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# Government Responses to Demand:

Regulatory measures and underlying arguments

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## Overview

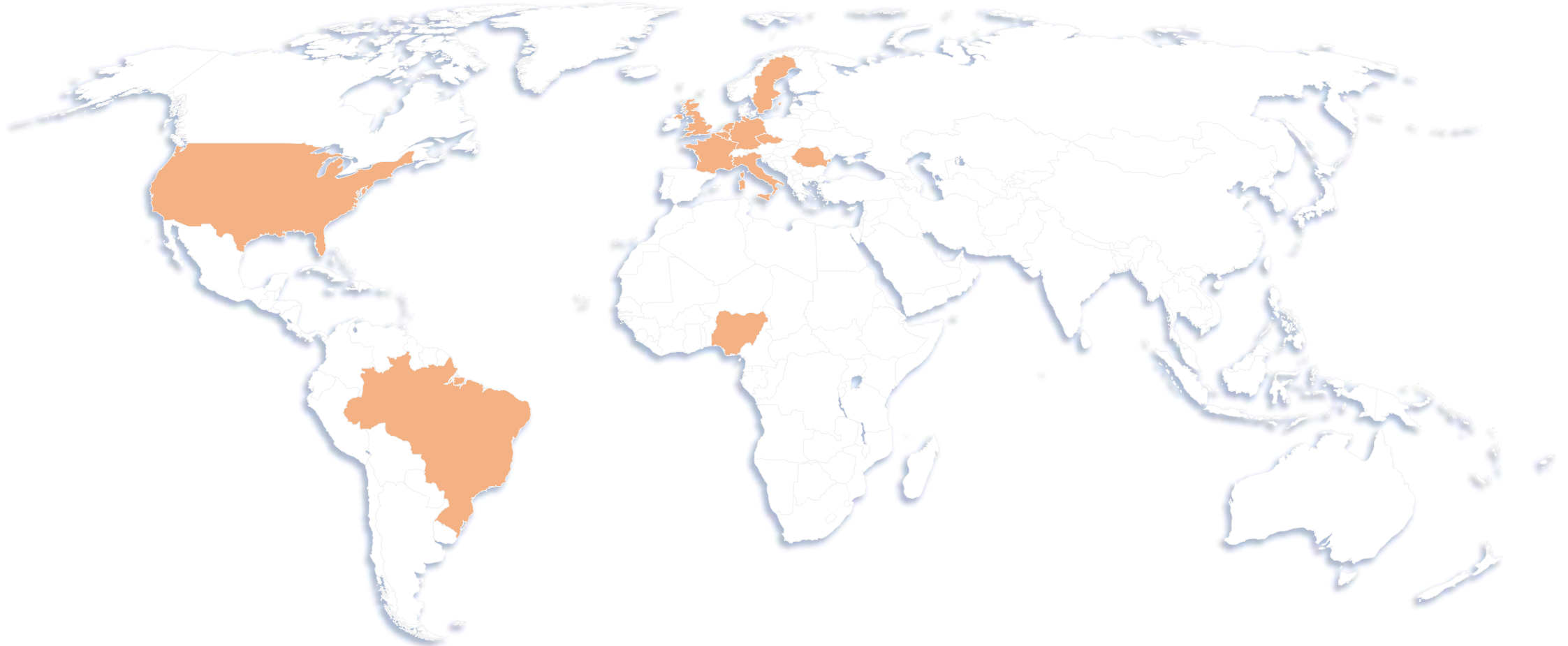
### Research on government responses to demand

- How demand is employed in various national contexts
- Examples of measures argued to address demand
- Underlying arguments
- A typology of regulatory measures

### Research on prostitution policies

- A typology of prostitution policies

# Research in 12 national contexts on government responses



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# Term “demand” in the context of anti-THB policies



- In European context around the year 2000
- Lack of clarity and consistency
- In general referred to in economic term:
  - Demand for sexual services, at times “demand for prostitution”;
  - Demand for human organs etc.
- Unclear to what demand refers to (demand for what) and how that is related to THB
  - Demand for labour exploitation
  - “Demand community”

