EUROPEAN PROSTITUTION POLICIES & TRAFFICKING

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Research Questions & Issues

- **Public opinion** -- support for existing / proposed policies?
  - Is national law based on public preferences?
  - Do lawmakers consider public opinion when debating legislation?

- **Political discourse & struggles** – Views of politicians / gov't officials?
  - Evidence-based decisions & policies ?

- Main **features of diff types** of legal systems?
  - What is legal / What remains illegal?
  - Specific regulations & oversight mechanisms
    - Minimalist <---> Excessive or Costly requirements
    - Monitoring – Are the regulations routinely enforced?

- **Unintended effects** → new challenges for authorities
  - proliferation / OC / non-compliance / marginalizing illegal workers / trafficking

- **Is legalization superior** to criminalization?
  - Outcomes for workers / clients / 3rd parties / communities

- **"Best Practices"** from comparative analysis?
  - Reducing exploitation, coercion, stigma / Workers' rights
  - Policies most likely to generate popular support

Today . . .

- (1) 4 popular claims ← evidence-based?

- (2) Examples of bad research
  - MACRO-MULTINATIONAL

- (3) Some specific issues & nations

- (4) Some policy implications

Common Trafficking Claims

- (1) magnitude is huge (an "epidemic")
- (2) problem steadily growing
- (3) 2nd or 3rd largest OC enterprise
- (4) sex trafficking > labor trafficking

Are claims <u>Evidence-Based</u>?

- MAY be true
- No compelling evidence *
- Question whether the 4 claims CAN be substantiated (at macro level)

* Review: 100 academic arts: few based on original data / most treated <u>claims</u> of govt's & NGOs as "evidence"

* Review: 41 books (popular & academic) = same verdict

Claim 1: immense problem

- advocates' interest: construct problem as horrific & huge → media & public attention & increases funding
- but claimed # victims varies greatly
- USA: 50,000 (2000-2) / 14,500-17,500 (2004-7)
- USA: meta-analysis of 207 "estimates":
  - 1,349 - 46,849 annual labor traff victims
  - 3,817 - 22,320 annual sex traff victims
- Worldwide: 600,000 – "millions"
  - Louise Shelley: "half-million to 4 million victims"

Few victims located

- State Dept (2010): 0.4% of victims worldwide have been officially identified & assisted [assumes victim total is known]
- Justice Dept (2005): "the gov't must address the incongruity betw. the estimated # of victims trafficked into the United States [14,500-17,500 annually] and the # of victims found – only 611" during 2001-2004

 2001-mid2010: 1,636 traff victims identified in USA

- tiny fraction of alleged # of victims
  - 14,500 x 9.5 years = 137,750
  - 17,500 x 9.5 years = 166,250

Claim 2: steadily increasing

- Sex traff: a rapidly spreading "epidemic"
  - Louise Shelley: "the problem is increasing as both demand & supply for people are rising"
  - Katherine Farr: "expanding at an ever-accelerating rate"
  - Siddharth Kara: "demand for sex services has increased as a result of increased use of sex slaves"

Claim cannot be proven
  - (1) clandestine / hidden enterprise
  - (2) no baseline
  - (3) possible market saturation → limits size

Claim 3: hugely profitable

- Human traff = 2nd / 3rd largest OC enterprise
  - UN & USA: 2nd largest / behind drug crime
- Profits = $5-7 billion minimum (IOM)
- $32 billion from all trafficked labor (Patrick Besler, ILO, 2005)
- $36 billion from "trafficked sex slaves" (Siddharth Kara, 2009)
  - Kara's other claims
    - "Only 4.2% of the world's slaves are trafficked sex slaves, but they generate 39.1% of slaveholders' profits."
    - brothel workers = "sex slaves"
    - foreign sex workers = trafficked victims

Claim 4: Sex Trafficking eclipses Labor Trafficking

Bush gov't:
- "majority" of trafficking victims "fall prey to the commercial sex trade." (2004)

Obama gov't:
- "The majority of human trafficking in the world takes the form of forced labor." (2010)

ILO:
- 9 x more labor than sex traff worldwide

Conclusion:

- Cannot make claims about illicit, clandestine activity at <u>macro level</u> (nation / worldwide)
  - widely varying estimates
  - official figures ≠ "data"
    - except arrests / prosecutions / convictions
  - no baseline to track changes over time

