

HUMAN TRAFFICKING

Research paper

European Christian Political Movement

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Preface

The three documents available so far in the ECPM 'Human Trafficking' library section are self-standing documents but at the same time build upon each other.

The first document, *EU Policy on Trafficking in Human Beings – Then and Now*, looks at how EU policy on combating trafficking in human beings has developed over time and come to encompass what it is today.

The second document, *Preventing human trafficking for sexual exploitation – the question of demand in national and European legislation*, gives an overview of the policy models different European countries have adopted in order to combat and reduce demand for trafficking for sexual exploitation (which makes up 69% of trafficking in human beings in the EU).

The third document, *Looking at the hidden faces of demand – Sexual objectification of women in pornography and its link to demand for trafficking for sexual exploitation*, goes deeper into the topic. It explores some of the root causes allowing demand for sexual services to develop to such an extent that human trafficking for sexual exploitation continues to be on the rise in spite of continuous efforts to combat it. The focus is on the effects widespread pornography has on creating a culture which allows sexual exploitation to flourish.

EU Policy on Trafficking in Human Beings – Then and Now

Trafficking in human beings constitutes a grave violation of individual rights, freedom and dignity as well as being a serious form of crime. The implications of this phenomenon are beyond what individual countries can address on their own.¹ It is this compelling reality that first led to the development of EU policy on combating trafficking in human beings.

The 'then'...

To begin with, two main Framework Decisions constituted the body of EU legislation on human trafficking: *Council Framework Decision of 19 July 2002 on combating trafficking in human beings*² & *Council Framework Decision of 22 December 2003 on combating the sexual exploitation of children and child pornography*³, as well as one other related to treatment of victims of organized crime (which included but was not limited to victims of human trafficking), namely

¹ The latest statistics on the magnitude of trafficking in human beings are well explained in the Commission's document on an [EU Strategy](http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb_strategy/thb_strategy_en.pdf) (http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb_strategy/thb_strategy_en.pdf) towards the eradication of trafficking in human beings. The DG Home Affairs Statistics department also regularly releases statistics on this phenomenon.

² See <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002F0629&from=EN>

³ See https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/framework_decision_2004_68_on_combating_sexual_exploitation_en_1.pdf

*Council Framework Decision on standing of victims in criminal proceedings*⁴ . These called on member states to set in place a framework/structure for dealing with human trafficking from primarily a criminal justice and organized crime point of view.

With growing realization at the different forms human trafficking can take (e.g. trafficking for forced labour, trafficking for sexual exploitation, trafficking for organs) as it evolves with changing socioeconomic circumstances, a proposal in 2009 for a revision of the Framework Decision on combating human trafficking was released by the European Commission. The included stronger wording on protection and provisions for victims as well as stronger wording on combating demand. A text was agreed on by November 2009. However, the proposal lapsed as the Treaty of Lisbon came into force, which gives the European Parliament equal footing to the Council in decisions in the area of Justice and Home Affairs.

Consequently, the original Framework Decision of 2002 was revised and replaced by the 2011 *Directive for combating human trafficking*⁵ meant to be part of a more comprehensive EU policy on human trafficking which is still in the course of developing. The *Directive on the rights and protection of victims of crime*⁶ and the *Directive on the freezing and confiscation of proceeds of crime*⁷ were later adopted and can be considered part of this comprehensive framework of EU policy on combating trafficking in human beings.

The 'now'...

The Directives enable the Commission to better enforce human trafficking legislation as Member states can be taken to court if they do not comply with the provisions of a Directive. Moreover, the Directives approach the issue of human trafficking from a human rights and victim centered perspective as oppose to what was previously a predominantly criminal justice perspective. In particular, the Directive on combating human trafficking addresses the rights of victims in a more targeted manner. The needs and rights of child victims of human trafficking also receive special attention in this directive and are covered under the measures established in the *EU Directive on combating sexual abuse and sexual exploitation of children*⁸ (repealing the 2003 Framework Decision) as well.