# Demand as understood by policymakers



- Sex purchasers
- Final product consumers
- Service users
- Users of cheap labour (e.g. households; supply chains)
- Traffickers (“demand for trafficked persons”)
- Employers (to prevent illegal employment)
- Households (through informal child fostering)
- The economic, cultural and political environment

# Most common measures to address demand



- Demand in relation to labour exploitation:
  - Legal instruments
  - Supply chain monitoring
  - Employer guidance
  - Recruitment
  - Consumer information/awareness
  - Boycotts
  - Institutional Procurement
  - Disclosure
  - Financial support from public bodies
  - Alternative business models (e.g. Fair Trade standards); Trade-related; Worker organising

*Source: McGrath & Mieres 2017*

# Most common measures to address demand



- Demand in relation to sexual exploitation:
  - Mainly policies addressing prostitution
  - Criminalisation of purchasing sexual services
  - Knowingly using the services of someone who is forced into prostitution
  - Public campaigns aimed at raising awareness (including those asking for a change in behaviour)

# Most common measures to address demand



- Demand in relation to exploitation through begging:
  - Mainly through (administrative) laws aimed to regulate begging activities
  
- Demand in the context of organ removal:
  - Penal laws and strict regulations for harvesting human organs and transplantation



# Types of policy tools to address demand



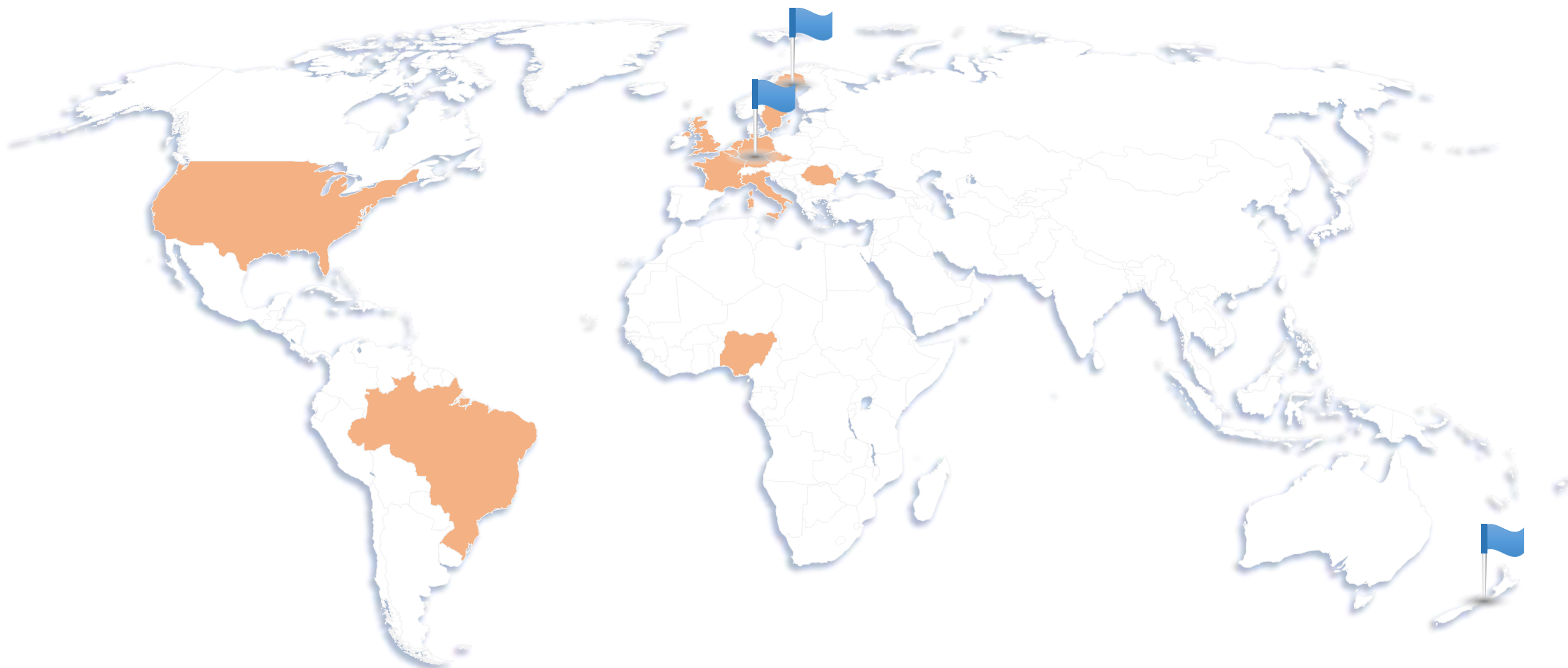
Command and control	Peer pressure	Market	Design
Prohibit and punish noncompliance	Social norms	Incentives	Infrastructure
<ul style="list-style-type: none"> <li>- Anti-THB legislation</li> <li>- Seizure of criminal gains</li> <li>- Labour codes</li> <li>- Regulations aimed at tackling illegal employment</li> <li>- etc.</li> </ul>	<ul style="list-style-type: none"> <li>- CSR measures</li> <li>- Certifications</li> <li>- Elements of “John Schools”</li> <li>- Education campaigns</li> </ul>	<ul style="list-style-type: none"> <li>- Transparency in supply chains (consumer’s perspective)</li> </ul>	<ul style="list-style-type: none"> <li>- Human organ transplantation system</li> <li>- Zoning particular activities</li> </ul>

