

Dace Kavasa

Concept Note: Trafficking in Persons for Sexual Exploitation

Scope of the problem

Trafficking in human beings is considered to be a form of modern day slavery. It is often linked to organized crime and deemed to be one of the most profitable global criminal activities. In accordance with European Commission's Migration and Home Affairs provided data¹ women and children are particularly affected: women and girls represent 56 % of victims of forced economic exploitation and 98 % of victims of forced commercial sexual exploitation.

The qualification of trafficking in persons requires three distinct elements to be present according to the United Nations Trafficking in Persons Protocol (Art.5)²:

- **The act:** *"...the recruitment, transportation, transfer, harbouring or receipt of persons..."*
- **The means:** *„...by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits...”. If these means are used, the consent of the person is irrelevant; and furthermore the means are irrelevant, if the victim is a child (person under the age of 18).*
- **The purpose:** *„...to achieve the consent of a person having control over another person, for the purpose of exploitation... Exploitation shall include, at a minimum, **the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs...**”*

Exploitation of prostitution and/or other forms of sexual exploitation are examined from different perspectives:

- **as violence against women**, recognised through the Nordic model where the responsibility is put on the buyer of sex through criminalization of sex purchasing (see endnotes for further information). In academic field Melissa Farley is among leading published authors that explores the impact of prostitution and link to violence. This approach considers the broader context of economic, social and psychological vulnerability as determining factors in defining prostitution as sexual exploitation and thus violence against women and a violation of the rights of women. Essentially, this approach accepts that there is no free choice/will in being involved in prostitution and the use of prostitution is an act of violence.

¹ Reference: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/index_en.htm

² Reference: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

- **distinguishing „forced prostitution” from „voluntary prostitution”** with focus on the means of involvement as key defining element: if any of the means are applied (coercion, force etc.) the prostitution in question is considered “forced” and therefore exploitation and human trafficking; whereas “voluntary prostitution” is equalled to “labour” and the arguments are directed towards protection of the rights of women in the profession they have chosen.

Recruitment for sexual exploitation tactics are³: befriending the person in a vulnerable economic, social, psychological situation and offering assistance; slow adjustment of persons values and introduction to prostitution through “you do not have to do anything”; introduction to drug or other dependency; or direct recruitment to sex industry in other countries where it is legal.

Trafficking for sexual exploitation has extensive social and economic impact. The negative consequences on health and social lives of women are extensively explored by M.Farley; and furthermore EU Gender Equality Institute report⁴ identifies various measurements with regard to loss of economic output in terms of personal loss of income for women, subsequent long term poverty risks, additional costs for health care and child care services, and through valuation of lost unpaid time and other factors. These have also broader social and economic consequences for the national states – both in terms of creation of social environment where women are objectified, used, purchased and thus impacting general gender equality outcomes, and through impact on national economy through both loss of affected individual’s taxes, and additional state expenses with regard to created social and health consequences for the abused person.

Corporate social responsibility and trafficking for sexual exploitation

The business of sexual exploitation is profitable worldwide. If operated in richer countries it brings higher profits, and in 2005 UN estimated the total market value of illicit human trafficking at 32 billion US dollars. UN Guiding Principles on Business and Human Rights recognises the responsibility of businesses in protecting and respecting human rights, including the rights of women. The business responsibility therefore lies in ensuring they carry out due diligence with regard to risk identification and assess and prevent potential and actual human rights abuses and their direct or indirect involvement in trafficking of persons.

³ RCW Marta (Latvia), Elullin (Estonia), NAWO (UK), project research 2014 “Recruitment for human trafficking and online image of women”.

⁴ Reference: http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

Trafficking in persons: global data

Trafficking for sexual exploitation primarily affects women and children. The UN Global Report on trafficking in persons 2014 shows that 70% of victims are women and girls, and that **66% of victims are trafficked for sexual exploitation in Europe and Central Asia**. The EU data⁵ further elaborates that within EU 80% of trafficking victims are women and girls, and overall 69% of trafficking cases are for purpose of sexual exploitation. Contrary to a myth that trafficking victims are primarily migrant women from outside EU the data shows a more worrying picture: **65% of victims are of EU origin**.

Detected victims of trafficking in persons,
by age and gender, 2011

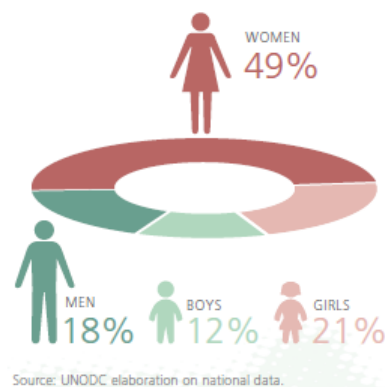


Table 1: Global data on trafficking

2011 UN data⁶ demonstrates an increase of detected child victims since 2004 for both girls - from 10% in 2004 to 10% to 21% in 2011; and boys – from 3% to 12%. Part of the explanation is due to improved methods and understanding of trafficking factors and better work with child victims; however overall stable increase of 11% cannot be merely attributed to better work of police and other stakeholders. This also indicates that children are continuously exploited and abused, girls more than boys for sexual exploitation.

