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Marcel van der Watt

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Primary Prevention of Sex Trafficking: Time to Move the Needle on Demand Reduction

Marcel van der Watt 

National Center on Sexual Exploitation, Research Institute, Washington, DC, USA

ABSTRACT

Consumer-level demand reduction is positioned as the primary prevention of sex trafficking, and researchers and practitioners are implored to expand the focus on consumer-level demand in scholarship and practice. Evidence of consumer-level demand is an ever-present piece of the physical, psychological, and sexual violence that stems from the overlapping systems of prostitution and sex trafficking. While multilateral legal obligations and political commitments geared toward discouraging the demand that fosters sex trafficking exist, actions that hold sex buyers accountable have been slow-moving. Research, too, frequently ignores the glaring role of sex buyers in ringfencing sex trafficking crimes, shrouding traffickers, and obscuring victims. This commentary is informed by the author's interspersing law enforcement and operational fieldwork dating back to 2002 and a recent study sponsored by the National Institute of Justice and completed by the National Center on Sexual Exploitation's Research Institute.

KEYWORDS

Primary prevention; sex trafficking; prostitution; consumer-level demand; demand reduction

Introduction

Almost 20 years have passed since Professor Donna Hughes brought the demand side of sex trafficking into sharper focus. She provided an insightful overview of a range of approaches that had been implemented and described laws, policies, and programs aimed at reducing the demand for prostitution in communities and countries. Her succinct description of “What is Demand?” (Hughes, 2004) poignantly accorded with my observations and experiences as a South African law enforcement officer and sex trafficking investigator in the years leading up to the country's hosting of the 2010 FIFA Soccer World Cup. The indelible demand factor and evidence of the overlapping systems of prostitution and sex trafficking were ubiquitous in police investigations and court testimonies that were widely covered in the media during this period (Hayward, 2008; Innocence for Sale, 2001; Mphande, 2010; Operation Priscilla, 2005; Roberts, 2009). At the same time, efforts to fully decriminalize South Africa's sex trade were relentless. Lobbyists and some researchers' placation of sex trafficking concerns as a “moral panic” and minimizing the role of sex buyers in fueling the demand that fosters sex trafficking was commonplace. For me, one of the conclusions reached by Prof Hughes, namely that “it is not possible to distinguish between men's demand for victims of sex trafficking from men's demand for commercial sex acts” (Hughes, 2004, p. 4), was not only spot on, but illuminated the dilemma at the nucleus of full decriminalization lobbying efforts.

At the time, one prominent study in Cape Town became a cornerstone in national efforts to fully decriminalize the sex trade. While survivors and anti-trafficking practitioners were not included in the research, managers and owners of all types of brothels were key contributors to a study that found “little evidence of trafficking for the purposes of prostitution” (Gould & Fick, 2008, p. xiii). Findings also included that few sex buyers seek to “employ the services” of “very

young sex workers” (Gould & Fick, 2008, p. xiii) and that it is “most unlikely that client demand is fueling trafficking since demand is being adequately met” (p. 81). These findings were not only dislodged from the real-world experiences of sex trade survivors and anti-trafficking law enforcement officers, social workers, prosecutors, and service providers but were also incongruent with several research studies dating back to the mid-1990s that graphically describe excessive violence inflicted on women, and children as young as eight years old by sex buyers, brothel owners, and traffickers (Bermudez, 2008; Martens et al., 2003; Molo Songololo, 2000; O’Connell Davidson & Sanchez Taylor, 1996). Sex trafficking definitional truncation and the undercounting of sex trafficking prevalence in the research by Gould and Fick (2008) were subsequently pointed out by scholars and practitioners (see Dempsey, 2017; Swanepoel, 2018; Van der Watt, 2020).

Much work has since been invested in the problematization of consumer-level demand. What has crystallized over the past two decades is that consumer-level demand is an undeniable driver of online and offline prostitution and the same force that feeds domestic and international sex trafficking (Shapiro & Hughes, 2017; Shively et al., 2012, 2023; Thompson, 2017; Van der Watt, 2022, 2023). Yet, actions geared toward holding sex buyers accountable for the physical, psychological, and sexual violence endemic to prostitution and sex trafficking have been slow-moving, and casting demand as the propellant for an exploding global sex trade has been a source of some tension among scholars, and the impetus for much agitation by proponents of the full decriminalization of prostitution.

International Calls to Combat Demand

Multilateral legal obligations and political commitments geared toward discouraging the demand that fosters sex trafficking are in existence and mandate action from participating countries. For example, Article 9(5) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (United Nations, 2000) (hereafter Palermo Protocol) adopted by the UN in November 2000 mandates the strengthening of legislative and other measures such as “educational, social or cultural measures” that seek to “discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”

On December 15, 2022, United Nations resolution 77/194 (Trafficking in Women and Girls: United Nations, 2022) was adopted by the General Assembly and reiterated the need to eliminate the demand that fosters sex trafficking. It calls upon governments to:

... intensify their efforts to prevent and address, with a view to eliminating, the demand that fosters the trafficking of women and girls for all forms of exploitation and in this regard to put in place or to enhance preventive measures, including legislative and punitive measures to deter exploiters of trafficked persons, as well as ensure their accountability.