The Directive for combating human trafficking, the most important and foundational piece of legislation within the framework of EU policy on human trafficking, reaches beyond previous EU pieces of legislation in this area and introduces some important principles:

⁴ See <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001F0220&from=EN>

⁵ See <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0036&from=EN>

⁶ See <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029&from=EN>

⁷ Due to come into force only in October 2015. See <http://register.consilium.europa.eu/doc/srv?l=EN&f=PE%20121%202013%20REV%202>

⁸ See <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0093&from=EN>

- It sets minimum standards for provisions for victims of trafficking.
- It establishes the importance for member states to tackle the problem by addressing the *demand* that fosters all forms of exploitation related to human trafficking. (art. 18)
- The Commission is obliged to release a document with proposals of good practice for combating the demand that fosters exploitation, establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings. (art. 23)
- It recognizes the increased vulnerability of children and provides for special protection and support measures for child victims. (art. 13, 14, 15 & 16)
- It adopts a broader concept of the phenomenon of human trafficking to include other forms of exploitation in addition to trafficking for prostitution and for forced labour (i.e. forced begging, trafficking for removal of organs and cases of forced arranged marriages and illegal adoption that fulfil the criteria of trafficking (see art. 2 of Directive for criteria).
- It sets minimum penalties for the crime of trafficking to at least 5 years and at least 10 years imprisonment in the case of a particularly vulnerable victim (e.g. a child) or trafficking that involved serious violence against the victim. (art. 4)
- It introduces the principle of non-persecution of victims (art. 8).
- States that the provisions for the protection and support of victims of human trafficking should not being made conditional on the victims' cooperation. (art. 11 & 12)
- It establishes the responsibility of National Rapporteurs⁹ or equivalent mechanisms to monitor implementation of EU legislation on human trafficking at national level. (art. 19)

The European Commission has produced a document to support effective implementation of measures and legislation combating trafficking in human beings. **The EU Strategy towards the eradication of human trafficking**,¹⁰ which followed shortly after the Directive on combating human trafficking came into force, sets concrete goals for member states to work towards in addressing the problem for the period of 2012-2016. The issues of prevention and tackling demand are particularly addressed. A main goal that still remains and is due to be tackled in the period 2015-2016, is supporting prevention measures for trafficking for labour exploitation by developing a best practice guide for public authorities.

⁹ To find the national rapporteurs of your country, see here: http://ec.europa.eu/anti-trafficking/national-rapporteurs_en

¹⁰See http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf for document.

What are different member states doing?

Information on measures and actions taken by different member states in tackling human trafficking and implementing EU legislation can be found on the Commission anti-trafficking website.¹¹

A first report from the European Commission detailing the progress made by member states in implementing the provisions of the Directive needs to be submitted to the European Parliament and the Council by 6 April 2015 and is expected at the end of 2014.

Preventing human trafficking for sexual exploitation – the question of demand in national and European legislation

The issue of addressing demand for trafficking in human beings is an important one recognized increasingly in legislation and strategies for combating this phenomenon. The EU Directive on combating human trafficking places particular importance on combating demand as an important aspect of prevention strategies. It does so on the one hand through education programmes (Article 18(1)), and on the other hand by encouraging states to adopt legislation prosecuting the use of services of trafficked people (Article 18(4))¹². Article 23(2) builds upon the latter adding that by April 2016 the Commission shall submit a 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, accompanied, if necessary, by adequate proposals”*.

Swedish model and adaptations

¹¹ See here http://ec.europa.eu/anti-trafficking/member-states_en for information on legislation and measures to combat human trafficking in your country.

¹² The article states that ‘In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall consider taking measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2, with the knowledge that the person is a victim of an offence referred to in Article 2.’

The '*Swedish Model*¹³' is often discussed as a positive example of tackling demand. With the January 1999 law criminalizing the purchase of sex, in other words punishing those who buy sex, the focus in Swedish legislation was turned to the client. While some opinions state that the law simply pushed prostitution underground, a 2010 Government report¹⁴ assessing the success of the law concludes that discouraging purchase of sex has resulted in a less lucrative market for prostitution, thus leading to a significant reduction in trafficking for sexual exploitation.

Other countries followed suite with **Iceland** and **Norway**¹⁵ (non-EU countries) successfully adopting similar legislation in 2009 and in 2006 **Finland** banning the purchase of sex from people the buyer is aware of that they are victims of human trafficking. More recently other EU countries have also started considering more seriously a move towards the '*Swedish model*' of prostitution policy. In 2009 the **UK** adopted a bill criminalizing the purchase of sex with people coerced into prostitution, regardless whether the buyer was aware or not that the person was a victim, with the **Northern Ireland** Assembly taking things one step further and voting in October 2014 to ban buying sex altogether. In December 2013 **France's** Lower House voted a bill criminalizing the purchase of sex, a move towards adopting the Swedish Model on tackling prostitution. It is currently still waiting the vote of the Senate and the signature of the President in order to pass. In the **Netherlands**¹⁶ a proposed legislation similar to that in Finland focuses on criminalizing the purchase of sex when a buyer knows or can reasonably be presumed to know the person selling sex has been trafficked or coerced into prostitution.

