



DESIRE
Demand
for Sexual
Exploitation
In Europe

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Acronyms

A-Z	Acronym	Meaning
D	DESIRE DoA	DEmand for Sexual Exploitation In Europe Description of Action
E	ERG	Expert Reflection Group
F	FLIGHT	FLIGHT, NGO
T	THB TiU	Trafficking in human beings Tilburg University
U	UU UW	University of Uppsala University of Warsaw
V	VUB	Vrije Universiteit Brussels
W	WP	Work Package

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Executive Summary

Sexual exploitation is a widespread and trans-cultural phenomenon that affects women, men and children (UNODC, 2016). Through an extensive review of the literature analyzing this phenomenon, the authors suggest that a key element in preventing and combating the phenomenon lies on crafting an up-to-date and comprehensive definition that can inform and empower all key stakeholders involved in eradicating human trafficking by supporting them in better identifying key elements characterizing sexual exploitation and in developing prevention interventions. In order to contribute to this challenge, the authors have reviewed the existing definitions of sexual exploitation, established that this term currently almost exclusively pertains to the realms of child abuse and human trafficking (i.e. commercial non-consensual forms of sexual interactions) and therefore explored “exploitation” conceptually beyond the context of trafficking to develop a more comprehensive definition that can account for all manifestation of sexual exploitation, i.e. also in the context of commercial and consensual sexual interactions. The results of the analysis are the following operational definition that will be applied, tested and further developed throughout the DESIrE research project:

“Sexual exploitation is any actual or attempted interaction retrieval of sexual activity that leaves one party worse off (psychologically, physically, economically) than it was before the interaction and/or than it was entitled to or that is mutually beneficial but occurs in an “unfair” and/or “vulnerable” context”.

This definition has been designed as an operational definition for the DESIrE research project and will be tested, applied and developed to frame and inform data collection during the empirical research phase of the project and identify the relevant stakeholders / target groups including: law enforcement and policy officials, sex workers and victims of sexual exploitation, service providers, the general public and the consumers. Furthermore, the definition suggested will inform and enable the design and implementation of prevention interventions for each stage of the trafficking process.

1. Introduction

The term “sexual exploitation” is mostly used in the literature to refer to children and victims of trafficking. The current definitions of trafficking for sexual exploitation frame sexual exploitation as a type of commercial, non-consensual, harmful or mutually beneficial but in an unfair context. However, Sexual Exploitation can occur beyond trafficking in a context of consensual, informed and independent decision to be engaged in sex work. In this perspective, a more comprehensive and fluid definition of Sexual Exploitation is needed to fully understand a phenomenon that currently constitutes the second largest illegal business activity in Europe (UNODC 2016). A key entry point in opening up the current definition of sexual exploitation designed for the context of human trafficking is to analyse and understand the concept of exploitation in general.

In the following paragraphs the authors will first attempt to conceptualize the term “exploitation”, they will then discuss the current definitions of sexual exploitation that exist in the context of human trafficking to identify the different elements of these definitions and, finally, they will develop a comprehensive definition of “Sexual Exploitation” (beyond human trafficking) by combining the elements that determine exploitation with those that determine sexual exploitation in the context of human trafficking. The goal is to design a definition that can transcend debates on “consent” when establishing whether a sexual interaction is “exploitative” and that can thereby comprehensively capture the complexity of sexual exploitation as a phenomenon beyond trafficking. Naming and defining sexual exploitation has vital political and policy value and impact, as it is the first step to understanding the scope, nature and implications of this phenomenon. Moreover, it also sets the ground for which approach is appropriate when developing prevention interventions and empowers law enforcement in convicting exploiters.

2. Conceptualizing Exploitation

This paragraph will discuss the notion of exploitation at a conceptual level by reviewing literature on exploitation theory (Stanford Encyclopedia of Philosophy, last accessed online: 05th May 2017; Zwolinski 2012; McLaughlin 2008; Arneson 1981).

Transactional vs. Structural

“Exploitation” can be defined as “taking unfair advantage of people” and “to use another person’s vulnerability for one own benefit” (“Stanford Encyclopedia of Philosophy,” last accessed online: 05th May 2017). Exploitation can be transactional or structural; it is transactional when the unfairness is a property of a discrete transaction between two or more people and it is structural when the unfairness is embedded in the rules of the game that is when it is a property of institutions or systems beyond the discrete transaction.

