to other elements of the definition.
- The acts only become trafficking when the *purpose* is *exploitation*. Exploitation is only defined by examples. Some exemplified purposes are criminal as such (forced labor), while others are not criminal or at least not everywhere (begging or prostitution).

Even the simplified formula is a complicated construction, involving a challenge to combine observed phenomena to construct the criminal offence of trafficking. Check lists (“THB indicators”) as an additional simplification have been developed to form an initial suspicion of trafficking for support agents and investigators.

In a migration context, the existence of a *coercive relationship at the destination* is central for establishing the crime (IOM, 2007: 44). Coercion at destination is used to differentiate between human smuggling and traffick-

ing. “Traffickers enslave and exploit trafficked persons, while smuggled migrants have a consensual relationship with their smugglers and are free at the end of their journey” (Shelley, 2014: 3).⁷ The following short formula seems to be implied:

Coercion during travel + coercion at destination = THB.

For support agents inside a country, travel related observations are less relevant. The following example from a recent press release of a project against trafficking for labor exploitation exemplifies how an actor on the ground transforms the complex definition into a workable routine without referring to the mode of travel or recruitment into a job: “People who are not paid by their employers are abundant,” says Lupascu [employed by a coalition against trafficking for labor exploitation in Germany]. To speak of trafficking, there must be some coercion: For example a passport taken away, if employees have to take debt under conditions of usury to get a job and these debts are used as threat, the abuse of an illegal residence condition or the threat of or application of violence. “Wage fraud is a necessary ingredient,” says Lupascu. “Somebody gets an economic advantage from the plight of an employee.”⁸ [own translation]

Basically, trafficking is defined as wage fraud plus a set of means called coercion, including also manipulative or fraudulent means. The formula becomes:

Wage fraud + coercion = trafficking.

If minors are involved, this makes a big difference. Situations are subsumed under the crime of trafficking without showing any features of coercion, as for example clearly expressed in a leaflet for educators in the US: “Any minor under the age of 18 who is induced to perform a commercial sex act is a victim of human trafficking according to U.S. law, regardless of whether there is force, fraud, or coercion.”⁹

A train-the-trainers handbook uses a case of a father who receives money because he allows a friend to take his 10-year-old son to another country for begging. The case description contains multiple incidences of violence and abuse of the child, indicating in the end: “Iliya pays the father, and gives him money, beats the children or threatens to beat them and threatens to injure the whole family – all of them are MEANS. However, even if he would NOT do that, it is still a trafficking case as in child-trafficking the MEANS are not a necessary prerequisite” (Hagen, 2013: 30).

The simplified formula does not contain elements of coercion any more:

Profiting from prostitution or begging of minor = trafficking.

To summarize, coercion at destination is usually presented as key constitutive element of trafficking, and as a rule cases presented in websites and training materials contain this element. Profiting from prostitution or begging of minors can be subsumed under the crime of trafficking without any coercion.

3.4. Discussion

Social scientists, particularly those who have analyzed trafficking in the labor market, point to a the continuum of experiences from “people who have been transported at gunpoint, then subjected to forced labor through the use of physical and sexual violence and death threats against them or their families back home. At the other end are those who were neither charged exorbitant rates by recruiting agencies nor deceived regarding the work for which they were originally recruited, and whose rights are respected” (Anderson and O’Connell Davidson, 2003: 9). In a German study, a similar idea about degrees of abuse in the labor market is called the “pyramid of labor exploitation” – with the degree of employer abuses increasing in severity and decreasing in quantity from the basis to the tip of the pyramid (Cyrus et al., 2010: 88). A too strong focus on trafficking – or other dichotomous categories – is considered to bear the risk of overlooking and normalizing other abuses with severe impacts on the concerned people.

McGrath uses case studies from Brazil where the term “slave labor” includes not only coercive relations but also labor relations “submitting the worker to [...] an exhaustive workday” or “degrading conditions” as “reducing someone to a condition analogous to slavery” (McGrath, 2012: 6). In the implementation practice, extremely bad conditions for workers are treated as a *signal* of a restriction of freedom.

Extremely bad working conditions become an indicator of coercion and manipulation. Also in this different legal environment in which a specific definition of slavery is enforced, coercion is a key element.

The following suggestion to define exploitation draws a line between three types of exploitation that are relevant for anti-trafficking activities: coercive exploitation, manipulative exploitation and exploitation indicated by a degrading activity.

1. Coercive exploitation: The appropriation of someone’s product through exercise or threat of violence and other serious penalties. If this form of appropriation exists, the relation between exploiter and exploited is a relation of force and no relation of market exchange. Example: A women is abducted, locked in and forced to prostitution by threats of violence.

2. Manipulative exploitation: The appropriation of someone’s product through intentional misinformation, fraud and transfer into a situation with

fewer exit options. In this situation, the exploited person complies in the manipulated market situation. Example: a worker is orally offered a contract in a foreign country. After relocation, the worker is faced with much worse conditions, but has no money for return and no access to support so that he or she has to continue working.

3. Exploitation indicated by degrading activity: Exploitation is also often used when someone is engaged in an activity that is considered to be far below usual standards or degrading as such. It is assumed that people would normally not engage in this activity, unless being vulnerable with few choices. When there is no active coercion or manipulation by the other market side, it is contested whether the situation should be called exploitative. In mainstream economics, these situations would usually be accepted as voluntary. Examples: A migrant accepts a job that is better than alternatives in his or her country of origin but is far below minimum labor standards in the destination. A woman with few job opportunities engages in commercial sex acts.

All three situations are discussed as exploitation in relation to trafficking in human beings, but not all legal specifications imply the second and third type. If they are, they are difficult to prove in court, because the exploited person often does not see an advantage in cooperating with enforcement authorities.

4. Demand

The term demand can have a number of quite different meanings, depending on the context. *The Oxford English Dictionary* indicates that “demand” can be used as an authoritative or peremptory request or claim, a legal claim, an urgent or pressing claim or requirement, a need actively expressing itself, or the manifestation of a desire on the part of consumers to purchase some commodity or service, combined with the power to purchase, the latter with the correlative supply (*The Oxford English Dictionary* online).

The last meaning has travelled from the discipline of economics into colloquial language. In the next section, the economic concept of demand is explained and compared to the use in anti-trafficking debates.

4.1. Demand in economics

Demand is used in a well-specified sense in economics. The concepts of markets, supply and demand can be considered as shared concepts that economists all over the world are aware of, even if they have different opinions on the usefulness and applicability in specific contexts. To the best

of my knowledge, the concepts are explained in more or less detail in all elementary textbooks of economics. As a reference, I have chosen *Essentials of Economics* by Harvard economist Gregory Mankiw (2009), author of one of the world's best selling textbooks.

Mankiw characterizes *supply and demand* as the two words economists use most often (Mankiw, 2009: 65). The terms refer to the behavior of buyers and sellers of a particular good or service. Together, buyers and sellers form the market for the particular commodity. In a standard case, economists analyze competitive markets – that is markets in which each individual buyer or sellers has a negligible impact on the market price, but this is no constituent criterion for a market.

The “quantity demanded” is the amount of a commodity that buyers are willing and able to purchase under the influence of range of factors. The price of the traded good or service is a factor of specific importance, because it is the very factor that makes market work. Elementary textbooks define the quantity demanded as the amount of a good that buyers are willing and able to purchase at various prices and a “demand schedule” as a table that shows the relation between the price of a good and the quantity demanded (for example, Mankiw, 2009: 67). Market demand is the sum of individual demands. The correlative supply is the willingness and ability to provide a good or service at a specific price.

A number of other factors influence the demand on a specific market. The *willingness* to purchase something is based on wants and needs. They differ in the course of time and across countries and can potentially be influenced by measures such as campaigns. The *ability* to purchase something is influenced by factors such as income and prices of other goods and can potentially be influenced by such government measures as taxes or subsidies. The concept clearly differentiates between demand and factors influencing demand. Factors influencing demand can be discussed on the micro-level (such as habits, tastes or incomes) and on the macro-level (culture, state regulation and the economic environment).

Specializations in economics take account that fields are characterized by specific conditions, particularly when market parties engage in long-term contracts that create long-term relations and dependencies, as in the case of credit markets or labor markets. Labor relations often involves long-term engagements in which there is room for negotiations and struggles over the type of and amount of work that is due for a specific market price (wage).

