

**Demand Reduction in Relation to Trafficking in
Human Beings for Sexual Exploitation
National School of Judges,
Thessaloniki, 6 April 2017**



**Co-funded by the Internal Security Fund (ISF)
2014-2020 of the European Union**



The Definition of Demand for Sexual Services in European and International Law

Prof. Ryszard Piotrowicz
Law School
Aberystwyth University

NETIKĖK

LENGVU UŽDARBIU UŽSIENYJE

TAVE PARDUOS KAIP LĖLĘ



Demand?

- **Employer demand** – employers, owners, managers or subcontractors
- **Consumer demand** – clients in sex industry, corporate buyers (in manufacturing), household members (in domestic work)
- **Third parties involved in the process** – recruiters, agents, transporters

Demand in International Law

- Palermo Protocol (2000), Art 9 – prevention of THB
- 9.5:”States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, **to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.**”

High Commissioner for Human Rights (UN)

- Recommended Principles on Guidelines and Human Trafficking (2002)
 - 4. Strategies aimed at preventing trafficking **shall address demand** as a root cause of trafficking

Council of Europe Convention in Action against Trafficking in Human Beings (2005)

- Art 6 – Measures to discourage demand
- A duty to “adopt or strengthen legislative, administrative, educational, social, cultural or other measures” to “discourage the demand that fosters all forms of exploitation of persons, especially women and children”

Art 6 – types of measures

- **Research** on best practices, methods and strategies
- **Raising awareness** of the responsibility and important role of media and civil society in identifying the demand **as one of the root causes of THB**
- Target **information campaigns** involving public authorities and policy makers
- **Preventive measures**, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being

Criminalisation of the use of services of a victim

- Art 19: Each Party shall consider adopting such legislative and other measures as may be necessary to **establish as criminal offences** under its internal law, the use of services which are the object of exploitation ..., **with the knowledge that the person is a victim of trafficking in human beings**.
- Aim is to discourage demand – targets the client – but only if they are exploited – **not concerned with the use of services of a prostitute as such**
- (with sexual exploitation, this would be rape in many legal systems)

Explanatory Report to the Convention

- Para 108: “...the drafters sought to underline the importance of tackling demand in order to prevent and combat the trafficking itself.
- Para 110: “An essential measure is research on best practices, methods and strategies **for discouraging client demand effectively.**”

3rd General Report on GRETA's Activities

- Measures to Discourage demand, including through Private-Public Partnerships, paras 89-100
- <http://www.coe.int/en/web/anti-human-trafficking/general-reports>

Directive 2011/36/EU

- Art.18
- 1. 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.
- 4. In order to make the preventing and combating of trafficking more effective by discouraging demand, Member States shall consider taking measures to establish as a criminal offence the use of services which are objects of exploitation ..., with the knowledge that the person is a victim of [THB]



- **The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016**

- Priority – stepping up the prevention of THB
 - Understanding and reducing demand

What has been achieved?

- GRETA 3rd General Report (2013)
- Para 90: “... the demand side of trafficking is often neglected by prevention programmes. GRETA’s evaluation reports reveal that there is a scarcity of measures to discourage demand and in many countries officials met by GRETA have referred to difficulties to conceive such measures.”

Recent GRETA Reports


- Armenia (March 2017) – no detailed information from the government
- Portugal (March 2017) – several measures that have been welcomed by GRETA
- Malta (March 2017) – should “strengthen its efforts”
- UK (October 2016) – a variety of initiatives, some linked to Modern Slavery Act 2015, but GRETA considers that the UK “should make further efforts to discourage demand

European Commission - Report on the progress made in the fight against trafficking in human beings 19.05.16

- Prevention measures, including training and awareness-raising were reported, but
- “little is known about the actual impact of such action on demand and prevention”. (p.13)
- “Taking measures, including legal measures, to ensure the reduction of demand that fosters trafficking for all forms of exploitation is fundamental” ... to avoiding the penalisation of victims of trafficking (p.14)

European Commission, Report assessing States' compliance with Directive 2011/36/EU, 02.12.16

- Indicates that most Member States have adopted action plans on training, education and awareness raising (p.15)
- But their efficacy is not assessed
- Demand is not mentioned

- 
- **European Commission, report assessing the impact of existing national law, establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings, on the prevention of trafficking in human beings, in accordance with Article 23(2) of the Directive 2011/36/EU**
 - There is not enough evaluation of measures the reduce demand through criminalisation

Conclusions

- General acceptance of demand as a core factor in THB
- Demand may be criminalised where the user knows that the person providing the services has been trafficked
- Evaluation of the effectiveness of demand reduction measures is inconsistent and needs to be more robust
- Criminalisation of the client of a person trafficked for sexual exploitation (**an anti-THB measure**) is to be distinguished from criminalisation of the client of a sex worker (**not an anti-THB measure**).