Results

The question remains the extent to which the move some EU countries are taking towards a '*Swedish model*' on tackling prostitution and human trafficking can be expected to be successful and produce similar results to those seen in Sweden. In **Finland**, it seems the results of the law banning buying sex from trafficked people are mixed. While support for the legislation and for the principle it stands for remains, its application is complicated as it makes it difficult to assess under which circumstances a sex buyer can be presumed to realize that the sex seller is a victim of

¹³ The model of the Swedish approach to abolishing prostitution by criminalizing the buying of sex has come to be known as '*the Swedish model*'.

¹⁴ <http://www.government.se/sb/d/13420/a/151488>

¹⁵ See <http://www.eu-norway.org/Global/SiteFolders/webeu/Evaluation.pdf> for a summary in English of the 5 year evaluation of the introduction of criminalizing the purchase of sex in Norway. The results indicate the same positive results as in Sweden: greater awareness amongst clients and a reduction in the trafficking and prostitution market while offering more rights and opportunities to seek help for those still selling sexual services.

¹⁶ This legislative proposal receives great support from the Dutch Human Trafficking National Rapporteur and includes measures aimed not only at reducing the human trafficking market but also ensuring clients are more informed about possible cases of human trafficking.

human trafficking.¹⁷ There is concern that the law as it stands favours sex buyers who intentionally avoid gaining any knowledge of the prostitute's circumstances. The results of the **UK** law criminalizing sex with people coerced into prostitution also seem to be limited, with just a few prosecutions having taken place. This appears to be due in part to a need for better training of authorities as well as confusion on the part of the police as to whom to 'go after'.¹⁸

ECPM position

The conclusion resulting from the mixed success of a partial ban on buying sex in Finland and the UK points to a need for clearer, more comprehensive approach to legislating on the matter. ECPM believes that a total ban on buying sex would probably result in more straightforward, less ambiguous legislation. There would no longer be a concern of how to distinguish between suspect and witness, and intent would not need to be proven. From an ethical perspective, a total ban on purchasing sex would send a stronger message that prostitution is highly harmful for persons engaged in it.

The **Netherlands** is at the moment considering these very aspects concerned with what the practical application of the law would look like. While the general idea of the proposed law, namely banning the purchase of sex from those trafficked into prostitution, has received general support, concern remains over the issue of the burden of proof. The current formulation is "*when a buyer knows or can reasonably be presumed to know*". This formulation, similar to that of the Finnish law, is considered to make it difficult to define when and how a buyer of sex can or should know about enforced prostitution.¹⁹ Perhaps the Netherlands may be able to find a formulation that allows it to overcome the challenges Finland and the UK have encountered in adopting similar legislation.

Looking at the hidden faces of demand – Sexual objectification of women in pornography and its link to demand for trafficking for sexual exploitation

The EU Directive on combating human trafficking places particular importance on combating demand as an important aspect of prevention strategies. The most recent data from EUROSTAT on trafficking in human beings shows that 69% of victims were trafficked for sexual exploitation and that 95% of victims of sexual exploitation were female. Sadly there were over 1000 registered child

¹⁷See conclusions in Finnish government report:

http://oikeusministerio.fi/material/attachments/om/julkaisut/FMVCU3esJ/OMSO_13_2014_Sex_136_s_korjattu.pdf

¹⁸ For a more extensive discussion on this see article:

http://www.academia.edu/4804990/The_Police_Sex_Work_and_Section_14_of_The_Policing_and_Crime_Act_2009_The_Howard_Journal_of_Criminal_Justice_forthcoming

¹⁹ Once what is considered a better formulation is found by the initiators of the proposal (the ChristianUnion, the Labour Party and the Socialist Party), the redrafted bill is going to be sent to other parties for comments in the Spring of 2015. A vote on the proposed legislation is expected at the end of 2015.

victims of trafficking for sexual exploitation. Human trafficking for sexual exploitation continues to be on the rise in Europe despite a continuous increase in the recent years in tackling this phenomenon. Clearly demand for sexual services is generating a large market for traffickers profiting from sexual exploitation of people. Trafficking for sexual exploitation strikes at the heart of human dignity as it involves not only selling and deceiving people into 'slavery' but also stripping them of their sense of self and of self-worth. The ECPM regards all forms of exploitation of people as a gross undermining of their human dignity and believes in tackling such issues at their root. This paper aims to look into some of the roots that enable demand for sexual exploitation to flourish.

