



CHAPTER IV
TRAFFICKING FOR FORCED LABOUR;
THE ECONOMY OF COERCION

CHAPTER 4

TRAFFICKING FOR FORCED LABOUR; THE ECONOMY OF COERCION

Trafficking for the purpose of forced labour cannot be analysed as a single form of trafficking, as it includes a variety of different methods of exploitation, victim profiles and economic sectors. This form of trafficking is characterized by its infiltration in the legal economy and its possible interaction with daily life. Victims can be trafficked in sectors that are part of a population’s ordinary consumption, such as food production, construction and textile manufacturing. Traffickers involved in this form of exploitation may not necessarily work underground in illicit markets, but instead may be associated with officially registered companies or operate in a broader informal economic system where working conditions resort to exploitative practices to increase profits.

Trafficking for the purpose of forced labour accounts for about 38 per cent of the total trafficking cases detected globally in 2018. Some regions of the world, namely Sub-Saharan Africa, South Asia, and Eastern Europe and Central Asia, detect more cases of trafficking for forced labour than other types of trafficking.

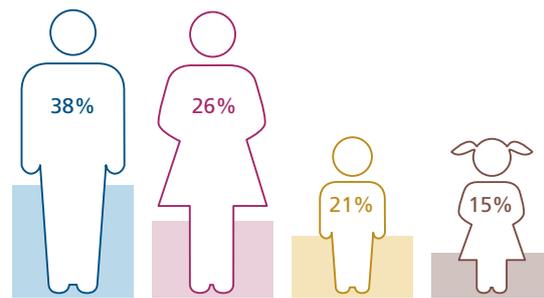
Globally, the majority of detected victims trafficked for forced labour are adult men. Meanwhile, adult women

account for about one fourth, while children account for more than one third of detected victims (15 per cent are girls and 21 per cent are boys). However, it is important to note that there are regional differences that affect these figures.

Sub-Saharan African countries mainly detect girls and boys trafficked for this purpose. Children, especially girls,

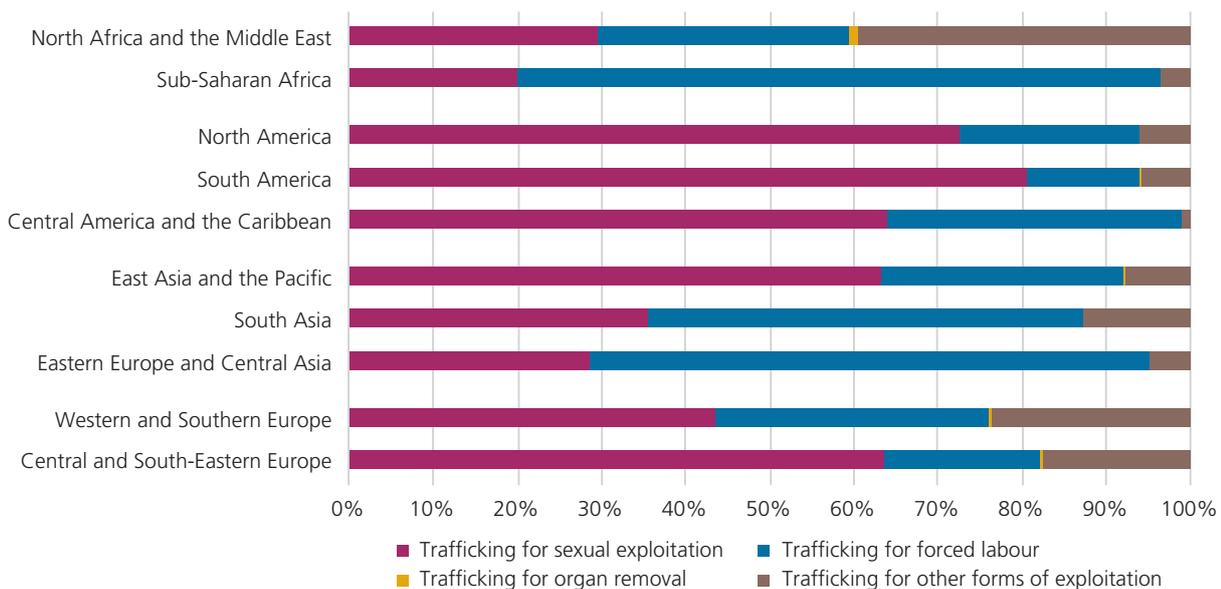
FIG. 63 Shares of detected victims of trafficking for forced labour, by age group and sex, 2018 (or most recent)

106 countries (n=6,530 victims whose form of exploitation by sex and age was reported)



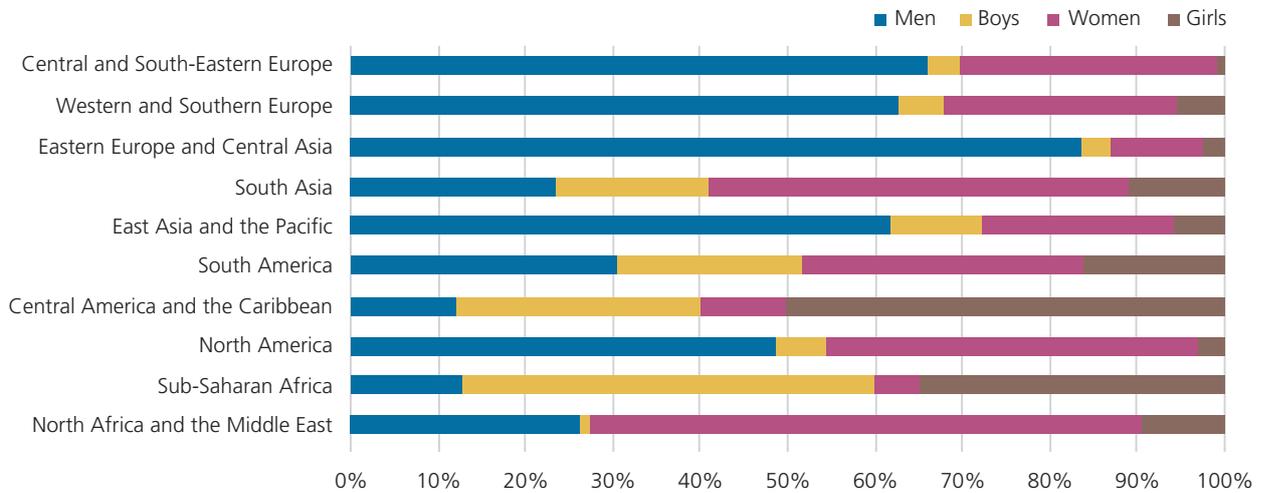
Source: UNODC elaboration of national data.

