

# Integrated Findings in Addressing Demand and Policy Recommendations

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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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### Legal Notice

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## Abstract

Should consumers be held responsible for exploitative practices that may be involved in production of consumer goods or services they consume? If yes, in what ways? How can consumers be encouraged to change their consumption behaviour? And what is their actual leverage to shape conditions under which services are provided or goods are produced? What about firms and large institutional procurers purchasing goods and services through supply chains? What is their leverage and in what ways can they be encouraged, or indeed be obliged, to address trafficking in their supply chains? What about other fields in which trafficking occurs? Can campaigns encouraging the general public not to donate to or buy token goods from children reduce trafficking of children into begging? Do campaigns encouraging the public to report suspicions of trafficking to the police or specialised NGOs result in tangible results? These types of questions are discussed in the anti-trafficking field as referring to “demand” or “demand reduction”. “[D]iscourag[ing] the demand that fosters all forms of exploitation of persons” is a legal obligation of State Parties to the UN Anti-Trafficking Protocol. The Protocol does not offer additional explanation regarding the meaning of demand, with the exception of an enumeration of types of measures to address demand: “legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral measures”. In order to provide clarity on the above-mentioned issues, the project “Demand-side measures against trafficking” (DemandAT) was launched in 2014 under the EU’s 7<sup>th</sup> framework programme. The project, involving a multidisciplinary team of researchers and practitioners from seven European countries, aimed to examine demand-side approaches in the context of trafficking in human beings, to clarify the meaning and relevance of demand in different policy areas, as well as to contribute to a better formulation of anti-trafficking policies addressing demand. This paper presents a synthesis of main results from case studies in selected policy fields (prostitution domestic work, and global supply chains) and types of interventions (law enforcement and information campaigns) analysed in DemandAT. ). The paper argues for a narrow conception of demand and suggests to understand demand-side interventions as interventions aimed at shaping the purchaser side in a specific market exchange. Demand-side interventions are thus specific and don’t work in isolation from other measures addressing trafficking. In some contexts, the paper finds, demand is not a useful category altogether. The paper further highlights the need to acknowledge the specificity of particular markets and the related need to specify the expected results of demand-side interventions in any particular market. This requires both context sensitivity as well as evidence based design, implementation and evaluation of interventions.

# 1 Introduction

Should consumers be held responsible for exploitative practices that may be involved in production of consumer goods or services they consume? If yes, in what ways? How can consumers be encouraged to change their consumption behaviour? And what is their actual leverage to shape conditions under which services are provided or goods are produced? What about firms and large institutional procurers purchasing goods and services through supply chains? What is their leverage and in what ways can they be encouraged, or indeed be obliged, to address trafficking in their supply chains? What about other fields in which trafficking occurs? Can campaigns encouraging the general public not to donate to or buy token goods from children reduce trafficking of children into begging? Do campaigns encouraging the public to report suspicions of trafficking to the police or specialised NGOs result in tangible results? These types of questions are discussed in the anti-trafficking field as referring to “demand” or “demand reduction”. “[D]iscourag[ing] the demand that fosters all forms of exploitation of persons” is a legal obligation of State Parties to the UN Anti-Trafficking Protocol<sup>1</sup> (also referred to as the Palermo Protocol). The Protocol does not offer additional explanations regarding the meaning of demand, apart from enumerating a (non-exhaustive) list of types of measures that could be applied to address demand.<sup>2</sup>

Article 18 of the EU Anti-Trafficking Directive<sup>3</sup> states, quoting almost verbatim from the Palermo Protocol, that “Member States shall take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings”. As the UN Anti-Trafficking Protocol, the EU Anti-Trafficking Directive does not offer any guidance as to the meaning of demand and how exactly demand can be reduced or discouraged. What kind of measures should discourage demand and how they are intended to work thus remains unclear. In the absence of further guidance, states took various approaches. In practice, one finds a wide range of measures described as “addressing demand” by actors in the field, although there is usually no clear explanation regarding what kind of demand is being referred to and how exactly reducing demand leads to reducing “all forms of exploitation”.

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<sup>1</sup> Article 9.5 states that “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” (UNODC, 2004: 46).

<sup>2</sup> The protocol thus lists “legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral measures” as types of actions that could be applied to address demand, without, as noted above, specified the criteria qualifying such measures as demand side measures.

<sup>3</sup> DIRECTIVE 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>. (21.06.2017).

Focusing on demand in relation to trafficking has been recognised as having the potential to shift the focus of anti-trafficking policies towards those who profit from trafficking and therefore might have some responsibility for the occurrence of trafficking.<sup>4</sup>

The project “Demand-side measures against trafficking” (DemandAT)<sup>5</sup> was launched in 2014 under the EU’s 7<sup>th</sup> framework programme to provide more clarity about the concept of demand, its usefulness and the potential and limitations of demand-side measures. The project, involving a multidisciplinary team of researchers and practitioners from seven European countries, aimed to examine demand-side approaches in the context of trafficking in human beings, to clarify the meaning and relevance of demand in different policy areas, as well as to contribute to a better formulation of anti-trafficking policies addressing demand. In a first phase, the study combined theoretical analyses of the concept of demand (Vogel, 2017a) and different types of policy interventions (Boswell and Kyambi, 2016) with a mapping of policy debates (Cyrus and Vogel, 2015; Cyrus 2015) and implemented policies across a large range of countries (Rogoz et al., 2016). In a second phase, the research project focused on in-depth studies of particular fields (domestic work, sex work) and approaches (supply chains, law enforcement and information campaigns). Although measures in selected fields and policy approaches are intertwined – there are anti-trafficking campaigns in the area of addressing trafficking in the global supply chains and law enforcement is relevant in all the fields selected – having separate case studies on areas in which trafficking occurs and on approaches to trafficking presented the opportunity to ask field specific questions and critically investigate approaches employed. The project examined whether addressing the demand in particular markets in different contexts (production, recruitment, consumption) leads to reduction of trafficking in human beings through specific case studies, but no single case study was aimed primarily at this question. The combined results of the different strands of research undertaken in the project have a number of important implications for the relevance, scope and usefulness in addressing different types of trafficking on the one hand, and for policy formulation and policy evaluation in the field of anti-trafficking, on the other.

The aim of this paper is to present a synthesis of the main results from case studies in selected policy fields and types of interventions. With regard to its structure, the paper is organised in four main sections. Section 2 provides a background on the conceptual framework employed and the overall research design of the DemandAT study. Section three summarises the main results in each of the case studies. Drawing on both the conceptual and theoretical clarifications regarding the concept of demand, on the one hand, and the different case studies involving empirical research, on the other, the final section describes the projects’ main conclusions and recommendations.

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<sup>4</sup> Measures subscribing to this approach alone can have undesired consequences, but we will return to this point in the last sections of the paper.

<sup>5</sup> [www.demandat.eu](http://www.demandat.eu)

## 2 Conceptual approach and research design of DemandAT

The research was conducted in three interconnected phases spread over three and a half years of project implementation. The first phase of the research developed a theoretical approach for demand in the context of trafficking and analysed empirical literature in different disciplines, fields and countries. Results of this phase, particularly regarding the theoretical approach were used as a basis for the in depth case studies conducted during the second phase of the project. The main idea was to look at demand in the context of various forms of trafficking and from different perspectives in order to address different forms of exploitation (which may occur in different markets) and different ways in which demand in the context of trafficking may be addressed. As mentioned above, the fields selected were domestic work prostitution and supply chains, while the two approaches analysed were law enforcement and anti-trafficking campaigns. In the third phase of the project key results from the first and second phases were integrated and policy recommendations formulated.

One of the main contributions of the DemandAT project to the field of anti-trafficking are the theoretical and conceptual clarifications with regard to the concept of demand and demand-side measures in the context of trafficking in human beings, and the comprehensive analysis of the role of demand and demand-side measures in anti-trafficking. Conceptually, the study suggests limiting the meaning of the concept of demand to its core economic meaning, i.e. the willingness and ability to buy a good or a service (Vogel, 2017a). This approach requires that reference to demand is made with the correlative supply and/or with specific reference to a market – what good or service is purchased and/or on what market? Confining ‘demand’ to purchasing plans on markets does not mean that market interactions are most important for understanding trafficking in human beings. A trafficked person is transferred into and kept in an *exploitative relation*. Thus, a non-market relation is at the core of understanding trafficking in human beings. by limiting the meaning of demand, the focus is then on how market transactions (such as the purchase of specific goods by consumers) are linked to situations of trafficking. As a corollary, the focus is then on how demand-side measures targeting participants in the market transaction (e.g. through campaigns promoting consumers to buy goods certified to have been produced under fair labour conditions) or the rules under which market exchanges occur (e.g. by criminalising the particular types of exchanges) impact on trafficking. Consequently, phrases such as “demand for trafficking in human beings” do not make sense and should be avoided, since trafficking is not a good or a service.