A comprehensive discussion of the need to combat demand was offered by Organization for Security and Co-operation in Europe (OSCE 2021) in a report which includes an analysis of Article 9(5) of the Palermo Protocol. It concludes that “the subsection does not target only the ‘demand for trafficking’ or the ‘demand for sexual exploitation,’ but rather demand that encourages exploitation that in turn leads to trafficking.” Demand that is causally connected to exploitation (i.e., “fosters” the exploitation) thus merits a demand reduction response and, as they explain further:

... does not have to be designed or intended to increase exploitation or trafficking. This is a more expansive view of demand than simply the demand ‘for’ trafficking. In the context of trafficking for the purpose of exploitation of the prostitution of others, for example, this analysis extends the concept of demand to buyers or users whose conduct unintentionally or unknowingly motivates third parties to exploit prostitution. (p. 26–27)

The recognition of consumer-level demand as a stimulant for sex trafficking, and the accompanying calls to discourage it, are, therefore, well established.

Demand and the System-Wide Transmission of Harm

Several reports and studies from the past five years provide insights into the nature of consumer-level demand in both the offline and online ecosystem and its nexus with sex trafficking in both liberalized and criminalized prostitution systems. Sometimes explicit but manifestly implicit, the residue of consumer-level demand is an ever-present piece of the physical, psychological, and sexual harms that stem from the overlapping systems of prostitution and sex trafficking. New Zealand's 2022 downgrade to Tier 2 for the second consecutive year in the annual State Department Trafficking in Persons Ranking List (U.S. State Department 2022) makes for an insightful case study of a country whose Prostitution Reform Act serves as the North Star for full decriminalization of prostitution and the removal of laws that target sex buyers. While it is no surprise that the government of New Zealand did not make efforts to reduce the demand for prostitution, several shortfalls in the government's response to sex trafficking raise serious questions. The government has "never certified a foreign victim of sex trafficking" (p. 413), and despite evidence of sex trafficking, neither has it "[n]ever identified an adult New Zealander as a victim of sex trafficking" (p. 413). New Zealand police are constrained by legal limitations on their ability to proactively screen for sex trafficking victims "within the legal commercial sex industry" (p. 413), including regulations prohibiting police from inspecting legal brothels without a complaint. The report concludes with experts who note that the prevalence of sex trafficking "among New Zealand women is significantly under-reported and under-detected" (p. 414). No mention is made of consumer-level demand or the seminal role of sex buyers as financiers and active participants in the exploitation equation. Instead, blameworthiness is apportioned to "traffickers [who] continue to target vulnerable populations, such as children, migrants, and adult victims of domestic and family violence for exploitation in sex trafficking" (p. 414). Yet, the glaring role of sex buyers in ringfencing sex trafficking crimes, shrouding traffickers, obscuring victims, and obfuscating harms must not be ignored. As a recent study of German sex buyers found, 55% admitted to having observed or paid a pimp or trafficker and "very rarely" reported trafficking to the authorities. Despite acknowledging having witnessed sex trafficking, only 1% of 96 German sex buyers had reported the suspicion of sex trafficking to authorities (Farley et al., 2022).

The South African Government has set in motion its ambitions to follow New Zealand's lead in fully decriminalizing the South African sex trade and removing all laws on sex buying, pimping, and brothel keeping. Present-day lobbying for full decriminalization of prostitution now has academics not only calling for sex buying to become legal but earmarks sex buyers as potential "peer educators [who] could instill and reinforce positive norms among clients" (Richter & Huysamen, 2023) and brothel owners to form "part of the social accountability network" that would "police" those who traffick women and children (Stoltz, 2023). What remains unsaid is that sex buyers have always flourished as *de facto* decriminalized because creating accountability for their crimes has never been a priority for the government.

The results are tragic. A technical report (Van der Watt, 2022) included a content analysis of 36 successfully prosecuted sex trafficking cases in which potentially thousands of male sex buyers were never held accountable. By implication, many rape cases have never been recorded, nor will they ever be solved. Brothels as cocoons for sex trafficking operations are deeply embedded in South African communities and operate with intractable impunity over protracted periods – sometimes years. The online sexual exploitation marketplace is also flourishing, with some of the top online adult websites, some advertising on public roadways and close to schools, implicated in successfully prosecuted sex trafficking cases. In one case (*State v Seleso*), the child victim was exploited through the use of a live-streaming platform employed by her traffickers. The child victim's profile had over 6,000 log-ins over two years from sex buyers who spanned the globe. The dire South African consumer-level demand

situation is arguably best summarized in the words of Magistrate John Montgomery in a case of sex trafficking and exploitation of mentally disabled children in a brothel (*State vs Matini & Another*). He noted: “People’s lives are worth what the next person pays for. It is a ‘dog eats dog’ world” (see Van der Watt, 2022).