4.2. Demand in anti-trafficking debates

Having introduced the economic concept of demand, the following sections explore the use of demand in two main strands of the anti-trafficking debate.

From the high number of publications on trafficking issues, two reports have been chosen for closer analysis of the use of the term demand (Hughes, 2005; Anderson and Davidson, 2003). The reason for choosing them is that they are both cited in virtually all publications on the link between demand and trafficking and differ considerably in contents, representing two strands of arguments how trafficking can be influenced from the demand-side (Ham, 2011) – one with a focus on commercial sex, the other with a focus on exploited workers. The texts are screened for explicit and implicit definitions of demand.

4.2.1. Demand in the context of arguments against prostitution

I start with a text that discusses trafficking in the context of prostitution, taking a stance against prostitution in general. Donna M. Hughes, Professor of Women Studies at the University of Rhode Island, is a researcher and activist for the prohibition of prostitution. Under the heading “What is demand?” the following is stated (Hughes, 2005: 7):¹⁰

“Although trafficking is usually associated with poverty, it is often the wealthier countries that create the *demand for victims* for their sex industries. To fully understand and combat sex trafficking it is important to identify what is meant by “the demand” and to define and characterize each component so that policies and laws can be created to address it. There are four *components that make-up the demand*:

- 1) the men who buy commercial sex acts,
 - 2) the exploiters who make up the sex industry,
 - 3) the states that are destination countries,
 - 4) the culture that tolerates or promotes sexual exploitation.”
- [Italics by D.V.]

Although it is indicated as important that the meaning of “the demand” should be defined, the quotation does not contain a definition but a list of factors somehow related to the undefined demand (neither a man nor a state or a culture can be “the demand”). Trafficking is generalized as trafficking for sexual exploitation.

Afterwards, all instances of the use of demand in the text have been searched. I have reconstructed from the surrounding text in what sense demand was used – usually in the same sense as in economics as the willingness and ability to buy. However, it is not always clear *what* is supposed to be traded. Text passages allow the identification of two distinguishable markets:

- A *market for persons*, usually females traded internationally, is constructed: “Each year, hundreds of thousands of women and children around the world become victims of the global sex trade. They are recruited into

prostitution and other forms of sexual exploitation, often using tactics involving force, fraud, or coercion. Criminals working in organized networks treat the victims like commodities, buying and selling them for profit” (Hughes, 2005: 5). Criminal actors are constructed as both suppliers and demanders, females from poorer countries are constructed as commodities without agency under the full control of first the trafficker, then the exploiter.

- The *market for sex acts* is constructed as a related market in which male clients represent the demand side and pimps and brothel owners are the supply side. According to this perspective, the demand in the trafficking market is “created by men’s decision to purchase sex acts” (Hughes, 2005: 7). The case that a sex worker sells her service directly to a client seems to be considered an irrelevant variation that can be neglected.

Although Hughes writes about a market for sex acts, the text also speaks of “buying” a woman “for a short time.” This is not the usual meaning of buying, as buying means a change of possession and not the temporary use, which is usually called “hiring.” “Buying” emphasizes that the client has temporary control over the person, being able to rape her.

Both markets are sometimes treated as one, when both the demand of the sex industry on the market for persons *and* the demand of clients on the sexual services market are referred to as “demand for victims.” The main argument focuses on the prohibition of prostitution: “If the demand for victims [in the sense of demand for sexual services] is one of the reasons that trafficking occurs, then shutting down the markets and putting prostitution establishments out of business is part of prevention. Demand reduction is part of prevention of sex trafficking [in the sense of sale of persons internationally]” (Hughes, 2005: 64).

4.2.2. Demand in the context of (migrant) labor exploitation

While labor relations and consumers’ search for low prices play no role for the argument above, the report by two UK professors (Anderson and O’Connell Davidson, 2003)¹¹ introduces labor relations as central. The authors indicate that the notion of demand is used in the literature in different senses and that cheapness plays a major role for this demand: “The notion of “demand” for the labor/services of a “trafficked” person can thus embrace a broad and diverse range of motivations and interests. It can refer to an employer’s need for cheap and docile labor, or to consumer demand for cheap goods and/or services, or for household labor or subsistence labor, or to any or all of these” (Anderson and O’Connell Davidson, 2003: 10).

The violation of laws and abuse of vulnerability is presented as key problem, whether it appears in exactly the combination that is required of the definition of “trafficking” or not. The empirical part of the study targets

individuals who consume labor/services in two particular sectors: domestic work and prostitution.

There is no explicit working definition of demand. Tracking the use of demand throughout the text, usage in different meanings can be identified:

- *“Employer demand” in the sense of authoritative claim to someone’s work:* They construct “questions about the demand for a trafficked person’s labor/services” as “analytically and temporally inseparable from more general questions about the demand for the labor/services of all those who are unable to freely retract from an exploitative situation because they are tied to their exploiter through some form of non-economic compulsion” (9). Thus, they basically introduce a “demand for forced labour”¹² as key concept.
- *Demand in the sense of (illegitimate or illegal) preferences or tastes of consumers:* “clients with an express preference for teenage prostitutes base that demand on a set of ideas about age, gender and sexuality ...” (20).
- *Demand in the sense of social norms:* “More generally, the interview data from both India and Thailand suggest that boys and young men’s initial experiences of prostitution are prompted by some combination of their own perception of the social demands of masculinity, and peer pressure to conform to those demands.”
- *Demand as want, wish or need to buy a specific good:* “Demand must also be socially construed in the sense that people have to be made to feel that they want or need a given product or service. Human beings are not born wishing to buy commercial sexual services or to pay someone else to clean, cook and care for them, any more than they are born with specific desires to play the lottery or drink Coca-Cola. They have to be induced to feel that it would be pleasurable to pay a stranger for sex, and that it would be convenient or pleasant to have another person to clean after them” (Anderson and O’Connell Davidson, 2003: 41).

All these sentences are well-understandable as such, as our minds are capable of switching unconsciously between different meanings of a word. For a scientific discussion, this is problematic, as observation categories should be clearly distinguishable and changes of categories explicit.

4.2.3. Discussion

Trafficking in the colloquial sense of buying and selling people is not supported by any accepted state worldwide. There are no institutions to legally enforce private ownership over a person (except maybe in the regime known as “Islamic state,” according to media reports).

Trafficking in the legal definition usually does not concern a market in which human beings are explicitly traded as the commodity. If they are

treated as a commodity, the relation between them and their exploiters is no market relation any more. However, often they are treated as the labor suppliers who suffer from abuse of vulnerability, violence, fraud and threat. Then, it seems useful to distinguish the types of legal reference markets in which abuses can take place.

Table 1 Types of demand in markets potentially related to human trafficking

Consumer/ client	Producer/ provider/ employer	(Migrant) worker
<ul style="list-style-type: none"> • demands personal service directly from worker or from producer, e.g. sex act or domestic work • demands consumer good directly from producers (e.g. meal) or indirectly via retailers (e.g. cocoa) 	<ul style="list-style-type: none"> • demands labor from workers • demands a matching service from a labor broker/ intermediary • demands producer goods and services from other producers 	<ul style="list-style-type: none"> • demands irregular border crossing service from smuggler • demands matching service from labor broker/ intermediary • demands credit from formal or informal lenders

Source: Own compilation

If we distinguish reference markets, we can see that all actors appear as demand side in some markets that are relevant for anti-trafficking debates. When our focus shifts from the market for goods and services to markets for recruitment services or credit markets, those who are at risk of being trafficked are also sometimes on the demand side.

Discussing policies and measures, it seems useful to reserve the term demand-side policies for those measures and policies that are directed at *demand for final goods and services* – commodities that directly satisfy consumer or client needs and wants, and discuss other policies and measures as alternatives to demand-side policies.

All markets ultimately relate to markets for final commodities, that is goods or services that directly satisfy needs and wants of individuals. Markets for raw materials and intermediate goods as well as labor markets are related to final goods markets in supply chains of varying length and complexity. The demand on markets delivering inputs in the production process or supply chain is sometimes called “derived demand” because it would not exist without the demand for final goods. In the context of trafficking in human beings, particularly labor demand is discussed as “derived demand” (ICAT, 2014: 3). Correlations between markets are rarely simple, as labor and intermediate goods can usually be devoted to multiple purposes. It should be considered thoroughly whether using the term “derived demand” does not invite a simplified understanding of the links between different markets.

