

ALLIANCE AGAINST TRAFFICKING IN PERSONS

“Stolen Lives, Stolen Money: The Price of Modern-Day Slavery” (25-26 June 2013)

Keynote Address: Tackling the ‘Demand Side’ of Trafficking?

Speaker: **Julia O’Connell Davidson, *Professor of Sociology, University of Nottingham, UK***

I would like to start by thanking the organisers of this conference for doing me the honour of inviting me to speak today, and by noting that it is more than a decade since Bridget Anderson and I first embarked on research on ‘the demand side of trafficking’. Calls for action to address demand have continued to be made throughout the past decade, but seemingly to no real effect. We’re still meeting to call for action on the same thing. So I want to reflect on why this may be. In particular, I want to argue that the rhetoric which surrounds trafficking oversimplifies the issue in ways that tend to encourage empty gestures rather than the kind of political action that is necessary to address the demand side of trafficking.

Framing trafficking as a modern slave trade

Trafficking is routinely described as a form of slavery. This is a very powerful and effective rhetorical device, and the benefits of exploring parallels between human trafficking and modern slavery have been illustrated by many of the contributions to this conference. However, there are also certain dangers, as well as benefits, associated with using the language of slavery. Framed as a struggle against modern slavery, the fight against trafficking is something that can be endorsed across political lines and that everyone can sign up to. After all, who is in favour of slavery or opposed to freedom and human rights? And who does not feel a surge of righteous emotion when called upon to help ‘Free the Slaves!’?

But talk of a modern slave trade can also encourage an overly simplistic understanding of the phenomena we are supposedly concerned with. To devise measures that might have an impact on the human rights violations at issue, we need to engage with the complexity of trafficking, its diversity, and the roots of different manifestations in specific political contexts. And as I will try to show in this talk, this often means thinking about the ways that trafficking is not like transatlantic slavery.

Modern Slavery and Migration

There are strong political pressures to divorce debate on trafficking from debates on the more general phenomenon of migration. But its links to migration is the most obvious and striking difference between trafficking and the transatlantic slave trade. The Africans who, between the 15th and 19th Centuries, were forcibly transported to the Americas had no wish or ambition to move to the New World, whereas the vast majority of people who end up in trafficking situations wanted to move to another region or country. And they almost invariably had excellent reasons for wishing to do so.

Whether they wish to move because they believe their life-chances and earning opportunities will be better elsewhere, or because they face immediate and acute danger or threat, the decision to move is made in the context of immigration regimes that have become ever more restrictive over the past two decades. This has prompted the development of a growing market

for clandestine migration services. The research literature shows these services are often very expensive; that they often lead to various different forms of debt and dependency; and that although in some cases they are provided by people who are honest and fair in their dealings, they can also be associated with an array of violent, coercive and exploitative practices both in the course of travel and at the point of destination. Indeed, research suggests that trafficking is in the vast majority of cases a corrupted mode of migration, one that turns individual migrants' migratory projects and dreams into nightmares (see, for example, Alpes, 2011; Anderson, 2013; Stoll, 2010; Testai, 2008).

So the demand for opportunities to migrate is actually fundamental to the problem of trafficking. Indeed, the ILO has long argued that 'anti-trafficking' measures must be located in, and informed by, a migration policy framework which recognises, among other things, that legal labour migration channels contribute to both reducing trafficking in children and women and the smuggling of migrants. But far from working towards this over the past decade, we have witnessed more and more restrictive immigration policies being adopted in destination countries.

Where demand for opportunities to migrate is recognised as a contributory factor, the response has mostly been to attempt to dissuade would-be migrants from using clandestine migration services and/or set in place new barriers to women and children's migration. But without addressing the conditions that generate migratory pressures, or providing safe alternative migration channels, publicity about and even personal experience of the dangers associated with undocumented migration is rarely enough to stop people from taking the risk (Soderlund, 2005; Marshall and Thatum, 2005). From a human rights perspective, migration and trafficking are inextricably linked. Measures to address the demand side must also engage with people's need and desire to move.

Demand for Cheap and Vulnerable Labour

It is often assumed that demand for victims of trafficking is distinct from 'normal' labour market processes, since employers (and clients in the case of sex work) are said to buy the trafficked person, not simply her labour or services. This idea is well illustrated in this anti-trafficking campaign poster. But is the process that's taking place fundamentally different, or is it just the terms of the exchange that differ?