Recruitment: 70% of traffickers are men. The UN Global Report on Trafficking in Persons data⁷ on Europe and Central Asia however shows very “balanced” convicted trafficker profile (2010-12): approximately 55% women. Since the recruitment primarily is done through exploitation of various vulnerability factors, and less through direct physical violence, the UN Global report also reviews potential reasons for higher female conviction rates compared to other organized crimes. Among those are the facts that victims may trust women more and therefore women are both willingly and also as trafficking victims forced to get involved in recruitment; women fulfil “lower-level” roles in the trafficking chain and therefore are more exposed and subject to arrests and convictions.

Recommendations

2014 global trends of increased attention to trafficking for sexual exploitation as a form of violence and criminalization of sex buyers in Canada, Ireland, France, Israel has demonstrated presence of opposing views on prostitution and sexual exploitation, and increased the awareness about negative social and economic consequences for involved individuals of prostitution and sexual exploitation.

⁵ Reference: http://ec.europa.eu/dgs/home-affairs/e-library/multimedia/infographics/index_en.htm#0801262488c18d4a/c_

⁶ Reference: http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

⁷ Reference: http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

The conference participants identified a number of recommendations for the EU and partner states to address root causes of trafficking for sexual exploitation, increase state efforts to prevent trafficking and empower victims, particularly women and girls.

Conference participants call the States to:

1. Support identification of underlying causes of trafficking for sexual exploitation through data collection, to research and monitoring;
 - a. Plan and secure regular monitoring and research on the trafficking for sexual exploitation.
2. Prepare clear cost estimations of losses cause to the person and the state by person being involved in prostitution and trafficked for sexual exploitation. The costs include loss of economic output for person, loss of economic input for the state, cost of damage done to health, personal development, impact on family and children, etc.
3. Recognise sexual exploitation and prostitution as a form of violence against women and provide high level leadership for attitude and approach change in the state systems;
4. Improve regulatory framework and introduce
 - a. harsh penalties for abuse of victims of trafficking;
 - b. focus on demand reduction through criminalization of sex purchasing;
 - c. introduce fair redress mechanisms and high monetary moral compensation and compensation of specific incurred and future costs to trafficking victim paid by the criminal and/or state.
5. Recognise the economic vulnerability and various its aspects as one of the key causes of trafficking for sexual exploitation;
6. Introduce harmonised indicators to measure the loss of economic output through physical and psychological violence of sexual exploitation
7. Create support programmes and networks that allow persons exploited in trafficking to re-integrate into society and receive relevant psychological, social and support.
 - a. Provide both social support and rehabilitation of victims centred to their situation of vulnerability, including access to health care, living space, work opportunities and education.
 - b. Set up state funded crisis centres – shelters with support programmes and reintegration programmes targeted to trafficking victims at least in early years of exit from trafficking and prostitution;
8. Secure coordinated systems between various state services to ensure the implementation of laws and policies, and secure rehabilitation and reintegration of trafficking victims and early identification of potential victims and their social integration.
 - a. Identify and recognise the particularly targeted individuals/groups, e.g. migrant workers and their families in country of origin, minority groups vulnerable to exploitation, groups particularly affected by cultural/traditional practice and others based on the specific situation analysis of each State.

- b. Improve preventive work with orphanages, foster homes, families exposed to social risks.
9. Secure effective and systematic training of state and municipality officials, NGO stakeholders that are involved in identifying, rehabilitating, reintegrating trafficking victims and providing preventive services. Particularly relevant groups are social workers, doctors, police and migration authority representatives, judges, municipality and employment agency officials, NGO staff mandated to provide state services, consular services.
10. Support reintegration and prevention through creation of economic opportunities and providing exit from sexual exploitation:
 - a. Education and work opportunities that take into account specific consequences of sexual exploitation;
 - b. Enforce gender perspective and analysis in entrepreneurship support and business development investment programmes;
 - c. Support mentoring programmes for financial literacy, career choice and development, business start-up etc.;
 - d. Include Women's entrepreneurship programmes, with training, access to finance, support in various forms of business (home based, flexible, production, services depending on the situation in given country);
 - e. Empower and support NGOs that create networks and cooperate with businesses to offer economic opportunities.
11. Recognise and regulate the business responsibility in the trafficking "supply chain" and set clear responsibility of individuals and legal persons for violations of basic human rights, particularly of women and girls in trafficking for sexual exploitation. Support sustainable and responsible business practices that contribute to prevention of trafficking for sexual exploitation and creation of enabling economic environment.
12. Address demand through :
 - a. Introducing legal responsibility for individual and legal persons for knowingly using trafficking victim in sexual exploitation;
 - b. Reducing business involvement in trafficking chains and recognising importance business responsibility, transparency and cooperation;
 - c. Controlling and eliminating the demand industry: pornography, various sex sales institutions,
13. Prevention through information & education:
 - a. Through monitoring and research support, have a clear understanding of who the victims and potential victims are;
 - b. Through monitoring and research understand the flow of trafficking money and act on the elimination of the flow of money;
 - c. Prepare targeted information for specific groups and at various levels on risks, tell stories, talk about the cases, de-stigmatize victims.