5. Prices

Prices have been mentioned in two contexts above: Cheap prices are discussed as conducive to trafficking, and the price plays a special role in making markets work. Therefore this section provides a short discussion of the role of prices in economics and the anti-trafficking debate.

5.1. Search for low prices as motor of innovation in economics

In economic analysis of competitive markets, the price functions as coordinator of supply and demand. It is *the* one factor that both parties are interested in. The coordinating mechanism reduces the need for information: the buyer does not need to know anything about production and supply chains – only the final result counts: a product and its price. When suppliers want to charge the highest possible price and buyers want to pay the lowest possible price, markets tend towards equilibrium. The search for low prices is not a problem but an essential element of functioning markets: The lower the price, the lower the supply; the lower the price, the higher the demand. This relationship is true for most goods in the economy and so pervasive that economists call it the *law of demand* (Mankiw, 2009: 67). Of course, consumers may choose to buy more expensive goods in some markets, because they believe in better quality or because they trust that goods are produced under fair labor conditions, but with a given income, they have incentives to look for the cheapest of all acceptable goods. Looking for cheap goods does not mean that a person is greedy: Saving on personal expenses can also mean that the person can give more to others, for example for charitable purposes.

In a dynamic competitive and well-regulated market, consumer behavior of choosing the cheapest good or service sends a signal to those who supply the goods and services: If they want to earn more, they either have to produce and sell at lower prices, or they have to add qualities to their goods so that consumers consider their products or services as more desirable than others and substitute the simpler for the more desirable products. In a competitive market in which all suppliers obey the same rules and cannot individually influence the market price, consumers' efforts to buy as cheap as possible drives suppliers to produce efficiently and to innovate. Efficient production also implies that companies have an incentive to reduce labor costs, as long as they can retain the needed staff (Mankiw, 2009: 448). In trafficking, employers use illegal means to retain staff that would not be voluntarily working for the given wage and conditions. From an economic point of view, using trafficked workers can be seen as an illegal way to gain a competitive advantage over law-abiding companies. The state as rule-setter for a market should prevent that.

5.2. Cheapness as a problem in the anti-trafficking debate

As a starting point for understanding the role of cheapness in the anti-trafficking debate, I take a quotation from the yearly reports of the US state department on “Trafficking in persons” (US Government, 2011). Similar formulations can be found in many other documents, but here we find relevant elements in a condensed form.

The demand for *cheap* goods, services, labor, and sex opens opportunities for the exploitation of vulnerable populations. And it is on this demand that human trafficking thrives. Poverty, unemployment, lack of opportunity, social upheaval, and political instability facilitate traffickers’ ability to recruit victims, but they do not in themselves cause trafficking. The economic reality is that human trafficking is *driven by profits*. If nobody paid for sex, sex trafficking would not exist. If nobody paid for goods produced with any amount of slavery, forced labor in manufacturing would be a thing of the past. Increasingly, anti-trafficking actors are looking to combat modern slavery from the demand side rather than focusing on arrests and prosecutions (the supply side) alone (U.S. Government, 2011: 19). [Italics by D.V.]

The quotation shows that the “demand for cheap goods and services, labor and sex” is considered as a problem across highly different markets and suggests that this demand causes human trafficking. In order to find indications what is concretely meant, the document was checked for the terms “cheap” and “price:”

Some [heroes] work to combat *root causes* [of trafficking in human beings] – to end the demand for commercial sexual exploitation, to end the *constant downward price pressure that often connects corporate supply chains to the shackles of compelled service*, and to provide options for women and girls so that risky migration is not their only choice (U.S. Government, 2011: 15).

Governments can go a long way toward tackling demand. They can, for example, require that government contractors and subcontractors ensure that employees are not hired or recruited through fraudulent means or the use of excessive fees. Such policies would increase transparency and make it more difficult for unscrupulous labor brokers to use debt bondage as a means of providing *cheap labor for government contracts* (U.S. Government, 2011: 19).

The dusty images of slaves working on plantations line bookshelves and museum walls, but the demand for *cheap goods in a globalized economy* sustains slavery today in fields and farms (U.S. Government, 2011: 21).

Three of Africa’s main industries – agriculture, mining, and fishing – create the *demand for cheap labor* that is *often* satisfied by

children who are beaten, subdued, and forced to work in hazardous conditions for little or no compensation (U.S. Government, 2011: 41). [Italics by D.V.]

There are only two contexts in which the word “cheap” is used: in the context with global supply chains and in the context of contractors for governments. It is suggested that the unconditional choice of the cheapest internationally traded good creates a downward price pressure in primary and secondary industries – e.g. farms and textile companies – in developing countries. This pressure is supposed to cause forced labor and trafficking in human beings. Similarly, governments as a demanding party contract companies that offer best prices. This is supposed to lead to the use of forced labor and trafficking by the contractors. In both cases, the search for a cheap good is supposed to lead to trafficking somewhere down a supply chain. Accordingly, monitoring supply chains is the recommended measure to deal with this problem.

Interestingly, cheapness is not mentioned as a problem with regard to sexual exploitation. In contrast, it is often assumed that clients’ willingness to pay high prices makes exploitation profitable in this field (Danailova-Trainor and Belser, 2006: 11), also compared to other markets: “Its potentially high margins makes sexual exploitation an attractive ‘business.’ Good money can be made out of the exploitation of relatively few individuals who are kept under control through violence, the threat of violence, isolation and/or through debt. In labor exploitation margins are smaller. Those wanting to exploit domestic live-in helpers must also keep them isolated from the outside world” (Van Liemt, 2004: 19).

The same report also mentions the role of prices with regard to the transport of people irregularly to another country, indicating that increased border control activities make prices for smuggling go *up* and thus make the business attractive for organized crime (Van Liemt, 2004: 24). The higher the prices on the smuggling market, the bigger the risk that smuggled persons enter into dependency relations in order to pay for the journey.

To sum up, low prices are discussed as problem in the context of imported goods and government contracting, whereas high prices are discussed as problem in the context of sexual exploitation and border control. The initially quoted statement that the demand for cheap goods opens opportunities across different markets seems to be an overgeneralization.

5.3. Discussion

The search for low prices is evaluated differently in economics and the anti-trafficking debate, but also within the anti-trafficking debate between the discussion of government contracting and imported goods compared to

smuggling and sexual exploitation. This should lead to caution with regard to appeals that buyers should be prepared to pay higher prices. If buyers are prepared to pay higher prices, this does not automatically decrease exploitation and human trafficking. If trafficking is driven by profits, low prices for final goods and services should generate fewer profiting opportunities and thus fewer incentives for trafficking in human beings. It seems more important to ask under which circumstances suppliers can get away with coercive and fraudulent means to retain people in work in spite of relatively low wages and bad working conditions. These are situations in which “employees” do not have the options of exit and voice (Hirschman, 1992/1986: 77–82) – of leaving the exploitative situation or seeking help to enforce the terms of their contract. In this respect, the role of the state as rule-setter and rule-enforcer is crucial.

Trafficking cases are reported from fields in which exit and voice are difficult to exercise, either because states have limited capacities or interest to make sure that persons are not exploited by illegal means: Private households are protected by privacy laws and intervention meets with strong resistance; agricultural or mining work takes place in remote and isolated places; migrants are isolated due to lack of language; markets cannot be monitored if trading is illegal (e.g. in drugs).

With regard to government contracting and imported good, these are both cases in which a government may gain from loose enforcement of labor rights. Governments as demanding party – for example in building contracts – can save public resources if they take the cheapest building contractor and do not investigate whether this contractor uses illegal means to recruit and retain workers. Similarly, governments in low-productivity states may choose to enforce rules only loosely in order to give their country’s companies a competitive advantage on international markets, which in turn raises government tax revenues (or government actors’ revenue from corruption).

Part II: Addressing Demand in Anti-Trafficking Policies – Three Cases of Empirical Economic Analysis

For the second part, I have searched for *empirical* economic articles addressing demand as well as trafficking explicitly, to see how ambiguities in the terminology were dealt with in empirical studies. A small number of studies fitted these criteria well.¹³ From these studies, I have chosen three major articles for in-depth analysis. These studies may have an impact on wider policy debates in different fields so that it is useful to be aware of their contents, strengths and limitations. For each study, the policy context, theoretical arguments including the use of terms and empirical results are discussed.

