



# Addressing what?

Conceptual clarifications on demand-side arguments in anti-trafficking debates and policies.

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

# Overview



(1) Study Background

(2) Debates about demand in the context of trafficking in human beings

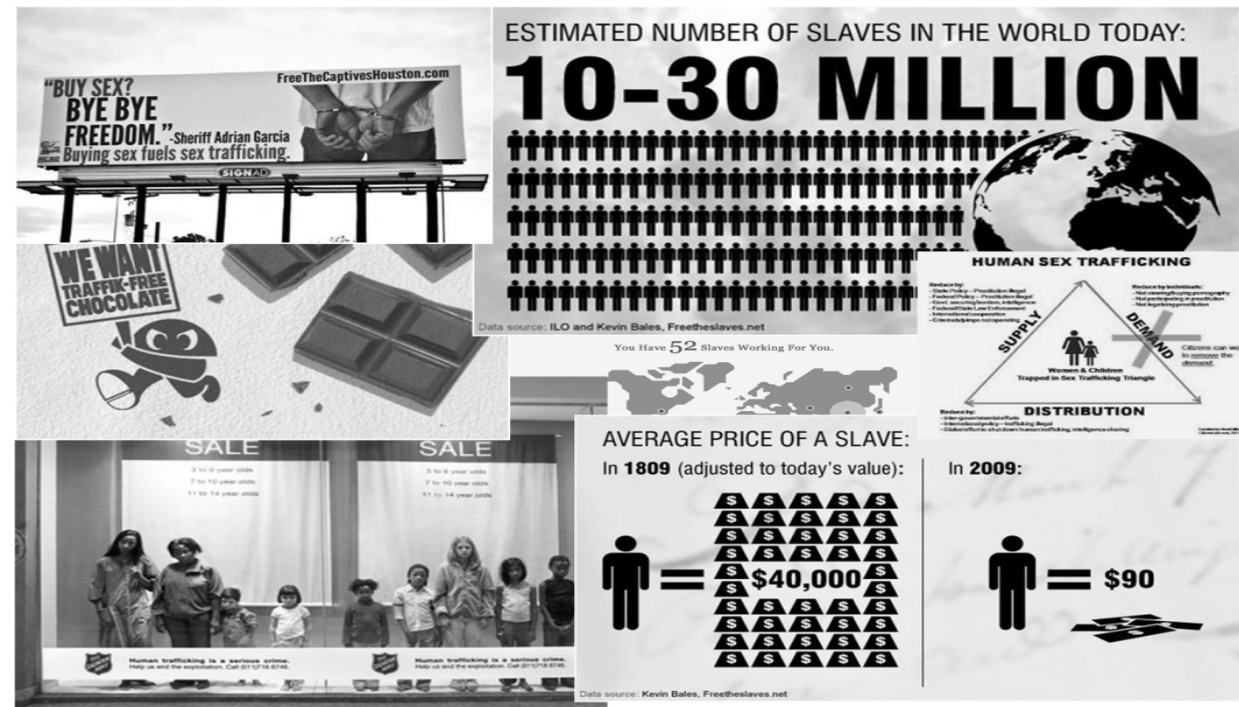
(3) Demand-Side Policies

(4) Conceptual issues: THB, the concept of demand

(5) Recommendations and conclusions

# (1) Study background

- The **EU THB Strategy** – Prevention/Action 1: Understanding and Reducing Demand
- Little existing research on **demand-side policy measures** and their impact
- **Potential of demand-side** analysis to **re-centre attention** on those benefitting from and bearing a degree of responsibility for THB.