- estimates possible at <u>micro level</u> (city, region) – IF data quality is high

(2) Examples of bad research
- MACRO-MULTINATIONAL

Multi-National Comparisons

- European Commission: **27 EU nations**
- Prevalence sex traff (2008-2010)
- Unstandardized sources
  - Different agencies
  - Different definitions
  - Lumping "identified" and "presumed" victims
  - Presumed victim: "fulfill the definition of trafficking . . . but not formally identified" by some authority
  - Presumed by whom & on what basis? OPAQUE
- Highest victimization = Cyprus
- Lowest victimization = Hungary, Lithuania, Portugal

Multi-National Comparisons

Global Slavery Index (2013)

- Ranks 162 nations by prevalence
- Slavery = human traff, forced labor, slavery

Highest victimiz = Gabon, The Gambia, Ivory Coast, Benin, Mauritania, Haiti, Pakistan, India, Nepal, Moldova

Lowest victimiz = 10 "best" – all in W.Europe + NZ

- SOURCES = media stories, gov't agencies, NGOs, population surveys, "experts"
  - Some countries: no source available

Global Slavery Index

Nation lacking sources → imputation

- "the prevalence from the UK study was assumed to be relevant to other European island nations such as Ireland & Iceland, whereas the prevalence ratio for USA was assumed to be relevant to developed Western European countries"
- **Imputation ignores national contexts**

- "assumed to be relevant" → "best estimation that can be derived from the extrapolation within an assumed range"

VERDICT: GSI is NOT evidence-based / terrible "data" / unstandardized sources / underground, illicit activities

Multi-National Comparisons

- Does legaliz reduce trafficking/victimization?
- Cho et al. / Jakobsson & Kotsadam
- Use UNODC 2006 rept: 161 nations
- 113 different sources across the nations

- UNODC cautioned against using rept nationally or cross-nationally
  - no standard definition of trafficking
  - problematic data collection / reporting in many nations
  - diverse nature of the 113 sources
  - conflation of smuggling, trafficking, & irregular migration in some countries

Does legaliz reduce victimization?

- conclude = legaliz increases trafficking
  - Traff highest in legal-prost nations
- (1) *total traff* figure used to assess effects of legal prost (sex + labor + other traff)
  - **mismatch** between compound traff figures & prostitution law
- (2) need *longitudinal* data to track trends
- (3) "**legal prost**" construct = vague
  - masks diff types of legal-prost regimes
  - formal law vs. law-in-action
  - Implemented? Enforced?

  * **Even if these 3 probs resolved, poor data**

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(3) Some specific nations & issues

The Netherlands . . .

"Probable Victims" - Netherlands

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
405	424	579	716	826	909	993	1222	1711	1437

"CoMensha registers officially identified & probable trafficked persons. There is no official identifying organization that determines whether the reported trafficked persons are 'real' victims of trafficking or not." (CoMensha 2010, p.5)

Trafficking Convictions (cases)
BNRM, Mensenhandel in en uit beeld II, 2014

2009	2010	2011	2012	2013
78	83	77	107	151

Cases: labor exploitation, sexual exploitation, forced services, & criminal exploitation

Germany . . .

German trafficking figures

Year	Victims of sex trafficking	Annual average
1993	517	
1994	938	
1995	1196	
1996	1473	
1997	1338	
1998	1198	1,068
1999	831	
2000	1197	
2001	923	
2002	988	
2003	1118	
2004	1074	
2005	731	
2006	802	892
2007	791	
2008	782	
2009	978	(-16.5%)
2010	761	

Source:
Polizeiliche
Kriminalstatistik
2010

German trafficking figures

Year	§232 StGB ("Trafficking for the purpose of sexual exploitation")			
	Cases	Victims	Suspects	Convicted
2000	1,016	1,197	927	148
2001	746	923	773	151
2002	827	988	799	159
2003	850	1,118	855	152
2004	820	1,074	935	141
2005	621	731	633	136
2006	712	802	642	138
2007	655	791	681	123
2008	704	782	671	138
2009	811	978	601	135
2010	621	761	684	
mean 2000-04	852	1,060	858	150
mean 2005-09	701	817	646	134
Two 5-year periods comparison	- 17.7%	- 22.9%	- 24.7%	- 11.0%