- The study by Omar Mahmoud and Trebesch places trafficking in a migration policy context and works with household survey data from countries of origin (Omar Mahmoud and Trebesch, 2010).
- The study by Cho and Dreher places trafficking in a prostitution policy context and works with a dataset based on organizational reports about trafficking cases (Cho et al., 2013: 69).
- The report by the ILO addresses a labor policy context, discussing trafficking in relation to forced labor, and works with data from several surveys in poor regions (ILO, 2014).

6. The Migration Policy Context: Irregular Migrants at Risk

6.1. Policy context

Irregular entries feature high in the news 2014 and 2015. Unseaworthy and overcrowded boats start in Turkey and North Africa and seek to reach EU countries. Thousands of people have died during their journey, but more arrived and received asylum or stayed as irregular migrant working in the shadow economy. While many EU countries increased opportunities for skilled legal immigration from abroad and also started resettlement initiatives for refugees, the latter flows are still small.

In its “Global Approach to Migration and Mobility,” introduced in 2005 and confirmed in 2011, the European Union has adopted a comprehensive framework for cooperation with other states on these issues. It proceeds from the assumption that effective border control is a precondition for more legal migration opportunities. Increasing efforts to reduce trafficking are placed prominently in the strategy:

“Without well-functioning border controls, lower levels of irregular migration and an effective return policy, it will not be possible for the EU to offer more opportunities for legal migration and mobility. The legitimacy of any policy framework relies on this. The well-being of migrants and successful integration largely depend on it. The EU will step up its efforts to prevent and reduce trafficking in human beings (European Commission, 2011: 5).

The theme of “Irregular migration and trafficking in human beings” is constructed as one of the pillars of the Global Approach. Trafficking and smuggling is often mentioned in the same breath. When the heads of Member states formulated how they see the priorities in implementing the Global Approach in 2014, they prioritized “addressing smuggling and trafficking in human beings more forcefully, with a focus on priority countries and routes”

(European Commission, 2011: 3). Trafficking is marked as an irregular border crossing issue, just as smuggling.

Consequently, border agents are trained for the identification of victims of trafficking.¹⁴ However, trafficking can rarely be detected at the border. After a series of studies on the situation on the Southern border, the Fundamental Rights Agency of the European Union concludes:

“In practice, the identification of suspected victims of trafficking at borders is difficult. In some cases, migrants may not (yet) be aware that they are trafficked and that they will be exploited once they arrive. In other situations, migrants spend little time in border areas, making it impossible to monitor the situation over time. At the border, survivors of torture or victims of other serious crime, such as sexual abuse or exploitation, are legally in the weakest situation. There are usually no protection mechanisms for them, unless they are a victim of human trafficking, a person in need of international protection or of minor age. As a result they are often not treated like victims” (FRA, 2013: 14).

To summarize: In the context of international migration, trafficking is discussed in connection with the fight against irregular migration, so that traffickers and smugglers are targeted in the same context. However, intended coercion at destination can rarely be proven before it takes place.

6.2. Theoretical arguments

Omar Mahmoud and Trebesch analyze the occurrence of human trafficking in a large household survey in Eastern Europe. In this study, “Human trafficking is defined as a situation in which an individual travelling abroad was locked and forced to work for no or little pay via means of coercion” (Omar Mahmoud and Trebesch, 2010: 174). Being forced to work *after travelling to a foreign country* is at the core of their human trafficking condition. Implicitly, prostitution is subsumed under work as the survey includes “victims of both sexual and non-sexual forms of human trafficking” (Omar Mahmoud and Trebesch, 2010: 174).

The study claims that their theoretical argument is based “on simple supply and demand considerations and rooted in the literature on the economics of crime and migration.” However, it is not quite as simple as can be shown with a closer look at their theoretical argument. As a root cause, they see the “growing, but unsatisfied demand for legal migration options” that have “created a breeding ground for criminal organizations and exploitative employers, who have learned to make a profit from people’s desire to work abroad.” The unsatisfied demand for legal migration options has created a market for illegal travel opportunities. In this market, potential migrants de-

mand smuggling services and smugglers supply them. The potential migrants “willingness to depart and to take risks in the migration process can be easily exploited by criminal agents” (Omar Mahmoud and Trebesch, 2010: 174).

The use of demand and supply switches when it comes to trafficking. “Criminal agents recruiting for employers abroad” are addressed as the demand-side of the human trafficking market. “Vulnerable individuals willing to work abroad” are addressed as supply-side. This labeling is usual in the anti-trafficking debate, in which supply-side arguments are somehow related to victims and demand-side arguments are used in various senses, but not for victims. However, after introducing a migration context as relevant frame, calling migrants the supply-side seems inconsistent, as they were first introduced as the demand-side paying a price to be smuggled, believing in a genuine legal or illegal travel or recruitment service. They demand “services such as false documents, smuggling across borders or work procurement abroad,” offered by a variety of middlemen (Omar Mahmoud and Trebesch, 2010: 174). As soon as the traffickers execute force over the migrants, the relation turns from a market relation – between migrants demanding a service and smugglers supplying it to them, into a relation of force – between a coercing trafficker and a subjected migrant.

Omar Mahmoud and Trebesch argue that the risk of human trafficking is highest in areas with high rates of emigration because an agglomeration of shadow migration industries lowers costs of traffickers, and vulnerable people are abundant due to the disadvantaged status of the region: more people leaving means more people at risk, more people leaving illegally means more people not being able to enforce contracts. They refer to the theoretical considerations of Tamura who has built a model in which migrants pay a price to smugglers (Tamura, 2010). The deal involves that they temporarily give up freedom of choice. They must obey the smuggler’s instructions so that a successful border crossing can be achieved, but this gives the smuggler a chance to become a trafficker at destination.

I would argue that the smuggling market is the relevant framework for their analysis, with smugglers as supply-side, migrants as demand-side and the commodity being an illegal passage to a destination country. If smugglers abuse their power during the migration process, they become traffickers who turn their clients into a traded commodity and sell them to employers in the destination. However, this market is not analyzed in the study. The smuggling market is the main reference market, as they argue that “human trafficking is an unavoidable side effect of migration in a world with large income disparities but closed borders” (177).

6.3. Empirical analysis

In the introduction, authors state that there is still very little knowledge on human trafficking as an economic phenomenon, due to the grave difficulty in gathering reliable and representative data. They present a mixture of estimates, educated guesses and argumentations under the irritating heading “what we know about human trafficking.” For example they state that “all available evidence indicates that human trafficking is an exceptionally lucrative business” for criminal gangs, offering large monetary rewards in parallel to drugs and arms trade (175), before reporting two pages later about trafficking patterns including family and friends – with 60% of victims in South-eastern Europe being recruited by acquaintances (177). Obviously, not all evidence indicates the predominance of organized crime.

Indeed, we do not “know” that much about human trafficking so that the additional information provided by this study is particularly enriching. Their study is one of the few attempts to analyze the drivers of human trafficking with micro data from countries of origin in an extended way. It delivers interesting new information based on a large household survey in Eastern Europe and a large survey of migrants in Moldova.

The household survey encompasses 5513 randomly selected households from 82 regions in Belarus, Bulgaria, Moldova, Romania, and Ukraine, conducted in 2006. The largest module in the survey was dedicated to human trafficking across borders. Trafficking was assumed if the interviewee indicated that persons in their close surroundings (relatives, friends and neighbors), in their close family, or they themselves had experienced one of the following situations after travelling abroad:

- was offered a domestic or nursing job, but was locked and forced to work for no pay;
- was offered a job at an enterprise, on a construction site, or in agriculture, but was locked and forced to work for no or little pay;
- was offered employment, but the passport was taken away upon arrival to the destination country and was forced to work in the sex business.

It was tried to reduce the degree of underreporting by referring to unidentified family members and framing sexual exploitation in a labor context. At the same time, this means that the study surveys no direct experience, but experience from hearsay. Interviewees may not be aware particularly of sexual exploitation of family members abroad.