FIG. 62 Shares of detected trafficking victims, by form of exploitation, by subregion, 2018 (or most recent)



Source: UNODC elaboration of national data.

FIG. 64 Shares of detected victims of trafficking for forced labour, by age group and sex, by subregion, (2018 or most recent)



Source: UNODC elaboration of national data.

also represent the main profile identified as trafficked for forced labour in Central America and the Caribbean. Adult women represent the main profile of detected victims trafficked for forced labour in North Africa, the Middle East and South Asia. European countries mainly report adult men among detected victims of trafficking for forced labour.

The sex and age profiles of detected victims of trafficking for forced labour is connected to the types of employment where victims are exploited. Each sector presents different trafficking patterns, in terms of victim profile or type of organization of traffickers. It is difficult to provide an exhaustive list of all forms of labour activities where victims have been detected.

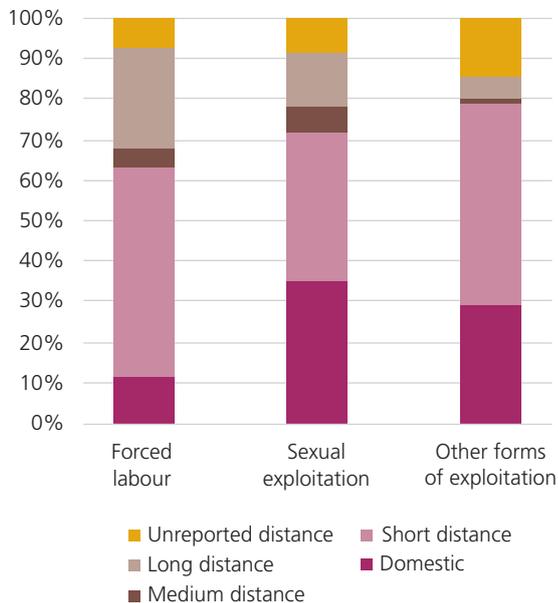
About 70 of the 489 court cases collected by UNODC for this Report concern trafficking for forced labour, involving about 900 victims exploited in 11 different types of work, including domestic work, car washing, textile production and street trading, among others. These cases represent only a limited set of examples, as the literature points to many other types of forced labour.

However, these examples reveal important dynamics of how different economic sectors present distinct exploitative patterns in terms of victim profile differing by type of industry.

On average, one case of trafficking for forced labour typically involves about 14 victims. Meanwhile, the average number of victims is six for sexual exploitation and around four for other forms of exploitation. The average number of victims, however, changes according to the economic sector.



FIG. 65 Shares of cases, by forms of exploitation and trafficking flows, as reported in the GLOTIP court cases*



Source: GLOTIP collection of court case summaries.

*The information on the form of exploitation was reported in 401 court cases (69 cases of trafficking for forced labour, 260 cases of trafficking for sexual exploitation, 72 cases for other forms of exploitation) of a total of 489 cases collected by UNODC for the purpose of this Report.

Cases of domestic servitude are characterized by a lower number of victims, most of them adult women,²⁰⁵ and in some cases, children, both girls and boys.²⁰⁶ While only two cases reported to UNODC concerned trafficking in the fishing industry, they involved a large number of victims, mostly adult men.²⁰⁷ Groups of adult men are also commonly exploited in construction work. Meanwhile, other forms of exploitation typically target children, and only a few at a time, such as is generally the case for trafficking for street trading.²⁰⁸

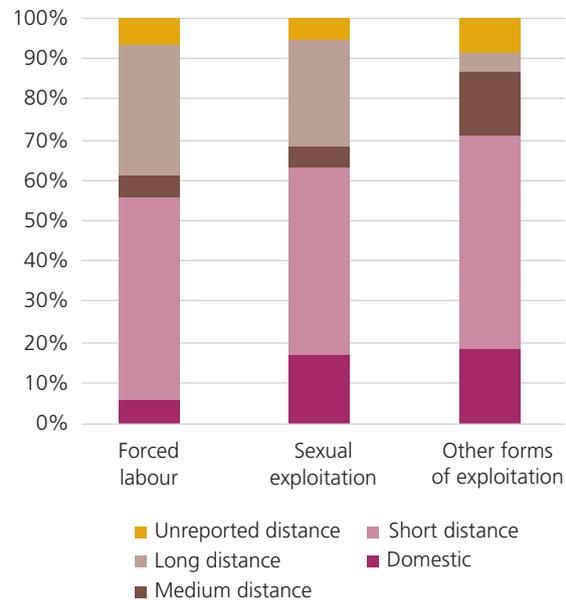
205 Court case 9 – Australia 2007; court case 21 – Brunei 2012; court case 22 – Brunei 2009; court case 40 – Israel 2012; court case 98 – Canada 2013; court case 189 – Austria 2015; court case 236 – Belgium 2017; court case 322 – Canada 2015; court case 341 – United Kingdom 2017; court case 344 – Paraguay 2015; court case 363 – Venezuela 2015; court case 461 – United States of America 2016; court case 462 – Malaysia 2018; court case 465 – Malaysia 2018; court case 488 – Colombia 2019; court case 489 – Colombia 2018.

206 Court case 70 – United States of America 2012; court case 73 – Argentina 2015; court case 171 – Serbia 2014; court case 282 – Israel 2016; court case 236 – Spain 2017.