Harmful vs. Mutually Beneficial

Furthermore, exploitation can be harmful or mutually beneficial in an unfair context. It is harmful when an interaction leaves one party worse off (psychologically, physically, economically) than it was before the interaction and/or than it was entitled to and it is mutually beneficial when an interaction leaves both parties better off than ex ante’. What makes mutually beneficial interactions potentially exploitative is that they still can be defined or perceived as “unfair” either in the process, substance or outcome in which the interaction occurs and/or unfolds.

Unfair vs. Fair

Literature shows that it is relatively easy to identify examples of “mutually beneficial exploitative” transactions but that to provide analysis in support to these examples is much harder. The challenge lies in defining the conditions under which the transaction can be considered unfair. Does unfairness manifest as a human rights violation, or as physical harm to a party or both? Is the unfairness in the process, in the substance or in the outcome of the transaction? At what extent is the history and background prior to the transaction relevant to determine whether it was unfairly exploitative?

The answers to these questions when defining sexual exploitation need to be developed throughout the DESIRE project on the basis of the data collected during the empirical research phase. For the scope of this policy paper, the authors have focused on providing an understanding of the key components of exploitation and leave the debate open to a case by case evaluation.

3. Mapping current definitions of sexual exploitation

As mentioned in the introduction, when sexual exploitation is used to refer to adult victims, it is mostly in the context of human trafficking. In the last fifteen years, terms such as prostitution, sex trafficking, sexual exploitation, modern-day slavery, and sex work are used interchangeably in national and international contexts. Gerassi (2015) has provided definitions of these different terms including the various criticisms of the terms as they apply (see table 1, which includes our contribution to Gerassi’s review).

Table 1_Definitions of Sexual Exploitations and their critiques (adapted from Gerassi 2015)

Label	Definition	Critique
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<p>Sexual Exploitation</p>	<p>“any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including but not limited to profiting monetarily, socially, or politically from sexual exploitation.” (United Nations Secretary-General Kofi Annan, 2003).</p> <p>According to the Annotated Guide to the Complete UN Trafficking Protocol (IHLG, 2002), the following definitions could be considered: “sexual exploitation” means “the participation by a person in prostitution, sexual servitude, or the production of pornographic materials as a result of being subjected to a threat, coercion, abduction, force, abuse of authority, debt bondage or fraud.” “Exploitation of the prostitution of others” could be defined as “the obtaining by a person of any financial or other benefit from the sexual exploitation of another person” (IHLG, 2002).</p>	<p>At the time of this bulletin, the term referred to any individual, regardless of age, who was affected by sexual violence for political or social advancement.</p>
<p>Sex Trafficking</p>	<p>“The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” (US Federal Definition - 22 U.S.C. §7102).</p>	<p>In its simplest form, the law indicates that this crime occurs when an adult is induced by force, fraud, or coercion to perform a sex act for money or anything of financial value (Human Trafficking, n.d.). A delineation was made to describe severe forms of trafficking, which occur when (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (22 U.S.C. §7102).</p>
<p>Modern-Day Slavery</p>	<p>Bales (2004) define contemporary slavery as a “social and economic relationship in which a person is controlled through violence or paid nothing, and economically exploited.”</p> <p>Modern-day slavery is frequently used to describe sex trafficking in awareness campaigns, news reports, governmental releases, and even some academic literature (Hughes, 2005; Newton, Mulcahy, & Martin, 2014; Reichert & Sylwestrak, 2013; Smith, Vardaman, & Snow, 2009).</p>	<p>Advocates of this term argue the word captures the violence and cruelty victims endure while evoking an image of people forced to do something against their will. Abolitionists argue that modern-day slavery and sex trafficking are indistinguishable because they both deny the dignity of victims (Venkatraman, 2003). However, critics contend that the comparison of which modern-day slavery lends itself to, the trans-Atlantic, black slave trade, is theoretically, structurally, and economically different from modern-day sex trafficking (Musto, 2009). They also contend that not all forms of commercial sex are involuntary, and therefore equating acts of commercial sex to modern-day slavery is extreme and inaccurate.</p>
<p>Sexual Enslavement</p>	<p>According to Kamberg (2008) Sexual slavery is a particular form of enslavement which includes limitations on one's autonomy, freedom of movement and power to decide matters relating to one's sexual activity. Thus, the crime also includes forced marriages, domestic servitude or other forced labor that ultimately involves forced sexual activity.</p>	<p>In contrast to the crime of rape, which is a completed offence, sexual slavery constitutes a continuing offence. Forms of sexual slavery can, for example, be practices such as the detention of women in "rape camps" or "comfort stations", forced temporary "marriages" to soldiers and other practices involving the treatment of women as chattel, and as such, violations of the peremptory norm prohibiting slavery.</p>