About 7% of the migrant households reported to have a trafficking victim in their close family (108 out of 1563 households with migrants in the sample). Out of these, there are 22 reported cases of household members being forced to work in the sex business and 86 cases were associated with

non-sexual forms of exploitation – that means that about 80% of all reported trafficking cases concerned trafficking into labor exploitation and 20% trafficking into sexual exploitation (Omar Mahmoud and Trebesch, 2010: 178).

Using the migrant household sub-sample only, they analyzed whether the individual risk of trafficking depends on regional migration rates. Migration prevalence has a positive and significant coefficient, indicating that trafficking risks increase more than proportionally with emigration rates. The proxy for low migration pressure (“share of stayers”) had a significant negative impact. They further show that irregular migration in the household interacts positively with human trafficking (Omar Mahmoud and Trebesch, 2010: 182). Awareness of trafficking, measured as having heard about it and using TV for political and social information, decreased the risk of trafficking in the household.

In an additional survey in 211 localities of the small country Moldova in 2008, the share of households having a member abroad was particularly high (29%). While it focused on remittances, it allowed also the identification of the worst forms of migrant exploitation. For 31 out of 1560 individual migrants as identified by the respondents, it was reported that they were locked by their employers, had their passports taken away or were sexually exploited in the year of the survey or the preceding year. This was coded as being trafficked.¹⁵ With this survey, the link between regional migration pressure and trafficking was confirmed, as well as the impact of illegality, measured as illegal border crossing. Migrants’ personal characteristics such as age, sex and education do not appear to matter, nor do the main Moldovan destinations (Russia and Italy) (Omar Mahmoud and Trebesch, 2010: 185).

For policy implications, the authors propose to target awareness campaigns and other anti-trafficking policies to areas where migration flows are high or on the rise, as their results provide strong indications that trafficking is more likely in high emigration regions. They are tentatively optimistic that increasing awareness in such regions helps to reduce the risk of this form of exploitation.

7. The Prostitution Policy Context: Do Prostitution Regimes Impact on the Extent of Human Trafficking?

7.1. Policy context

Political debates on prostitution regimes are currently fierce. There is a strong movement in favor of the criminalization of buying sexual services, carried by concerns about the image of women in the society and the plight of exploited and abused women in prostitution.

In February 2014, Mary Honeyball delivered a report on “sexual exploitation and prostitution and its impact on gender equality” for the Committee on Women’s Rights and Gender Equality in the European Parliament (Honeyball, 2014). The report stated among others “that prostitution and trafficking in women and under-age females are linked because the demand for women in prostitution, whether trafficked or not, is the same” and that “trafficking acts as a means to bring a supply of women and under-age females to the prostitution markets,” thus alleging that the demand for commercial sex caused human trafficking. The report indicates a high number of concerns about violence, health risks and abuse in prostitution, and about gender inequality in the society linked to these concerns. Among other recommendations, it stresses that the member states should fund support and exit strategies for “victims of trafficking or sexual exploitation, including migrant and undocumented persons” (Honeyball, 2014: 50). The report indicates that demand reduction should be an integral part of member states’ policies and that it can be achieved “through legislation that shifts the criminal burden onto those who purchase sexual services rather than onto those who sell it” (Honeyball, 2014: 31). Clients of prostitutes should be criminalized as in Sweden. The European parliament voted to accept this motion on February 27, 2014, thus demanding the criminalization of clients in the European Union.

While urging “the Member States to evaluate both the positive and negative effects of criminalizing the purchase of sexual services on reducing prostitution and trafficking,” the report itself uses studies and factual statements in a very selective way, ignoring evidence that does not support the recommendations. This allegation is made in a letter signed by 70 researchers (Lehmann, 2014). In this discourse, it is often difficult to disentangle normative from positive arguments. Those who consider prostitution to be inherently traumatizing for the participating women and hindering gender equality in the whole society seem to be so convinced of their cause that they find it justified to ignore good scientific standards in the conduct of studies – such as the search for evidence that may potentially disprove the preconceptions of researchers (Seale, 2004). Results are presented in a one-sided way.¹⁶

One study on the effects of legalization received considerable public attention after a report was published in 2011 (Cho et al., 2011). In the media, it was quoted as providing evidence that Germany’s liberal prostitution law of 2002 led to an increase in human trafficking.¹⁷ The study also drew criticism from different sides. For example, a German association in favor of social and political rights of prostitutes lists 16 points, accusing the authors of misrepresenting facts and fuelling firebrands with pseudo-scientific arguments (Doña Carmen e.V., 2011). A commentator from the economic mag-

azine *Forbes* discusses the study as bad economic research, mainly criticizing that trafficking is confused with irregular migration. For this review, I have used the version published in the multidisciplinary scientific journal *World Development* (Cho et al., 2013). Some of the concerns of critics of the earlier published version are addressed in the 38 footnotes of the article, others are not.

7.2. Theoretical arguments

Cho, Dreher, and Neumayer (2013) do not explicitly discuss how trafficking is defined. We can assume that the results of the EU-funded study refer to the definition of the Anti-trafficking directive (see 3.2) which refers to a wide range of exploitative purposes.

Throughout the article, authors use trafficking solely in the meaning of trafficking into prostitution. This understanding is supported by a factual statement in the introduction that most trafficking victims are women and girls, the “vast majority” ending up in sexual exploitation. This factual statement refers to UNODC (2006), without page, as a reference, before turning to national prostitution policies as an allegedly neglected factor impacting on trafficking in human beings. However, the quoted report does not support the statement that most victims are women and girls trafficked for prostitution. The report refers to “major problems in identifying human trafficking victims who are men,” partly caused by the fact that laws in some countries only refer to women and to trafficking into prostitution (UNODC, 2006: 78).

The status of prostitution as legal or illegal in a country’s law is taken as independent variable that may influence human trafficking. The theoretical argument about the effect of legalizing prostitution is the following: the traded quantity of sexual services will increase, because actors who have been formerly deterred by sanctions will enter the market, both on the demand and the supply side. The supply side is identified as sex workers or their pimps and the demand sides as clients of commercial sex acts. Cho and others do not explicitly address the price effect of legalization, but seem to imply that legalization implies lower prices compared to the situation of illegal prostitution in which suppliers ask for a “pay premium” to compensate for the risk of prosecution (Cho et al., 2013: 69).

Whether the *number of trafficked prostitutes* increases after legalization is considered to be theoretically open due to two counteracting effects: a scale effect and a substitution effect. The substitution effect predicts a falling share of trafficked persons after legalization, as legal sex businesses would not like to endanger legality by employing irregular migrants or buying trafficking victims.¹⁸

For the scale effect, the authors state that “the increased equilibrium quantity of prostitution will, for a constant share of trafficked prostitutes among all prostitutes, exert an increasing scale effect on the incidence of international trafficking for prostitution purposes” (Cho et al., 2013: 69). The scale effect seems to be considered as a kind of automatism which requires no further explanation. This automatism allows that the authors only discuss demand and supply on the market for commercial sex, without explicitly addressing how it links to human trafficking.

But what could be the logic behind the assumed scale effect? Does it mean that a prostitution market growing due to legalization simply replicates the structures of the formerly illegal market? Following the authors, the market grows because new law abiding actors participate in the market who had been formerly deterred by restrictive prostitution laws. The newly entering suppliers only enter the market because there are now legal opportunities so that one could assume that there is a zero or near zero share of trafficking among the newly entering actors and not the same share as before in the illegal market.

Other authors present a different theoretical logic, assuming contrasting price effects. Kotsadam and Jacobsson (2010: 7) expect increased quantities of sexual services sold after legalization just as Cho and others and increased profitability of trafficking due to *increased* prices in a legalized sex market, following Della Giusta (2008: 126).¹⁹ Seemingly, the shift in demand is considered to be more important than the shift in supply – the effect of new clients spending money in the legal market is higher than the effect of more prostitutes participating in a legalized market. Similarly, Collins and Judge consider a stronger effect of legalization on demand than on supply (2008: 145). With rising prices, brothel owners find it more profitable to buy forced prostitutes, according to Kotsadam and Jacobsson (2010). Legalizing prostitution is assumed to increase trafficking because of rising prices for commercial sex in this study, whereas it is assumed to increase in spite of falling prices in the argumentation of Cho et al. (2013).

