

# **Demand-side Interventions Against Trafficking in Human Beings: Towards an Integrated Theoretical Approach**

**Dita Vogel and Albert Kraler**

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## About the project

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Trafficking in human beings covers various forms of coercion and exploitation of women, men and children. Responses to trafficking have traditionally focused on combating the criminal networks involved in trafficking as well as protecting the human rights of victims. However, European countries are increasingly exploring ways to influence the demand for services or products involving the use of trafficked persons or for the trafficked persons themselves. **DemandAT** aims to understand the role of demand in the trafficking of human beings and to assess the impact and potential of demand-side measures to reduce trafficking, drawing on insights from related areas on regulating demand.

**DemandAT** takes a comprehensive approach to investigating demand and demand-side policies in the context of trafficking. The research includes a strong theoretical and conceptual component through an examination of the concept of demand in trafficking from a historical and economic perspective. Regulatory approaches are studied in policy areas that address demand in illicit markets, to develop a better understanding of the impact that the different regulatory approaches can have on demand. Demand-side arguments in different fields of trafficking as well as demand-side policies of selected countries are examined, to provide a better understanding of the available policy options and impacts. Finally, the research also involves in-depth case studies both of the particular fields in which trafficking occurs (domestic work, prostitution, the globalised production of goods) and of particular policy approaches (law enforcement and campaigns). The overall goal is to develop a better understanding of demand and demand-factors in the context of designing measures and policies addressing all forms of trafficking in human beings.

The research is structured in three phases:

- Phase 1: Analysis of the theoretical and empirical literature on demand in the context of trafficking and on regulating demand in different disciplines, fields and countries. From January 2014–June 2015.
- Phase 2: Three in-depth empirical case studies of different fields of trafficking – domestic work, prostitution, and imported goods – and two studies on different policy approaches: law enforcement actors and campaigns. From September 2014–December 2016.
- Phase 3: Integrating project insights into a coherent framework with a focus on dissemination. From January 2017–June 2017.

## Project Facts

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# 1 Introduction

In December 2016, historian Gabriele Lingelbach held a presentation at the University of Bremen on agency concepts in the discipline of history. She gave an overview over historiography in three segments that deal with highly unequal power relations: slavery in the Americas, colonial history and migration history. While older historiography assumed that slaves, colonial subjects and migrants in receiving societies had little or no options to shape their fate, the last decades were characterized by research that documented instances of resistance and obstruction in selected niches. This research is used in an instrumental way for the identity formation of groups that have suffered from suppression. Lingelbach pointed to risks in this development. While it is true that some degree of agency exists even in very adverse circumstances, overemphasizing agency may result in underemphasizing structural constraints.

The emphasis on agency in historiography – and a variety of other areas<sup>1</sup> – is in stark contrast to political debates about trafficking in human beings. In the latter debates, trafficking victims are presented as persons without *any* agency, like slaves in older historiography on slavery. The no-agency-presentations are strategically understandable: Trafficking in human beings is defined as an act in which persons are brought into an exploitative situation by means of violence, threat, fraud and abuse of vulnerability, for example through legitimising tales about debts that cannot be challenged by vulnerable individuals.

Acknowledging that threatened and deceived individuals could have fled or resisted the situation means contesting their status as trafficking victims. Victims are often in a catch-22-situation. If they are so locked into an exploitative situation that they cannot claim their rights, they are considered as trafficking victims with rights. If they are aware of a limited degree of agency so that they could claim rights, they do not have rights because they are not recognised as trafficking victims in the enforcement system. An example is the perspective of a high ranking Greek police executive from a counter-trafficking unit which was communicated on a conference in early 2017. In his view, real victims do not get away from their kidnapers. Support agencies act in a grey zone: They may and do offer help to persons with some indications of a trafficking situation, even if they are not likely to be accepted as trafficking victims in courts.

Both the historical agency debates and the current anti-trafficking debate have something in common: There is a tendency to recognise only evidence that confirms the dominant narrative<sup>2</sup> - whether it refers to the lack of agency of historical slaves or of current trafficking victims. Evidence that could challenge the dominant narrative is ignored or considered negligible. There is a tendency to create narratives that deny the heterogeneity of exploited and exploiters.

