Though not a new phenomenon, trafficking in human beings (THB) has considerably increased over the last thirty years. Every year, thousands of persons are being trafficked within, from and to Europe. Women, men, and children are forced to work or provide service under exploitative conditions, covering various forms of coercion and exploitation, including long working hours, debt bonding and confiscation of pay, restriction of movement, violence, and abuse. Although precise figures are difficult to come by, it is clear that THB is a global and widespread phenomenon, extremely lucrative for trafficking networks and with devastating effects on victims, both physically and psychologically.

Hence, addressing THB has grown as a focus in EU countries since Anti-Trafficking Directive 2011/36/EU reorganized the coordination strategies against trafficking into a comprehensive
approach. Increasing the number of investigations and prosecutions as well as focusing on prevention are key priorities of the EU legal and policy framework. However, as with the ‘war on drugs’, there are arguments that concentrating crime-curbing efforts on investigating, disrupting and prosecuting criminals (often considered the supply-side by security sector actors) does not produce sustainable or impactful results. Crime will always find a way to transform and thrive with a new modus operandi.

At its core, THB is a complex crime, driven by different factors and by financial profit or some other kind of gain. It is classified as a serious crime and a human rights violation in key international documents, such as Trafficking Protocol to the UN Convention on Transnational Organized Crime, and the Charter of the Fundamental Rights of the EU.

Combating crime and upholding public order generally, falls within the jurisdiction of the security sector. Because human trafficking is a multi-dimensional problem, its eradication requires a broad set of responses and strategies to effectively address it, among other by security sector actors. In the scope of this research, the ‘security sector’ was taken to refer to stakeholders involved in maintaining general public security, law, and order. This includes both state and private actors such as police, border guards, immigration authorities, intelligence, prosecution, judiciary, in so far as they deal with criminal or public administrative law. In addition, cooperation between the security sector and other relevant actors, such as specialized anti-trafficking agencies, National Rapporteurs and equivalent monitoring mechanism and NGOs, is a key element of anti-trafficking measures and actions. This policy brief is based on research conducted in the Czech Republic, the Netherlands, Switzerland and the United Kingdom on the security sector role in addressing the demand-side of human trafficking. The research involved interviews as well as desk review.

The analysis suggests that the concept of demand is actually little used by security sector actors, partly reflecting the absence of an agreed-upon definition in security sector mandates and strategies. This lack of an agreed definition combined with the actual approach of the term ‘demand’ in security sector mandates and strategies has consequences for their roles and actions in relation to demand-side measures.

Unless the purchase of a particular good or service is criminalized, there is little scope for this sector to be proactive and tackle demand from end users. Without criminalization, it is difficult for the security sector to distinguish which goods or services have been produced in ways that are considered as criminal offenses and which ones are ‘trafficking free’. Therefore, the analyses found that security sector measures in addressing THB have been almost entirely reactive. They respond either to the victim or victim-associated instigation or to intelligence generated through investigative work that leads to uncovering trafficking. The measures have rarely been proactive or demand-side led, such as addressing, in particular, those services or goods that are expected to foster THB.

Law enforcement could become proactive in addressing demand by focusing on particular sectors where the risk of trafficking occurrences is greater. This is often argued for in the case of commercial sex sector. This is an area where security sector actors could be proactive in monitoring policy and law, as persons working in the sector are regarded as vulnerable to exploitation and abuse. However, as the security sector is driven by existing laws, they seem unable to act proactively in ‘addressing demand’ without a suitable legal framework that focuses on prevention as opposed to apprehending criminals after the act. Thus, the lack of a legal framework can act as an impediment for the security sector in integrating demand-side measures and becoming active against demand. Hence, this study shows that a security sector policy that addresses the demand-side of THB requires that demand comes to the forefront in related legislation and jurisdiction. It also requires a paradigm shift from reactive enforcement to proactive efforts focusing on demand. Further policy interventions suggested by responders include challenges presented by various forms of THB, prioritization, structuring, and financing of anti-trafficking entities, proactive financial investigations and the harmonization of cross-border investigations.
1. Key elements of trafficking and demand in the security sector

An important aspect of the fight against THB is the role that security sector actors can play in this process.

At an international level, key instruments such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime 2000 (the Palermo Protocol), define and prohibit the crime of THB.

The definition of THB encompasses three distinct phases: the act (e.g. recruitment, transport, harboring a person), the means (e.g. threat or use of force, other forms of coercion, abduction, fraud, deception, abuse of power or of a position of authority) and the purpose (exploitation). Reflecting the growing concern regarding the development of the phenomenon of human trafficking and building on the pre-existing legal framework, EU Anti-Trafficking Directive 2011/36/EU has also set the definition of THB and determined the approach that will be taken by its member states.