Referring to demand and supply emphasizes the contracting situation in which an exchange takes place for a price. The analytical value of using demand-and-supply-terminology thus is highest when it is applied to contracting situations. However, many market contracts lead to a longer-term relation between two parties, and what happens in this relation is then relevant for analysing exploitative situations. In doing so, it is important to consider that exchanges take place in different markets and in different contexts, implying that there is no fixed “demand-side” and that who is on the demand-side and what measures can be taken differs between a consumption context (where consumers are on the demand side), a production context (where employers demand labour directly from workers or from labour providers) and a recruitment context (where individuals demand various brokerage services, such as smuggling or labour

matching services and related services, such as credit).<sup>6</sup> Indeed, the need for differentiation is one of the most important overarching results of the different studies undertaken in the context of the DemandAT project.

All of the above entails that the overall research design of DemandAT considered the complexity of the concept of trafficking, as well as the various exploitative types of situations included in the legal definition of trafficking. However, since there are no trafficking situations that do not involve exploitation (Cyrus and Vogel, 2017), one logical way of action for measures aimed to reduce trafficking is to primarily aim at reducing exploitation. Moreover, as Cyrus (2015) explains, the legal definition of trafficking in human beings is both narrow and wide. It is “a very narrow definition, as the three constitutive elements (act, means and purpose) have to occur coincidentally in order to constitute the offence of trafficking in the legal sense (Gallagher 2010: 80). At the same time, the definition is wide because the elements of act, means and purpose each cover a wide array of situations” (Cyrus, 2015: 13). Consequently, trafficking in human beings makes for a poor analytical concept, “as the legal construction refers to a wide array of phenomena, these cannot be observed simultaneously by social scientists” (Cyrus, 2015: 16). For these reasons the starting point into an analysis of demand in the context of various forms of trafficking was to analyse demand for a good or a service in the context of exploitative situations.

In parallel, research into different policy areas in which demand for illegal or harmful goods and services is addressed contributed to a better understanding “of what demand-side measures are and the effects they can attain” (Boswell and Kyambi, 2016: 17). This particular sub-study resulted into a typology of regulatory tools for steering societal behaviour (Ibid.), a typology employed later on in other sub-studies on governmental approaches to demand (Rogoz et al, 2016) as well as the role of law enforcement in addressing demand in the context of trafficking (Bachinger et al., 2017). Results of the study on government responses to demand in the context of trafficking revealed that like other criminal activities, states address the crime of trafficking in human beings predominantly with *command-and control* measures involving the detection and sanctioning of socially undesirable forms of demand. However, states can also *redesign* the legal infrastructure of markets to make undesirable forms of demand less likely. They can use *market-based incentives* such as taxes and subsidies, or use measures promoting specific values or behaviours through *peer pressure*, promoting, for example, relevant initiatives by businesses, NGOs or other actors either by incentives (subsidies, cooperation) or through legal obligations (e.g. introduction of reporting obligations on measures taken against risk of THB in companies’ supply chains). Yet measures may also be used for symbolic reasons. Both, research on government responses to demand in the context of trafficking and research on demand arguments in debates in different fields of trafficking revealed that demand is often used in its economic understanding, but not consistently. The analysis of demand arguments found that demand is increasingly employed in debates to explain the framework of trafficking as an activity as well as to justify particular approaches. These approaches are embedded in political frames that link measures to value-loaded problem definitions.

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<sup>6</sup> For an in-depth analysis of the concept of demand in trafficking as well as different markets potentially related to trafficking, see Dita Vogel (2017), “The Concept of Demand in the Context of Trafficking in human Beings”, *Psychosociological Issues in Human Resource Management* 5(1): 193-324.

### **3 Case studies on demand in different policy fields and specific types of interventions**

This section summarises the main results in each of the case studies, with the aim to showcase main findings and underline connections between fields and approaches. The first part presents results of the studies in selected policy fields (prostitution policy, policies in the area of domestic work and supply chain initiatives), while the second part provides for an overview of results of studies on specific approaches in addressing demand (as addressed by law enforcement authorities and through anti-trafficking campaigns). The subsections follow the same general structure. First, the selection of the area/approach analysed is briefly explained (why?). Then, the methodology employed in the study is briefly presented (how?) to conclude the section with main results of the sub-study (what?).

#### **3.1 Demand-side measures in selected policy fields**

##### **3.1.1 Prostitution**

Sex work is one of the areas DemandAT looked into for several reasons. A primary reason was that both the concept of “trafficking in human beings” and the concept of “demand” are strongly linked with prostitution policies from a historical perspective, although how these terms were understood varied widely.

“The history of concepts performed in [the framework of this project] revealed that the term [...] trafficking is introduced in past and present debates with a confusing diversity of meanings, referring among other issues to the kidnapping of girls and putting them into prostitution, fraudulent procurement of unsuspecting women for prostitution abroad, procurement of consenting women for prostitution, abetting of irregular border crossing or fraudulent abetting of irregular migration with the purpose to exploit migrants after arrival. The term demand is introduced in past and present debates in order to refer among other issues to biological drive of males, to a demand generated by a system of state regulation of prostitution, to a demand of brothel owners and pimps, to a demand of male clients to purchase commercial sexual services.” (Cyrus, 2015: 83).

Second, in current debates, the reference to demand in the context of trafficking is discussed to a large extent in relation to the sex work sector. In fact, most policy makers we spoke to in the exploratory sub-study on government responses to demand referred to addressing the demand for sexual services (Rogoz et al., 2016) as one measure they either support or they are aware of. In particular, they referred to the criminalisation of clients of sex workers. However, the ongoing debates on this issue – particularly on whether the criminalisation of clients of sex workers leads to a decrease in the instances of trafficking in human beings in this sector – “have not led to any form of unified policy stance across” countries (neither among EU Member States nor among State Parties to the Palermo Protocol) (Östergren, 2017b) – and given the very different ways exploitation is understood in the context of prostitution, it is unlikely that such a unified policy stance is ever attained.

The DemandAT study on prostitution policies aimed to understand how demand for sexual services is addressed in different types of prostitution policies and to compare their potential

impacts, particularly with regard to exploitation and trafficking in human beings in the sex work sector. The work package on the sex work sector comprised three studies. The first study involved comparative research on ways in which demand-side measures operate in three countries with different prostitution policies – Sweden, Germany and New Zealand. The second study consisted of qualitative empirical research with Swedish men who purchased sexual services. The third study, based largely on the results of the comparative study of Sweden, Germany and New Zealand critically reviewed existing attempts of developing a typology of prostitution policies and proposed “a new general tripartite policy typology using the labels *repressive*, *restrictive* and *integrative*” (See Annex 1) (Östergren, 2017b: 1). The three countries were selected as they clearly differed in their approaches to what is legally possible or criminalised with regard to sexual services. Each country study included desk review and semi-structured interviews with relevant stakeholders.

The available evidence is insufficient to draw definitive conclusions with regard to the impacts of policies on the occurrence of exploitation or trafficking in the sex work sector or on the clients’ behaviour towards exploitation in the sector. However, the study is able to draw a number of conclusions as to how different policies address demand for sexual services and how they affect “the relationship between authorities and participants in the sex work sector” (Östergren, 2017b: 2). Research in this sector faced particular challenges. Prostitution policy, addressing the sex industry, is a “policy resistant” sector (Wagenaar et al. 2013) which is difficult to control and manage due to the high mobility of workers, anonymity and stigma which make actors engaging in the sex industry to resist policy measures. It deals with morality politics where opposing values and opinions are at the forefront. In addition, ideology is involved in policy formulation which leads to conceptual confusion, lack of solid policy theory and reliable data.

One main contribution of this particular study is the alternative way proposed to analyse prostitution policies: Rather than raising the question of which demand-side policy or measure is the “best” to address trafficking in the sex work sector, the research undertaken in the framework of DemandAT analysed “which measures are possible in different policy settings” and thus focused on the implications of any particular type of policies on the actors involved in the sex work sector as well as on the relationships between relevant stakeholders (Östergren, 2017b: 2).