Prostitution	The term “prostitution” refers to a variety of activities performed under different terms and conditions. According to Shaw and Butler (1998) , prostitution is usually understood to mean the provision of sexual services for the exchange of some form of payment such as money, drink, drugs, and other consumer goods or even a bed and roof over one’s head for the night.” Although prostitution by willing adults is not considered to be a form of sex trafficking or sexual exploitation, it has become increasingly recognized that law enforcement may not recognize elements of force, fraud, or coercion when charging women with this crime (Potterat, Rothenberg, Muth, Darrow, & Phillips-Plummer, 2001).	Much international policy documentation attempts to draw boundaries between trafficking in women and prostitution, it may be suggested that such clear demarcations are problematic. Trafficking in women for the purposes of sexual exploitation relies upon, and sustains, prostitution and women’s inequality (Kalayaan 1999; Hughes and Roche, 1999). This term is currently being replaced by the word sex-work since it has gained stigmatizing connotations.
Trading, Survival, and Transactional Sex	Throughout the literature, a series of studies refer to trading sex, survival sex, and transactional sex interchangeably and reference an exchange of a sexual favor for something of value such as food, clothing, or shelter (Tyler and Johnson, 2006).	Engaging in survival sex in itself is a strong risk factor for “indoor” and “outdoor” (commercialized) forms of prostitution (Miller et al., 2011). This term is used mostly in describing the exchange of sexual services for financial value among youth and young women, often as a method of survival (Greene, Ennett, & Ringwalt, 1999; Tyler and Johnson, 2006).
Sex Work	Sex work refers to the exchange of sexual services, performances, or products for material compensation and can refer to direct physical contact between buyers and sellers as well as indirect sexual stimulation (e.g., pornography; Weitzer, 2000, p. 1).	Advocates of this term argue that sex work provides a sense of professionalization and dignity similar to other professions, especially in comparison to the term “prostitution” (Russell & Garcia, 2014). The concept of choice and freedom of expression among sex workers is continually debated in academic and legal writings. While some academic literature refers to sex workers as people who exchange sex for money voluntarily, that is, free of coercion or control, much debate still arises as to the concept of choice and lack of someone else controlling these sexual exchanges (Alvarez & Alessi, 2012; Miller et al., 2011). As such, it is imperative to include this term along with other forms of sexual exchanges for money or an item of financial value.

The definitions presented above reflect unanimously the discourse around consensual vs. non-consensual sexual interactions. Most of the definitions emphasize the use of force and/or abuse of vulnerability when defining sexual exploitation in the context of human trafficking, whereas a few highlight the element of choice framing it as “voluntary” (Sex-work, Survival Sex). All the definitions, except survival sex, identify the “unfair” systematic financial or in kind gain of a third party that financially benefits from the exploitation of others as a key element to define sexual exploitation in the context of human trafficking. What these definitions differ on is the moral and ethical stand on the phenomenon: victimize (sex slavery) by highlighting elements of cruelty and abuse and the lack of actual conscious decisions made by the victims; dignify the persons and their decision by highlighting the freedom of choice and the use of one’s body to generate income even in a context of vulnerability (sex work), and stigmatize the overall phenomenon independently from whether force or consent is fueling it (prostitution). The moral and ethical views behind the above mentioned definitions are a reflection of Outshoorn’s (2004) typology on prostitution regimes which distinguishes policy models in “Abolitionist”, “Prohibitionist” and “Regulatory” States.

To sum up, the current definitions of Sexual Exploitation in the context of human trafficking rely upon three elements:

- The commercial nature of the interaction (Financial, Social, Political, Physiological, Psychological gain or In-kind gains such as shelter, food, employment);
- The lack of informed, conscious and independent consent to the unfair exploitation specifically;
- The abuse of a position of vulnerability, trust or power as a means of exploitation.

4. Towards a comprehensive definition of sexual exploitation

Table 2 maps the spectrum of sexual interactions that can occur among adults and divides them into commercial and non-commercial and into consensual and non-consensual. The spectrum is simplified in the table into two extremes: consensual and non-consensual but there is a grey zone in between that stretches from coercion, deception, debt bondage, fraud, threat to abduction. However, consent or non-consent is not static but a fluid process that is grounded in a changing context and that can change over time. It is for this reason that sexual exploitation can occur in a context of consent.