## Aims of the project



- Undertake a comprehensive analysis and discussion of the role of demand [arguments in debates on] in THB
  - ✓ Critically investigate the concept of demand
  - ✓ Comprehensively investigate different types of THB, taking a broad approach
  - ✓ Go beyond existing policy approaches
  
- Deliver policy-relevant evidence for questions on the EU agenda

# Consortium



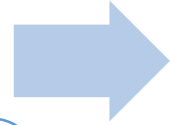
## Multi- and interdisciplinary research consortium

- **Coordinator:** International Centre for Migration Policy Development (ICMPD)
- **Partners:** University of Bremen (DE), University of Edinburgh (UK), International La Strada Association (NL), University of Lund (SE), University of Durham (UK), European University Institute (IT), Geneva Centre for the Democratic Control of Armed Forces (CH), La Strada Czech Republic (CZ)
- **Advisory Board:** individual experts drawn from GAATW, IOM, ITUC, OSCE, UNODC, as well as former ILO expert
- **Duration:** 1 January 2014 to 30 June 2017 (42 months)
- **Funding:** 7th Framework Programme, European Commission (DG Research), EC contribution: 2.5 million total project volume 3.2 M EUR

# Research Phases

## Phase 1

- **Analysis of theoretical and empirical literature** in different disciplines, fields and countries (January 2014 to June 2015)



## Phase 2

- five in-depth empirical **case studies**:
    - Domestic work
    - Prostitution
    - Forced labour in supply chains
    - Law enforcement
    - Campaigns
- (September 2014 to December 2016)



## Phase 3

- **Integrates** insights from **both phases** into a coherent framework and focuses on **dissemination**
- (January to June 2017)

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# Origin(s) of demand debate

- Demand arguments grounded in debates on prostitution
  - Historical Background
    - Historical abolitionists
      - Called for abolition of state regulation of prostitution
        - Critique of double moral standard: Tolerance of male clients, sanctioning of prostitutes (or those suspected of engaging in prostitution)
        - State should neither interfere in private vice prostitution, nor license brothels, or introduce registration duty for women.
      - State regulation of prostitution as facilitating „artificial demand“
    - Social purity reformers:
      - combatting immoral male desires through education, surveillance, criminal sanctions etc.
      - Male lust as demand
  - Neo-abolitionists
    - Prostitution as violence against women
    - “Ending demand” = focus on clients (penalization, re-education)



- Demand provision introduced into the international debate through Palermo Protocol
  - Proposal to include a provision on demand introduced in last session, promoted by a network of feminist NGOs and aimed at criminalisation of clients of prostitutes
    - Followed the abortive attempts to establish convention against [sexual violence and outlawing] prostitution in early 1990s
  - General demand provision brought in without debate
    - Presumably, formulated as general provision to avoid objections and reflecting the overall compromise that the Palermo Protocol presented

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.”

United Nations General Assembly, Annex II, Article 9 (Prevention of trafficking in persons), paragraph 5

- Indication of complex link of demand leading to exploitation leading to trafficking
- Extension of concept of demand / demand-side measures to other forms of exploitation purposes, without much or any prior debate about the meaning of demand/demand/side measures

## Policy debates in different fields



- No genuine *general* debate on demand in the context of trafficking policies
  - Rather specific debates on specific forms of exploitation
  - Focus mainly on two fields
    - Sexual exploitation/ prostitution
    - Forced labour, including employer/worker relation (ILO) and consumer/worker relation (supply chain issues)
  - Reference to demand arguments in respect to other forms of exploitation marginal
    - Forced/servile marriages, begging, organ removal, international adoptions

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# Policy debates in national contexts



- Review of policies in 12 countries (9 EU MS, BR, NG, USA + 2 US states)
- Focus on broad set of policies
  - Explicitly framed in terms of debate
  - Policies that have in existing literature been argued to be demand-side policies
  - Including exclusive or complementary reference to trafficking in human beings
  - Focus deliberately left broad, reflecting inconsistent and greatly varying use of key concepts (demand, THB)

# Results



- No debate on demand in general
  - Rare reference to the term “demand”
  - When referred to in national contexts, largely in the context of references to international legal instruments
  - Top-down introduction of the concept
- But a number of specific debates in specific areas
  - Prostitution, addressing forced labour in supply chains

- Demand-side policies: Four approaches
  - Command and control
  - Market based approaches
  - Peer pressure
  - Design