In this paper, we make an effort to suggest a behavioural micro-theory that is useful for explaining agency by exploiters and exploited in a modern trafficking context. In a second step, we explore how this micro-theoretical approach can be used to identify policy implications.

This paper has been prepared towards the end of an EU research project on demand-side efforts against trafficking in human beings. The project encompassed a range of sub-studies

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<sup>1</sup> For example in the context of complex humanitarian emergencies and debates on crisis, vulnerability and resilience (see Kraler et al. 2017).

<sup>2</sup> On the confirmation bias with regard to the history of skin lighteners, see Thomas 2016.

that were constructed to be valuable in themselves *and* to contribute to the objectives of the overall project.<sup>3</sup> The first project phase involved an analysis of theoretical and empirical literature in different disciplines, a review of demand-side approaches in different countries and concerning different types of exploitation. The second project phase addressed specific fields differing systematically with regard to the type of demand linked to trafficking: domestic work, prostitution and imported goods provided through global supply chains. In addition, two policy approaches were investigated: law enforcement and campaigns. Key results of the project have been summarized in a separate paper (Rogoz & Kraler 2017). This paper is answering to a need for a behavioural theory in trafficking contexts that emerged in different project parts. The authors have presented the approach in a project meeting and improved it after discussion with project participants. The views expressed in the paper, however, are strictly those of the authors and do not purport to present a theoretical consensus among the 20 or so researchers who formed the core of the DemandAT consortium.

## **2 What drives human actions? Conceptualizing human behaviour in the context of trafficking in human beings**

All theoretical considerations in social sciences, including criminology, are based on explicit or implicit ideas about the factors influencing human behaviour. Yet theoretical texts in anti-trafficking-debates are rarely explicit about underlying models of human behaviour.

In a first step, we look at implicit behavioural generalisations in texts indicating to theorize about trafficking in human beings. Then, we show some empirical observations that challenge the underlying models, before suggesting our own model.

### **2.1 A sketch of behavioural assumptions in anti-trafficking debates**

In many of political and academic contributions to the anti-trafficking debate, the world seems to be populated by three kinds of human beings: greedy merciless criminals, vulnerable choiceless victims and heroic helpers.

*Exploiters and traffickers* are depicted as economic men who are merely interested in financial profits and have no social objectives (Aronowitz, Koning 2014, p. 672). They can be organised in mafia-style hierarchically organised groups of criminals or in loose networks of different scope (European Crime Prevention Network 2015, p. 17).

However, when globalised production is addressed, the pressure on employers and their “need” for cheap labour is often invoked (Aronowitz, Koning 2014, p. 673). This perception breaks with the idea of greedy exploiters. Employers are portrayed as being driven by need rather than greed. The greedy part in supply chains is assigned to international companies which exert price pressure on small producers in the global south. Southern producers rely on illicit means to keep workers in dirty, dangerous and low-paid work in response to price pressures. Behind the pressure of global competition, actors on the demand-side are introduced: Consumers that are only interested in a low price, no matter at what costs for the workers in other countries.

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<sup>3</sup> Albert Kraler has coordinated the DemandAT project. Dita Vogel has worked on theoretical insights as part of two work-packages. Together, they have been involved in peer-reviewing all major DemandAT substudies.

*Victims of forced labour, forced prostitution and trafficking* are portrayed as vulnerable individuals who are deprived of all realistic exit options once in the hands of traffickers– they are sold as products from traffickers to exploiters (European Crime Prevention Network 2015, p. 17). Women are usually portrayed as the vast majority of victims.

*Officials and supportive NGOs* are often portrayed as the opposite side. Their behaviour is steered by social norms to respect rights and help other people in distress. A quotation from the yearly report on trafficking in human beings, compiled by the United States government, celebrates them: “Each year, heroes are driven not by tier rankings but by a vision for a world without slavery. Some work to combat root causes – 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, p. 15).

In this black and white moral view of human behaviour, some people have the choice to be good or bad, to be on the side of greed and ignorance, or else on the side of help and empathy; others are portrayed as people with no realistic choices. This model of human action could be called the ‘*moral actor and marionette model*’.