207 Court case 44 – Thailand, 2016; court case 116 – Indonesia, 2014.

208 Court case 377 – Cote d'Ivoire, 2017; court case 397 – Argentina, 2018; court case 409 – Chile, 2017; court case 2018 – Chile, 2018.

FIG. 66 Shares of victims reported in the cases collected, by forms of exploitation and trafficking flows, as reported in the GLOTIP court cases*



Source: GLOTIP collection of court case summaries.

*A total of 2,953 victims were reported in the 401 court cases that presented information on the form of exploitation. In details: 953 victims were reported in the collected cases of trafficking forced labour; 1681 victims were reported in the cases of trafficking for sexual exploitation; 319 victims were reported in the cases of trafficking for other forms of exploitation.

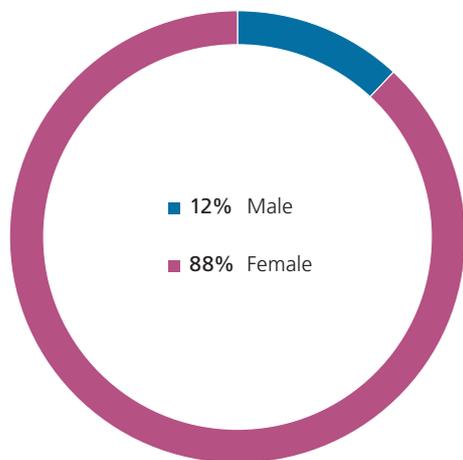
Another emerging pattern is that, in comparison to other forms of exploitation, this form of trafficking seems to be more frequently detected as a cross-border phenomenon rather than a domestic one. Most of the court cases of trafficking for forced labour analysed for this Report referred to episodes of cross-border trafficking – a much greater figure than for trafficking for sexual exploitation and for other forms of exploitation.

Although the number of cases considered is limited, the analysis of the cases suggests that, as a pattern, trafficking for the purpose of forced labour is closely connected with labour migration, particularly in high income countries.

Different profiles trafficked in different economic sectors

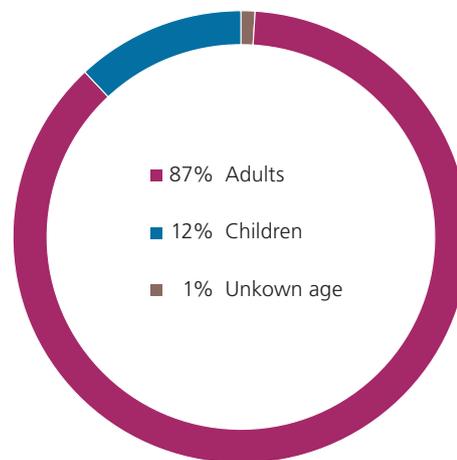
The following sections describe patterns of trafficking in selected economic sectors. Labour activities were selected on the basis of the reported relevance of these types of trafficking globally. Thus, the patterns of trafficking of victims in the following sectors were selected: domestic

FIG. 67 Victims of trafficking in domestic servitude included in the IOM CTDC, by sex
(Number of victims: 4,831)



Source: International Organization for Migration – Counter Trafficking Data Collaborative

FIG. 68 Victims of trafficking in domestic servitude included in the IOM CTDC, by age
(Number of victims: 4,831)



Source: International Organization for Migration – Counter Trafficking Data Collaborative

work, agriculture, construction and the fishing industry. Trafficking patterns recorded in these industries differ significantly from each other and may help to represent the wide variety of characteristics registered in trafficking for forced labour. Regarding other forms not included, while not lower in importance or severity, limited literature was found and/or the phenomenon was only reported in certain regions, making the potential for analysis more limited.

Domestic work

The preamble to the 2011 International Labour Organization Domestic Workers Convention (no. 189) describes domestic work²⁰⁹ as “undervalued” and “invisible.” The Convention also notes how this type of work is normally conducted by members of disadvantaged communities particularly “discriminated” against in terms of working conditions. These sections explain how domestic work presents particular risks to workers becoming victims of human trafficking.

Domestic work is a significant industry globally. In 2013, it was estimated that about 67 million domestic workers

were employed worldwide, and of these, 11.5 million of them (about 8 per cent) were migrant workers.²¹⁰ Yet, this may very well be an underrepresentation of the size of this economic sector. Domestic work takes place inside private homes²¹¹ and, in some cases, is carried out by undocumented migrants.²¹² As with other migrants with undocumented status, domestic workers remain, to a large extent, under the radar of labour inspection.²¹³ These factors expose such workers, especially if they are migrants, to human trafficking.

Trafficking for the purpose of domestic servitude has been documented in all regions: from Europe²¹⁴ to the

209 The Domestic Workers Convention, 2011 (No. 189) defines domestic work as “work performed in or for a household or households”. This work may include tasks such as cleaning the house, cooking, washing and ironing clothes, taking care of children or elderly or sick members of a family, gardening, guarding the house, driving for the family, and even taking care of household pets.

210 International Labour Organization, *Global estimates on migrant workers: results and methodology*; ILO 2015, page 5.

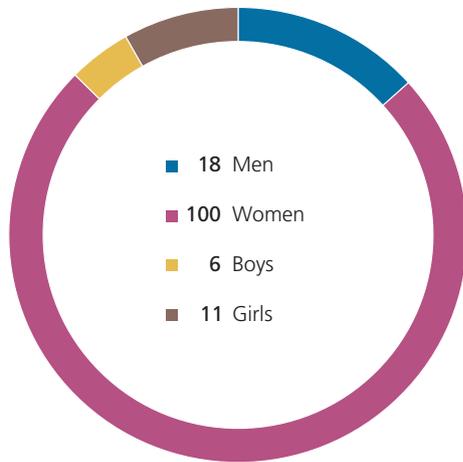
211 *Ibid.* Page 34

212 *Ibid.* Page 30; Palumbo, L. (2016) *Demand in the context of Trafficking in Human Beings in the Domestic Work Sectors in Italy*, Demand-AT Country Study No. 5, page 9.