Table 2_Mapping the Spectrum of Sexual Interactions

Non-Commercial		Commercial	
Consensual	Non-Consensual	Consensual	Non-Consensual
Adult Sex	Sexual Abuse/Violence	Sex-Work	Sexual Exploitation
Incest	Incest	Escort	Escort
	Rape	Phone-Sex	Phone-Sex
	Forced Marriage*	Web-Cam Sex	Web-Cam Sex
		On-Line Sex	On-line Sex
		Pornography	Pornography
			Sexual Servitude
			Forced Marriage*

**Forced Marriage manifests in many different ways and it is highly debatable. In this paper it falls under both commercial and non-commercial forms of sexual interaction since it can also entail a financial or in-kind gain for the family.*

In perspective to the categorization outlined in Table 2, the current definition of sexual exploitation in the context of Human trafficking falls into the categories of commercial and non-consensual sexual interactions. However, sexual exploitation involving adults can take place beyond trafficking when Facilitators and/or Customers (see definitions in the DESIrE Policy Paper 1.1 on Demand, 2017) and sex-workers engage in harmful or mutually beneficial but unfair interactions. In this perspective, key elements in defining sexual exploitation beyond trafficking are harmful, and mutually beneficial but unfair interactions.

Furthermore, to label sexual exploitation as a private choice distinct from the social, economic and political structures that constrain these choices influences how we address the phenomenon and its possible solutions (Balos 2004). If a harmful condition is simply the consequence of a private choice, then persons who make the choice are responsible for their own condition. In such a case, a private individual remedy will appear appropriate and a collaborative solution focused on changing unequal societal conditions will seem unnecessary. The authors are of the opinion that an attempt to define sexual exploitation as transactional is inappropriate. By doing so, the whole responsibility, blame and

stigma is put on the person giving “consent” and/or on customers and facilitators. We therefore suggest instead to approach the phenomena with a collaborative approach to responsibility.

Taking all the defining elements of the concept of exploitation as a tool to craft a definition of sexual exploitation that is able to capture its existence beyond the context of trafficking, we suggest the following as an operational definition for the DESIRE project, which will be tested, developed and sharpened throughout the Research Project and will be used as a base to frame and develop data collection during Work Package 3:

“Sexual exploitation is any actual or attempted interaction retrieval of sexual activity that leaves one party worse off (psychologically, physically, economically) than it was before the interaction and/or than it was entitled to or that is mutually beneficial but occurs in an “unfair” and/or “vulnerable” context”.

5. Recommendations

Definitions of sexual exploitation continue to create confusion and controversy within the academic, legal, and popular literature as well as among researchers and social service providers (Jordan, Patel, and Rapp, 2013; Reid, 2010), which in turn creates challenges for both law enforcement in the prosecution of criminals and practitioners in service provision. In fact, naming and defining sexual exploitation has remarkable political and policy values, as it is the first step to understanding the scope and consequences of this phenomenon and towards its successful prevention. Moreover, the lack of a consistent term in the literature highlights the need of an explicit debate. There have been similar discussions on other terms including “violence” (Dobash and Dobash, 1998) and “Paedophile” (Kelly, 1996) before. The importance of framing a common definition of sexual exploitation in European Countries is crucial in order to increase international cooperation by harmonizing responses to the crime and the prevention strategies in a holistic and comprehensive way.

The authors recommend the following:

- That policy models move away from the “consent” vs. “non-consent” discourse when defining sexual exploitation and acknowledge and cover instances in which sexual exploitation occurs beyond the established realm of Human Trafficking and Child Abuse by introducing “harmful”, and “mutually beneficial but in an unfair context” as key determinants of the exploitative nature of a transaction that is retrieval of sexual activity.
- When defining Sexual Exploitation to take the context of vulnerability into account as a main enabling factor for the recruitment and growth of the sexual exploitation of people in Europe and beyond. The need of a common definition and harmonized policy and legal framework across the EU is key to effectively eradicate human trafficking for sexual exploitation and to prevent it.
- Approach the framing, understanding and development of prevention interventions against all forms of sexual exploitation by looking at it as an outcome of structural inequality between genders and social injustice since exploitation is defined as harmful, mutually beneficial but unfair in the context in which it manifests, by using a collaborative responsibility approach to prevention.
- Define what constitutes an “unfair” interaction retrieval of sexual activity by using a case-by-case approach that aims at assessing whether the sexual interaction was non-harmful and mutually beneficial but in a fair context at the time and context in which it occurred.
- To further develop a holistic approach to prevention of sexual exploitation by avoiding the use of an individualistic model of responsibility that puts the whole responsibility of the existence of sexual exploitation on the shoulders of the consumers and facilitators by introducing a collective responsibility model where all societal stakeholders, governments included, are responsible for reducing the underlying system of injustice and inequality that fuels sexual exploitation.

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