In addition to the price effect, Collins and Judge discuss the effect of legalization on prosecution as ambiguous. On the hand, police is freed from enforcing prostitution laws against clients or prostitutes and has thus more capacity to focus on more serious crimes such as trafficking, on the other hand legalisation may offer more options to disguise trafficking under a legal façade. Contrastingly, Akee et al. (2011) assume that outlawing prostitution can be taken as an indicator for more effective enforcement against human trafficking (6).

The theoretical argumentation of Cho et al. is not conclusive and consistent. The discussion of alternative arguments in other studies shows

disagreement with regard to central assumptions, indicating the need of empirical clarification.

7.3. Empirical analysis

The study by Cho et al. (2013) uses data compiled by the United Nations Office on Drugs and Crime (UNODC). UNODC has screened reports from 113 organizations for cases of trafficking during the years 1996 to 2003 and compiled a database on this information (2006). In a footnote, UNODC clarifies: “It is not the objective of the Trafficking Database to determine the severity of the human trafficking problem based upon the number of victims in a country, but to reflect the number of times that a country is mentioned by different source institutions” (2006: 116).²⁰

To show such differences in reporting levels, UNODC provides a table on the *incidence of reporting of destination countries*. A footnote explains that differences in the level of reporting incidence may have a number of different reasons. It is worth to quote it in full length:

“There are several reasons why the reporting of human trafficking may vary between countries, regardless of the actual severity of trafficking in persons. Levels of reporting of trafficking in persons may vary due to:

- geographical bias;
- political emphasis;
- the comprehensiveness of various national legal definitions of human trafficking and child trafficking;
- the non-recognition of different forms of exploitation;
- the availability and quality of official statistics and reporting;
- the availability and quality of national structures for victim identification, referral, assistance and repatriation;
- the extent of bi- and multi-lateral cooperation;
- and confusion between trafficking in persons and other forms of irregular migration” (UNODC, 2006: 19).

The very same table is reprinted in Cho et al. (2013: 79). Alas, the heading has changed: instead of “Incidence of reporting in destination countries” the heading is “Distribution of countries across categories of human trafficking inflows.” The explanatory footnote is omitted. While acknowledging data insufficiencies, the text sometimes speaks of the “reported incidence of human trafficking inflows” and sometimes synonymously of “human trafficking inflows” (Cho et al., 2013: 67, 74 ff.). Kotsadam and Jakobsson use the same data source, indicating that it “captures the amount of trafficking to a country” (8) and extract European countries from the same table under the heading “trafficking inflow to European countries.” This is obviously false

and misleading, but in my view too easy to discover to be called “covering tracks through fraud” (Doña Carmen e.V., 2011).

All researchers studying trafficking in human beings have to deal with weak data and reiterate the demand for better data collection. Certainly, data collection can be improved. However, it should be acknowledged that there will never be any unbiased data about trafficking in human beings. Researchers have to deal with imperfect data and account for biases in their interpretations. Better theoretical arguments and assumptions based on qualitative evidence could help to increase the quality of interpretation.

As such, using indicative data is no problem if the indicator is systematically correlated with the researched phenomenon (trafficking in human beings) and not correlated with the studied explanatory factor (prostitution regime). As Axel Dreher, one of the authors of the study, explains in an interview for the online platform menschenhandelheute.net: “We would have a problem only if the relation between the data insufficiency and the legalization of prostitution was systematic, having controlled for other variables of the model” [translation from German by the author].

So the authors of the study claim that “the degree of distortions in reported trafficking intensities is not correlated with whether or not prostitution is legal” (Cho et al., 2013: 70), without explaining in detail how they come to this conviction. When we consider how UNODC characterized impacts on reporting levels as quoted above, doubts are justified. A country with legalized prostitution could have more effective victim identification structures, for example because street-workers have easier access to prostitutes when these do not have to hide their activities. As legalizing prostitution increases visibility of brothels and prostitutes, it is also likely that there is more political emphasis on problematic sides of prostitution and more public scrutiny with regard to trafficking. Therefore, the degree of distortions could well be correlated with the legalization regime. Countries with legal prostitution may have only higher levels of trafficking *reporting*, but not of trafficking – one reason why experimentation with a legalization index was given up in another study.²¹

Anyhow, cross-sectional analysis cannot provide definite conclusions whether legalizing prostitution would result in increased trafficking after legalization (Cho et al., 2013: 74). Therefore, authors want to provide “anecdotal evidence” through country case studies of Sweden, Germany, and Denmark. Indeed, their review of miscellaneous is more anecdotal than evidence. Methodological literature on policy case studies for small numbers of countries is not mentioned.

One of the authors (Dreher) publishes his conclusion that “human trafficking is not a natural feature of legalized prostitution, but a consequence of badly regulated prostitution” in another paper (Dreher and Rudolph, 2013).

This article takes the position that states should only in extreme cases restrict voluntary exchange on free markets, and thus not in the case of prostitution. A number of regulations are proposed that could be combined with a legalized prostitution market, including strict requirements on brothel owners and support for non-governmental organizations helping prostitutes.

8. The Labor Policy Context: Forced Labor with Trafficking as Related Practice

8.1. Policy context

Slavery in the sense of legal ownership over a person, including the ability to buy and sell the person and to use its labor without restrictions, has long been abolished. However, control over persons in the sense of factual power has not ended at the same time. While trading in people has been addressed as trafficking, coercing people to work has been discussed as forced labor. Both discourses have been increasingly mixed since the beginning of this century. The International Labour Organisation is the international actor that brought the topic of forced labor increasingly to public attention, thus focusing on the labor policy context of coercion (Cyrus, 2015). The international debate was inspired by and linked into diverse national debates about abusive practices in the labor market such as debt bondage, wage fraud, neglect of health and safety standards, deceptive recruitment of migrants, and abuse of vulnerability of contract workers or live-in domestic workers.

In 2001, a Special Action Programme to Combat Forced Labour was initiated that involved a series of studies, conferences and meetings. Two estimates of the extent of forced labor attracted considerable public attention and may be the most quoted figures in the field today. The ILO estimated that 20.9 million people are victims of forced labor globally at any time in the reference period 2002 to 2011, with about 68% of them being trapped in forced labor in the private sector, 22% in forced sexual exploitation and 10% in state-imposed forced labor. This estimate aims to capture “the full realm of human trafficking for labor and sexual exploitation, or what some call ‘modern-day slavery’” (ILO, 2012: 13). A most recent result of the international debate is an updating of the ILO Convention C29 in the Labour Conference in 2014 which does not refer to demand-side policies (Cyrus, 2015). In a labor policy context, employers are actors on the demand-side and workers are actors on the supply-side.

For closer analysis, I have chosen a 2014 ILO-report called “Profits and Poverty: The Economics of Forced Labour,” because it aims at taking “the understanding of forced labor, human trafficking, and modern forms of slavery to a new level” (ILO, 2014: 1).

8.2. Theoretical arguments

The report emphasizes the need for clear definitions (ILO, 2014: 4). Modern slavery is identified as “a catch-all for forced labor, human trafficking, forced sexual exploitation and some of the worst forms of child labor.” Forced labor is defined according to the ILO Convention C29 (1930) as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (ILO C.29, Art. 1). “Labor” is understood in a wide sense including all sorts of income-generating activities including commercial sex and begging, so that it is emphasized that forced labor encompasses all exploitative purposes from the definition of human trafficking as listed in the UN Protocol except from the organ removal.

While there is reference to the UN definition, there is no explicit definition of the term human trafficking for the purpose of the study, unlike in a 2005 study when a process involving the movement of a person by a third party was named as criterion (Belser, de Cock, and Mehran, 2005: 5). “Human trafficking” is not used consistently: It is referred to as a practice “related” to forced labor (e.g. III, ILO, 2014: 45), as two distinct categories on the same level (e.g. “forced labor and trafficking,” 5, 20) or as seemingly synonymous expression (e.g. “Forced labor/Trafficking” in a table, 34). Forced labor is addressed as the mainly relevant phenomenon, with human trafficking potentially referring to deceptive and coercive recruitment into forced labor.

It is emphasized that working for low wages is not considered forced labor unless it results from coercion and that forced labor does not necessarily involve recruitment or international migration (ILO, 2014: 5). In the empirical data, forced labor can be differentiated by different categories: the involved gender and age groups (children, men, women), sector of exploitation (sex, labor), by form of recruitment (free, unfree) and by migration (no migration, internal migration, international migration).