We say that employers buy and workers sell labour, but this is not actually a market in something that can be separated from the person. Labour is 'a human activity which goes with life itself', it is not produced for sale across a market, its 'supply' cannot simply be reduced or expanded in line with the demand for it (Polyani, 2001). Nor can it be consumed by its purchaser in the same way that other commodities may be consumed. The workers who sell labour power are very seriously affected by the way in which employers treat the 'commodity' they purchase.

Since production is organised in pursuit of profit, employers generally have an interest in securing labour on the cheapest and most flexible terms. Historically, governments placed few restraints on the operation of labour markets, and employers were often in a position to treat workers as they would treat any other piece of merchandise, as 'things' rather than as human beings. This is why one of the ILO's founding statements was 'Labour is not a commodity', it is why a central plank of the organized labour movement's struggle over the past 150 odd years

has been the political struggle for state interventions to protect worker citizens and their families both from the vagaries of labour market and the unfettered power of employers. This was reflected in the political settlement that became the norm in welfare capitalist states in the post-world-war-2 period which guaranteed worker citizens a modicum of welfare, and afforded (some) workers certain forms of protection in employment.

The aim of such measures was basically to ensure that no worker was so destitute and desperate as to be forced to sell themselves to any employer, no matter how exploitative; and to ensure that employers did not enjoy the freedom to treat workers as disposable objects, or to work them like slaves. So this model of worker citizenship was a safety net against forced labour and hyper-exploitation. Of course, this safety net had holes in it even in its heyday. But today, after almost three decades of welfare state retrenchment, deregulation of markets, and recent massive cuts to the budgets of agencies that inspect and monitor workplaces; and in the context of increasingly restrictive immigration policies that illegalise more and more migrants, many more people have little or no social protection against the labour market and also lack protection in work (Papadopoulos, 2005).

Again, the comparison with transatlantic slavery is unhelpful in explaining demand for this cheap and unprotected labour. We are not, on the whole, talking about people working in some separate, underground 'slave' economy but rather in the mainstream economy, for example, picking the fruit and vegetables that will be sold in major supermarkets. And unlike enslaved Africans, these people actively sought to sell their labour. For most trafficked persons, the problem is not the exchange itself, but the terms of that exchange. In other words, it isn't usually that they object to picking tomatoes, or crating chickens, or even providing sexual services, in order to make a living, but rather they object to being forced to do so for long hours, in terrible conditions, without care for their health or safety, for little or no pay, and being housed in substandard accommodation, denied freedom of movement, subject to violence, rape, arbitrary fines, and so on.

And the reason why such appalling terms can be imposed on them is because the safety net that protects other workers doesn't cover them. They can be treated in these ways because as irregular migrants, they have no rights to protection from or within the labour market; or because even as migrants legally working in the country, they work in sectors that are not adequately regulated or monitored, or are tied to employers by visas and immigration rules that make it difficult or impossible for them to quit.

Employer demand for trafficked labour in most sectors is not demand for chattel slaves, but for cheap, unprotected labour – labour on tap. This is the demand that is met by gangsters and other agents that supply contract labour. Their practice is, in turn, largely determined by what is feasible and profitable in the particular social, legal and institutional context in which they operate. In contexts where regulation and monitoring is weak, and where those higher up the supply chain are squeezing costs, this can readily translate into a willingness to exploit trafficked persons, along with otherwise vulnerable and unprotected workers (ILO, 2005; Anderson and Rogaly, 2005).