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Other research: Population Surveys

- IOM (2006) Belarus, Bulgaria, Moldova, Ukraine, Romania
  - 5,513 randomly selected households
- Q = whether a close family member had been trafficked into sex work, nursing/domestic work, or other work
- FINDINGS: 108 victims = 22 sex / 86 labor
  - Romania lowest (8) / Moldova highest (56)
- <u>REPORTING BIAS</u>:
  - (1) R not fully aware of all family members' experiences
  - (2) sensitive nature of Qs, thus inflating # of false-negatives

VERDICT: not useful at national level or comparative multi-national level

N. DiTommaso 2009 – IOM data = trafficking victims (Europe + Central Asia)

Questionnaires: 4,559 ♀ sex trafficking victims assisted by IOM field missions

- 96% denied freedom to choose clients
- 88% not allowed to choose sexual services engaged in
- 40% regularly prevented from using condoms / 9% never allowed to use them
- worked 7 days a week / average 5 clients per day
- allowed to keep 1/6 of their earnings
- 31% experienced physical assault / 17% sexual assault / 9% psychological abuse
- 90% of the abusers = traffickers or employers / 10% clients
- medical care denied 58% / 60% denied all freedom of movement / 36% some mvt (accompanied)

- **Study documents = both intense & multiple abuses**
- High rates = due to the population studied: officially confirmed, assisted victims
  - not larger population of migrants
- assisted victims may over-represent persons w/ the worst experiences
  - CANNOT GENERALIZE TO TRAFF VICTIMS
  - Does show that a segment of victim popul has dreadful experiences

* Authors do NOT examine 660 labor trafficking victims / 560 male sex trafficking victims in database

(4) Some policy issues

Should public preferences matter?

Public opinion on prostitution . . .

FRANCE: prohibitionist
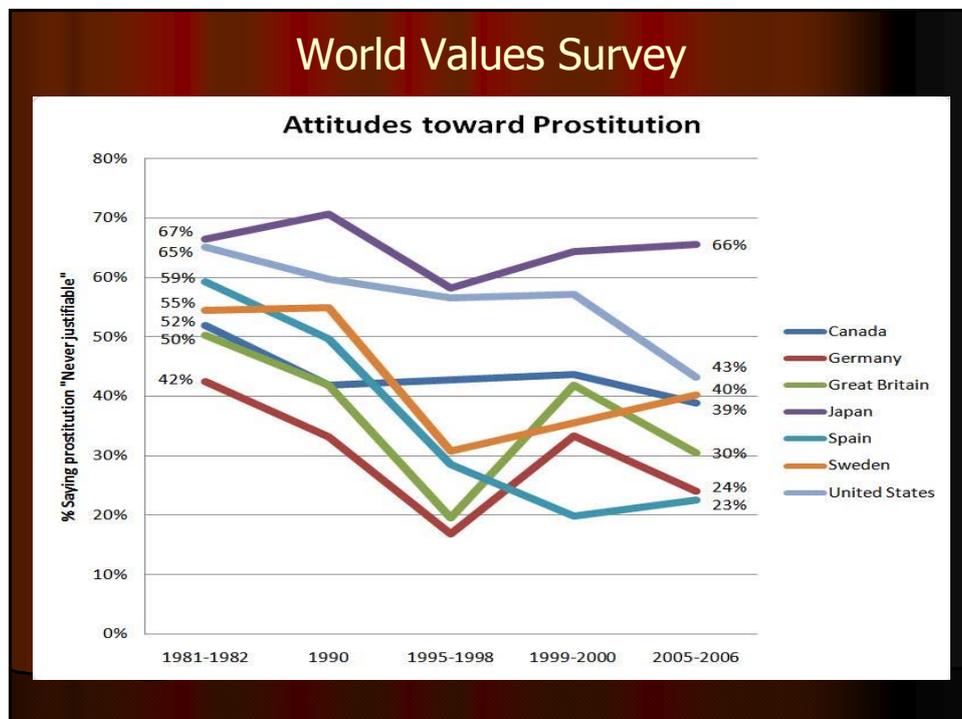
Client-criminaliz bill (2014)
- passed Assembly / rejected by Senate committee