As with policies in other fields, assessing prostitution policies requires a focus on the overall impact of policies.<sup>7</sup> The study argued that at least four variables should be considered – intention of the overall policy, instruments used to achieve declared goals, implementation and impact (on the sector as a whole or on individuals involved in that sector). In general terms, prostitution policies have been widely researched and there are many attempts to classify and describe policies. “Criminalisation”, “legalisation/regularisation” and “decriminalisation” are perhaps the best known of these terms. However, there are a number of problems with existing classifications. For instance, legalisation and decriminalisation could be said to be two ways of speaking about the same final regulatory situation, (where an act that was previously considered a criminal offence no longer is).

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<sup>7</sup> Similar conclusions, among field-specific results, were reached by the sub-study on domestic work as well as the research on globalised production of goods (on supply chains). See next sections in this synthesis paper as well as the respective publications available on the DemandAT website ([www.demandat.eu](http://www.demandat.eu)).

Against this background, an alternative conceptualization of prostitution policies was elaborated, describing prostitution policies through a tripartite typology, focused on the main impetus of a policy: Thus, policies can be described as repressive (i.e. a policy intent at eliminating prostitution); as restrictive (i.e. a policy aimed at restricting prostitution, e.g. through making it dependent on a number of conditions, limiting it to certain areas or types of prostitution, etc.), and as “integrative” (i.e. a policy that deals with prostitution on the one hand with standard labour, social policy, and criminal justice approaches and limited specific measures for the sector, on the other).<sup>8</sup> In this vein, “[t]he Swedish policy is repressive: commercial sex is considered to be a negative social phenomenon that should be eliminated primarily with the help of criminal law. Purchasing sex is illegal, as well as all third-party activities. The dominant policy rationale is based on a kind of feminist ideology that equates all prostitution with male violence against women. In contrast to Sweden, New Zealand has a multifaceted understanding of commercial sex and regulates the sector by standard labour and administrative law, but adds specific legislation and codes of conduct for authorities and business owners in order to protect sex workers from violence and exploitation. The policy is informed by a human rights ideology. Finally, Germany combines both restrictive and integrative policy elements.<sup>9</sup> The integrative policy can be observed at the level of national law, since it is not a criminal offence to sell or purchase sexual services, and the stated aim is to move the sale of sexual services from the domain of 'immorality' to that of 'labour'. At state and city levels, however, there is a range of different regulations and practices, ranging from restrictive to integrative” (Östergren, 2017b: 4).

Although policies in all countries suffer from inconsistencies, some observations regarding policy effects in different regimes can be made. In Sweden demand is being addressed through criminal law and by public campaigns aimed at changing clients' behaviour. In Germany, cooperation between clients, NGOs and public authorities is encouraged, demand being addressed through codes of conduct and awareness-raising campaigns. In New Zealand empowering sex workers is done through collaboration between sex workers organisations, law enforcement and other authorities with the aim to prevent crimes against sex workers. In addition, the codes of conduct developed a focus, among others, on measures to protect sex workers and prevent violence and exploitation.

Another conclusion reached is that repressive policies tend to be an obstacle for detecting, reporting and preventing crimes. As the results of the interview study with Swedish clients suggests, in a context in which most aspects of purchasing sex (although not all) are criminalised, clients tend not to report suspicion of crimes in order to avoid being prosecuted themselves.<sup>10</sup> In addition, reporting a crime has to do with the individual ability, responsibility and ultimately willingness to report a potential crime when at risk of being prosecuted. With regard to the relationship between sex workers and public authorities, this is influenced by the different policy regimes. The comparative analysis undertaken, corroborated by results of other studies, showed that both sex workers and clients in Sweden tend to express less trust in law enforcement authorities or NGOs in comparison, for instance, with those involved in

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<sup>8</sup> It should be stressed that the terms used describe what policies “do” with prostitution and should not be read as conveying and moral negative or positive assessment.

<sup>9</sup> Research is based on the situation before introduction of a new federal law that introduced more restrictive regulations for businesses and sex workers, coming into force in July 2017.

<sup>10</sup> The analysis of responses in clients' survey, particularly when the topic is charged morally and politically, has its limitations. Challenges and limitations of research are addressed in the papers developed in the framework of the prostitution policy form DemandAT project.

selling and buying sexual services in Germany and New Zealand. This has implications for the ways in which and the extent to which violence is reported and combated.

To sum up, the research on prostitution policies (comprising of three sub-studies on policies addressing demand, clients' study and a typology of prostitution policies) suggested to shift the focus from what is the best way of action into understanding what impacts different measures in different policy regimes can have on both the field and the actors involved in the sex work sector. While the study formulates a number of recommendations as they come out of its findings, it does not recommend a particular policy types (repressive, restrictive or integrative) over another. Rather, the study suggests possible measures that are expected in different policy settings and which "pertain to reducing violence, exploitation and THB" (Östergren, 2017b: 5)<sup>11</sup>. For a repressive policy regime, compatible measures include amnesty practices for witnesses and whistle-blowers so that they may report crimes like rape and trafficking in human beings without fear of being prosecuted for buying sexual services. For integrative and repressive regimes, requirements for workplace security and worker information can contribute to a safer work environment. Firewalls preventing that victims and witnesses of crime may be prosecuted for immigration offences could help. Empowering sex workers to address the structural constraints they face when it comes to safety will reduce their vulnerability to exploitation, including trafficking. It is expected that an inclusive policymaking process in this field – which recognises and engages with sex workers organisations as relevant stakeholders – together with the consideration of multiple measures on several levels – not only demand-reduction – aimed at reducing workers' vulnerability, will increase workers safety and their access to rights.

This particular conclusion – on exploring a multitude of measures to address workers' vulnerability – has been reached by the research conducted in the field of domestic work. There too, workers face structural constraints in accessing their rights. This is the topic of the following section.

### 3.1.2 Domestic work

Trafficking in the context of domestic work makes a particular case which deserves special attention, for a number of reasons. First, it challenges, to a certain extent, the organised crime perspective of trafficking in human beings.<sup>12</sup> Trafficking in domestic work – largely – occurs outside organised crime, bringing "into the discussion the family and private households of different socio-economic background" (Ricard-Guay, 2016: 2). Second, "domestic work occupies a unique position at the intersection of the public and private realms, the labour market and the family" (Ibid.) which poses multiple challenges when it comes to finding sustainable solutions in terms of preventing exploitation and abuse. Domestic services can be supplied by family members without payment, by workers who serve several households as self-employed service providers (Ambrosini, 2013), but also through labour relations of different kinds in which private households are consumers and employers at the same time. Finally, the demand side in relation to trafficking for exploitation

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<sup>11</sup> For policy type tailored recommendations see Petra Östergren, "Preventing Exploitation and Trafficking in the Sex Work Sector". DemandAT. European Policy Brief. June 2017.

<sup>12</sup> For an analysis on different perspectives on trafficking in human beings – organised crime perspective, human rights framework, labour paradigm – see, for instance, Cyrus, 2015; Shamir, 2012.

in domestic work is worth paying attention to, especially since demand for domestic workers has grown steadily in Europe in the last three decades. Literature on domestic work considers multiple causes for this increase in demand for domestic workers: changes in roles of family members who traditionally were involved in domestic work (e.g. increased number of women on the market labour), aging populations, as well as a migrant work force available for this type of employment. Ambrosini (2013) speaks of “invisible welfare” supported by the work of domestic workers who then fill in the gap of a formal welfare regime.

Labour exploitation is one of the main areas of concern when it comes to addressing trafficking in human beings in the domestic work sector. Although it seems that, at least in the EU, more cases are being investigated (EUROPOL, 2016: 23) which leads to a higher number of persons identified as having been trafficked for labour exploitation (EUROPOL, 2016; EUROSTAT, 2013, 2014, 2015), less seems to be done to address THB for labour exploitation than, for instance, to address trafficking in the sex work sector (Ricard-Guay, 2016). THB for labour exploitation is unevenly addressed by different EU countries and exploitation in domestic work adds to the complexity of the issue through the nature of the work (often outside of regular employment frameworks) and the place of employment (private households where labour inspectorates and equivalent agencies have little to no access).

The aim of this study – on addressing demand in the context of trafficking in the domestic work sector – was threefold: to investigate types of situations which may involve exploitation, including trafficking; to investigate the motivations and factors shaping demand for domestic work; and to explore possible gaps in legislation and policies intended to prevent exploitative situations in domestic work. Research was conducted in seven European countries: Belgium, France, Greece, Cyprus, Italy, the Netherlands and the UK. Each of these country studies comprised extensive desk research, including an analyses of court cases as well as interviews with key stakeholders working in different sectors relevant for the domestic work sector. While domestic work is recognised as a field prone to exploitation, this research found that little has been studied in this area – particularly on trafficking in human beings in the field of domestic work (Ricard-Guay, 2016).