Pornography and sexual behaviour

There are a number of studies looking at the effects of pornography on behaviour and perception about women in those consuming it. These studies come to a range of conclusions. Some show a direct link between using pornography and displaying sexual violence against women, while others show the risk of early exposure to pornography for manifesting sexually aggressive behaviour later in life. Some reach the unexpected conclusion that societies where there is a greater use of pornography can also show a high level of gender equality.²⁰ The findings of several of these studies, therefore, put pornography in a negative light while others present it as harmless. Regardless the conclusion, however, studies on pornography effectively show that use of pornography and the effects on the manifestation of ones sexuality remains a complex issue that requires serious consideration.

This paper aims to explore the influence of pornography on sexual behaviour and attitudes towards women in particular in the context of a larger discussion of sexual objectification of women and its link to demand for prostitution and human trafficking.²¹ In order to establish a connection between the effects of pornography on sexual behaviour and the use of sexual services it is important to first take a closer look at why there is a demand for prostitution in the first place.

A brief glance at what drives demand for buying sexual services from those in prostitution

Women in prostitution are selling sexual services aimed at satisfying the desires of their clients. Why do these men buy sex? A 2009 study conducted by Eaves²² in London as part of a bigger international study aimed to shed light on the answer to this question. The results showed that men seek prostitutes for a variety of reasons: to satisfy an immediate sexual urge or for pleasure (32%); a need for variety (21%); not having their needs met in their current relationship (20%), convenience (15%), the thrill (8%), and an addiction or compulsion (3%). The reasons put

²⁰ See <http://byuresearch.org/ssrp/research.html> for reviews of most notable research on the topic of pornography.

²¹ Women constitute around 80% of people in prostitution and their clients are almost exclusively men.

²² <http://i1.cmsfiles.com/eaves/2012/04/MenWhoBuySex-89396b.pdf>

forward by the interviewed men give quite a clear insight into what motivates clients to seek out sexual services of prostitutes and can probably be summed up as a self-centred and recreational attitude towards sex.

Extensive articles²³ have been written discussing the psychological damage caused by prostitution as well as the social and emotional difficulties that many in prostitution face (such as current or past homelessness, abusive/coercive relationships with pimps and trauma from past childhood abuse). Therefore, another interesting aspect of the *Eaves* study was to look at the extent to which the interviewed clients showed awareness of the negative effects prostitution had on the lives of those selling sex. It is particularly interesting to look at the results as there is not much other well documented information on this aspect of the issue. The result showed that 44% of the interviewed men considered that prostitution had a negative or damaging effect on the people practicing it. Nevertheless, this information or awareness did not deter them from buying the sexual services of these women. In fact, prostitution and trafficking into prostitution continue to be on the rise in the world because demand for sexual services continues to grow, despite availability of more information on the negative aspects of the '*industry*'.

The question remains, therefore, what is it that drives the demand for such '*services*'? While there are clearly complex socio-economic and political causes allowing prostitution to flourish, an important driving force at play could very well be the effects of pornography on the way sexual interactions are viewed.

Pornography as a root cause?

There is no focused study specifically addressing the issue of how sexual objectification of women in pornography may contribute to a culture of objectification and to a subsequent increase in demand for prostitution. However, there is sufficient research that would allow for such a connection to be established.

In a study looking at the effects that viewing pornography has on perception of women as sex objects,²⁴ Peter and Valkenburg conclude that exposure (in particular when frequent) to sexually explicit material increased the likelihood that adolescents, regardless of gender, would view women as sex objects. Beliefs of women as sex objects are defined as "ideas about women that reduce them to their sexual appeal in terms of their outer appearance and their body (parts)" and "also entail a strong concern with women's sexual activities as a main criterion of their

²³ See, for example: M. A. Baldwin, "Split at the Root: Prostitution and Feminist Discourses of Law Reform", *Yale Journal of Law and Feminism*, vol. 5, pg. 47-120, 1992, or Barry, K., *The Prostitution of Sexuality*, New York: New York University Press, 1995, or J. Herman, "Introduction: Hidden in Plain Sight: Clinical Observations on Prostitution" in M. Farley (ed.) *Prostitution, Trafficking, and Traumatic Stress*. Pages 1-13. New York: Routledge, 2003, or M. Farley, A. Cotton, J. Lynne, S. Zumbek, F. Spiwak, M. E. Reyes, D. Alvarez, U. Sezgin, "Prostitution and Trafficking in 9 Countries: Update on Violence and Posttraumatic Stress Disorder", *Journal of Trauma Practice*, vol. 2 (3/4), pg. 33-74, 2003.