213 International Labour Organization, *Domestic workers across the world: global and regional statistics and the extent of legal protection*; ILO 2013, Page v.

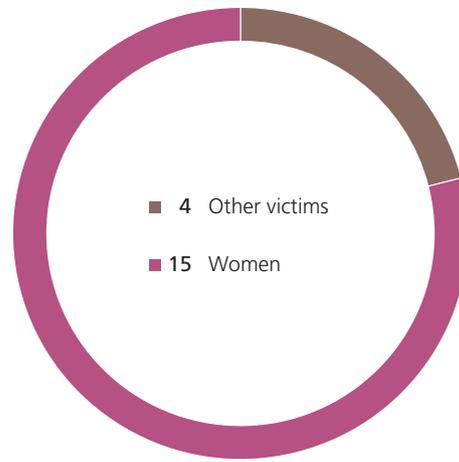
214 Palumbo, L. (2017) *Exploiting for Care: Trafficking and Abuse in Domestic Work in Italy*, *Journal of Immigrant & Refugee Studies*, 15:2, 171-186, DOI: 10.1080/15562948.2017.1305473; United Kingdom Home Office, Modern Slavery Unit *United Kingdom Annual Report on Modern Slavery 2019*, Modern Slavery Unit, October 2019, page 10; European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 44;

FIG. 69 Detected victims of trafficking in persons for domestic servitude in the United Kingdom, 2016



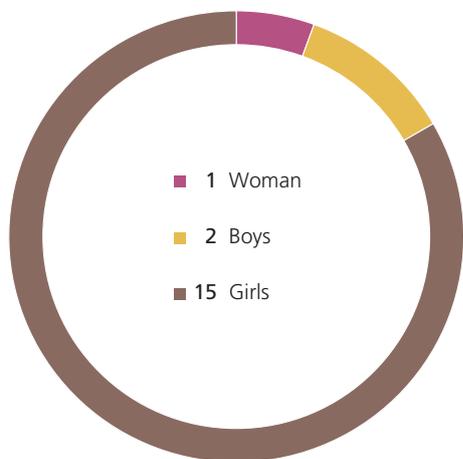
Source: National Crime Agency National Referral Mechanism (NRM)

FIG. 70 Detected victims of trafficking in persons for domestic servitude in Australia, 2014–2016



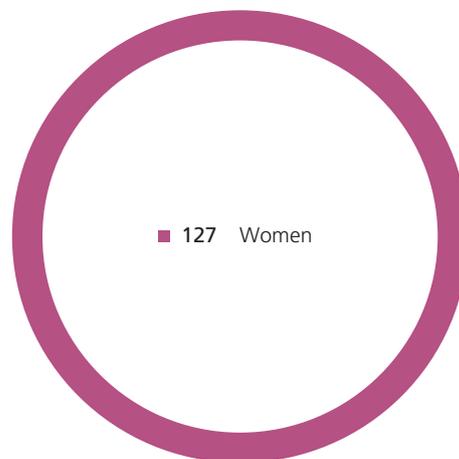
Source: Department of Social Services / Australian Red Cross

FIG. 71 Detected victims of trafficking in persons for domestic servitude in Cote d'Ivoire, 2016



Source: Direction the la lutte contre le trafic des enfants et la délinquance juvénile.

FIG. 72 Detected victims of trafficking in persons for domestic servitude in Madagascar



Source: Ministère de la Population, de la Protection Sociale et de la Promotion de la Femme

Middle East,²¹⁵ from the Americas²¹⁶ to Africa²¹⁷ and Asia.²¹⁸

Trafficking for domestic servitude primarily affects women. The vast majority of domestic workers around the world are female (80 per cent),²¹⁹ which also explains why most detected victims of trafficking for domestic servitude are adult women. Further, according to the International Organization for Migration (IOM), 88 per cent of the victims trafficked for domestic servitude included in the Counter Trafficking Data Collaborative (CTDC) database are females.

Individual countries' data on the detected victims of trafficking in persons confirms that both in high- and low-income countries, most detected victims of trafficking for domestic servitude are females, largely adult women, though there are with larger proportions of girls in some countries and regions.

In terms of the nature of the trafficking itself, one pattern in particular appears to characterize trafficking for the purpose of domestic servitude: extremely high levels of violence, abuse and exploitation at the hands of persons not typically considered as "professional" criminals but rather as members of the household where the victim is employed and exploited.

While all forms of trafficking are frequently physically and/or psychologically violent (see section *The means used by traffickers: tools of control*), the analysis of the court cases examined for this Report, as well as the literature,

suggest that victims of domestic servitude are exposed to severe levels of sexual, physical and psychological abuse that is rarely seen in other – albeit still tragic – forms of trafficking.

The Special Rapporteur on Trafficking in Persons reports that victims of domestic servitude may experience food deprivation, beatings with electrical wires or scalding with hot water.²²⁰ Court cases report victims were constantly abused by those who employ them. For example, one case recorded that members of the household were “*hitting on victim’s mouth with a stone pestle, hitting victim with a hot iron on her face, hitting victim’s mouth with a milk bottle...pushing victim’s body and forehead to a door frame ... The victim’s nipples were also pinched and hit, and hot water was also poured on her chest...*”²²¹ This type of violence is frequently combined with harassment, psychological abuse, sexual assaults²²² and rape by the males of the households.²²³

According to the IOM CTDC database, about 15 per cent of the victims of trafficking for the purpose of domestic servitude are exposed to sexual abuse,²²⁴ constituting a much higher likelihood of such abuse than those exploited in agriculture (3 per cent), construction (1 per cent) or manufacturing (6 per cent). According to fieldwork conducted in the European Union, more than 25 per cent of domestic workers, not necessarily victims of trafficking, reported being sexually harassed. Overall, domestic workers reported sexual harassment more often than female workers in other sectors.²²⁵