Research found four specific situations in which trafficking has been reported:

- 1) domestic workers employed directly or indirectly (involving intermediaries such as recruiting agencies), under declared or undeclared contract by private households;
- 2) domestic workers employed by diplomatic personnel;
- 3) instances in which au-pair workers were in fact full-time care workers;
- 4) family-based arrangements (arranged/forced marriage, child fostering), without an employment contract.

In addition, most trafficking situations in domestic work involve the following three features:

- 1) Most trafficking situations in domestic work involve migrant workers, although case law involving nationals was reported in two of the researched countries.
- 2) In addition, almost all trafficking cases involve live-in domestic workers.
- 3) Other important features of these cases involve usage of deception rather than coercion, in many situations the person exploited and the perpetrator have known each other before the exploitative situation; this is the case, particularly in situations involving family arrangements.

When looking at the motivations and factors influencing demand for domestic work, research found several types of such factors. First, there are the economic benefits – while households don't generate profits from domestic workers, they clearly have an economic advantage by paying less than would normally be required.<sup>13</sup> Second, attitudes towards domestic work maintain the devaluated perception of work in this sector which faces also discrimination based on gender (mainly women being involved in domestic work) as well as based on ethnicity (particular ethnic groups perceived to be suited for domestic work) (Ricard-Guay, 2016b). Third, similar to findings in other sub-studies in DemandAT, policies and regulations play a particular role in setting the conditions of demand for domestic work (Ibid.). Specific measures, such as tied-visa for migrant workers or criminalisation of irregular status of these workers, “can generate or exacerbate precariousness” (Ricard-Guay, 2016b: 5). “The voucher system in Belgium and the *chèque à l'emploi* in France are seen as contributing to decrease undeclared work in the domestic work sector. Both systems set positive incentives for employers to register the employment of a domestic worker: an easy-to-use hiring/registration process, tax deductions, and government contributions. However the impact of these on preventing trafficking has to be considered against the backdrop that most of trafficking cases continue to occur outside formal arrangements. Furthermore, most situations of trafficking take place in live-in arrangements, while these measures are confined to part-time live-out services.” (Ricard-Guay, 2016b: 4).

The study formulated a series of recommendations which, if taken into account at a policymaking level, are expected to improve working conditions and reduce domestic workers' vulnerability to exploitation. Considering the under-declared exploitative situations in domestic work and that domestic work takes place in private households, far from the public eye, it is expected that enhancing detection of exploitation in the domestic work sector would break what the research termed the “cycle of invisibility”. This might need training sessions for law enforcement authorities, but also support for and involvement of trade unions and other organisations working with domestic workers who can report possible situations of exploitation, including trafficking. Enhancing detection requires that enforcing the law and monitoring compliance is also enhanced. Research in this particular sector found that although labour inspectorates have restricted access to private households – even when these households are places of employment – rethinking the role of labour inspectorates in monitoring working activities inside private homes can be expected to contribute to detection. “Improving measures can draw on innovative practices that provide alternatives to house visit (e.g. in Ireland, a meeting between the employer and employee is organised in the event that the employer refuses an on-site visit)” (Ricard-Guay, 2016b: 8). In addition, to increase reporting of exploitative situations and protect workers' rights, enforcing the employment legislation should not be linked with the obligation to report irregular migrants to migration authorities and thus a “firewall” between enforcement of immigration regulations and labour standards be introduced. At the same time, stronger regulations and strict enforcement of these regulations onto recruitment agencies (including penalties for non-compliance) is expected to improve employment conditions in the sector. Since particular attitudes towards domestic workers are found to contribute to the unrecognised value and precarious position of domestic workers, awareness-raising activities regarding the working conditions in this field is thought to contribute to changes in the general public attitudes towards domestic

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<sup>13</sup> Many families would be less likely to be able to employ domestic workers if completely compliant with standard employment regulations.

workers<sup>14</sup>. Similar to findings in other sub-studies in DemandAT, empowering workers in the domestic work sector is expected to improve the overall employment conditions and working environments. This requires changes in labour regulations through the creation of incentives to comply for both, employer and employee. It is expected that reducing undeclared work and enhancing workers' leverage (by eliminating schemes that maintain dependency such as tied-visa programmes) will lead to better working conditions. Similarly, specific regulations and support for domestic workers involved in 24/7care are expected to reduce the abuse and ultimately the exploitative situations, particularly with regard to live-ins. Researchers involved in the study go even further, suggesting that live-in arrangements should be removed and "facilitate change of employer [for domestic workers], as these conditions [live-in] exacerbate the risk of exploitation for domestic" workers (Ricard-Guay, 2016b" 7).

From a demand-supply analysis, in a domestic work situation, the consumer, employer and trafficker are often identical or are living in the same household, without complex demand-supply chains. The exact opposite can be said of the globalised production of goods. In global supply chains, production is both fragmented and dispersed, with companies involving subsidiaries in various countries, working under different legal frameworks, which is the subject of the next section.

### 3.1.3 Global supply chains interventions

The way we live in the rich world, which includes the affluent classes in less developed countries, imposes terrible costs on many of those who grow our food, make our clothes, mine our metals, cut our timber and otherwise sustain our generally comfortable existence. One day it is textile workers dead under a collapsed factory in Bangladesh. The next it is a wave of suicides in Chinese computer factories. The next the revelation that the trainers so many of us wear are put together by underage girls on miserably low wages. (The Guardian, 2014)

This excerpt is part of an editorial response to media reports published by the Guardian documenting that prawns are produced through slavery-like conditions. Literature on global production of goods suggests that global supply chains frequently present a challenge for the promotion of decent work (ILO, 2016) and that exploitation within supply chains has become a major concern for both public and private sectors. Between labour markets (subscribing to production contexts) and markets for final product use (consumption context) there are markets for sale and purchase of intermediate goods. Relevant literature underlines that, in these contexts, the buyer-supplier relationship is not depersonalised, as depicted by market relationships. The various relationships between suppliers and buyers and the power relations intrinsic to these relations "mean that a market framework would fail to capture the central dynamics of supply chains" (McGrath and Mieres, 2017: 6). Literature addressing the issues of coordination and control in these contexts refer to supply chains rather as global commodity chains, global value chains or global production networks (GPNs) (Coe, Dicken and Hess 2008; Bair 2009 in McGrath and Mieres, 2017).

When it comes to the relevance of these issues, the EU has a responsibility to address exploitation within supply chains, as products and services produced or offered through exploitative practices outside of the EU might benefit those living in the EU – consumers,

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<sup>14</sup> We shall return to such activities, particularly to awareness-raising information campaigns, in the section dedicated to the sub-study on campaigns.

companies, states bodies (through public procurement). Responsibility here is not used in the sense of liability but rather the wider ethical responsibility that consumers or firms procuring supplies have for exploitation that occurs in the context of supply chains. Interventions in supply chains represent an opportunity for relevant stakeholders to contribute to and shape the conditions under which labour is being performed outside of the EU and thus outside the EU judicial and law enforcement area.

In order to capture the array of initiatives addressing exploitative practices and the differing terms to denote such practices the study on global supply chains covers trafficking in human beings, forced labour, and (new, contemporary or modern) slavery and uses the acronym TFLS to refer to all these phenomena (McGrath and Mieres, 2017: 3-4). The study investigated the landscape of initiatives that address TFLS in and through global supply chains. The aim of the research was to contribute to a better understanding of what is likely to make an initiative successful or unsuccessful in bringing about change (McGrath and Mieres, 2017b). The main questions addressed were: How do the logic(s) of the initiatives relate to the logic(s) of industries and their geographical contexts? What are the mechanisms by which initiatives work and what does this imply about responsibility to address TFLS? What can we learn about initiatives when analysed “on the ground” through case-studies?

A first step of the research was to map the landscape of initiatives<sup>15</sup> at the TFLS-supply nexus. A dataset, comprising 97 selected<sup>16</sup> initiatives, was used for developing a typology of such initiatives. The elements used to then categorise the initiatives based on the remit of the initiatives (TFLS or a wider focus), scale (global, regional, national etc.), industrial scope (multi-sector or industry specific), initiating and implementing actors, and the main mechanisms employed to address TFLS. In addition, three sector-specific case studies were conducted: electronics in Malaysia, construction in Qatar and agriculture in Florida (US). An International Advisory Board set up specifically for this work package supported the research.