The study aims at looking “at both the supply and demand sides of forced labor” (ILO, 2014: 1). Theoretically, the emergence of forced labor is explained referring to principal-agent models from labor economics. Following up on the quoted literature, these are the key ideas: the agent (worker) can decide how hard he or she works, and this impacts the outcomes and has therefore consequences for the principal (employer). The principal can observe only the outcome and not the effort level. Therefore, employers use incentives depending on the outcome. Principals can promise rewards depending on the amount of work and in some institutional environments also threat to inflict pain if the output is lower than expected. Violence is more likely if the agent has no other options or does not profit from rewards (Chwe, 1990). For example a child sent to work by the parents does not have alternatives and

does not get the pay from his or her work. A potentially coercive producer represents the demand-side and a potentially coerced agent the supply side. It is more profitable to coerce agents with higher marginal productivity (the labor demand effect) and less profitable to coerce agents with better outside options (the outside option effect) (Acemoglu and Wolitzky, 2011: 588).

The authors do not elaborate which expectations can be generated from the theoretical ideas for their empirical work. Generally, theoretical ideas behind the chosen variables remain unclear. Following their theoretical argument, I would predict that those groups must be overrepresented that have on average a higher marginal productivity in sectors prone to force labor and that have fewer outside options.

For example with regard to gender, authors find it counter-intuitive that women and girls are less likely to be found in forced labor according to empirical data (ILO, 2014: 37). If they find it counter-intuitive, they must have expected that females are overrepresented. However, this expectation is not explicated from the theoretical reasoning. In many settings, females have on average a lower productivity than men and a socially accepted outside option in reproductive and household work, which could make them less likely to end up in forced settings. Only if we talk about forced labor in prostitution, it can be expected that women are overrepresented as they generate on average more income than men.

Similarly, other expectations can be generated from their theoretical model. If people from discriminated minorities are less educated and have less outside options, they are more likely to be exploited. People with qualifications can be expected to have more outside options and thus be less likely to be forced, unless their qualifications make them more productive in the field relevant for exploitation. These considerations indicate that the theoretical reasoning about factors that make people vulnerable to exploitation in specific circumstances may be a promising path, rather than assuming that predetermined groups such as women are more vulnerable in any circumstances. This argument can also be found in a study about vulnerability in detention. It differentiates between personal, social and environmental factors which impact on vulnerability (Jesuit Refugee Service-Europe, 2010: 91).

8.3. Empirical analysis

The ILO report refers to results of surveys conducted between 2007 and 2012 and targeted at returned migrants in Armenia, Georgia and Moldova and at household surveys in Nepal, Niger, Bangladesh, Bolivia, Côte d'Ivoire, Guatemala and Mali, partly focusing on children (ILO, 2014: 29). The household surveys include a high number of observations (e.g. around 12,000 in Niger and Nepal), but basic descriptive data like the number of

observations by age, gender, education etc. is not provided for all studies in the publication.

There is a wealth of country-specific indications of shares of forced labor and deceptive or coercive recruitment into forced labor: For Niger, it is estimated that nation-wide 1.8% of all employed persons are in forced labor. In Nepal and Guatemala, this percentage was estimated for specific target populations in specific provinces that were believed to be extremely vulnerable to forced labor. Around 10% of the surveyed employees in both cases were in forced labor (ILO, 2014: 31). Particularly in Guatemala, a high share of forced laborers was recruited either through deception or coercion. Between 40% and 72% of the returned migrants in Armenia, Georgia and Moldova faced some form of exploitation and another 8 to 11% were coerced. Roughly 15% faced some form of deception during the recruitment process (ILO, 2014: 35).

Both with household and returnee surveys, analytical models were run to get indications which groups of the population are more vulnerable to forced labor than others. The studies have included demographic variables and variables on education, household size, household revenue decline, food security and some others like rural areas or belonging to specific ethnic groups.

With regard to gender, the household studies generate the result which is already indicated above: women and girls are generally less likely to be in forced labor irrespective of their age. Being female reduces the probability of a household member (aged 5 or older) being in forced labor to a small degree in the nation-wide study in Niger (0.21%) and to a high degree in the focused study in Guatemala (about 10%) (ILO, 2014: 37). In the surveys with returned migrants, males were more likely to report forced labor in Moldova and less likely in Armenia (42). This could be linked to the fact that destination mattered: Individuals who went to CIS countries faced a higher probability of experiencing forced labor than those who did not.

Being literate and educated and living in a household with an educated household head generally reduced the probability of experiencing forced labor, with the exception of Guatemala where, “surprisingly,” the literate were more likely to be in forced labor (about 4%) (38). In the returnee surveys, individuals with only primary education level or below were also more likely to be victims of forced labor than their more educated counterparts (42).

The quantitatively most impressive results in the household surveys concerned the impact of food security in Nepal – a question that was not asked in the other household surveys. Having enough food to eat reduced the probability of being subjected to forced labor by around 6% for household members as a whole, irrespective of their age, and about 14% for children (40).

Overall, the divergence of results between different origin regions was particularly impressive. In the returnee survey, being an irregular migrant as opposed to a regular migrant increased the probability of being in forced labor by about 0.4% in the Republic of Moldova to 13.8% in Georgia, all else being constant (42). Borrowing from relatives and friends as opposed to not borrowing also increased the probability of being in forced labor, but only about 0.35% in the Republic of Moldova and 8.43% in Armenia (44).

Given the wide divergence of results, the conclusions and recommendations are rather confirmative, downplaying contradictions and surprises and mirroring established ideas about what matters in forced labor. With regard to gender for example, the ILO global estimate shows a slight overrepresentation of females and the survey a slight overrepresentation of males. The conclusion mentions that the “vast majority of victims are women and girls” in prostitution and domestic work, while the overrepresentation of men and boys in the surveys is downplayed with a reference to the selection of studies.²²

The need for better and more standardized cross-national data collection is reiterated. In my view, the data collection efforts are impressive, and the most interesting conclusion is that the results diverge widely. More efforts in theoretically guided interpretation of existing data and a closer investigation into specific regional circumstances seems the most promising path to better understanding of forced labor at the present moment.

9. Comparative Discussion

Three studies were presented that address trafficking in human beings and take a general approach, building on quantitative data from a range of countries and seeking to make a general contribution to the understanding of the topic. They can be taken as examples of major approaches to human trafficking in economic argumentations and in the debate on human trafficking in general. Table 1 presents differences between the studies in a simplified way.

The table first of all shows that the studies build on observations of different segments of the reality. Household survey data in high emigration countries are better suited to capture effects of abuse in international migration; household survey data in areas and groups with expected incidence of forced labor are likely to find labor abuses; a study building on trafficking reporting data focuses on what reporting is about – and indeed reporting is so far mainly about prostitution. While the reporting data is ignoring or at least underrepresenting abuses in labor relations, household survey data is likely to underestimate abuses in the sex sector, even when questions were asked in a way to avoid stigmatization.

Table 2 Comparative focus of three empirical studies on THB

Study	Context	Data used for empirical analysis	Reference market			Main effect responsible for human trafficking
			Good/service	Demand side	Supply side	
Omar Mahmoud and Trebesch (2010)	Migration	Household survey in high emigration countries	International smuggling and labor broker services *	Migrants	Smugglers/traffickers	Vulnerability during irregular migration
Cho et al. (2013)	Prostitution	World-wide reports about human trafficking	Commercial sex acts	Clients	Sex industry	(automatic) scale effect
ILO (2014)	Labor	Household surveys in areas or groups with high exploitation	Labor	Employers	Workers	Vulnerability of poor households

Source: Authors' analysis.

Note: * reference market according to theoretical reasoning, not to presentation of factors for empirical analysis.

So in the study with reporting data it is assumed that the vast majority of all human trafficking occurs in prostitution and concerns females, while the study with data in high emigration areas finds that about 80% of human trafficking occurs for the purpose of labor exploitation and concerns males.

The main conclusion of this comparison is that all three reference markets deserve separate attention. Human trafficking as defined in the UN Protocol is not an observable phenomenon but a complex legal and social construction, so empirical studies need an explicit definition to what observable phenomenon they refer. The survey studies do so by asking questions on concrete abuses before merging them into one variable so that the results can be presented as referring to trafficking or forced labor. The results show striking differences that can only be better understood by deconstruction of the categories. I suggest that the regulation of each of the three reference markets deserves separate attention, and international studies should be open for the conclusion that causes may differ in different regions of the world. So my main conclusion is somewhat unusual for a researcher: Better data on human trafficking is not the most urgent need. Better re-interpretation of existing data could lead a step ahead.