One factor that may contribute to the incidence of violence and sexual abuse in domestic work is the unique situation of cohabitation with the employer. Such a sit-

215 Human Rights Council, *Report of the Special Rapporteur on extreme poverty and human rights on his mission to Saudi Arabia* A/HRC/35/26/Add.3;

Human Rights Council, *Report of the Special Rapporteur trafficking in persons, especially women and children, on her mission to Jordan* A/HRC/35/26/Add.3;

Human Rights Council *Report of the Special Rapporteur on trafficking in persons, especially women and children, on her mission to Kuwait*, A/HRC/35/37/Add.1, 21 April 2017

216 Court case 70 – United States of America 2012; court case 73 – Argentina 2015; court case 98 – Canada 2013; court case 344 – Paraguay; court case 363 – Venezuela 2015; court case 461 – United States of America 461; court case 488 – Colombia 2019; court case 489 – Colombia 2018.

217 African Human Rights Law Journal; *Domestic servitude and ritual slavery in West Africa from a human rights perspective* African Human Rights Law Journal. vol.17 n.1; Pretoria 2017; See NAP TIP Data Analysis Report 4th Quarter 2018.

218 National Crime Records Bureau, *National Crime Report in India 2019*, Ministry of Home Affairs, Government of India, New Delhi, page 978.
Human Rights Council *Report of the Special Rapporteur on trafficking in persons on her mission to Malaysia* A/HRC/29/38/Add.1.

219 International Labour Organization, *Global Estimates on migrant workers: Results and methodology*; ILO, 2015.

220 A/HRC/29/38/Add.162. *Report of the Special Rapporteur on trafficking in persons on her mission to Malaysia*.

221 Court case 20 – Brunei Darussalam 2012; court case 21 – Brunei Darussalam 2012; court case 70 – United States of America 2012. A/HRC/32/41/Add.1 *Report of the Special Rapporteur trafficking in persons, especially women and children on her mission to Jordan*, 2016, page 6.

A/HRC/29/38/Add.162. *Report of the Special Rapporteur on trafficking in persons on her mission to Malaysia*, page 6.

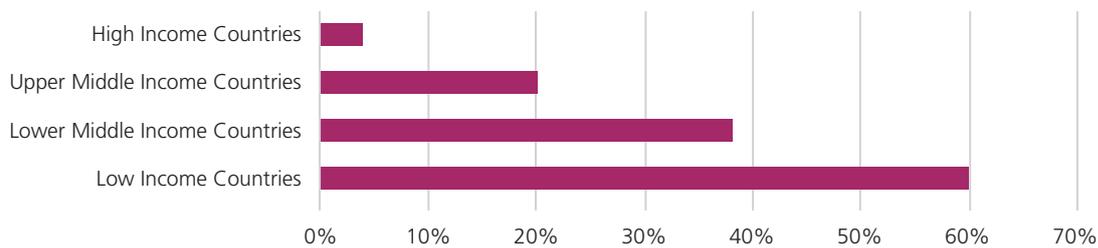
222 A/HRC/29/38/Add.162. *Report of the Special Rapporteur on trafficking in persons on her mission to Malaysia*.

223 Court case 73 – Argentina 2015; court case 488 – Colombia 2019. Palumbo, L. (2016) *Demand in the context of Trafficking in Human Beings in the Domestic Work Sectors in Italy*, Demand AT Country Study No. 5, page 11.

224 See the Counter Trafficking Data Collaborative Global Data Hub on Human Trafficking <https://www.ctdatacollaborative.org/story/industry-sector-domestic-work> accessed 29 September 2020.

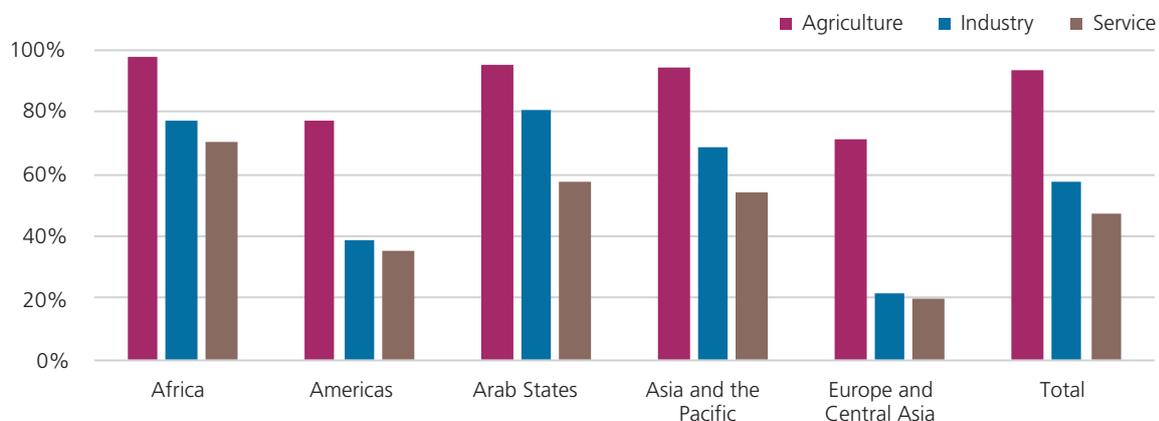
225 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 60

FIG. 73 Distribution of employment in agriculture, by World Bank income group, 2019



Source: International Labour Organization – ILOSTAT on Employment statistics, modelled estimates.

FIG. 74 Size and composition of the informal economy: a global picture (percentages, 2016)



Source: ILO calculations based on household survey micro dataset - Women and men in the informal economy: a statistical picture (third edition) / International Labour Organization – Geneva: ILO, 2018, page 26.

uation exacerbates the level of dependency²²⁶ and may result in an increased level of intimacy among the people living under the same roof.²²⁷ Cohabitation also can result in the isolation of domestic workers, often to the extreme of complete segregation.²²⁸

As a result, the combination of these elements makes trafficking for domestic servitude a crime in some instances more similar to domestic and gender-based violence rather than to a typical form of organized criminal activity.