The study found that many initiatives incorporate measures against TFLS into Corporate Social Responsibility (CSR) – through written guidance, training sessions, standard setting, inserting additional language to existing policy etc. This is considered the outcome of the intersection of two trends: those involved in CSR recognise the importance of addressing TFLS and those involved in policy in areas of TFLS recognise the relevance of supply chains.

The analysis of the initiatives included in the dataset revealed that activities around TFLS in supply chains refer to supply chain monitoring and employer guidance, often in combination (McGrath and Mieres, 2017b). The number of initiatives in the area is growing. This could be an indication that “lead firms” are expected to share the responsibility for the issue, together with governments and other involved stakeholders. The growing activities around labour market intermediaries – requiring suppliers to employ workers themselves rather than through recruitment agencies, to prohibit the payment of recruitment fees by workers and reimburse fees to workers who already paid such fees – is also an indication that lead firms

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<sup>15</sup> An initiative was defined, for the purpose of this research, as “an act [...] which is claimed to be a means of addressing a problem. [...] In practice, an initiative typically refers to a law, policy or programme carried out by firms/industry groups, advocacy groups/ NGOs, workers organizations, government agencies, inter-governmental bodies, other institutions or a combination of these types of actors” (McGrath and Mieres, 2017: 14).

<sup>16</sup> Three criteria for inclusion in the inventory – “1) initiatives 2) which present a specific concern around TFLS and 3) which explicitly focus on supply chains. [...]The key [was] that both TFLS and supply chains are significant foci of the initiative” (McGrath and Mieres, 2017: 14).

recognise workers' contribution and that changes in working conditions benefit both, the employees and the employers. The issue of how exactly lead firms will contribute to recruitment costs remains an open one.

Research found that it contributes significantly to the success of an initiative if it involves meaningful workers participation as a key mechanism. This is the case of two initiatives implemented by trade unions ("From Catcher to Counter Program" targeting fisheries and "Fair Games – Fair Play" focused on construction) and one implemented by an alliance between an NGO and a trade union (the "Clean Clothes Campaign"). The Fair Food Program (FFP) is also such an initiative in which workers have been involved in developing an industry code of conduct which is informed from the ground on issues worth to include. The FFP is a partnership between farmers, farmworkers and retail food companies that "ensures humane wages and working conditions for the workers who pick fruits and vegetables on participating farms"<sup>17</sup>. The code of conduct developed within FFP is the bases for "negotiated bilateral agreements with national and international retail brands" (Brudney, 2016). Workers are also involved in implementation and monitoring. For those non-complying with the code of conduct there are costly consequences: buyers who signed the code are required not to buy from growers who do not comply with the code. Workers and farm labour contractors are employed directly by growers, in order to avoid that intermediaries exploit the weak position of workers.

Since TFLS practices in supply chains do not take place in a vacuum, it is important to acknowledge the relevance of migration regimes and labour standards as frameworks in which all initiatives operate. In environments where workers are not free to organise, nor to ensure that their safety is protected, it is more likely that TFLS practices will occur (McGrath and Mieres, 2017b).

One of the main outcomes of this research is the formulation of four main policy implications/principles for intervention in the field that need to be considered in order to make interventions successful:

- 1) Responsibility. The first principle is what was referred to as going beyond compliance. The study suggests that lead firms need to move from their concerns (that they now seem to have) about liability to proactively taking responsibility for transforming labour relations in their supply chains. For example, this may involve sharing the costs for ensuring decent labour conditions in their supply chains; or at the level of policies/laws setting/detailing responsibilities for subcontractors' actions across the world. Further proposals have been made to require companies to publicly disclose which suppliers they use.
- 2) Enforceability. Relevant are the types of enforcement mechanisms build into the initiative, the sanctions for noncompliance and forms of legal access to remedies against companies in case of failed targets or regulations. In spite of available examples of and models of enforceable initiatives, many of them lack any form of enforceability.
- 3) Worker participation. Unions are taking up this issue at international level through international framework agreements and Memoranda of Understanding (MOUs). The research suggests that also companies, NGOs, governments and others should start

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<sup>17</sup> <http://www.fairfoodprogram.org/> (21.06.2017).

from the question of worker participation, considering the involvement of trade unions or other workers organisations on the ground. And if not, initiatives should consider whether there are workers organisations elsewhere that might be working as partners. In a more challenging environments, initiatives should first consider what might be done to create the conditions for workers to organise and be heard.

- 4) Public regulations. Extending and enforcing legislation which protects workers rights and labour standards remains important for combating practices associated with trafficking, slavery and forced labour. Private initiatives complement and reinforce public regulations, but they cannot act as substitutes for public law. Initiatives to combat trafficking, forced labour and slavery will therefore be more successful in an overall environment of commitment to workers' rights, including migrant workers, as well as labour standards for all (McGrath, 2017).

Amongst these principles, enforceability is particularly important, and when present, makes initiatives more likely to be successful. If regulations do not stipulate enforcing mechanisms and significant consequences for those who do not comply, the probability of success is rather low. The issue of enforceability of various regulations aimed, among others, to prevent exploitation and trafficking from happening alongside with compensating those who have suffered from trafficking, is the subject of two interconnected sub-studies on the role of law enforcement sectors presented in the next section, below.

## **3.2 Demand-side measures in specific types of interventions**

### **3.2.1 Law enforcement**

Trafficking in human beings is a crime, defined in the international legislation and transposed in various different national ones. Eventually, trafficking cases come down to the binary decision on whether a situation entailed the crime of trafficking or not, a decision which resides with law enforcement authorities (who gather evidence in this sense) and ultimately, with the judiciary. Law enforcement actors thus by definition have a central role in the trafficking field, given the origin and anchoring of the concept of trafficking in human beings in criminal law and criminal justice.

DemandAT investigated the role of law enforcement actors along two strands of research – on actors focused on enforcing labour and related regulations (“labour sector”), on the one hand, and what we termed as the “security sector”, i.e. agencies enforcing criminal law (police, prosecutors, judges, border guards etc) ultimately responsible for upholding public order, on the other.

#### **3.2.1.1 Labour strand**

Exploitation is one of the defining elements of trafficking in human beings. In theory, without the purpose of exploitation, there is no trafficking crime. The definition of trafficking includes labour exploitation.<sup>18</sup> Labour inspections and comparable agencies monitoring compliance

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<sup>18</sup> Referred to in the UN Anti-Trafficking Protocol as forced labour and services.

with labour law standards and imposing sanctions a particular role have widely been regarded as key institutions in addressing situations of labour exploitation.

The aim of the sub-study on labour inspectorates and comparable agencies was to examine law enforcement activities regarding the reduction of demand in the context of trafficking in human beings for the purpose of labour exploitation (THB-LE). More precisely, the study was interested to understand whether and to what extent labour inspectorates are expected to address demand and whether labour inspectorates influence or regulate demand in this context. In addition, by employing a regulatory state approach, the study looked into modes in which labour inspectorates' approaches can be categorised in terms of their regulatory patterns. Case studies of relevant agencies were conducted in five EU countries. A case study was defined as an organisation or an actor involved in supervision or enforcement of labour or other laws aiming to reduce exploitative practices in employment (Bachinger et al., 2017). Case studies included Labour Inspectorates in Austria and in the Czech Republic, the Inspectorate for Social Affairs and Employment (Inspectie Sociale Zaken en Werkgelegenheid (SZW)) in the Netherlands, the Gangmaster Licensing Authority (GLA)<sup>19</sup> in the UK and the Labour Inspectorate (Arbeitschutz) and the Authority Monitoring Unreported Employment (Finanzkontrolle Schwarzarbeit, FKS) in Germany. In addition to extensive research on these case studies<sup>20</sup>, a basic mapping questionnaire was sent to all EU MS and to Switzerland. All case studies involved extensive literature review and interviews with key stakeholders.

The study found two types of labour inspection systems – a comprehensive and a dual system. In the first system, found in the Czech Republic and in the Netherlands, labour inspectorates deal with both, protection and prevention in the area of occupational safety and health (OSH) and criminal investigations (although these areas are assigned to different departments). In dual systems, like in Austria and Germany, the tasks of monitoring OSH issues and those of monitoring employment and payment issues (including fiscal and social welfare fraud and undeclared unemployment) are separately addressed. The first is dealt with by labour inspectorates, while the second is dealt with by the financial police. The different authorities in dual systems follow different principles. While labour inspectorates see their role as protectors of employees in the workplace, financial police seem to see their role as to “ensure fair and equal terms [for] the participants in economic life and to protect the financial interests of the state” (Ibid.). However, how these principles play out on the ground vary. The study found that authorities under research are not specifically tasked with investigating THB-LE, but that this is rather a side aspect embedded in their routines. When suspicion of THB-LE arises, they pass on the information to the police. But their role is much broader. For instance, the Financial Monitoring Unit to Combat Illicit Employment (FKS) in Germany fulfils labour standard controls such as in minimum wages, but also social security tax fraud. Due to its police-like functions they are also in charge of alerting the public prosecutor regarding other cases of crimes, including those relating to irregular migration, even though this is no priority in their work.