## 2.2 Challenges in empirical observations

We are not the first to criticise this simplistic view of human actions.<sup>4</sup> Our aim here is not to provide another critique of such views, but to propose a more appropriate model of human action that can inform policy concerning those severe kinds of exploitation that are a concern of the anti-trafficking actors. Interestingly, empirical studies have shown that person prosecuted as perpetrators do not seem to be so much different from their victims (Molland 2012, 2013; Zhang 2009, 2011).

To exemplify this, in Box 1 a court case of trafficking for labour exploitation from Germany is described. In this case, the trafficker and exploiter is a pregnant immigrant woman under pressure to raise money for her mother’s hospital stay. The theoretical lense of sorting persons into greedy criminals and innocent victims does not fit well with the case presented as example.

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<sup>4</sup> See Weitzer 2007 for an influential critique of the discourse on sex trafficking; See also Andrijasevic and Mai 2016 for a recent critique of representations of trafficking in different areas.

**Box 1: A trafficker with similar characteristics as the victim – a court case**

*A Nigerian woman was sentenced to a suspended sentence of 1.5 years for trafficking for labour exploitation and attempted trafficking for sexual exploitation. At the age of 18, the perpetrator had come to Germany with her German husband. After separation, she opened a call-shop and discovered hairdressing equipment in the cellar.*

*Her sister in Nigeria recruited a hairdresser and helped to arrange her entry with forged documents. After arrival, the call-shop-owner took the hairdresser's passport and threatened to deliver her to the German police as illegal entrant, if she would not work as housekeeper and hairdresser for her. The hairdresser had to work from morning to night for six days a week, receiving no money, which was justified to her with expenses for her journey. Only on Sundays, she was allowed to go to the same church service as the call-shop-owner. The call-shop-owner also tried to persuade her to offer sexual services, but did not exert pressure when the victim resisted.*

*Only when the call shop owner became violent and threatened to deliver the hairdresser to the police, the hairdresser contacted a church community member. Together, they tried to persuade the call-show owner not to call the police.*

*Finally, the owner denounced the hairdresser to the police as illegally resident. During the investigations, it was substantiated that the hairdresser had been lured into the illegal residence under false pretences and had been systematically threatened in order to exploit her labour.*

*The sentence was relatively lenient, taking into account that the perpetrator was pregnant and used the profits to pay for a hospital stay of her mother. The hairdresser was taken into a victim protection programme. She was facing a court procedure for her offences against the foreigner's law.*

Amtsgericht Hamburg St. Georg 940Ls6500Js38/09 (494/09) Summarized by (Renzikowski 2011, p. 32)

### 2.3 A micro-theoretical approach: The space-and-facades-model

In this section, we search for a theoretical approach towards human behaviour that is applicable *to all types of actors in the field*. This approach should be concrete enough to be employed for theoretical considerations about actors and actions in the field of trafficking in human beings. At the same time, it should be compatible with psychological and sociological research about human behaviour. As a micro-theoretical approach, it aims at a different perspective on the personal interaction of individuals. This is highly relevant as all instances of trafficking in human beings are performed in personal encounters between individuals, and all support services and enforcement actions involve the interaction of individuals. Structural factors are not the starting point of the analysis, but become relevant through the perceptions and actions of individuals. To use a metaphor: We are using the magnifier and not the binocular. The magnifier is not more valuable as the binocular, but it provides a different focus.

As a first step, we propose a social psychological model assuming individuals with different subjective possibility spaces<sup>5</sup>. The subjective possibility space is used to describe an individual's subjectively perceived options for action. The scope of this space is dependent on conditions in two poles: on the one pole, personal capacities and predispositions influence what kind of action are considered and seem feasible, on the other pole, situational features influence what is feasible and perceivable. Individuals are not determined by their subjective possibility space, but they relate to it (Leiprecht 2001, p. 17).

As Hirschman famously argued, people have three basic options vis-à-vis threats experienced in a social setting: to comply and adapt to a given situation (loyalty), to oppose and try to change (voice) or to leave a situation (exit) (Hirschman 1970). This can also be expressed as taking the subjective possibility space for granted and acting within it (loyalty), seeking to change situational characteristics (voice) (Theilmann 2005), or seeking to widen the subjective possibility space by leaving to a different situation with other situational characteristics (exit). At the same time, the personal characteristics and predispositions influence whether only compliance or also voice and exit are perceived as options for actions. From the personal pole, characteristics such as gender, ethnic or racial attribution and handicaps can limit or enable the persons' scope of action. Personal predispositions such as desires, norms, and attitudes shape what individuals want to do in their specific situation. Such wishes are partly unique and individual and partly shaped through socialisation in the family and society. Culture influences the subjective possibility space in so far it is inscribed into the person, influencing unconscious choices, and embraced by a person, influencing conscious choices.