226 *Ibid.* page 67.

Palumbo, L., (2016) *Demand in the context of Trafficking in Human Beings in the Domestic Work Sectors in Italy* Demand AT Country Study No. 5, page 2.

227 Lutz, H. (2008), *Migration and domestic work: A European perspective on a global theme*. Aldershot, UK; Ashgate; Ricard-Guay, A (2016) *Trafficking in domestic work: looking at demand-side*. Working Paper, DemandAT Project.

228 Palumbo, L., (2016) *Demand in the context of Trafficking in Human Beings in the Domestic Work Sectors in Italy* Demand AT Country Study No. 5, page 18.

Trafficking in agriculture

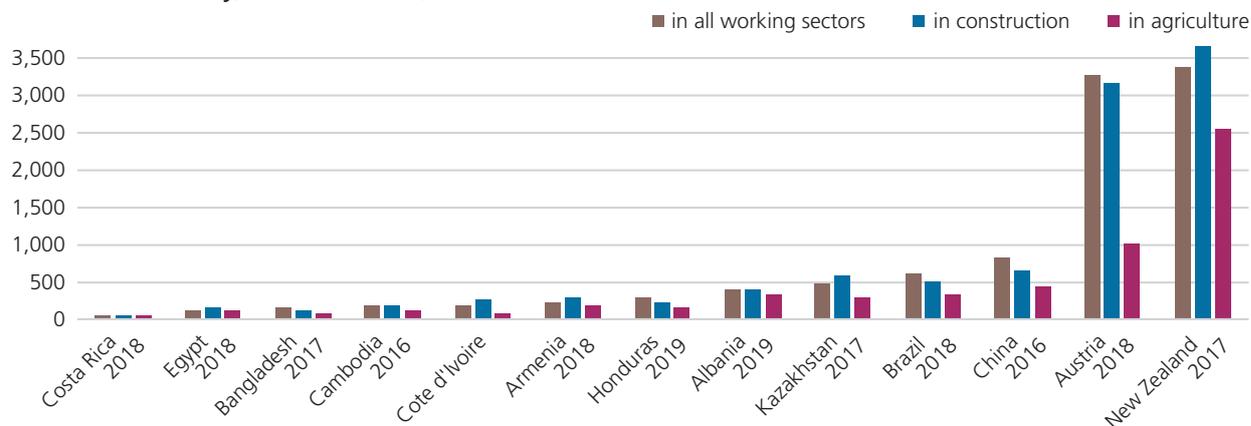
Agriculture employs 28 per cent of the total labour force globally and about 60 per cent in low income countries. It is an economic sector characterized by a high level of informal employment, and those employed in this sector are typically paid less compared to other workers. These factors make working in agriculture less attractive to a prospective worker than other sectors. In general, those employed in this sector often have few opportunities to choose other forms of employment, thus resulting in an increased vulnerability to trafficking.

The pervasiveness of trafficking in persons in this sector has been documented in all parts of the world and in varying types of agricultural operations, including large plantations in Africa²²⁹ and in South-East Asia,²³⁰ farms

229 Court case 373 – Cote D’Ivoire 2014; court case 374 – Cote D’Ivoire 2015.

230 See A/HRC/29/38/Add.162. *Report of the Special Rapporteur on trafficking in persons on her mission to Malaysia*, 2015, page 5.

FIG. 75 Mean nominal monthly earnings of employees by economic activity, harmonized series, annually, in US Dollars*, in selected countries**

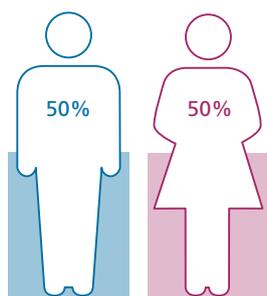


Source: International Labour Organization – ILOSTAT Database on wages.

*The International Labour Organization (ILO) defines the concept of earnings, as applied in wages statistics, as relating to gross remuneration in cash and in-kind contributions paid to employees, as a rule at regular intervals for time worked or work done, together with remuneration for time not worked, such as annual vacation, other type of paid leave or holidays.

**Countries were selected according to data availability, regional and income level representation.

FIG. 76 Victims of trafficking in agriculture included in the IOM CTDC, by sex



Source: International Organization for Migration - Counter Trafficking Data Collaborative.

in North America,²³¹ different types of croplands in Latin America²³² and for the seasonal harvest of fruits, berries and vegetables in Europe.²³³

Moreover, the victim profile is also quite diverse. Victims of trafficking in persons in this economic sector are males and females,²³⁴ both adults and children.²³⁵

231 Court case 33 – United States of America 2015; court case 459 – United States of America 2017.

Barrick, K., Lattimore, P.K., Pitts, W.J., Zhang, S. (2014). *When Farmworkers and Advocates See Trafficking but Law Enforcement Does Not: Challenges in Identifying Labor Trafficking in North Carolina*. Crime, Law and Social Change, 61(2) 205 - 214.

Zhang, S., Spiller, M.W., Finch, B.K., Qin, Y. (2014). *Estimating Labor Trafficking Among Unauthorized Migrant Workers in San Diego*. Annals of the American Academy of Political and Social Science, 653(1) 65 - 86.

232 The Food and Agriculture Organization and the International Labour Organization *Estudio regional sobre trabajo infantil en la agricultura en América Latina y el Caribe*, FAO and ILO, 2019, page 40

233 Court case 307 – The Netherlands 2016; court case 322 in Spain 2015. Policy Department for Citizens’ Rights and Constitutional Affairs, Directorate General for Internal Policies of the Union *The vulnerability to exploitation of women migrant workers in agriculture in the EU: the need for a human rights and gender based approach*, European Parliament, 2018.