## Overview – demand-side policies



Type	THB for Sexual Exploitation	THB for labour exploitation	THB for exploitation through begging	THB for organ removal
Command and Control	<ul style="list-style-type: none"> <li>• Criminalization of clients</li> <li>• Specific punitive measures (car seizures, US)</li> </ul>	<ul style="list-style-type: none"> <li>• Criminalization of particular employment practices</li> <li>• Specific punitive measures: Licensing (withdrawal of licenses), asset seizure, deterrent fines, blacklists etc.</li> </ul>	(begging bans)	<ul style="list-style-type: none"> <li>• Prohibition of organ trade</li> </ul>

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# Overview of demand policies



Type	THB for Sexual Exploitation	THB for labour exploitation	THB for exploitation through begging	THB for organ removal
Market based approaches		<ul style="list-style-type: none"> <li>• Supply chain audits</li> <li>• Public procurement rules</li> </ul>		
Peer pressure	<ul style="list-style-type: none"> <li>• Johns' Schools</li> <li>• John's letters</li> <li>• Campaigns addressing clients of pr.</li> </ul>	<ul style="list-style-type: none"> <li>• Promotion of corporate social responsibility</li> <li>• Certification standards</li> </ul>	<ul style="list-style-type: none"> <li>• Campaigns asking donors not to donate</li> </ul>	
Design				<ul style="list-style-type: none"> <li>• Monopolisation of organ transfer</li> </ul>

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## Trafficking as only focus?

- Debates are embedded in policy fields
- Different “frames” (Schön/ Rein 1994) emphasizing different problem analyses, causal stories and suggested policy responses in each field
- Example prostitution/ commercial sexual services:
  - Labour rights frame, sex-domination frame, vulnerability frame
- Trafficking is used expansively to draw attention to abuse in a field

## Concept of demand

Demand is rarely explicitly defined and used in different colloquial meanings of the word.

- *Demand in the sense of willingness and ability to purchase a commodity*
- *“Employer demand” in the sense of authoritative claim to someone’s work*
- *Demand in the sense of (illegitimate or illegal) preferences or tastes of consumers*
- *Demand in the sense of social norms*
- *Demand as want, wish or need to buy a specific good*
  - Shifts between meanings are not explicit and hamper communication [understanding and reasonable argumentation].

## Markets as most evoked context

- In debates on trafficking demand is often introduced in a market context, with correlate supply.
- In a market context, demand is defined as „willingness and ability to buy a particular commodity” (shared concept among economists, one of the colloquial meanings of demand).
- If used in this economic sense, different markets are often conflated.
- Actors are on the demand side in one market and on the supply-side in another.

# Types of demand in markets potentially related to human trafficking

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

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## Recommendations

- Use the term ‘demand’ in the sense of willingness and ability to purchase something
- Clarify the reference market (Which actors want to buy what?)
  - Avoid phrases like “demand for trafficking” or “demand for forced labour” as trafficking and forced labour cannot be bought
- Avoid supply and demand terminology for relations of subordination
  - Labour contracts always imply subordination of a worker to an employer for a specific time and purpose.
  - The market aspect concerns entry and exit from employment relations. If lack of exit options is used to make someone work under unagreed conditions, the terms of the contract are broken.
- Be precise how trafficking in human beings is constituted in the field and how it relates to other types of exploitation and infraction of rights



## Distinguish two types of demand-side policies



- Policies aiming at outlawing and enforcing the ban of certain kinds of unwanted demand (for human organs, adoption services, contested: sexual services)
- Policies aiming at influencing the conditions of the exercise of final consumer/ client demand (consumer education, contractor liability, supply chain monitoring)

# Conclusions



- Need for conceptual clarity (Demand, THB)
  - Notion of demand useful in particular when it comes to end-consumers
  - Expansive vs. narrow use of term trafficking
    - Question whether and in-how far the crime of THB can be legally related to lesser/other forms of exploitation
    - Presentation by N. Cyrus
- There are more policy options than punitive measures
  - Can we learn from other policy fields?
    - Presentation C. Boswell



Website: [www.demandat.eu](http://www.demandat.eu)

Twitter: [@DemandAT1](https://twitter.com/DemandAT1)

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