Concepts of vulnerability can also be embedded in the general model of subjective possibility space with a personal and a situational pole. Following a study on vulnerability in detention (Jesuit Refugee Service-Europe 2010, p. 91), vulnerability is not described as predetermined by personal characteristics (e.g. by describing persons with a physical disability as vulnerable group)<sup>6</sup>, but as susceptibility to some type of harm under the influence of personal and situational factors<sup>7</sup>. The key idea is that the combination of personal and situational factors

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<sup>5</sup> The basis is Leiprecht's application Leiprecht 2001 of Holzkamp's conceptualisation Holzkamp 1985.

<sup>6</sup> An UNODC guidebook differentiates between different types of vulnerability: personal vulnerability (e.g. relating to a person's physical or mental disability), situational vulnerability (e.g. relating to irregular residence and linguistic isolation) and circumstantial vulnerability (e.g. relating to a person's unemployment) UNODC 2012, p. 2. This view also indicates the relevance of personal and situational factors. The 'circumstantial' vulnerability seems to recognise that a combination of personal and situational factors can make a person vulnerable.

<sup>7</sup> Social and environmental factors in the JRS-study are here subsumed under situational factors.

makes the difference and creates vulnerability. Naudé (Naudé et al. 2012, p. 2) emphasize that vulnerability can be related to different undesirable outcomes (e.g. vulnerability to poverty, to fraudulent recruitment, experiencing violence). In this view, the vulnerability of an individual, household, or country depends on the exposure to hazards and on coping mechanisms. Hazards can be considered as restricting situational conditions, and coping mechanism as enabling personal conditions. Imported from the fields of psychology and environmental systems analysis, recently the term 'resilience' has gained currency to denote the ability of individuals to cope with adverse events or situations (see Kraler et al. 2017, chapter 2).

The following situation may be illuminative for an understanding that the combination of factors determines capabilities and vulnerability<sup>8</sup>: An unemployed female IT specialist in a wheelchair, living in Germany, may conceive of a wide possibility space in her search for a new job and few risks of becoming subject to exploitation, while an able-bodied young man with a low-paid job in a high-emigration area of India may perceive a high pressure to go abroad in order to earn more money, making him vulnerable to fraudulent employment offers. Vulnerability can be attested in degrees, depending on the narrowness of subjective possibility scopes.

The concept of the subjective possibility space is not only applicable to those at risk of being trafficked, but also for those at risk of becoming involved as exploiters or traffickers in independent, leading or subordinate positions. They can conceive of trafficking or exploiting other human beings as an option to make high profits or as a need to make a living. Decisions to humiliate, threaten and hurt other people can be influenced by a personal predisposition due to own experiences of violence and humiliation, or by socialisation in a culture of othering social groups such as women or ethnic minorities.<sup>9</sup> The same culture can be a situational factor, if a discriminatory treatment of specific groups is generally accepted in the social environment of the person and does not have to be hidden. In that view, perpetrators do not appear as a different type of human beings driven by greed only.

If we look at the hairdresser's case in box 1 with this theoretical approach, we can make sense of both the actions of the exploiter and the exploited. The situation of the exploiter was characterized by a legal residence status, availability of suitable space and local networks for informal business, as well as transnational contacts to arrange an illegal entry and residence. In her personal predisposition, norms made it more important to raise money for her sick mother than to treat an employee from her own country of origin fairly according to German standards.

Consider now the exploited: In the country of origin, the employee was vulnerable to a fraudulent employment offer. In Germany, her situation was characterized by illegal residence, making her vulnerable to criminal investigations against herself and to deportation. Although having many informal contacts when serving clients or going to church, she never met them alone without her exploiter. She felt to have no realistic choice other than bowing to the commands of her exploiter (loyalty). However, when the exploiter sought to make her offer sexual services, she resisted successfully (voice).