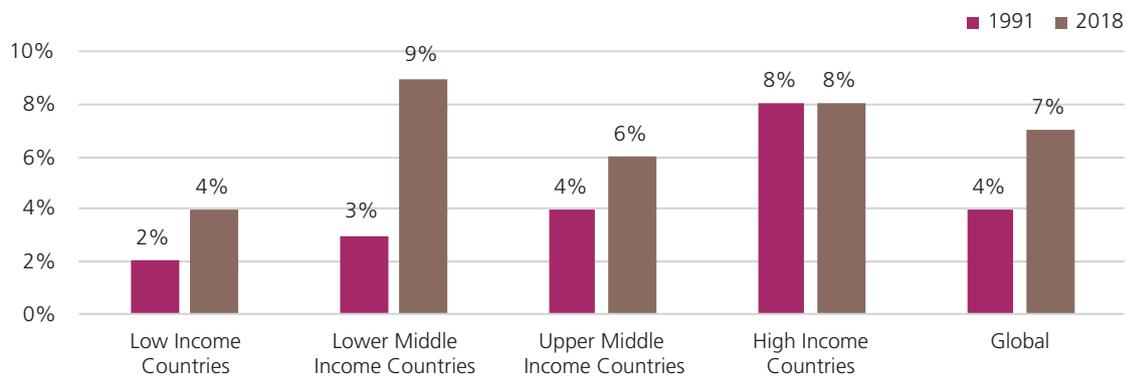
Council of Europe *Reply from Finland to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties*, 2018, page 6 and page 51.

European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 46.

234 Court case 33 – United States of America 2015; court case 459 – United States of America 2017. Policy Department for Citizens’ Rights and Constitutional Affairs, Directorate General for Internal Policies of the Union *The vulnerability to exploitation of women migrant workers in agriculture in the EU: the need for a human rights and gender based approach*, European Parliament, 2018.

235 Court case 33 – United States of America 2015; court case 459 – United States of America 2017.

FIG. 77 Distribution of employment in construction, out of total global employment, by World Bank income group, comparison between 1991 and 2018



Source: International Labour Organization – ILOSTAT Database on employment.

Furthermore, the modus operandi of the traffickers accordingly also is varied. Victims are trafficked and exploited in groups or individually. Similarly, there is not a specific pattern in the trafficker profile. There are cases where a single victim is trafficked by relatives, for example, to harvest lettuce and other vegetables.²³⁶ In other cases, trafficking victims are exploited in groups,²³⁷ on large farms²³⁸ or in large-scale agricultural production facilities.²³⁹ The Netherlands reported, for example, a case where a registered company and its managers were convicted for recruiting and exploiting migrants for mushroom picking.²⁴⁰ Similarly, Israel reported a case where a company and three additional defendants were indicted for trafficking of foreign nationals to be exploited in agriculture.²⁴¹ Trafficking in the agriculture sector has also been documented involving more socially structured criminal organizations.²⁴²

236 Court case 459 – United States of America 2017.

237 Court case 102 – Czechia 2014.

238 Court case 333 – United States of America 2015.

239 Policy Department for Citizens' Rights and Constitutional Affairs, Directorate General for Internal Policies of the Union *The vulnerability to exploitation of women migrant workers in agriculture in the EU: the need for a human rights and gender based approach*, European Parliament, 2018, page 31; Corrado, A. (2018), *Is the Italian agriculture a pull factor for irregular migration – and, if so, why?*, European University Institute, 2018, page 24-26

240 Court case 307 – The Netherlands 2016.

241 Court case 285 – Israel 2016.

242 European Union Agency for Law Enforcement Cooperation *Threat Assessment – Italian Organized Crime* Europol, The Hague, June 2013; page 18. Direzione Investigativa Anti Mafia - 1st Semester 2019, *Relazione del Ministro dell'Interno al Parlamento; Attività svolta e risultati conseguiti dalla direzione investigativa antimafia*, p292; 2nd Semester 2018 *Relazione del Ministro dell'Interno al Parlamento Attività svolta e risultati conseguiti dalla direzione investigativa antimafia*; p102, p275, p335, p409.

Additionally, there is a range of means used by traffickers to exploit victims, spanning the spectrum from blunt explicit violence and isolation²⁴³ to less violent, but equally coercive, threats of being reported to the authorities for being irregular migrants.²⁴⁴

Trafficking in the construction industry

Compared to other economic sectors, the number of people employed in the construction industry is limited but expanding. This expansion is particularly marked in lower-middle income countries, where the share of employment in the construction industry has tripled in less than 30 years. Over the same period, this share has doubled in low income countries and increased by 30 per cent in upper-middle income countries. This shows a rather sudden increased demand for construction workers, frequently filled by low-skilled and migrant workers.²⁴⁵

This form of employment is characterized by a lower level of mechanization compared to manufacturing²⁴⁶ and is generally more dangerous than others. More people die while working in the construction sector than in any other

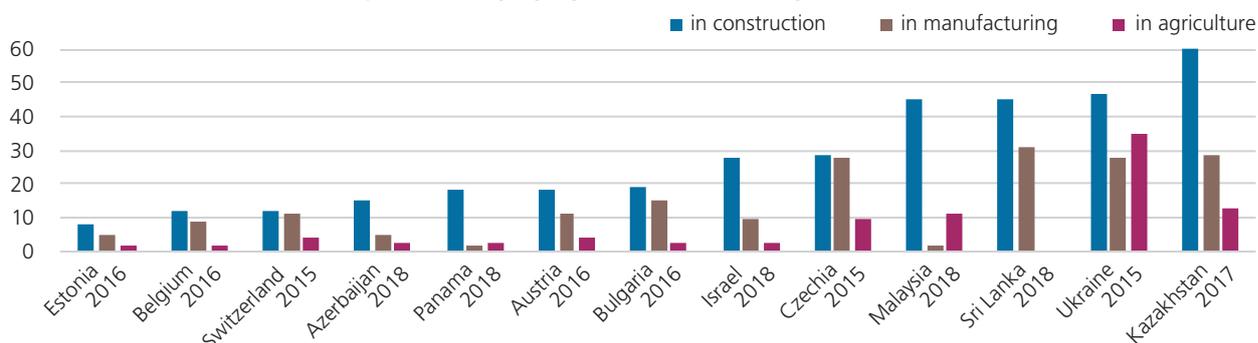
243 Court case 322 – Spain 2015 and Court case 354 – Poland 2016; 2nd Semester 2018 *Relazione del Ministro dell'Interno al Parlamento Attività svolta e risultati conseguiti dalla direzione investigativa antimafia*; p102, p275, p335, p409.

