

DISCOURAGING DEMAND



Tool 9.12 Defining the concept of demand

Overview

This tool considers what “demand” means with respect to human trafficking.

What do we mean when we talk about demand in relation to trafficking?

Trafficking can be dealt with from both the demand and supply sides. It is important to prevent trafficking but also to discourage the demand that fosters all forms of exploitation of persons that leads to human trafficking. Destination States should examine the factors that make them attractive for human trafficking and address these factors in a multifaceted way.

There is no agreed definition of the term “demand”. It usually refers to the desire for a particular commodity, labour or service, but in the context of human trafficking, the demand is for labour that is exploitative or services which breach the human rights of the person delivering those services.

In practice, it is often difficult to differentiate between demand for labour and services which are legal and acceptable (and a natural element of productive markets) and those that are not. The employer of labour or the consumer of services may not be aware that the labour or services are being provided by a person who has been trafficked.

This means that analysis of demand for trafficked persons is best undertaken in the context of a wider analysis of certain types of labour or services, in which trafficked persons could be exploited.

Evidence indicates three levels of demand related to human trafficking:

- Employer demand (employers, owners, managers or subcontractors)
- Consumer demand clients (in the sex industry), corporate buyers (in manufacturing), household members (in domestic work)
- Third parties involved in the process (recruiters, agents, transporters and others who participate knowingly in the movement of persons for the purposes of exploitation)

The “demand side” of trafficking generally refers to the nature and extent of the exploitation of the trafficked persons after their arrival at the point of destination, as well as the social, cultural, political, economic, legal and developmental factors that shape the demand and facilitate the trafficking process.



Source: *Demand Side of Human trafficking in Asia: Empirical Findings* (Bangkok, International Labour Office, 2006), available at: www.ilo.org/public/english/region/asro/bangkok/library/pub16a.htm

Article 9, paragraph 5, of the Trafficking in Persons Protocol

Prevention of Trafficking in Persons

As briefly discussed in Tool 9.1, to merely address factors on the supply side of trafficking is to neglect half of the trafficking process. Article 9, paragraph 5, of the Trafficking in Persons Protocol highlights the need to address the demand for labour and services delivered by trafficked people:

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.



The text of the Organized Crime Convention and the Protocols thereto can be found at: www.unodc.org/unodc/en/treaties/CTOC/index.html

Recommended Principles and Guidelines on Human Rights and Human Trafficking

(E/2002/68/Add.1)

(United Nations High Commissioner for Human Rights)

Principle 4 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the United Nations High Commissioner for Human Rights states: “Strategies aimed at preventing trafficking shall address demand as a root cause of trafficking”.

Guideline 7 of the same document (provided in full in Tool 9.1) states in paragraph 1 that States should consider “analysing the factors that generate demand for exploitative commercial sexual services and exploitative labour and taking strong legislative, policy and other measures to address these issues”.



The Recommended Principles and Guidelines on Human Rights and Human Trafficking are available at:

www.unhcr.bg/other/r_p_g_hr_ht_en.pdf

Brussels Declaration on Preventing and Combating Trafficking in Human Beings

The Brussels Declaration was made at the European Conference on Preventing and Combating Trafficking in Human Beings—Global Challenge for the 21st Century, held in September 2002. Annexed to the Declaration are “Recommendations, standards and best practices”. In this annex, under the heading “Prevention of trafficking in human beings”, section 7, Root causes, states that:

It should be an essential and common goal for the fight against trafficking to address the reduction of the demand for sexual services and cheap labour. This includes education to equal and respectful relationships between sexes, and awareness campaigns especially targeting clients.

Section 8, Research, states that:

A crucial component in the comprehensive counter-trafficking response will be the further research and analysis of the “demand” side of the trafficking process and an examination of methods by which the demand of clients can be effectively reduced.

Section 10, Awareness-raising, states that:

Awareness-raising campaigns aiming at the “demand” side of the trafficking process should be developed as part of a comprehensive process of reducing trafficking effectively.



The Brussels Declaration on Preventing and Combating Trafficking in Human Beings is available at:

<http://register.consilium.eu.int/pdf/en/02/st14/14981en2.pdf>

OSCE Action Plan to Combat Trafficking in Human Beings

In its Action Plan to Combat Trafficking in Human Beings, OSCE recommends action at the national level to prevent trafficking, including:

1. Data collection and research

1.3 Conducting more far-reaching analysis of the root causes of trafficking in human beings, its demand and supply factors, its networks and its economic consequences, and its link with illegal migration

3. Economic and social policies aimed at addressing root causes of trafficking in human beings

3.2 In countries of destination:

Addressing the problem of unprotected, informal and often illegal labour, with a view to seeking a balance between the demand for inexpensive labour and the possibilities of regular migration;

3.3 Whether in countries of origin or countries of destination:

Adopting or strengthening legislative, educational, social, cultural or other measures, and, where applicable, penal legislation, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking.