The change of situational characteristics was initiated by the exploiter who wanted to get rid of her employee after successful exploitation. However, police investigations changed the options for the exploited hairdresser: Continuing to work under exploitative conditions was no

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<sup>8</sup> See also an example along a similar line by Mitra 2006, p. 245.

<sup>9</sup> On workplace morality, see also Kaptein 2013.

option any more, but by cooperating with the police, she was able to get a least temporary support and protection and see her exploiter being persecuted. Whether she was able to make monetary claims on the exploiter and stay longer is not known to us.

Here, it is important to note that subjective possibility spaces with their personal and situational pole are to some degree externally given, for example because a person has or has no legal residence status. On the other hand, they are subjective because they rely on interpretation, for example about the consequences of detection of unauthorized residence. Until the hairdresser was denounced, the exploiter was able to shape the view of the exploited about the consequences. She had presented the German police as corrupt and racist, being particularly dangerous for black women. This way, she could convince the hairdresser to perform her service work and go to church without denouncing her exploiter. In front of external observers, they *jointly* presented a facade. Such performances are typical for the field. In order to be able to understand the actions better, we searched for a second theoretical element that can account for ways in which exploitation is disguised jointly by exploiter and exploited.

We suggest that the seminal work of Goffman about the presentation of self in everyday life (Goffman 1969 (1959)) is a good starting point for such considerations. Face-to-face interactions can be thought of as performances in which social roles are enacted in front of audiences (Goffman 1969 (1959), p. 4). Individuals communicate through their expressive behaviour. "Fronts" are that part of the individual's performance. They regularly functions in a general and fixed fashion to define the situation for those who observe the performance (ibid.: 19). A "back region" or "backstage" is a place "relative to a given performance, where the impression fostered by the performance is knowingly contradicted as a matter of course" (ibid.: 97).

In the case of exploitation, there are at least two fronts which matter: The front in which the exploiter and the exploited perform as accomplices and the audience consists of agents of the state. This is particularly important when *irregular migrants* are exploited, as both the exploiter and the exploited know that they have broken immigration rules. For the exploited person, it is difficult to foresee whether he or she receives help or is arrested and deported as irregular migrants if their situation becomes known to the police. In an isolated situation, his or her perception is likely to be influenced by the backstage performance of the exploiter. In addition, word of mouth by persons in similar situations is likely to shape the perception. If peers get news from deported persons but not from rescued persons, they are more likely to tell stories of a person deported by the police than the story of someone rescued by police. So stories do not necessarily have to convey a correct image of the chances to be helped. However, as the number of arrests or deportations of irregular migrants is higher in many countries than the number of trafficking victims that receive help, this makes it likely that more bad news than good news about the chances of receiving help are told.

In cases in which exploited persons are afraid of police arrests and of deportation, they can be convinced to keep up a façade. Migration and labour relations may be presented as regular relations in conformity with migration and labour rules, or the migration relation may be presented as a regular migration while the labour relation is entirely hidden to state authorities.

Relative to the regular front, performances towards persons from the same social or professional environment may be a backstage in which a certain degree of violations of immigration rules or labour rights may be admitted. While being backstage relative to performances towards the state, performances towards peers may still be a front in comparison to the communication between an exploiter and an exploited person without observers.

Even in the unobserved communication between two parties, the more powerful part has an interest to communicate what he or she wants to have done and what the powerful “will do if it is not done. Power of any kind must be clothed in effective means of displaying it, and will have different effects depending upon how it is dramatized. (...) thus the most objective form of naked power, i.e. physical coercion, is often neither objective nor naked but rather functions as display for persuading the audience; it is often a means of communication, not merely a means of action” (ibid.: 213). For example, if the more powerful employer justifies exploitation by referring to debts that have to be repaid, this can be an effective means of assuring the cooperation of the exploited as long as the persons shares this interpretation or sees no way to challenge it effectively in backstage performances.

Performances make use of established social roles known to all participants, such as the role of consumers, of employers, family members, foster parents and the like. It is important to note that social role expectations can differ between national and regional contexts, and persons knowledgeable of these differences in role expectations in both contexts can make a profit by using this knowledge strategically. This is particularly important in a migration context in which the employee does not speak the language of the receiving country and has few contacts to learn about the new setting. In a backstage performance between employer and employee, the employer may convey the message that wages slightly above the country of origin are generous also in the receiving country context, and that police officers are corrupt and susceptible to payments by the employer so that the police will never be a help to a poor worker.