Consumer Demand for Services

In discussion of the demand side of trafficking, those who pay for sex are often singled out as uniquely responsible for causing trafficking through their demand for prostitution, and so deserving of special and particular control and punishment. As Sigma Huda put it in 2006:

“Unlike the purchaser of consumer goods produced through trafficked labour, the prostitute-user is simultaneously both the demand-creator and (by virtue of his receipt of the trafficked person) part of the trafficking chain;”

It's true there are some differences between the consumption of sexual services and the consumption of consumer goods. If we buy cheap vegetables, we do so because they're cheap and not specifically because they have been picked by Ukrainian or Lithuanian workers. But people who buy sex generally wish to consume what has been termed “embodied labour” – i.e., they normally want to make use of the services of persons of a specific sex, age and also often race, ethnicity, or nationality. Few clients would be equally happy to buy sex from an elderly man or a young woman, and they may also have specific preferences regarding the racial or national identity of the sex workers they use, their language skills, physical appearance, and so on (Anderson and O'Connell Davidson, 2003). But this does not actually distinguish demand for commercial sex from demand for services/labour in all other sectors in which trafficking is said to occur. The same point applies to those who wish to consume the labour of domestic workers, wives, adopted children or au pairs within the private household, for example. It is also relevant in relation to demand for care workers, and for models.

Indeed, an important point that arose from our research with employers of domestic workers, but that is also relevant to demand in other sectors, concerns the social devaluation of certain groups – whether on grounds of race, ethnicity, gender, age or nationality – and the sense that they are somehow less deserving, and even less deserving, of rights. Employers we interviewed were often very clear that they would not feel able to treat a worker of their own race, ethnicity and nationality in the ways they felt able to treat migrant domestic workers. They expressed a preference for migrant workers of particular nationalities precisely because they did not perceive people from these countries as expecting rights or as their social equals; in some cases they also expressed a preference for irregular migrants, who were perceived as even less likely to be able to make demands (Anderson and O'Connell Davidson, 2003; O'Connell Davidson, 2010).

I would also take issue with the idea that the sex buyer takes receipt of the trafficked person. Most clients' encounters with prostitutes are fleeting, and even when the prostitute is subject to forced labour, it's normally the brothel owner or pimp, not the client who dictates the terms on which she works. It would actually be much easier to make the ‘trafficking chain’ case in relation to domestic work than in relation to prostitution, because employers of live-in domestic workers (unlike clients of prostitutes) do actually receive the worker into their home for lengthy periods of time. They live with them, they determine their pay and living and working conditions, so in the case of domestic work, it really is the end consumer (the employer) who holds the power and knows certainly whether the worker is there of their own free will.

But paying someone to live in your home as your servant is not socially stigmatised in the same way that paying someone for sex is, so few people would argue since some employers of domestic workers are known to imprison, beat, rape and cheat their employees, all employers of

domestic workers should be criminalized. Yet they assume that sex buyers are all entirely without scruples as consumers. And yet in reality, my own research and that of others shows that people who pay for sex, like people who employ domestic workers, are not a homogeneous group (O'Connell Davidson, 2005; Sanders, 2008; Lever and Dolnick, 2010). Some of them do go to great lengths to avoid buying sex in settings where workers might be unfree, and there have been many cases in many countries where it is clients who have actually alerted the police to the presence of forced labour in brothels, precisely because they think it is wrong.

More generally, it is important to recognise that demand for commercial sex is, like all forms of consumer demand, very much a socially, culturally and historically determined matter. It is also intimately related to questions about supply or availability, indeed, we could almost say that supply generates demand rather than the other way about. There is no absolute or given level of demand for the services of lap-dancers in any society, for example, and before the relatively recent advent of lap dance clubs, no one bemoaned their absence. Supply may be a necessary condition for demand, but it isn't always a sufficient condition. Demand must also be socially constructed in the sense that people have to be taught to imagine that they want or need a given product or service. Human beings are not born wishing to buy commercial sexual services or to visit lap dance clubs, for instance, any more than they are born with specific desires to play the lottery or drink coca-cola. They have to learn to view consuming sexual services as pleasurable, as a marker of their social identity and status as 'real man', 'adult', 'not-gay' or whatever. Our research produced interesting findings with regard to social pressures to use prostitutes, suggesting, for example, that most clients were introduced to prostitute-use at a young age (a sizeable percentage were actually under 18 when they first bought sex)