4. Awareness-raising

4.10 Addressing, also through the media, the need to reduce the demand for the activities of persons trafficked for sexual exploitation, forced labour, slavery or other practices similar to slavery and, in this connection, promoting zero tolerance towards all forms of trafficking.



Source: The Action Plan is annexed to OSCE Permanent Council decision No. 557/Rev.1 and can be consulted at:

www.osce.org/documents/pc/2005/07/15594_en.pdf

OSCE Alliance statement on demand

The following is an extract from a statement presented by La Strada International on behalf of the Alliance Expert Coordination Team on 3 October 2006 with reference to the Human Dimension Implementation Meeting Special Day on Trafficking:

In the debate on the demand side of trafficking, the Alliance calls upon States, inter-governmental organizations, non-governmental organizations, labour unions and the private sector to:

- Broaden the awareness, attention and research into all forms of forced labour and exploitation, whether as a result of internal or international trafficking, and the factors that underpin its demand

- Tackle the problem of unprotected, informal and often illegal labour which leads to violations of the rights of migrant workers and fosters trafficking and exploitation
- Support the organization/unionization of migrant workers/trafficked persons to enable them to better protect their rights
- Ensure that informal and unregulated work activities are brought within the protection of labour laws to ensure that all workers enjoy the same labour rights
- Collect information and address all exploitative and hazardous forms of child labour in conformity with the ILO Convention on the Worst Forms of Child Labour and design strategic responses in line with the Convention on the Rights of the Child
- Encourage the creation of ethical employer associations which will adhere to codes of conduct that ensure protection of the rights of their workers
- Develop public awareness campaigns on products and services that are produced by exploitative and forced labour and develop guidance to assist consumers in identifying goods or services that have not been produced through exploitation
- Sign and ratify the Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and the Council of Europe's Convention on Action against Trafficking in Human Beings
- Engage in public awareness campaigns focusing on acceptance of migrants and their families to reduce discrimination and stigmatization of migrant workers.

On behalf of the Alliance Expert Coordination Team:

OSCE Office on Democratic Institutions and Human Rights, OHCHR, UNDP, UNICEF, United Nations Development Fund for Women (UNIFEM), ILO, IOM, International Federation of Red Cross and Red Crescent Societies, ICMPD, Europol, INTERPOL, Dutch National Rapporteur, Nexus Institute, ACTA, Anti-Slavery International, ECPAT, La Strada International, International Federation of Terre des Hommes, Save the Children, Amnesty International.



The complete statement of the Alliance and more information about the approach to demand reduction adopted by the OSCE Office for Democratic Institutions and Human Rights is available at:

www.osce.org/item/22263.html

Promising practice

Camel jockeys in the United Arab Emirates

For many years, young boys have been trafficked, primarily from Bangladesh, Pakistan and the Sudan, to serve as camel jockeys in the United Arab Emirates. After years of campaigning by Governments, international organizations and non-governmental organizations, a particularly innovative approach to curtail demand emerged in 2005. In light of legislation banning the use of young boys, camel owners started using remote-control operated robots of comparable size to the young boys formerly used.



More information on this issue is available at:

www.ansarburney.org/human_trafficking-children-jockeys.html

For the perspective of Anti-Slavery International on the response of the United Arab Emirates, visit:

www.antislavery.org/archive/briefingpapers/ilo2006uae_camel_jockeys.pdf

Discouraging demand for forced labour in Brazil

Legal initiatives in Brazil have included several measures to address forced labour. In 2006, a regulation was issued requiring State financial institutions to bar financial services to entities listed in the Ministry of Labour’s “dirty list”, which contains the names of persons and companies documented as users of forced labour.

Croatia

The Criminal Code of Croatia was amended in October 2004 to criminalize trafficking, the definition of which goes beyond that provided in the Trafficking in Persons Protocol to not only penalize traffickers, but also clients of trafficked persons if the clients knew the persons had been trafficked.

Recommended resources



Demand Side of Human Trafficking in Asia: Empirical Findings (ILO, 2006), available at:

www.ilo.org/public/english/region/asro/bangkok/library/pub16a.htm



The Mekong Challenge—Human Trafficking: Redefining Demand (ILO, 2005), available at:

www.ilo.org/public/english/region/asro/bangkok/library/pub16a.htm