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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the Global Alliance Against Traffic in Women, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 May 2013]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **The need for a critical approach to ‘demand’ discourses in work to end human trafficking**

The Global Alliance Against Traffic in Women (GAATW) is a global network of more than 100 non-governmental organisations from Africa, Asia, Europe, Latin America and the Caribbean, and North America.

We thank the Special Rapporteur on trafficking in persons for her report looking into the integration of a human rights-based approach in measures to discourage the demand that fosters all forms of exploitation of persons and which leads to human trafficking. Based on research for our report, *Moving Beyond ‘Supply and Demand’ Catchphrases: Assessing the uses and limitations of demand-based approaches in anti-trafficking*, we recognise the challenge in discussing ‘demand’, which is still an oft-mentioned but under-theorised concept in anti-trafficking.<sup>1</sup>

It is good to see the growing focus on the demand for exploitative labour practices, particularly in globalised supply chains. This is a complex, multi-faceted issue and demands a sophisticated and precise analysis in order to effectively counter exploitative labour practices. We welcome the Special Rapporteur illuminating some of these complexities and feel this presents a more promising direction on ‘demand’ than the traditional debates around ending the demand for sex work that have typically been central to anti-trafficking debates.

We particularly welcome the distinction made by the Special Rapporteur between the sex work sector and exploitative labour practices within the sex work sector. Anti-trafficking discussions on demand have historically been stymied by anti-prostitution efforts to eradicate the sex work sector by criminalising clients, despite protests from sex workers rights groups and growing evidence that such approaches do not work.<sup>2</sup>

The Global Alliance Against Traffic in Women appreciates the Special Rapporteur’s recognition of the role of trafficked persons and affected groups in anti-trafficking efforts, including efforts to reduce the demand for exploitative labour practices. We would urge the Special Rapporteur also to recognise the work of sex workers rights groups in addressing demand. These have included efforts to reduce the demand for unprotected paid sex,<sup>3</sup>

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<sup>1</sup> GAATW, *Moving Beyond ‘Supply and Demand’ Catchphrases: Assessing the uses and limitations of demand-based approaches in anti-trafficking* (2011), available at [http://www.gaatw.org/publications/MovingBeyond\\_SupplyandDemand\\_GAATW2011.pdf](http://www.gaatw.org/publications/MovingBeyond_SupplyandDemand_GAATW2011.pdf)

<sup>2</sup> See for example, Canadian HIV/AIDS Legal Network, *Sex Work Law Reform in Canada: Considering problems with the Nordic model*, Briefing Paper, January 2013; Dodillet, S. and Östergren, P. *The Swedish Sex Purchase Act: Claimed Success and Documented Effects*, Conference paper presented at the International Workshop: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges. The Hague, March 3 and 4, 2011, available at: <http://www.petraostergren.com/upl/files/54259.pdf>; FIRST, *Swedish Model a Failure*, 2010, available at: <http://www.firstadvocates.org/swedish-model-failure-yet-another-law-targeting-street-based-sex-workers>; Östergren, P. (n.d.) *Sex workers Critique of Swedish Prostitution Policy*, available at: <http://www.petraostergren.com/content/view/44/38/>; Thing, S., Jakobsson, P., and Renland, A. *When Purchase of Sex is a Crime: About New Legal Measure and its Impact on Harm Reduction Among Sex Workers in Sweden and Norway*. Presented at International Harm Reduction Association’s 22nd International Conference, 3-7 April 2011, Beirut, Lebanon, available at: <http://myweb.dal.ca/mgoodyea/Documents/CSWRP/CSWRPEUR/When%20purchase%20of%20sex%20is%20a%20crime.%20IHRA%202011.doc>

<sup>3</sup> See *The Report of the UNAIDS Advisory Group on HIV and Sex Work*, December 2011: <http://www.uknswp.org/wp-content/uploads/unaidssadvisorygrouponsexworkandHIVDec2011.pdf>

increasing awareness about sex workers' rights among clients<sup>4</sup>, and critiquing 'end demand for prostitution' efforts.<sup>5</sup> Given that sex workers are negatively impacted by anti-trafficking measures and given their growing body of work on these harms,<sup>6</sup> it is critical that any efforts regarding demand for sex work include sex workers rights groups in order to avoid the 'unintended negative consequences' identified by the Special Rapporteur.<sup>7</sup>

The Special Rapporteur notes that international bodies have called for more research on the dimensions of demand that impact on the rights of trafficked persons, migrants and other affected groups. We would suggest that future research on demand examine the impact of demand-based approaches that criminalise sex workers' clients (such as the Swedish model) and the effect of this on anti-trafficking efforts. The Special Rapporteur notes that a number of States have criminalised sex workers' clients in an effort to address demand. However, there is a growing body of research that supports sex workers' argument that the criminalisation of clients has not reduced trafficking or sex work, but has increased sex workers' vulnerability to violence, harmed HIV responses, and infringed on sex workers' rights.<sup>8</sup>