Public policy ≠ public preferences
- 1. support for legalization
  - 1995 "legalization of prost": 68%
  - 2013 "reopening of brothels": 74%   (♀70% ♂79%)
- 2. opposition to client-only criminaliz.
  - 5 polls (2011-2013): 68-88% against
- 3. sex w/ prostitute "acceptable": 61% (2010)

Acceptability of Prostitution (2005-2008)	Never justified (%)
Switzerland	18
Netherlands	20
Norway	21
Spain	23
Germany	24
Australia	25
Britain	30
Sweden	40
Greece	41
United States	43
Bulgaria	46
Italy	58
Poland	58
Russia	66
Romania	69
China / Hong Kong	84 / 43

- **World Values Survey**
  - social tolerance + legal tolerance
    - Switzerland / Netherlands / Germany / Australia
  - social tolerance + legal intolerance
    - e.g., NORWAY (21%) criminalized clients 2009

- **allows comparisons over time . . .**

World Values Survey

Attitudes toward Prostitution

Legalization of Prostitution

	Favor Legalization (%)
Britain (1998 / 2006)	61 / 65
Canada (1998 / 2012)	71 / 65
Czech Republic (1999)	70
France (1995 / 2013)	68 / 74
Germany (1999)	68
Netherlands (1997)	73
New Zealand (2003)	51
Portugal (2001)	54
United States (2012)	38
Western Australia (2006)	64

Popul surveys

- ~ useful informing public policy / law reform

- Qs must focus on specific policy options (not "legalization")

- Need Qs on why Rs favor certain policies

USA survey – legalization (2012)

Favor: 38%

REASONS
- 26%: Public health benefits
- 25%: Reduce exploit of minors & vulnerable
- 23%: Provide taxes
- 11%: Reduce OC
- 15%: Not morally wrong

Oppose: 48%

REASONS
- 44%: Morally wrong
- 25%: STDs / HIV
- 17%: Violates religious beliefs
- 9%: Undermines marriage
- 5%: Would inc. demand

- Policies w/o input from Sex Workers !
  - marginalized everywhere
  - NZ = exception

- very few large surveys of sex workers . . .

San Francisco CALIFORNIA study:
Lutnick & Cohan 2009

N=247 prostitutes – interviewed at health center
- 71%: decriminalization
- 90%: laws to protect their rights
- 83%: mandatory health screening
- 79%: SWs should "determine their own working conditions w/o being taxed or regulated by government"
- 91%: if prostitution remains illegal, prostitutes should be offered social services, not incarcerated

De Wallen survey
De Amsterdamse Prostitutie Monitor

94 window prostitutes interviewed (February 2010)

- 7%: politicians understand "the issues of prostitutes"

- 5%: the "city's plans for the red-light district" are "good for prostitutes"

- 88%: the current prostitution policies (2010) are too repressive

- 53%: oppose official registration of prostitutes

Studies → Policy

- High-quality COMPARATIVE studies needed for evidence-based policy

  - Problematic practices / weaknesses
  - Best practices

Australia: 3 prost regimes
(Harcourt study 2010)

Melbourne: brothels legal (licensed & monitored), other prost illegal

Sydney: all prost decriminalized, not licensed/tightly regulated

Perth: all prostitution illegal

- N=605 brothel workers + field observations

	Melbourne	Sydney	Perth
Alarms in rooms	72%	36%	26%
Security cameras	78%	61%	66%
Free condoms	88%	39%	12%
5-star rating (worker-friendly workplace)	20%	3%	0%

- Findings = policy significantly affects workers' health & safety

Policies – **PROSTITUTION**

(1) Are probs associated w/ prost actually caused by prost ??

(2) Incorporate views / interests of all parties
- public opinion / sex workers / local residents / gov't officials / police / business managers / clients(?)
- not determined by any one sector / informed by

(3) Comparative studies (e.g.,Australia) → identify "best practices"

Policies: **TRAFFICKING**

- **Discontinue "estimating" # victims** at macro level
  - numbers vary widely, unverifiable, may distort reality

- **Ignore MEDIA reporting !** -- anecdotal / sensationalized

- **Do not criminalize customers** – **not** an effective method of fighting trafficking OR prostitution

- **Restrict state resources** to identifying & assisting victims who have been trafficked by deception & coercion / & prosecuting perpetrators

- **Target all types of unfree labor**
  - agriculture, domestic service, industry, mining, fishing, sex trade