If exploiters successfully persuade exploited persons that their current situation results from their own choices, they convey the impression that exploitative pressures are legitimate. If the exploited persons see no realistic options for voice or exit, they cooperate in the performance towards externals such as consumers of services or enforcement agents.

In the next step, the consumers of the haircuts are considered. They spend money for the haircut, and they observe the performance of service provision. It can be asked whether they could have realised that their hairdresser was working under exploitative conditions, whether they must have realised that the facade is a pose. Their relevant subjective possibility space involves again the three options of loyalty, exit and voice. They can take the service of the hairdresser and pay for it, asking no further questions, thus cooperating in the performance of the hairdresser and the shop owner in the expected way. If we assume that they were aware that they were buying a service in the informal tax-avoiding economy, they are taking part in an illegal activity and expect a lower price than in the formal economy. However, they do not necessarily realise that the worker is forced to cooperate and the profit is entirely on the side of the shop-owner. In an informal activity, employers and workers can share the profit from not paying taxes and social security obligations, with employers receiving higher profits and workers higher net wages.

Nonetheless, the consumers could have a suspicion that something is wrong with the relation from observing their interaction. Then they have the option to avoid this hairdressing shop due to this suspicion. In a world of many consumption options, exit is an easy strategy. Alternatively, they could undertake actions to clarify and eventually change the situation, for example by asking a respected person like the priest to intervene. This would mean challenging the performance of unauthorized work in which employer, worker and consumer share the profit. By denouncing the informal hairdressing shop to the police, they would also challenge the performance towards the state. Both actions could be characterised as voice-type action.

In summary, we argue that neither the ‘moral actor and marionette models’ (nor the model of the homo economicus seeking to maximise utility) are helpful to understand exploitative behaviour<sup>10</sup>. Instead, we suggest a complex social-psychological model of human action centred around the concepts of subjective possibility space, on the one hand, and an understanding of exploitation as a “performance”, on the other. This theoretical approach is to the best of our knowledge compatible with the state of social psychological research. Approaches adjusted for particular purposes are also proposed for structuring trafficking prevention measures. For example, Marshall (2011) suggests framing human behaviour in terms of opportunities (external factors), abilities (skills and capacities of individuals) and motivation (individual impetus under the influence of incentives).

### 3 Using the model to explore policy options

There are two ways in which the model can help to explore policy options. First, individual cases can be analysed and asked what would have helped. Second, concrete policy proposals can be analysed to try to understand how social possibility spaces of different actors are changed.

#### 3.1 Individual case analysis

If we look at this exemplary case, it is obvious that the behaviour of the police and the anticipation of police behaviour by the exploiter, the exploited and members of the immigrant community mattered. The perpetrator threatened with the police and finally denounced the undocumented resident that she had exploited to the police. The exploited believed that she had to fear the police more than her exploiter. A member of the church community tried to help by persuading the exploiter not to call the police. Obviously, the outcome of the police investigation surprised all of them. The hairdresser cooperated with the police, was believed and received at least temporary support and residence during the proceedings. Nonetheless, she also had to face sanctions because of her offences against the foreigner’s law.

The case highlights the relevance of a sensitive search for indications of trafficking for labour exploitation beyond large-scale mafia-type criminal structures in criminal investigations. It also shows that victim protection measures can potentially change the situation, but only if they can be successfully communicated to the victim. The case can be taken as a confirmation that policies and measures that strengthen law enforcement sensitivity and victim protection have enabled the sanctioning of the crime. These came only into play when the exploited person had been arrested for an illegal residence offence.