- d. Work with men, including on addressing pornography and other objectification forms of women – to prevent creation of unrealistic expectation of sex, life, income, living standards etc.
 - e. Educate people not to become victims, traffickers, users.
 - f. Increase literacy on internet.
14. International cooperation:
- a. Increase effective bilateral cooperation and agreements, especially related to law enforcement cooperation and victim referral system synchronization, between countries of origin and destination/transit.
 - b. Improve victim protection and prevention in migration policy

Endnotes

Prostitution as violence and impact on gender equality:

1. The Nordic Model:

a. Reports from Sweden:

- i. 2010, "Selected extracts of the Swedish government report SOU 2010:49: The Ban against the Purchase of Sexual Services. An evaluation 1999-2008" available on <http://www.government.se/content/1/c6/15/14/88/0e51eb7f.pdf>
- ii. Full report in Swedish „Förbud mot köp av sexuell tjänst: En utvärdering 1999–2008” available on <http://www.regeringen.se/content/1/c6/14/91/42/ed1c91ad.pdf>
- iii. 2010, *Swedish Institute, Targeting the sex buyer. The Swedish Example: Stopping prostitution and trafficking where it all begins*,
in English available on <https://eng.si.se/wp-content/uploads/sites/4/2013/02/Targeting-the-sex-buyer-English.pdf>,
in Russian available on <https://eng.si.se/wp-content/uploads/sites/4/2013/02/Targeting-The-Sex-Buyer-Russian.pdf>

b. Norway

- i. 2014, Evaluation of Norwegian legislation criminalising the buying of sexual services (summary in English), available on http://www.regjeringen.no/pages/38780386/Evaluering_sexkjoeepsloven_2014.pdf ; full report in Norwegian available on http://www.regjeringen.no/pages/38780386/Evaluering_sexkjoeepsloven_2014.pdf

2. The EU:

- a. 2014, European Parliament, „Sexual exploitation and prostitution and its impact on gender equality”, available on http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET%282014%29493040_EN.pdf

3. Melissa Farley:

- a. 2004; Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder; available on http://www.tandfonline.com/doi/abs/10.1300/J189v02n03_03#.VO3MYfmDmSo
- b. 1998; M.Farley, H.Barkan: Prostitution, Violence, and Posttraumatic Stress Disorder; available on <http://www.prostitutionresearch.com/Farley%26Barkan%201998.pdf>

Other articles available on: http://prostitutionresearch.com/pub_author/melissa-farley/

Vulnerability aspects that influencing involvement of women in prostitution (supplemented with results of the research)¹

Psychological vulnerability	Economic vulnerability	Sodal (cultural) vulnerability
Experience of early childhood (sexual exploitation, violence)	Unemployment Poverty, especially long-term (hunger, cold, bad living conditions) *	Family conditions (dysfunctional families — addictions, violence, carelessness of parents, divorced families, large families, frequent change of residence)
Psychological traumas (low self-confidence, self-esteem, broken personal limits, weak ability to control emotions, high tolerance towards chaotic lifestyle, mental illness, insecurity, sense of being unwanted)	Unemployment	Influence of family members, friends (if they are involved in prostitution and support it)
Drug addiction	Low wages	Lack of support from relatives, friends and other figures of support, marginalization (satisfying needs, in case of crisis, preventing development of talents and skills)
Early leaving of parents' home, pregnancy	Losing domicile	Limited social skills, weak social contacts, lack of connection
Sudden crisis, painful losses	Possessing skills unsuitable for labour market or lack of skills, low level of education	Prostitution expansion (the number of women involved in prostitution)
Ambitions, desire to "achieve more"	Taking responsibility for a spouse, children	Existence of infrastructure for sex services (souteneurs, "massage salons" advertisements)
Desire to avoid routine job	Lack of state language knowledge	Demand for sex services
	Residing in economically depressed region	Dominant attitude of the society towards prostitution, normalization of prostitution, objectification of women

Table 2: Vulnerability factors (source: Research "Recruitment for human trafficking and online image of women")