Both documents, therefore, require that the conduct set out in their provisions be criminalized in domestic legislation. The above-mentioned legal framework also provides guidance on strategies for (or) law enforcement activities, such as prevention, prosecution, and protection. This constitutes the basis for security sector actions in fighting THB.

Furthermore, since human trafficking is a multi-dimensional problem, addressing it requires a broad set of responses and strategies by security sector actors and other stakeholders to effectively prevent and counter it.

Whereas key international instruments define the crime of human trafficking and determine the approach to be taken by states, there is no clear definition of the ‘demand that fosters all forms of exploitation related to trafficking’, which states are required to ‘discourage and reduce’. The term ‘demand’ in the context of human trafficking is not a clear concept and often conflates different understandings. Moreover, it is neither used equally nor understood similarly by all relevant stakeholders. Hence, addressing the ‘demand side of human trafficking’ is a new subject for security sector actors, in particular as there is no common understanding of what ‘addressing the demand-side of human trafficking by law enforcement’ entails in practice.

With regard to the domestic legal framework, arrest, investigation, and prosecution processes are not normatively framed in terms of demand or end user, but rather with reference to the criminal intent of the perpetrator. In contrast to the more economics-based understanding of demand, security sector actors therefore clearly interpret demand practically and in a flexible way, perceiving the trafficker or those engaged in or benefiting from criminal activities as demanders instead of seeing demand as relating to possible end users or consumers of services and products provided through exploitation. Even when understanding of the demand-side measures improves amongst security sector actors, they are usually limited to their country’s implementation policy and legal framework. Hence, unless the purchase of a particular good or service is criminalized, there is little scope for security sector actors to tackle the demand-side of trafficking from the end users’ perspective. The term ‘demand’ is thus not routinely used by security sector actors.

Regardless of the lack of a common definition and understanding, the security sector respondents who were prompted to explain how demand could be conceptualized from a security sector perspective tended to understand it as a causal chain of human trafficking, as illustrated in the simplified model below.
**Actors’ chain of human trafficking, through a security sector lens**

The model demonstrates how, according to the interviews with representatives of the security sector, end users’ demand can foster human trafficking. Victims of human trafficking, for example, vulnerable migrant workers and other at-risk groups, are recruited and transferred by recruiters and other facilitators. These recruiters and facilitators act on behalf of the exploiter or the recruitment is conducted by those that exploit them. It should be noted that in this overview a difference is made between the trafficker and recruiter or facilitator. However, in cases of recruitment or transfer when the use of (or threat of) force or coercion or deception can be proven, as well as an abuse of power from a position of vulnerability, as well as the purpose of exploitation, recruiters and facilitators can be prosecuted for human trafficking - as traffickers - too.

Victims are then formally or informally employed and exploited, forced to provide services or labour, or forced into criminal activities, under exploitative and slavery-like conditions. This can be done by direct employers or other facilitators or by traffickers making use of employers or other facilitators. End users (consumers, businesses or employers, or exploiters making use of the services of the victims of trafficking) use or obtain services, labour or products with or without the knowledge that these were provided via exploitative labour/by a victim of THB.

This way, according to the security sector respondents, the end users’ requirements for certain goods and services at low costs can create ‘a demand’ that leads to exploitation and thus fosters trafficking in persons. To reiterate, facilitators and recruiters who provide the ‘product’ to the end user can share the responsibility for the exploitation with the traffickers or become traffickers themselves.

However, human trafficking situations differ, and it is not always easy to clarify the different roles of all actors involved. In the case of forced begging, for example, it is difficult to define the end user. Persons donating money to a person who begs do not really make use of services or a product; therefore, it is not easy to look at this form of trafficking from a ‘demand’ side perspective. However, the exploiter makes use of and profits from the persons who are forced to beg (provide services). In this case, when the (a) security sector looks at demand, they consider the end user, meaning the criminal, as being the exploiter. The exploiter exploits another person, with a clear intent to commit a crime, from which he profits.

2. The security sector’s capacity in addressing the demand-side of trafficking

With the extended legal scope of human trafficking and the detection of its various forms, coupled with the increase in mobility and migration, other legal frameworks and policies related to human rights protection, migration and development are more in play than before. These legal frameworks and policies involve other regulatory authorities (such as immigration, labour, education, welfare, social benefits, family and health authorities), due to which the anti-trafficking field has changed. Hence the anti-trafficking efforts are challenged by the changing modi operandi of traffickers, the various and changing forms of THB and now with addressing human trafficking from a demand-side perspective.