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<sup>19</sup> The empirical research was conducted before the GLA received an expanded mandate and was renamed into the Gangmaster Licensing and Labour Abuse Authority (GLAA) in the course of 2016.

<sup>20</sup> The case study in Germany was somewhat more limited due to limited availability of relevant stakeholders for being interviewed for the study and, as research found, unclear mandate with regard to authorities responsible to address trafficking for labour exploitation, apart from the police.

One finding of the study is that these authorities report suspicions of trafficking or labour exploitation to the police, which is the main actor when it comes to identifying and investigating trafficking, together with prosecutors. Although labour inspectorates are involved in the efforts to tackle THB-LE in all countries under study to a greater or lesser extent, other priorities dominate their approach, particularly combating of undeclared and bogus forms of employment and in fact, the focus is to a great extent on undeclared (“illegal”) migrant labour (Vogel, Rogoz and Kraler, 2017). Labour inspectors see their main task as combating different forms of labour exploitation. They argue that if opportunities for exploitation are reduced through the deterrent effect of inspections and sanctions, incentives for recruiting persons into exploitative labour relations are reduced.

The GLA<sup>21</sup> has a different approach than authorities in the other four countries. The GLA has inspecting and sanctioning powers in a limited number of sectors and operates through a licensing system in these sectors. This approach was both praised for its presumed deterrent and steering effect in these sectors and blamed for its rather too specific focus which leaves relevant sectors outside of its scope. Labour inspection services addressing labour exploitation expect to reduce the grounds for trafficking for labour exploitation more effectively with a broad approach to the reduction of exploitation than by focussing on trafficking only.

In addition to issues such as limited resources, limited mandates or lack of political will to allow/design mandates for labour inspectorates to take a more active role in addressing trafficking, some issues with regard to the effectiveness of their approaches have been raised. In cases in which inspections are reduced to fulfilling paper work, situations of labour exploitation can only rarely be identified. In cases in which labour inspectors are expected to identify illegal employment and signal the irregular status of employees to responsible authorities, it has been argued that both employers and workers will not be willing to cooperate with labour inspectors. In addition, there are conflicting interests intrinsic to labour relations, but these are increased by the fragmentation of labour markets, regulations and law enforcement actors.

All these authorities address trafficking for labour exploitation mainly through command and control strategies, and to a limited extent through peer pressure approach. The effectiveness of their approach depends on several factors: scope of regulations and power of labour inspectorates to impose sanctions and remedies, the likelihood of inspections and detection (relevant for the deterrent effect), as well as the quality of sanctions (penalty level, appropriateness etc.). The next section looks into the other actors mandated with enforcing the law – the security sector.

### **3.2.1.2 Security Strand**

The security sector, for the purpose of this research, included public authorities such as: the police, gendarmerie, intelligence services, border guards and immigration services, prosecutors and judges, as well as specialised counter-trafficking agencies, National Rapporteurs and equivalent monitoring mechanisms, as well as NGOS interacting and

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<sup>21</sup> The research in the UK was conducted before the entering into force of the May 2016 Immigration Act and thus before the “renaming of the GLA to become the Gangmasters and Labour Abuse Authority (GLAA)” (<http://www.gla.gov.uk/who-we-are/legislation/>).

working with public bodies maintaining general public security, law and order (Haxhi et al., 2017). This particular sub-study looked at the role of the security sector in addressing demand in the context of trafficking in human beings.

Addressing demand, according to international law<sup>22</sup>, subscribes to actions intended to prevent trafficking in human beings. Security sector actors have often argued in interviews, particularly those involved in the criminal justice sector, that they play a key role in addressing demand in the context of trafficking by “making human trafficking a less profitable economic undertaking and by lowering impunity” (ICAT 2014). Demand in an economic sense – as suggested in this study – did not play a big role for law enforcement actors interviewed in this study. Legal market activities that are related to trafficking in human beings are not in the focus of interest of law enforcement actors. Instead, law enforcement actors seem to regard demand in relation to trafficking not in economic terms, but as a “source of criminal activities” (Haxhi et al., 2017). The analytical framework employed in this particular case study was structured “on the criminal law basis, i.e. the security sector’s role is to prevent, deter, disrupt, prosecute and convict criminal or law-violating activities” (Ibid.).

In addition to extensive desk research, main research methods used were standardised questionnaires sent to 26 European countries<sup>23</sup> and in-depth case studies conducted in selected countries: Czech Republic, the Netherlands, Switzerland and the UK. Each case study included desk review and semi-structured interviews with relevant stakeholders. The selection of case studies was a combination between legal systems, geographical location within Europe, relevance of the demand-side as it came out from the initial literature review, as well as the expected degree of cooperation between security sector actors and labour laws enforcement actors.

One of the results of this research is that security sector’s role in addressing demand in the context of trafficking is strongly linked with the national legislation, including mandates and jurisdiction. Recorded differences between national approaches are also depending on legal and administrative structures of countries.

Some of the stakeholders interviewed mentioned lack of resources as a major challenge for the security sector’s general approach to trafficking. According to some interviewees, greater resources mean, in addition to financial and human resources, “better distribution of tasks and/or case investigation and reporting, as well as police intelligence on the streets and one-on-one face-to-face status reports” as well as “more detailed and extended operations with joint investigations” (Haxhi et al., 2017: 24). All interviewees indicated that funds for specialised anti-trafficking training session are insufficient.

Awareness-raising through community policing or through information campaigns have been mentioned as possible measures which security sector actors can use in their work. Although not a case study in this research, community policing was reported a relevant measure implemented in Northern Ireland, where police is trying to reduce Organised Crime Groups

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<sup>22</sup> “Member States should establish and/or strengthen policies to prevent trafficking in human beings, including measures to discourage and reduce the demand that fosters all forms of exploitation, and measures to reduce the risk of people becoming victims of trafficking in human beings, by means of research, including research into new forms of trafficking in human beings, information, awareness-raising, and education” (recital, para 25, Directive 2011/36/EU).

<sup>23</sup> 12 questionnaires were returned and included in the analysis.

activity through “continuous interventions, stakeholder engagement and a sustained investment to change mind sets across” (Haxhi et al., 2017: 28) the general public. In countries where prosecutors work together with the police in investigations, whether a case is build up as a trafficking case depends among others on the prosecutor’s awareness of trafficking. A way of promoting a more equal approach to trafficking cases, in the Netherlands for instance, results of cases are published on internally shared websites.

To sum up, for the security sector, addressing demand in the context of trafficking translates into investigating, prosecuting and convicting those internationally involved in criminal activities. The role of the security sector in addressing demand is linked with legal provisions in a particular jurisdiction and in particular areas – e.g. it depends whether law enforcement authorities at the level of cities and/or cantons/or federal states have mandates implementing and elaborating legal provisions to regulate specific activities such as begging, selling and purchasing sexual services etc. One important limiting issue when it comes to security sector’s activity relates to the “crime knows no border” problem (Ibid.). Due to the fast changing modus operandi of organised crime, including those organised crime groups involved in trafficking in human beings, it has been argued that “the security sector is most of the time only reacting to changes in the structures and operations of organised crime instead of proactively being one step ahead of them” (Ibid.).

Awareness-raising (either through community policing or through information campaigns) was mentioned as a demand-side measure which has the potential to support law enforcement efforts to address trafficking in human beings. Little is known about the impact of such measures and whether indeed they produce the expected effects (in this case, awareness-raising implies that some action is also expected from members of the public who are expected to support law enforcement’s work in fighting trafficking). How such information campaigns are intended to work is one of the topics researched in the sub-study in communication campaigns.

### **3.2.2 Communication campaigns**

Information campaigns with the aim to reduce trafficking in human beings are supported by various donors and conducted extensively by various implementing organisations. According to Walby et al. (2016), the EC alone spent more than 158 million EURO on 321 anti-trafficking projects between 2004 and 2015, out of which only 5% were externally evaluated. Despite campaigns’ popularity in the anti-trafficking field, little is known about the ways in which campaigns work and to what extent they are effective in bringing about the change they seek.