In the U.S., the conduct of individuals (mostly men) who buy sexual access to people in prostitution and sex trafficking is proscribed by various state and federal laws (National Center on Sexual Exploitation, 2021; National Conference of State Legislatures, 2020), while persons under the age of 18 who are sexually exploited in prostitution are considered victims of child sex trafficking. Despite commendable efforts by law enforcement agencies and non-state actors in the United States to discourage the demand that fosters sex trafficking, consumer-level demand is relentless and particularly apparent in the online environment.

As part of a study that was sponsored by the National Institute of Justice, the National Center on Sexual Exploitation has documented 15 tactics that have been used in more than 2650 U.S. cities and counties to deter sex buyers from engaging in prostitution and sex trafficking systems (Shively et al., 2023). The study updated Demand Forum, a comprehensive online resource that includes city and county-level case studies of sex buyer activities (Demand Forum, 2023). In addition to adult and child sex trafficking, many harms were documented. These include the overlap of consumer-level demand with prostitution-related homicides, child sexual abuse material, child endangerment, serial rape, community complaints and community-level violence and harm.

Roe-Sepowitz (2019) explored the behavior and characteristics of a national cross-sectional sample of sex traffickers arrested for the sex trafficking of minors in the United States. A total of 1416 sex traffickers were identified in a six year period from 2010 to 2015. The number of arrests and the use of technology by sex traffickers progressively increased annually during this period. Online ads were used in nearly two-thirds of the cases ($n = 889$, 63.5%). A disturbing finding from this study was that such a significant commercial market exists for sex with minors. Roe-Sepowitz notes:

While the demand for sex is significant, the demand for sex with minors is especially important to note. Sex traffickers of minors are intentionally offering children for sex, and adults are intentionally engaging in sex with children with no compunction or inhibition. (p. 627)

Finally, insights into the nature and scope of consumer-level demand in the online sexual exploitation marketplace are also evident from non-state actors (Epik and Street Grace) who collaborate with law enforcement to use artificial intelligence to discourage the demand that fosters sex trafficking (Van der Watt, 2023). Epik addresses consumer-level demand at the point of purchase by using a powerful stack of technologies. Over approximately 10 years, more than 250,000 attempts by an estimated 125,000 men intent on buying sexual access to another person have been logged by Epik. Gracie, an artificial intelligence chatbot launched by Street Grace, intercepts men who are looking to purchase sexual access to prostituted persons or sex-trafficked children. Gracie then sends these men deterrence messages that communicate the risks and consequences of their behavior. In a mere 5-month period, Gracie has:

- reached 25 States and 78 Cities
- exchanged more than 54,000 messages with people intent on purchasing sexual access to adults and children alike, and
- reported more than 6000 would-be predators to law enforcement agencies.

The potential of these technologies to both compute the scale of demand and deter sex buyers at the point of sale significantly eclipses those of human actors and also augments research insights concerning the system-wide transmission of demand-related harms.

Research Gaps and Strategic Opportunities

Many law enforcement agencies across the United States have concluded that their efforts to reduce sex trafficking and other forms of commercial sexual exploitation must transcend the mere apprehension of sex traffickers and identifying victims. Their answer lies in addressing consumer-level demand and disrupting the revenue provided by sex buyers. Our research found that demand reduction tactics have been implemented for over 50 years and have proven feasible and effective (Shively et al., 2023). Moreover, the overlap of consumer-level demand with prostitution and sex trafficking systems is far from over-researched, nor has it garnered the prioritization in policy and practice it deserves. More can and should be done. To borrow from the “diamond” metaphor applied to human trafficking by Moloney (2015), consumer-level demand – like a diamond – should be picked up, analyzed, flipped over, turned around, and rotated to “reveal and inspect a new facet” (p. 28). The emic perspectives of sex trade survivors and frontline practitioners are critical to this endeavor. Researchers and policy makers must grapple with empirical evidence and knowledge wellsprings that intuitively, theoretically, and pragmatically point to consumer-level demand as enabler and perpetuator of sex trafficking. Moreover, research that obscures the role of sex buyers and that minimize the amount of abuse and coercion in the sex trade in furtherance of policies to fully decriminalize prostitution, must be challenged. Plenteous opportunities exist for further research and the discovery of hidden transcripts concerning the nature and scope of consumer-level demand, while the theory and practice of demand reduction – if fully embraced by state and non-state actors–can result in meaningful change and revenue streams for survivor support services. Artificial intelligence and emerging technologies provide copious opportunities to scale demand reduction at the national level and open new frontiers in efforts to map and measure the online sexual exploitation marketplace. The time for strategic (un)ambiguity, honest research, and targeted actions geared toward holding sex buyers accountable is now. Consumer-level demand reduction is *primary* prevention (Shively et al., 2023) and must be positioned at the front end of any prevention strategy.

Disclosure statement

No potential conflict of interest was reported by the author(s).

ORCID

Marcel van der Watt  <http://orcid.org/0000-0002-5556-8360>

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