The bigger problem seems to be police perception before detection. Police in Germany is in charge of enforcing immigration law, and the fear that undocumented residents may be de-

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<sup>10</sup> Although the homo economicus model of human action is discarded as a model capable of explaining exploitative relations and trafficking, it is not entirely rejected. A simplified model of human action is both necessary and useful for understanding developments caused by aggregated buying and selling decisions on a single market and for understanding the interaction of different markets. *Aggregate and interaction effects* quickly get very complex, so that a simplification with regard to modelling human action is necessary. For gaining an idea of market movements, it is not necessary that any individual really seeks to maximise utility, but that aggregate market dynamics can be explained by assuming that they act as if. This is the case if buying and selling decisions are at least *partly* influenced by the price of the commodity that is traded. Such an assumption about real human actions is compatible with the subjective possibility space model. Within the complexly shaped subjective possibility space, buying and selling at prices plays a role, and in this context, buyers usually prefer lower prices and sellers prefer higher prices.

tected and deported by the police is justified. The non-punishment principle for victims of trafficking in human beings foresees that unlawful activities as a consequence of being trafficked should not be punished (Piotrowicz, Sorrentino 2016). However, the unlawful entry with forged documents did not take place under coercion, but enabled the exploiter to threaten with the police. A wider application of the principle could help. It would have to be accompanied by a communication into immigrant communities that foreigner's law offences can be dropped when offenders become victims of serious crimes.

In addition, the contact person from the church community saw persuading the call shop owner not to call the police as the only option. If a confidential advice service for immigrants was available and known and trusted in the immigrant community, she could have taken the hairdresser there, thus widening her awareness of possible actions.

In general, it can be said that community policing with non-discriminatory treatment of immigrants and trust-building in immigrant communities might help enforcement against serious crimes, among them trafficking in human beings. Cases of police corruption and police violence or mistreatment, to the contrary, can lead to the perception that the police can generally not be trusted.

It is an interesting question for further research to conduct an empirical follow up of cases and investigate how the perception of options and limitations change for individual actors, based on experiences with the police.

### **3.2 Analysis of a policy or measure**

In addition to analysing a case and searching for policies and measures that could have changed the environment significantly, it is also possible to start with a policy and consider how it impacts on the options available for actors, on the perception of options and on the opportunities to hide coercion behind legitimate facades.

The “criminalisation of clients of sexual services” is one of the most discussed measures to reduce a “demand that fosters (...) exploitation (...) and leads to trafficking in human beings”.<sup>11</sup> At the core is the idea to develop a more gender-equal society by criminalising not only the procurement of sexual services, but also the purchasing of any type of sexual services. Sex in exchange for payments (commercial sex) is considered an inherently harmful income generating activity, and in this sense, as exploitative. In Sweden, demand for sexual services is criminalised. The main actors concerned by this change in law are clients, sex workers, enforcement agents such as police, and support agents such as social workers. This state approach can be called repressive towards commercial sex, as it aims at eradicating sexual services markets from the society, in contrast to a restrictive approaches that aim at restricting sex work (as a negative social phenomenon) in order to protect society and those selling sex from harm, and integrative policy approaches that seek to integrate the sex work sector into protective labour regimes (Östergren 2017).

From the clients' point of view, criminalisation declares a previously legally accepted means to fulfil a desire as illegal. With regard to the personal pole, it does not necessarily change desires and internalized norms towards the legitimacy of purchasing sexual services. Additional measures such as campaigns can seek to promote such changes. Clients with a prin-

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<sup>11</sup> This is the formulation of the relevant provision of article 9(5) of the UN Anti-Trafficking Protocol.

cial rejection of criminal activities will be deterred from purchases. From the situational pole, their subjective possibility space is restricted through criminalisation. How it is changed, depends on their degree of risk-aversion, expected sanctions and perceived likelihood of detection.

The likelihood of detection is influenced by the opportunities for individual providers or facilitators to hide prostitution behind legal facades. As sexual encounters are not generally forbidden and usually happen between two people behind closed doors, there are principally two types of options for building facades for illegalised commercial demand: Paid sexual encounters can be initiated parallel to dates, for example in dating portals or discos or nightclubs, or they can be presented as legal commercial transactions that can be performed behind doors, for example as massages, household work, private tuition or escort services. In order to contain risks, clients could devote greater efforts to conduct their purchase anonymously. If they fear sanctions themselves, this makes it more risky for them to inform the police if they observe indications that a sex worker may be under the influence of coercion from third parties.