10. Final Remarks

As this article has shown, the term demand is used in a vague and inconsistent way, not only in anti-trafficking debates but also in social scientific

and economic studies. This practice hampers progress in understanding mechanisms that lead to criminal forms of exploitation. In the final remark, I present some suggestions how the presented results could contribute to terminological clarification. Research progress could be promoted by explicit definitions and consistent use of terms.

First of all, both trafficking and exploitation are problematic as social scientific observation categories. Economic studies are used as an example that studies seemingly addressing the same issue present widely diverging empirical results and theoretical explanations, and this does not seem to be mainly an effect of measuring the same issue differently, but of observing different aspects of the social reality. The migration policy context, the prostitution policy context and the labor policy context deserve separate attention.

Demand is often not defined *at all* in anti-trafficking debates. It is suggested to use the term demand *in the sense of willingness and ability to buy a particular commodity*. This meaning is not only widely shared among economists, but also one of the different colloquial meanings of demand. It does *not* imply any need to subscribe to an economic perspective in the sense of accepting assumptions and methods of the discipline “economics,” as has been suggested in a recent study (Walby et al., 2016: 95). The definition is compatible with multiple framings of markets, including sociological theories viewing markets as socially embedded relations between buyers and sellers of a product or service.

However, it implies a market context. Researchers should always be able to specify who wants to buy what. Otherwise, the demand- and supply-terminology should be abandoned. In particular, the phrases “demand for trafficking” or for “demand for labor exploitation” should be avoided because trafficking and exploitation cannot be bought.

In labor *markets*, employers are the demand side and workers are the supply side. However, this implies that there must be a degree of choice on both sides. When an employer exercises direct coercion, this cannot be called “labor demand” in the sense of willingness to pay a wage for work. However, abuses can be framed in a market terminology if employers manipulate the situation of choice to their advantage and abuse vulnerability.

Demand can be identified in highly different markets. It is an essential element of all market settings, so that the term “demand-side policies and measures” becomes virtually meaningless if no type of market is specified. It is suggested to reserve the term “*demand-side measures or policies*” for activities that seek to influence the *demand for final commodities*, also called consumer goods and services. Thus, they deal with all aspects relating to those buyers who satisfy their wants and needs with goods and services. Efforts to change demand for final commodities can address one or several factors of influence on trafficking in human beings. For example, criminal-

ization seeks to influence consumer demand by changing its legal status; enforcement may be directed at deterring consumers of illegalized activities; information campaigns seek to make consumers pay higher prices for goods that claim to have monitored labor conditions in supply chains, or they may call clients in sex services markets to report the suspicion of abuse of a woman to the police.

Suggesting a terminological limitation of demand-side policies does of course not mean that demand-side policies are more important than other efforts to combat one of the most serious forms of exploitation of human beings. It only helps to make meaningful comparisons to alternative efforts, for example measures to empower workers.

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NOTES

1. United Nations General Assembly, Annex II, Article 9 (Prevention of trafficking in persons), paragraph 5 "States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking."

2. The project DemandAT has received funding from the European Union's Seventh Framework Programme for research, technological development and demonstration under grant agreement no. 612869.

3. <http://www.businesseconomics.com/economics-journal-rankings.html>

4. Econlit and the OLC-SSG Economic Sciences (1.6.2014).

5. Brussels, 15.4.2013, http://ec.europa.eu/anti-trafficking/EU+Policy/EU_slow_to_respond

6. http://ec.europa.eu/anti-trafficking/entity.action?path=Citizens%27+corner%2FVideos%2FPress_conference_Malmstrom

7. It should be noted that freedom at the end of the journey and a consensual relationship during the journey are two quite different things. Smuggled individuals may suffer coercion during their journey such as being locked into containers and forced to enter overcrowded boats. The United Nations' Smuggling of Migrants Protocol (2004) therefore not only deals with combating and preventing smuggling but also with the protection of smuggled migrants (UNODC, 2011). At the same time, a coercive labour relation at the end of a journey may have been preceded by a smuggling relation based on mutual agreement of smuggler and smuggled.

8. “Aus der Zwangslage der Beschäftigten wird ein ökonomischer Vorteil gezogen.” Forum Migration, July 2014, http://www.migration-online.de/beitrag_aWQ9OTQ3OQ_.html

9. <http://www.dhs.gov/sites/default/files/publications/blue-campaign/Blue%20Campaign%20-%20Human%20Trafficking%20101%20for%20School%20Administrators%20and%20Staff.pdf>

10. Alternatively, Raymond quotes two highly different dictionary definitions without deciding which to use, indicating that both of them accurately describe the subject (Raymond, 2004: 1158).

11. There is a report with a similar title for the organisation *Save the Children* by Anderson and O’Connell Davidson (2002), “Trafficking – A Demand Led Problem?” with overlapping but not identical contents.

12. “The ILO Forced Labour Convention No. 29 (1930) defines forced labour as “all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Art. 2) Andrees (2008: 2).

13. Akee, Bedi, Basu, and Chau (2011); Cho, Dreher, and Neumayer (2011), Cho, Dreher, and Neumayer (2013); Danailova-Trainor and Belser (2006); ILO (2014); Jac-Kucharski (2012); Jakobsson and Kotsadam (2013); Njoh and Ayuk-Etang (2012); Omar Mahmoud and Trebesch (2009), Omar Mahmoud and Trebesch (2010); Rao and Presenti (2012).

14. Article 18(3) of the 2011 Trafficking Directive (2011/36/EU) and Preamble 25.

15. I do not understand why the authors characterize the share as “notably smaller” than in the 5-country household survey. If I take household size into account as reported in Omar Mahmoud and Trebesch (2009: 21), migrant households report about a total of more than 5,000 persons, so that the percentage incidence on the individual level is similarly around 2%.

16. The public presentation of the well-documented and carefully described European trafficking statistics is an example of this tendency (Vogel, 2014).

17. For example in public broadcasting <http://daserste.ndr.de/panorama/aktuell/prostitution131.html>

18. Their formulation conflates irregular migration and trafficking: “Sex businesses wishing to take advantage of the legality of prostitution (instead of remaining illegal) would want to recruit more national citizens or foreigners legally residing with a work permit in the country since employing trafficked foreign prostitutes (or, for that matter, illegally residing foreign prostitutes that were not trafficked) endangers their newly achieved legal status.” Cho et al. (2013: 69). My reformulation suggests that they are meaning both.

19. “Policies that increase stigmatization of clients are expected to reduce the marginal willingness to pay, the quantity sold, and the equilibrium price.” Jakobsson and Kotsadam (2013: 92). Conversely, policies that decrease stigmatisation should raise the price.

20. The 2009 report states: “It is not possible to interpret the data collected for this report as representing the true extent or magnitude of human trafficking. The figures used cannot be compared across countries, either to represent the severity of

human trafficking or the different levels of performance of countries responding to the phenomenon” (UNODC, 2009: 19).

21. “We did attempt to create an index capturing the degree of legalization of prostitution by using the national legislation typology on prostitution suggested by Transcrime. Interestingly, we only found a small positive correlation of 0.18 between the constructed index of legalized prostitution and prostitution incidence. This may be due to the fact that the complexity of legislation typologies and models of prostitution was not sufficiently captured in the index or, alternatively, that the legalization of prostitution does not so much affect its incidence as it does its visibility. In addition, over a third of the countries included in our sample as countries of destination were not included in the study by Transcrime. Hence, with the present data, we could not shed further light on the debate regarding the link between legalization of prostitution and prostitution incidence” (Danailova-Trainor and Belser, 2006: 13).

22. “According to the ILO’s Global Estimate, about 55 per cent of all victims are women and girls. In forced sexual exploitation and in domestic work, the vast majority of victims are women and girls. In other economic activities, however, men and boys tend to be disproportionately represented. According to survey data discussed in this chapter, men and boys are slightly more at risk of falling victim to forced labour than women and girls. This can be explained by the selection of surveys, and a particular focus on bonded labour or debt bondage” (46).

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