As mentioned, the term ‘demand’ is not routinely used by security sector actors and, when it is, often in a vague and inconsistent way. In the present research on this issue, the literature and interviews reveal that the security sector actors mainly perceive traffickers - or those engaged in or benefiting from related criminal activities as demanders instead of seeing demand as relating to possible end users or consumers of services provided through exploitation.
Interviews with representatives of security sector showed that they consider the prevention, deterrence, disruption, prosecution and conviction of human trafficking as 'addressing demand', if structured on the basis of criminal laws. Therefore, in security sector’s view, the prevention of human trafficking and all related activities are mostly considered as 'addressing demand'.

Primarily, actions disrupting situations of human trafficking and forcing traffickers out of business (such as through investigations, raids, and confiscations) are seen as demand-side measures. Moreover, deterring potential perpetrators by enforcing legislation, conducting patrols and performing inspections on suspected criminal activities are also regarded by security sector actors as having an important preventive effect vis-à-vis trafficking and thus affecting the ‘demand-side’. According to this law enforcement approach, stronger enforcement of the legal framework increases the risk factor for perpetrators, and hence, in theory, lowers the ‘demand that fosters human trafficking’.

Therefore, the major mechanisms through which security sector actors aspire to impact ‘demand’ consist of preventing, deterring, disrupting, prosecuting and convicting.

**Cycle of security sector demand-side measures against human trafficking**

<table>
<thead>
<tr>
<th>Prevention</th>
<th>Contraction</th>
<th>Deterrence</th>
<th>Disruption</th>
<th>Prosecution</th>
<th>Conviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Community engagement</td>
<td>• Deny ability to operate</td>
<td>• Patrol risk areas</td>
<td>• Freeze bank accounts</td>
<td>• Detain suspects</td>
<td>• Deny ability to operate</td>
</tr>
<tr>
<td>• Build trust</td>
<td>• Administrative penalties</td>
<td>• Monitor victims</td>
<td>• Procure evidence</td>
<td>• Confiscate assets</td>
<td>• Administrative penalties</td>
</tr>
<tr>
<td>• Information campaigns</td>
<td>• Preventive orders</td>
<td>• Gather intelligence</td>
<td>• Conduct raids</td>
<td>• Public trials</td>
<td>• Preventive orders</td>
</tr>
<tr>
<td>• Barrier model</td>
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</tbody>
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The analytical framework is structured broadly on the basis of criminal laws, i.e. the security sector’s role is to prevent, deter, disrupt, prosecute and convict all law-violating activities. Hence, if a demand-side action or activity falls out of their mandate, i.e. if the services of the products offered are technically not considered as criminal or is impossible to prove that it violates the law, it is difficult for the sector to play a significant role. The slight exception is that in countries following a common-law structure, the judiciary can create precedents where the said action can be reconfigured as a violation.

Therefore, the research found that traditional security sector measures in addressing THB have been reactive, either from the victim or victim-associated instigation or intelligence generated through detective work that leads to uncovering of a trafficking situation. The measures have rarely been proactive or demand-side led, such as addressing, in particular, those services or goods that are expected to foster exploitation and abuse, with an exception for the commercial sex work in some instances.
The security sector actors could become proactive in addressing demand by focusing on particular sectors where the risk of trafficking occurrences is greater. The sex work sector, for example, is an area where security sector could be very active in monitoring policy and law, as persons working in the sector are regarded as vulnerable to exploitation and abuse.

When it comes to preventative measures, the security sector respondents mentioned that they engage in prevention activities that from the onset might be considered as demand-side measures, such as:

1) visibly conducting patrolling and maintaining a presence in areas where goods and services provided by victims of trafficking are sold;
2) proactive intelligence and analysis of businesses and enterprises that might use trafficked persons based on profiling;
3) awareness-raising of realities, risks and situations of THB through community policing, engagement with stakeholders and information campaigns.

According to the UN Inter-Agency Coordination Group against Trafficking in Persons (ICAT), criminal justice actors have a key role in reducing demand for exploitation through making human trafficking a less profitable economic undertaking and by lowering impunity (2014). However, whether and if all preventive measures taken by law enforcement actors to address demand can ‘qualify and [be] grouped’ under measures addressing the demand that foster all forms of human trafficking, is still an issue of debate. Hence, to identify and group all preventive and other measures taken by the security sector actors as demand-side measures seems a too broad and therefore less useful approach. Yet, those law enforcement actors, who took a more narrow view of the term ‘demand’ as relating specifically to the demand for services and goods produced with human trafficking and exploitation, saw very limited options ‘to take action with regard to addressing demand’ in cases where services or the purchase of products was not criminalised.