The research on demand-side campaigns analysed existing evaluations of implemented demand-side campaigns and drew key messages with regard to what can be improved in this context. For the purpose of the research, a campaign was defined as a “series of coordinated communication activities seeking to influence what individuals think and do” (Cyrus and Vogel, 2017: 4). Anti-trafficking demand-side campaigns are considered those addressing “persons as consumers who knowingly or unknowingly pay for work or services of trafficked persons” or those addressing “the general public who is expected to observe seemingly suspicious occurrences of exploitation, often in a consumption context” (Cyrus and Vogel, 2017: 5). Within these demand-side campaigns, the study identified spending-shift

campaigns – those aiming to influence spending patterns of target groups – and reporting campaigns – those campaigns asking the members of the targeted groups to report suspicions of undesired behaviour. The main question of the study was “how spending-shift and reporting campaigns can have an impact on situations outlawed in international law as trafficking in human beings and how the effects of campaigns can be assessed” (Ibid.).

This study looked at campaigns which address a situation in what can be called a short supply chain – the consumer of a good or a service and the exploited person are present in the same area.<sup>24</sup> The study identified 55 campaigns addressing demand in the context of trafficking and developed a typology of these demand-side campaigns. Those campaigns aimed at awareness raising only (with no request for a particular action) were excluded as an impact requires some sort of action by the target group and cannot result from awareness alone. After an intensive search for more information and contacting 21 campaign-conducting organisations, access to evaluation reports for eight campaigns or projects containing campaigns was possible. These efforts show that in spite of the accounting efforts presented on the EU anti-trafficking coordinator’s website, it is not easy to locate detailed and evaluative information.

In the absence of robust theoretical considerations according to which effectiveness of campaigns could be assessed, the research proceeded first with the development of a theoretical frame. Researchers reconstructed the intervention logic of a campaign (See Cyrus and Vogel 2017) and developed a stylised logical chain of necessary effects of an anti-trafficking demand-side campaign (see Annex 2). In addition to the intended effects of a campaign, presuming that no interruption in the logical chain of effects occurs, there are also side-effects to consider. Some of these can be positive for the overall aim of the intervention, such as financial donations to organisations supporting behavioural change in the same direction. But there can also be unintended effects, such as stigmatising social groups or gender stereotyping, reinforcing overall attitudes leading to behaviours that the campaign is actually fighting to change.

Research on anti-trafficking demand-side campaigns aimed at behaviour change reached results with regard to both, the effects and the evaluation of such campaigns. Regarding demand-side campaigns’ effects, research found that awareness-raising alone has no impacts unless it leads to a change in behaviour. In addition, campaigns which focus on cases of trafficked persons only neglect those who are in situations of exploitation and for whom it is not obvious whether they have been trafficked or not. Research found that effectiveness can be increased when campaigns are sector specific but also address exploitation generally.

Research into the evaluations of spending-shift campaigns could not provide for robust evidence that they have produced a change with regard to reducing exploitation and trafficking in human beings.

Regarding the effectiveness of reporting campaigns, particularly in terms of resources spent, research found that they “expose large audiences to the message and generate just a handful of suspicious activities per month” (Vogel and Cyrus, 2017: 2).

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<sup>24</sup> See also section 3.1.1 on initiatives relating to global supply chains, above.

Campaign messages can be misunderstood. One documented case concerns a campaign asking the public to call a helpline in case of suspicions in which a third of the callers misunderstood the campaign posters as an advertisement for phone sex (ibid: 3). In addition, campaigns can produce harmful side effects induced by the choice of message. Besides reinforcing stigma on particular groups or victimising those affected by trafficking, campaigns can overlook cases of exploitation not considered as “extreme” or can induce the idea that trafficking is “everywhere around us” which can lead to reporting of false suspicions.

Similar to findings in other studies in DemandAT, this study found that for a positive impact on reducing exploitation and ultimately reducing trafficking in human beings, multiple interventions are to be implemented. This finding is supported, among others, through the fact that campaigns rely on other measures and policies, such as an adequate law enforcement response when indication to possible trafficking cases is reported, as well as proper support offered those who are reportedly in situations of exploitation.

As it turns out from the analysis of evaluations, internal evaluations were more learning oriented than the external evaluations. In fact, from the four external evaluations analysed in the study, “only one referred to established standards as developed by professional bodies and promoted by the United Nations” (Vogel and Cyrus, 2017: 3). Finally, the study concluded that designing evaluable interventions is key for improving learning in this area. The focus of the analysis based on evaluation theory and the established standards for evaluations in the context of trafficking (and beyond) is one of the major contributions of the DemandAT project, as elaborated in one of the following sections.

The questions raised by the analysis of demand-side approaches in anti-trafficking are far-reaching. Empirical research undertaken in DemandAT on various policy approaches – such as addressing demand through law enforcement, through initiatives in supply chains or through communication campaigns – revealed key aspects of successful initiatives and signalled their limitations. In the following section we draw overarching conclusion and formulate a series of recommendations for policymaking.

## 4 Conclusions

In a speech delivered in April 2016 at the Institute of International and European Affairs, the EU Anti-Trafficking Coordinator underlined that trafficking in human beings is “about buying and selling human beings” and their services, and suggested that one of causes of trafficking is the “demand for people and for their services” (IIEA, 2016). While the conceptual analysis undertaken in DemandAT confirms that the reference to demand indicates a market transaction, i.e. that someone desires “something” and is willing and able to buy it at a certain price, the analysis also showed that in many cases the “thing” purchased are goods and services rather than people<sup>25</sup> and that trafficking and exploitative relations more widely are embedded in a range of different market relations in supply chains of varying length, in other words, there are different markets that need to be considered.

Thus, Vogel (2017) distinguishes between three major types of markets in which abuses can take place: a market of goods and services in which clients demand a particular good or service from a producer or a service provider (consumption context); a labour market in which the producer/provider/employer directly demands labour from workers or indirectly through labour market intermediaries (production context); and, a market in which individuals demand various brokerage services, such as labour matching or irregular border crossing services from smugglers as well as related services, such as credit (recruitment context).

Importantly, the concept of demand is not suitable for describing the relation between a coercive trafficker and a victim. Demand and supply refer to a market relation which is fundamentally voluntary, although decisions may be taken under difficult conditions. A coercive relation is not a market relation so that the use of terms like supply and demand seems inadequate. A non-market relation thus lies at the core of trafficking (Vogel, Rogoz and Kraler 2017). This has implications for both, how trafficking is being referred to and what should be taken into consideration when designing anti-trafficking measures, including demand-side measures. Demand-side measures then only refer to interventions targeting the purchasing side in a market transaction, but do not include interventions against an exploiter or recruiter exercising coercion of some sort of deceit.

*Demand-side measures always need to spell out the specific market in which a measure is supposed to work, as well as how exactly the particular measure will address trafficking.*

Empirical research on initiatives addressing TFLS practices in and around global supply chains has shown that the context in which a transaction takes place is relevant. Initiatives addressing exploitation in global supply chains are thus specific to the industries and level at which they operate. In the same vein, it is important to understand the nature of the markets in question, in terms of both the nature of the goods or services as well as in terms of the context in which they are produced/provided or consumed/procured. Domestic work, where exploiter, client of the service and/ or the employer coincide and the situation is characterised by a fundamentally personal relationship is radically different from other situations

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<sup>25</sup> This is not to deny that there are indeed instances in which people are literally sold. However, this by no means applies to trafficking cases in general and might indeed be the exception rather than the rule especially in a European context

characterised by more anonymous relations to customers or consumers, in which market dynamics arguably play a bigger role.

Considering that the inappropriateness of describing a coercive relation between victim and trafficker in terms of demand and supply and the varying degree to which a demand-side analysis is useful in relation to different types of exploitation, focusing solely on the demand – side cannot be expected to provide solutions to human trafficking, and in various contexts, may be entirely inappropriate. Where demand-side measures are in principle useful, they have to be implemented in combination with other preventive and protection measures and in partnership with all stakeholders engaged in tackling THB.