Measures to prevent men buying sex from street prostitutes and/or to suppress the most visible forms of prostitution are sometimes presented and justified as 'anti-trafficking' measures (if there was no demand for street prostitution, it would not be worth anyone's while trafficking women and children into street prostitution). Leaving aside the many objections to such policies that are made by many groups concerned with the safety, human rights and civil liberties of women who work in street prostitution, it is clear that they are an inadequate response to links between consumer demand and the problem of forced labour in the sector as a whole. Clamping down on demand for street prostitution does nothing to address - and may even strengthen - demand in other segments of the market, both legal and illegal, where forced and 'trafficked' labour can also be an issue (pornography, escort agency prostitution, lap and table dance clubs, internet web-cam sex, and so on). Of course, it would be possible to extend the logic of the 'penalise the buyer' approach to all forms of sex commerce: a total ban on all forms of sexualised entertainment and pornography involving actors/models; raids on private homes and monitoring of private bank accounts to ensure that people are not using the internet to access sex workers; phone taps to ensure that telephone sex is not being consumed. But most would balk at the civil liberties implications of such an approach. Given the political and moral problems posed by a policy of legal suppression, and that fact that individual patterns of consumption are often established at a very young age, I would argue that those who wish to see the commercial sex market shrink rather than continue to expand need to come up with more creative, less punitive and longer term strategies.

Consumer Demand for Goods

In C18th England, those campaigning for the abolition of slavery drew attention to the chain of connections linking the seemingly innocent English consumer of sugar and rum to the brutality of the slave system of the Caribbean. They argued that in the face of the Government's refusal to act to abolish the slave trade, the customer for sugar and rum could resist slave trading by changing his or her consumer behaviour, boycotting products from the West Indies.

Similar arguments are advanced in relation to trafficking today, with campaigners telling us we can help to combat modern slavery by questioning how products are sourced, choosing to buy fair trade products, and buying products from companies that are committed to the fight against trafficking. It's interesting, however, that the C18th campaigns asked a lot more of consumers than today's abolitionists do. They urged the English people to abstain completely 'from the use of sugar and rum' until the slave trade was abolished or 'till we can obtain the produce of the sugar cane in some other mode, unconnected with slavery, and unpolluted with blood.' But today's anti-trafficking campaigners don't ask consumers to actually stop consuming anything at all. They simply ask them to consume more 'ethically'. And this is something that can supposedly be done in alliance with business enterprises.

Though I'm all in favour of efforts to increase consumers' awareness of the conditions under which the products they purchase are produced, the emphasis on the moral agency of the consumer and their capacity to influence those conditions through their acts of consumption is problematic. Even with the best will in the world, it's hard to be an ethical consumer. This was well illustrated by a recent case in the UK where trafficked Lithuanian workers were found exploited in the poultry farms that supplied free range organic eggs and chicken to major supermarkets and fast food outlets, i.e., precisely the kind of product that the "ethical" consumer is likely to select.

Indeed, even if consumer pressure leads huge multinational retailers to introduce a range of ethical fair trade products for them to purchase, these are sold alongside other, presumably unethical, unfair trade products. The individual consumer may now get to say whether she wants this fair trade coffee for 6 Euros, or whether she prefers these unfairly traded coffee for 2 Euros, but she cannot affect the more general processes by which the same retailer pressures its supply chains to counter inflation in food by squeezing labour costs, thereby making trafficked labour more attractive to those further down the chain.

And in fact, if we start to think seriously about the ways we are all daily implicated in chains of connection that may, for all we know, extend back to workers subject to forced labour and other forms of abuse, it would become clear that we are not able to transform the structures that underpin these chains of connection through our individual actions as consumers. We can't, for example, change the world simply by choosing to buy fair trade cotton T shirts because, as Neil Howard's (2012) research shows, the exploitation of migrant and child labour in cotton production in places like Benin is not simply a result of consumer demand for cheap cotton; it's also a result of US government subsidies to domestic cotton producers which end up artificially deflating the price of cotton worldwide, which means that people in Benin are pushed deeper into poverty, and so work in ever worsening conditions. Individual consumer choices can't change this – it requires collective political action, political analysis, political solutions.

Conclusion

In conclusion, addressing the demand side of trafficking requires us to forego the easy moral consensus in which states, big business and NGOs can all unite in condemning modern slavery, and start to engage in political arguments about things like development aid, world trade organisation agreements, and the protectionism practiced by affluent countries, as well as political debates about migrants' rights, immigration policy, and labour rights.

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Julia O'Connell Davidson

School of Sociology & Social Policy

University of Nottingham

Nottingham, NG7 2RD

Julia.oconnelldavidson@nottingham.ac.uk