Moreover, the effects of combining the legislation and the increase in severity and penalty, either as a deterrent for criminals or as an enabler for the security sector to pursue legally are yet to be ascertained and a conclusion on the effects is not possible yet. Furthermore, since trafficking is considered also as a transnational (organized) crime, curbing it requires concentrated efforts from multiple different states that operate under different bodies of legislation. Hence, the coordination at national and international level constitutes a challenge due to different mandates of involved actors. In cross-border criminal offenses, the international cooperation would also require the set-up of joint investigation teams and information sharing, which enables law enforcement actors to exchange best practices and knowledge, discuss challenges and improve cooperation in complex investigations. Extrapolating internationally, the lack of familiarity with the concept of demand, promoting demand-side measures amongst security sector actors becomes even more challenging.

3. Main findings

The purpose of this research was to analyze what role security sector actors can play - or cannot play - in addressing demand and implementing demand-side measures against human trafficking. In addition, the study aimed to explore four sub-questions:

- How does the security sector perceive the demand-side of human trafficking?
- What are the limitations and challenges of the security sector in its capacity to address the demand-side?
- How can demand-side measures be integrated into the anti-trafficking legal framework to assist relevant security sector actors?

In providing a coherent answer to the objective, three pertinent main findings of the research have been drawn out as presented below.
3.1. Absence of the term ‘demand’

The analysis confirmed the subsequent lack of understanding of demand amongst security sector actors, which has consequences for their role and actions in demand-side measures. The most likely explanation for this is the absence of a clear definition of ‘demand’ and demand-side measures in the security sector’s legal framework, such as criminal or penal codes, public order acts, criminal investigation laws, ordinances, regulations, mandates, and strategies. Criminal proceedings are not framed in terms of demand, but rather with reference to the criminal intent of perpetrators. Security sector actors therefore clearly interpret demand practically and in a flexible way, perceiving the trafficker or those engaged in or benefiting from related criminal activities as demanders instead of seeing demand as relating to possible end users or consumers of services and products provided through exploitation.

Hence, a key first finding of the study is that the term ‘demand’ is not routinely used by security sector actors.

Second, interviews with representatives of the security sector showed that they consider the prevention, deterrence, disruption, prosecution, and conviction of human trafficking if structured on the basis of criminal laws, as ‘addressing demand’. If a demand-side action or activity falls out of mandate, if services or labour are legal, such as legalised soliciting, or where begging is not criminalised, or products and goods produced with human trafficking and exploitation are not forbidden, then it is difficult in the view of security sector actors interviewed to investigate beyond the law and intervene from a demand-side perspective, in particular in cases when services or the purchase of products were not criminalised.

3.2. Governing legislation, mandates and strategies

The security sector actors’ approach to criminal justice is integrated into the legal frameworks and strategies, which guide their activities and enable the security sector to carry out functions related to areas such as apprehension, confiscation, and conviction. This means that the security sector role to address ‘demand’ is very much tied to its governing legislation, i.e. its mandates and jurisdictions. Generally, the main focus is on combatting criminal activities. If something is not defined as being criminal in its respective legal framework (i.e. public order act, criminal code, criminal investigation law, ordinances, regulations), then it usually falls out of the scope and remit of the security sector.

Take, for example, the case of forced begging. If donating to mendicants is legal, the security sector actors have very limited chances to use their inherent powers, such as investigation, apprehension, confiscation, and prosecution to address the demand-side (if we can speak of a demand for begging) and/or to look for exploitative practices.

The same applies for sexual exploitation: if soliciting sexual services is legal in a country, the security sector actors interviewed saw no role for engaging with clients. Thus, if addressing ‘demand’ is not mandated to security sector actors, they will by default not try to address it.

While the resulting challenges are obvious from a theoretical perspective, not defining ‘demand’ can also mean funding will not be allocated to specific activities to address demand.