For sex workers, the alternative work options to sex work do not change through client criminalisation. Their social possibility space is more limited with regard to offering sex work, as they cannot openly advertise for clients, for example in brothels or in street prostitution. If they advertise behind facades, they have to make their offer distinguishable. Both with and without client criminalisation, they can turn to the police in case of violence or abuse by clients or facilitators. A greater degree of anonymous contacts could make it more difficult to find abusive clients and operators or facilitators that are abusive.

Police have a different task in enforcement than before. On the one hand, brothels and street markets can be closed down or effectively reduced, as clients risk sanctions with any open offer. On the other hand, more difficult investigations are necessary to detect sexual purchases behind facades.

When open and visible markets are closed, social workers have less possibilities to offer their services to persons who want to leave sex work or who faced abuse.

Theoretical considerations based on the model introduced above indicate that the subjective possibility spaces of relevant actors are changed in complex ways so that the final outcome is by far not obvious. It crucially depends on the possibilities to hide sexual services markets behind facades.

In addition to actors which have been primarily active in the field of commercial sex, participants in meeting venues and legitimate markets that are used as facades can be affected. If they intend to use these venues and markets for legitimate purposes such as finding a partner or getting a massage, they may be exposed to more or less hidden unwanted offers to sell sexual services.

## 4 Conclusion

In this contribution, we turn attention to the fact that human actors involved in exploitation and trafficking are often portrayed with entirely different logics of action. In contrast to this ‘moral-actor-and-marionette-model’, we have introduced a possibility-space-and-facade-model building on insights from social psychology that can be used for all actors in the field. It is a theoretical offer to explore and expand in the future. The potential value for understanding the logic of cases that did not occur in large-scale mafia-style network but within small-scale family-style interactions has been shown. As it emphasizes not only objective possibilities to seek help but their subjective perception, it also draws attention to the perception of police work in general and anti-trafficking enforcement in particular within sectors and communities. Empirical studies that follow up on individual cases and their perception for example in immigrant communities appears as a promising field of future research.

As we have shown in the case of the criminalisation of clients this theoretical model can also provide new insights in assessing the impact of policies addressing trafficking and/or exploitation more generally<sup>12</sup> in that it shifts the attention to how individuals may adapt behaviour in response to policy measures – at times in unexpected ways - and how policies can affect individual possibility spaces. While our theoretical model shares the theoretical anchoring in theories of human behaviour with literature on policy instrumentation and smart governance (see Boswell and Kyambi 2015. Lascoumes & Le Gales 2007), its focus is different and is less interested in regulation and “social control and ways of exercising it” (Lascoumes & Le Gales 2007: 3) than in ways policies affect the capabilities of individuals to consider particular options for action and which they deem feasible, including entering, remaining or exiting situations of exploitation.

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<sup>12</sup> One of the overarching conclusions of the DemandAT study is that exploitation should be at the centre of policy responses as such an approach is more suitable to address both trafficking (i.e. the referral into an exploitative situation using coercion, deceit or abusing a position of vulnerability) and severe exploitation as such (cf. FRA 2015 for a conceptualisation of severe forms of labour exploitation).

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## About the authors

**Albert Kraler** is a Senior Researcher at ICMPD's research department. A political scientist and Africanist by training, he has worked at ICMPD since 2001, although also holding positions at the Centre for Migration Research at the University of Sussex (2003-2004) and the Department of Political Sciences, University of Vienna (2005-2006) in between. Albert also is an external lecturer at the Department of International Development, University of Vienna and the Centre for Regional Science, Department of Spatial Planning at the Technical University Vienna.

**Dita Vogel** is Senior Researcher at the University of Bremen in the Unit for Intercultural Education since 2012. She holds a diploma in economics (University of Cologne 1989) and published her doctoral thesis on the fiscal impact of immigration in 1996. Previously, she held research and teaching positions at the University of Bremen (1989–1997), the University of Oldenburg (1998–2007) and the Hamburg Institute of Economics (2007–2010).

## **Addressing demand in anti-trafficking efforts and policies (DemandAT)**

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CONSORTIUM:

University of Bremen – Arbeitsbereich Interkulturelle Bildung  
Bremen, Germany

University of Edinburgh – School of Social and Political Science  
Edinburgh, United Kingdom

La Strada International  
Amsterdam, The Netherlands

Lund University – Department of Social Anthropology  
Lund, Sweden

University of Durham – Department of Geography  
Durham, United Kingdom

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