# Types of policy tools to address demand

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## *Combined regulatory measures*

# Research in 3 national contexts on prostitution policies



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# Research in 3 national contexts on prostitution policies



- Various types:

- “Criminalisation”
- “Regulation”
- “Legalisation”
- “Decriminalisation”
- “Prohibitionism”
- “Abolitionism”

- New proposed categories:

- Repressive
- Restrictive
- Integrative

*Source: Petra Östergren, 2017*

# Main features of ideal types



	Repressive	Restrictive	Integrative
<b>Understanding</b>	Negative social phenomenon	Negative social phenomenon	Multifaceted, containing negative elements
<b>Intention</b>	Eradicate sex work in order to protect society (and sex workers)	Restrict sex work in order to protect society and/or sex workers	Integrate in order to protect sex workers from stigma, violence and exploitation
<b>Policy instruments</b>	Criminal law prohibiting selling and/or purchasing sex, and third party facilitation. Campaigns aimed at deterring the sale and/or purchase of sex Exit, or behaviour rehabilitation programmes for those selling and/or purchasing sex.	Criminal law, bylaws and local ordinances regulating under which <i>conditions</i> sex sales can take place, i.e. laws against soliciting, zoning laws or licensing systems. Might have criminal law prohibiting third party involvement. Exit, or behaviour rehabilitation programmes for those selling and/or purchasing sex.	Labour, commercial and administrative law that regulates sex workers' employment rights, and specific legislation protecting them from exploitation Detailed implementation directives, and codes of conduct for authorities and operators. Campaigns and initiatives to combat stigma and collaboration between sector and authorities.

Source: Petra Östergren, 2017

# Main features of ideal types

	Repressive	Restrictive	Integrative
<b>Impact on sector</b>	Sex work sector always operates illegally	Sex work sector can operate legally, but under conditions more restrictive than those of other service sectors	Sex work sector can operate legally under conditions similar to other service sectors
<b>Impact on actors</b>	Sex workers have no access to labour rights Not possible or difficult to access social security systems; to seek social and medical assistance on own terms; to self organise; to collaborate with each other and/or authorities; and to self-regulate	Sex workers have partial or no access to labour rights Might have difficult to access social security system; to seek social and medical assistance on own terms; to self organise; collaborate with each other and/or authorities; and self-regulate	Sex workers have access to labour rights Can seek social and medical assistance on own terms, can self-organise, collaborate with each other and authorities, and self-regulate (i.e. develop codes of conduct and ethical standards)

*Source: Petra Östergren, 2017*

# Key findings



Sweden: *Repressive*  
Germany: *Integrative/Restrictive*  
NZ : *Integrative*

Demand tackled differently:  
*Sweden – deterring clients*

*Germany – cooperation between clients and authorities*

*NZ - codes of conduct for intermediaries and empowering sex workers*

*Source: Petra Östergren, 2017*

## Concluding remarks



- Demand changed the focus: Who benefits from exploitation/trafficking?
- What policy measures are available to make trafficking less probable?
- Better categories lead to better understandings of the issues at stake
- How can we better formulate policies to have achievable goals?



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