3.3. Security Sector’s measures - Reactive instead of proactive

THB is a major global challenge, a complex crime, and a fast-growing criminal industry. Furthermore, when Organised Crime Groups (OCGs) are involved, they prove to be rapid and flexible both in changing their modi operandi and the end-use of victims of trafficking, morphing and adapting uses to contexts and risks. However, the traditional security sector measures in anti-
Trafficking have been reactive either from a victim associated instigation or intelligence generated through detective work that leads to uncovering of a trafficking situation. The measures have rarely been proactive or demand-side led, such as addressing, in particular, those services or goods that are expected to foster exploitation and abuse. Moreover, even though measures have been taken by countries to criminalize the use of services, with the knowledge that the person providing services is a victim of trafficking, it remains difficult for the security sector actors, to detect ‘the knowingly abusers’ users when the provision or buying of the services is legal.

Similarly, the case work, analysis, and intelligence to reveal, investigate and prosecute one type of THB organized criminal network entails significant resources. While crime can switch demand quickly, the resources, funding, and policies of the security sector are not so proficient. Thus, even if security sector actors try to strike at the first entry points (as close to the ultimate end user as possible) of the demand chain and deter demand, crime will most likely find a way to avoid it and utilize new loopholes. The security sector in most cases only reacts to changes in the structures and operations of organized crime instead of proactively being one step ahead of them. The perception of security sector actors is that they are therefore limited in contributing to meeting the obligation of ‘addressing demand’.

**Policy Implications and Recommendations**

**Legislative Reform: Guiding the security sector towards demand-side measures approaches**

The most relevant legal framework regarding THB is to be found mainly under existing criminal legislation (criminal or penal codes), which unsurprisingly focuses investigative effort on the crime rather than on demand. Hence, despite some exceptions, such as legislation on the criminalisation of those knowingly using services or labour provided by trafficked persons, the legal framework does not provide the security sector with the means or mandates to substantially address the demand-side of human trafficking.

Stemming from this understanding of the role of legislation, the security sector role in proactively addressing demand seems tied to its legal framework, i.e. mandates and jurisdictions and restricted to criminal activities.

Hence, from a security sector perspective, this policy brief recommends enhancing security sector capabilities through a two-pronged policy approach. This approach covers the main components through which the security sector works: 1) legislation, jurisdiction and mandates, and 2) strategies, operational guidance, training, funding, and priorities.

1) In case the security sector should be involved in addressing demand, a clear definition of the demand-side of trafficking is of utmost need. Thereafter, a more elaborated and focused reflection is required on how best to translate the term ‘demand’ into domestic legal framework and into the mandate of the security sector and on how to turn the policy into practice.

2) Strategies, operational guidance, training, funding, and priorities

Shifting from a reactive mindset to a proactive one to address demand and its root causes is required for the security sector. Criminal networks involved in human trafficking, be it national or transnational, remain adept and flexible in THB, especially in exploiting gaps and vulnerabilities. They can quickly adapt to the counter-measures taken by anti-trafficking actors. Meanwhile, security sector actors often find themselves forced to act with outdated supply-side measures, which may not allow for the most expedient responses.
With this understanding in mind, the policy implications include:

- A multi-agency and a cooperative approach to trafficking in human beings;
- Prioritization, funding, and structures;
- Training and best possible use of resources, based on the existing multilateral structures for information exchange and international legal tools (joint investigation teams, information exchange);
- Increased awareness-raising;
- Use of new technologies;
- Community policing.

**Research Parameters**

**Scope and methodology**

The research is part of the DemandAT case study on trafficking in human beings (THB) in the security sector conducted in four European countries: the Czech Republic, the Netherlands, Switzerland, and the United Kingdom.

The key objectives were to examine 1) what types of THB are considered relevant by the security sector in enacting demand-side measures, 2) how the security sector perceives the ‘demand-side’, 3) the limitations and challenges of the security sector in its capacity to address the demand-side, and 4) how demand-side measures can be integrated into anti-trafficking legislation to assist relevant security sector actors.

The study qualitatively analyzed data collected primarily through expert interviews in addition to secondary desk research and questionnaires. A literature review of relevant publications, legal sources, media, political documents and grey literature covering Europe was supplemented with a questionnaire sent to case-country stakeholders. Over 30 interviews were conducted in the case countries between May 2015 and February 2016. In each country, six to eleven key experts from government anti-trafficking services, such as police, prosecution, judiciary, immigration, border, intelligence, and gendarmerie, as well as NGOs were interviewed. Purely military actors, such as private security companies, military, intelligence, and peacekeepers, were excluded from the study.

**References**


# Project Identity

<table>
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<tr>
<th><strong>Project Name</strong></th>
<th>Addressing Demand in Anti-Trafficking Efforts and Policies (DemandAT)</th>
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