The Global Alliance Against Traffic in Women agree that debates about demand need to be grounded in evidence in order to move beyond simplistic 'supply and demand' analogies. An example of this includes critically analysing the manufactured media hype about the

<sup>4</sup> For example, Living in Community, Tools for Customers: <http://livingincommunity.ca/toolkit/tools-for-customers>; Chez Stella, Dear Client: <http://library.catie.ca/PDF/P42/22575.pdf> ; Prostitution without compulsion or violence, Rules for Punters (including guidelines for identifying forced prostitution): <http://www.verantwortlicherfreier.ch/en/index.html> ; British Columbia Coalition of Experiential Communities' (BCCEC) For Our Clients: <http://tradesecretsguide.blogspot.com/search/label/For%20Our%20Clients>

<sup>5</sup> For example, Casella, E. & Martinetti, I. (2007). Critique of Focus on Demand in the Context of Trafficking in Persons: A Position Paper of the Sex Workers Project at the Urban Justice Center. New York: Urban Justice, available at: <http://www.sexworkersproject.org/media-toolkit/downloads/20070330BriefingPaperOnDemand.pdf>; Best Practices Policy Project, Initiatives to "end demand" for prostitution harm women and undermine good programs, available at: <http://www.bestpracticespolicy.org/subpage11.html> ; Sex Workers Outreach Project (SWOP-USA). (n.d.). Analysis of "End Demand" Initiatives, available at: <http://www.swopusa.org/en/endeddemand.php> ; Sex Workers Project at the Urban Justice Center. (n.d.). What is "Demand" in the Context of Trafficking in Persons? Available at: <http://www.sexworkersproject.org/downloads/20050301TraffickingDemand.pdf> ; Urban Justice Center Working Group on Sex Work and Human Rights. (n.d.). The truth about demand. Media Toolkit, available at: <http://www.sexworkersproject.org/media-toolkit/downloads/07-TruthAboutDemand.pdf> ; Walker, S. (1999). The John School: A diversion from what's needed. In N. Lopez (Ed.), *Some Mother's Daughter: The Hidden Movement of Prostitute Women Against Violence* (165-168). London: Crossroads Books.

<sup>6</sup> GAATW, Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World (2007), available at [http://www.gaatw.org/Collateral%20Damage\\_Final/singlefile\\_CollateralDamagefinal.pdf](http://www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf); Empower Foundation, Hit and Run: The impact of anti-trafficking policy and practice on Sex Workers' Human Rights in Thailand (2012), available at [http://www.empowerfoundation.org/index\\_en.html](http://www.empowerfoundation.org/index_en.html)

<sup>7</sup> Report of the Special Rapporteur on trafficking in persons, especially women and children, to the 23<sup>rd</sup> session of the UN Human Rights Council, A/HRC/23/48, 18 March 2013, paras.72-75.

<sup>8</sup> See GAATW, Moving Beyond 'Supply and Demand' Catchphrases; Godwin, J. 2012. Sex Work and the Law in Asia and the Pacific: Laws, HIV and human rights in the context of sex work. UNAIDS, UNFPA, UNDP, available at <http://www.snap-undp.org/elibrary/Publication.aspx?ID=699>; Global Commission on HIV and the Law. 2012. Risks, Rights & Health, available at <http://www.hivlawcommission.org/index.php/report>; Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, A/HRC/14/20, 27 April 2010.

role of international sporting events in creating a demand for trafficked women and children, which the Special Rapporteur refers to in her report.<sup>9</sup> This always garners a lot of attention by media and anti-prostitution groups, but there is no evidence that international sporting events create a demand in trafficking for the purposes of prostitution.<sup>10</sup>

To reduce the demand for exploitable migrant labour and all forms of forced labour, the Global Alliance Against Traffic in Women urge States to:

- Enforce labour standards, improve working conditions, and allow workers to organise;
- Ensure coherence between immigration policies and labour market needs – increase access to fair and legal migration channels for working class migrant workers;
- Fight discrimination against migrants and women, including by giving trafficked persons and undocumented workers the opportunity to regularise their migration status and access labour and education markets;
- Consider the potential of decriminalising sex work and practices around it, as a strategy to reduce the opportunities for exploitative labour practices in the sex sector.<sup>11</sup>

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<sup>9</sup> Report of the Special Rapporteur on trafficking in persons, especially women and children, to the 23<sup>rd</sup> session of the UN Human Rights Council, A/HRC/23/48, 18 March 2013, para.19

<sup>10</sup> GAATW, What's the Cost of a Rumour? A guide to sorting out the myths and the facts about sporting events and trafficking (2011), available at <http://www.gaatw.org/publications/WhatstheCostofaRumour.11.15.2011.pdf>

<sup>11</sup> See GAATW, Moving Beyond 'Supply and Demand' Catchphrases; Godwin, Sex Work and the Law in Asia and the Pacific (UNAIDS, UNFPA, UNDP); Global Commission on HIV and the Law, Risks, Rights & Health; Report of the Special Rapporteur on the right to health, A/HRC/14/20, 27 April 2010.