*Demand-side measures shape purchasing conditions in a market context and need to be combined with other anti-trafficking efforts.*

Anti-trafficking policies do not function in a vacuum, but operate within national and international legal contexts. These contexts are highly relevant. Transferring insights from one policy area to another or from one country to another is difficult. In addition, trafficking in human beings rests on exploitative relations that are embedded in many different market contexts. Exploitation in agriculture and construction, in domestic work and prostitution is embedded in markets with different characteristics. For example, domestic work and sex work are characterized by an environment in which activities are performed unpaid within relations inside private rooms – an environment that offers options to hide the exploitation of workers who clearly aim at gaining an income with their activity. For construction and agriculture, fluctuations in labour demand and the predominance of temporary workers are more relevant circumstances. In some situations policies focusing on the demand-side may be harmful. Research on labour exploitation conducted in the project underlines the role of restrictive immigration policies making workers vulnerable to exploitation and abuse from the side of their employers. This concerns particularly undocumented workers and workers on tied visa. Extreme cases are found concerning domestic workers in households of diplomatic personnel – an environment where tied working visa is combined with virtual immunity of potential exploiter. One conclusion of the study was that policies addressing demand in the context of trafficking need to be contextualised to specific policy areas and not used as a general measure for all types of exploitative situations. Without a meaningful use of the concept of demand in particular anti-trafficking policies (explaining how the expected outcome is achieved by addressing demand), ‘demand’ can become just a label for policies that would be in place anyway in the context of THB. Demand is an economic concept and this research suggests making use of it in an economic way, by referring to the market in which the measure is expected to have an effect.

*Anti-trafficking policies, including demand-side measures, need to be context specific and custom made for particular markets.*

All empirical work in this project had to deal with the fact that while much is written on measures against trafficking, empirical evidence on the impacts is rare and difficult to produce. In such a field, conceptual and theoretical clarity as well as close scrutiny of the available evidence is a necessary prerequisite for improving interventions. This study has shown that in-depth analysis of case studies with all relevant stakeholders as well as case law analysis can highlight mechanisms and features relevant for the emergence of trafficking in human beings. Particular relevant are those case studies where there is solid evidence,

according to international established standards, of reducing exploitation (Vogel, Rogoz and Kraler, 2017). Evaluability is key for better learning from past interventions and improving future ones. Evaluation must be planned in advance and resources allocated accordingly for both, learning-oriented self-evaluation and external professional evaluations (using established standards as developed by professional bodies). Through publicising evaluation reports it is expected that organisations learn from one another. For this, evaluation should be recognised as a success in itself, as learning from past interventions is crucial for improving future ones.

Considering the above and based on the empirical results of the various sub-studies conducted in DemandAT, demand-side and other interventions against trafficking should be both context specific and evidence based. Context specific policy making should acknowledge that policy impacts relate to a wide range of contextual factors including national, sector specific and organisational factors. One implication of this is that transferability of measures from one area to another is difficult and sometimes the transfer of a possibly successful measure from one context might not be helpful in other contexts. Against this background, effects of policies need to be critically assessed against agreed-upon standards and also by considering the contexts in which they operate, such as, for national policies on labour migration.

*Policy making needs to make use of the best available evidence and improve evaluation of measures.*

Particularly research on labour inspections and on domestic work has shown that people are trafficked into exploitation of various degrees. A sole emphasis on extreme situations is unhelpful in identifying forced labour and trafficking in human beings. With regard to trafficking for labour exploitation, there is a need to look beyond the point of contacting (demand, supply, price) and to look at the relational aspect of the employment arrangements. Vulnerabilities may not be obvious at the beginning of a labour relation, but can evolve or come to the attention of the employer in the course of a relation. In that sense, combatting labour exploitation in a comprehensive manner can be considered as preventing more extreme forms of exploitation. Access of (migrant) workers to mechanisms for reporting exploitative situations can be expected to contribute to detecting and preventing trafficking for labour exploitation.

Situations of severe exploitation may not meet all trafficking criteria and might not be addressed. If resources are mobilised for addressing exploitation more widely, by contrast, trafficking cases are less likely to be overlooked.

*As resources to fight trafficking are limited, addressing situations of various degrees of exploitation can contribute to detecting and preventing trafficking.*

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## 6 Annexes

### 6.1 Annex 1

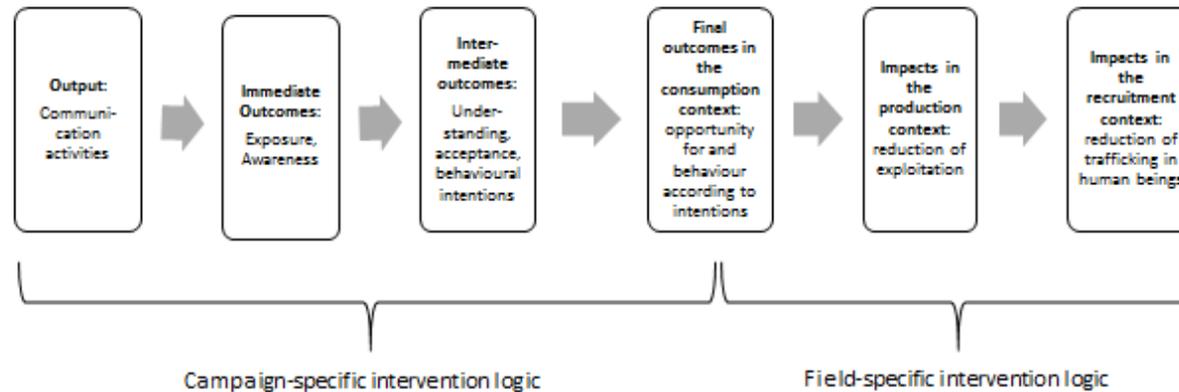
Main features of the repressive, restrictive and integrative policy types.

Policy type	Repressive	Restrictive	Integrative
<i>Understanding of commercial sex</i>	Negative social phenomenon.	Negative social phenomenon.	Multifaceted social phenomenon containing undesirable elements.
<i>Intention</i>	Eradicate the sex work sector in order to protect society and/or those selling sex from harm.	Restrict the sex work sector in order to protect society and/or those selling sex from harm.	Integrate the sex work sector into society in order to protect those selling sex from harm.
<i>Ideology</i>	Religious, moral harm or radical feminist.	Religious or moral harm.	Rights-based.
<i>Policy instruments</i>	<p>Criminal law prohibiting selling and/or purchasing sex and third-party facilitation.</p> <p>Campaigns aimed at deterring the sale and/or purchase of sex.</p> <p>Exit, or behaviour rehabilitation programmes for those selling and/or purchasing sex.</p>	<p>Criminal and administrative law, and/or local ordinances regulating under which <i>conditions</i> sex sales can take place, i.e. laws against soliciting, zoning laws or licensing systems. Might prohibit third-party involvement.</p> <p>Exit, or behaviour rehabilitation programmes for those selling and/or purchasing sex.</p>	<p>Labour, commercial and administrative law regulating sex workers' employment rights and obligations, and specific legislation protecting them from exploitation.</p> <p>Detailed implementation directives, and codes of conduct for authorities and operators.</p> <p>Campaigns and initiatives with the aim to combat stigma and promote collaboration between sector and authorities.</p>
<i>Impact on sector</i>	Always operates illegally.	Can operate legally, but under conditions more restrictive than those of other service sectors.	Can operate legally under conditions similar to other service sectors.
<i>Impact on sex workers</i>	No access to labour rights, not possible or difficult to access social security systems, seek social and medical assistance on own terms, self-organise, collaborate with each other and/or with authorities.	Partial or no access to labour rights, might have difficulty accessing the social security system, seeking social and medical assistance on own terms, self-organising, collaborating with each other and/or with authorities.	Full access to labour rights, can seek social and medical assistance on own terms, can self-organise, collaborate with each other and authorities, and influence self-regulation (i.e. develop codes of conduct and ethical standards in sector).

Source: Petra Östergren (2017a).

## 6.2 Annex 2

### Intervention-logic of demand-side campaigns



Not: Campaign intervention logic can be divided into a campaign-specific part and a field specific part. The campaign specific part is similar to all campaigns seeking to determine a change in the behaviour of target groups. The campaign specific intervention part describes the causal chain explaining how communication activities aim to influence behaviour, while the field-specific intervention logic describe the logical chain of how a particular change in consumer behaviour is thought to have an impact on reducing exploitation and ultimately reducing trafficking in human beings.

Source: Cyrus and Vogel, 2017: 19.

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**Mădălina Rogoz** is Research Officer at the International Centre for Migration Policy Development, Vienna, Austria. Her research interests include data gathering and usage of data in anti-trafficking policies as well as policy evaluation with a focus on anti-trafficking policies in the European context. On the DemandAT project she is researching demand in different forms of trafficking in human beings and working a comparative analysis of government responses to trafficking. She is also assisting in the coordination and management of the project overall.

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