²⁴ J. Peter and P. M. Valkenburg, "Adolescents' exposure to sexually explicit Internet material and notions of women as sex objects: Assessing causality and underlying processes", *Journal of Communication*, vol. 59, pp. 407-433, 2009

attractiveness and focus on women as sexual playthings that are eager to fulfil male sexual desires”.²⁵

A 2012 study²⁶ looking at the association between use of pornography and attitudes towards violence against women finds a high association between the two. These results are interesting in the light of findings that early exposure to pornographic material increases the chances for displaying of risky sexual behaviour²⁷ and the likelihood of consuming deviant pornography²⁸. Adolescents, it seems, are considered some of the most susceptible to influences of sexually explicit material meaning that early exposure to pornography has a deeper, more pronounced effect on the attitudes and sexual behaviour of people.²⁹

One can therefore conclude that pornography clearly affects attitudes and sexual behaviour. When sexual objectification of women is condoned and practiced within a certain context or (sub)culture, it promotes fertile ground for a number of sets of behaviour that further commodify the female body. The most concerning factor within pornography and the attitudes it shapes is the sexual objectification of women. This is damaging to women on more levels.

Women working in the porn industry and those who engage in relationships with men who are active users of porn are part of a situation or environment where sexual objectification of women and self-objectification of women are encouraged and rewarded. According to Objectification theory,³⁰ this is very likely to lead to a number of negative psychological consequences. Some of these include a negative impact on the mental health of women – body shame, anxiety about appearance, depression, etc., internalization of sexual objectification via

²⁵ *idem*, p. 408.

²⁶ N. Malmuth, G. Martin Hald, M. Koss, “Pornography, individual differences in risk and men’s acceptance of violence against women in a representative sample”, *Sex Roles*, 66 (7-8), pg. 427-439, 2012

²⁷ M. Sinkovic, A. Stulhofer, J. Bozi, “Revisiting the association between pornography use and risky sexual behaviours – The role of early exposure to pornography and sexual sensation seeking”, *Journal of Sex Research*, vol. 5(7), pg. 633-641, 2012

²⁸ K.C. Seigfried Speller and M. K. Rogers, “Does deviant pornography use follow a Guttman-like progression?”, *Computers in Human Behavior*, vol. 29:5, pp. 1997-2003, 2013

²⁹ Research shows that adolescent exposure increases the prevalence of recreational attitudes towards sex and that higher levels of permissive sexual attitudes, sexual pre-occupation, and earlier sexual experimentation have been correlated with more frequent consumption of pornography. See E. W. Owens, R. J. Behun, J. C. Manning, R. C. Reid, “The impact of internet pornography on adolescents. A review of the research”, *Sexual Addiction and Compulsivity*, vol. 19, pg. 99-122, 2012

³⁰ Sexual objectification means equating a person’s worth with their appearance and/or sexual functions. Sexual objectification of women happens when her body or body parts are singled out and seen as separate from the rest of her as a person. Objectification theory suggests that women and girls internalize others’ sexualized perspective of their physical selves which leads to a number of negative consequences in the way they perceive their self-worth.

self-objectification – e.g. excessive focus on beauty and outer appearance, increased likelihood of sexual victimisation and acceptance of behaviour that is the direct result of men acting out their sexual urges and desires – e.g. paying for sexual services and using pornography.³¹

One can conclude, therefore, that pornography and sexual exploitation of women are linked. Pornography creates and entertains a (sub)culture of sexual objectification of women which is very likely to create a more accepting attitude towards prostitution. In porn, women and girls are portrayed as sexual objects and commodities available for male consumption. Women exposed to this kind of mentality, either directly through exposure to porn or indirectly by experiencing attitudes of sexual objectification from men who use it, are consequently conditioned to self-objectify and disconsider themselves in a sexual dynamic. It is, therefore, of no surprise that traffickers have been reported to use pornographic material to ‘train’ their victims as to what their clients expect.

Preventing human trafficking for sexual exploitation cannot happen in the absence of a review of societal trends and behaviour that allow the phenomenon to take roots. Therefore, addressing the underlying, often hidden, causes of demand for sexual exploitation is key in the fight for combating this problem and in enabling national and EU policy makers to formulate and implement effective measures for this purpose.

³¹ See D. M. Szymanski, L. B. Moffitt and E. R. Carr, ‘Sexual objectification of women: Advances to theory and research’, *The Counseling Psychologist*, vol. 39(1), pg. 6–38, 2011 for a comprehensive overview of the research into sexual objectification and its effects.