244 Court case 307 – The Netherlands 2016; court case 353 – Poland in 2015; court case 459 – United States of America 2017.

245 Buckley, M.; Zende, A., Biggar, J., Frederiksen, L., Wells, J. *Migrant Work & Employment in the Construction Sector*, International Labour Organization, Sectoral Policies Department, Conditions of Work and Equality Department. – Geneva: ILO, 2016, page 1.

246 Buckley, M.; Zende, A., Biggar, J., Frederiksen, L., Wells, J. *Migrant Work & Employment in the Construction Sector*, International Labour Organization, Sectoral Policies Department, Conditions of Work and Equality Department. – Geneva: ILO, 2016, page 3.

FIG. 78 Cases of fatal occupational injury by economic activity,* annual in selected countries**

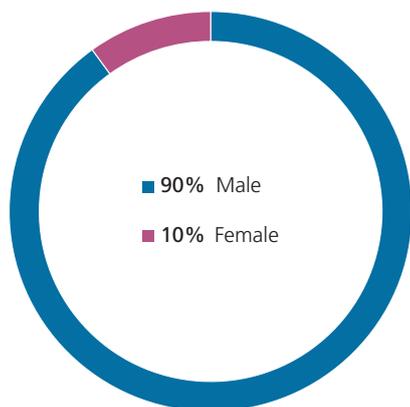


Source: International Labour Organization – ILOSTAT Database on fatal occupation injury.

*The ILO defines a case of occupational injury as the case of a worker incurring an occupational injury as a result of an occupational accident. An occupational injury that is fatal is the result of an occupational accident where death occurred within one year from the day of the accident.

**Countries were selected according to data availability, regional and income level representation.

FIG. 79 Victims of trafficking in the construction sector included in the IOM CTDC, by sex



Source: International Organization for Migration - Counter Trafficking Data Collaborative

er economic activity.²⁴⁷ Furthermore, the employment in this sector is often of a short term and of a project-based nature.²⁴⁸

Due to these characteristics, low-skilled national and migrant workers with few employment alternatives are structural facets of this industry.²⁴⁹

Working in the construction sector traditionally is a male dominated activity²⁵⁰ and therefore, data and literature

on trafficking in this economic sector report mainly male victims.²⁵¹

Court cases of trafficking in the construction sector collected for this Report describe a form of trafficking characterized by victims primarily exploited in groups by organized actors.²⁵²

Canadian authorities, for instance, reported a case of a criminal group engaged in trafficking victims from Central Europe to work on construction sites in Canada. Victims were recruited by means of deception and, once at destination, they were deprived of documents and subjected to exploitation. Traffickers were organized in a group characterized by family ties and operated in the origin and destination countries. The traffickers convicted were typically subcontracted to supply victims to construction sites in need of workers.²⁵³

Subcontracting is an important characteristic of employment in construction work. Yet, the practice can be flagged as a potential risk factor for human trafficking. When due diligence screenings of contractors are not implemented, subcontracting to “firms” whose main business is to supply cheap, non-unionized, flexible labour can open the gates to systematic exploitative practices.²⁵⁴

247 International Labour Organization *Explanatory Study of Good Practices in the Protection of Construction Workers in the Middle East*, White Paper, ILO, 2018; page 9.

248 Buckley, M.; Zendel, A., Biggar, J., Frederiksen, L., Wells, J. *Migrant Work & Employment in the Construction Sector*, International Labour Organization, Sectoral Policies Department, Conditions of Work and Equality Department. – Geneva: ILO, 2016, page 9.

249 Wells, J. (1996). *Labour migration and international construction*. Habitat International, 20(2), 295-306.

250 International Labour Organization, *Women at work: Trends 2016*, ILO, page 23 and page 61.

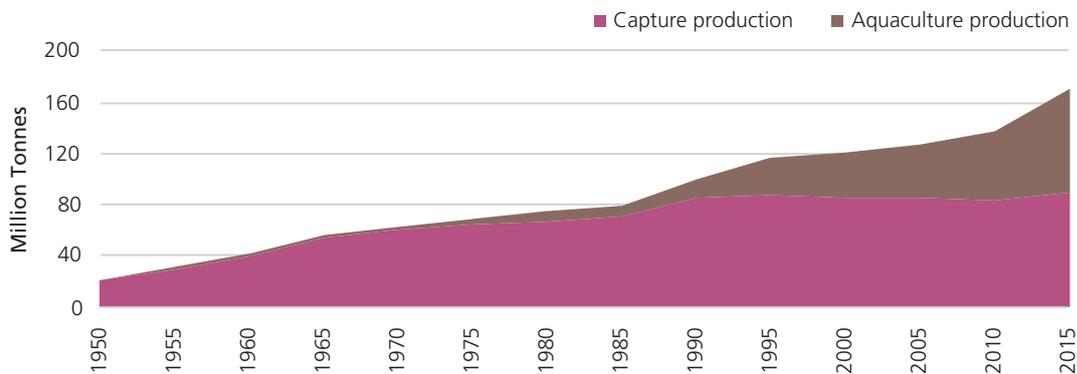
251 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 96.

252 Cockbain, E., Brayley-Morris, H., (2018) *Human Trafficking and Labour Exploitation in the Casual Construction Industry: An Analysis of Three Major Investigations in the UK Involving Irish Traveller Offending Groups*, Policing: A Journal of Policy and Practice, Volume 12, Issue 2, June 2018, Pages 129–149,

253 Court case 24 – Canada 2010.

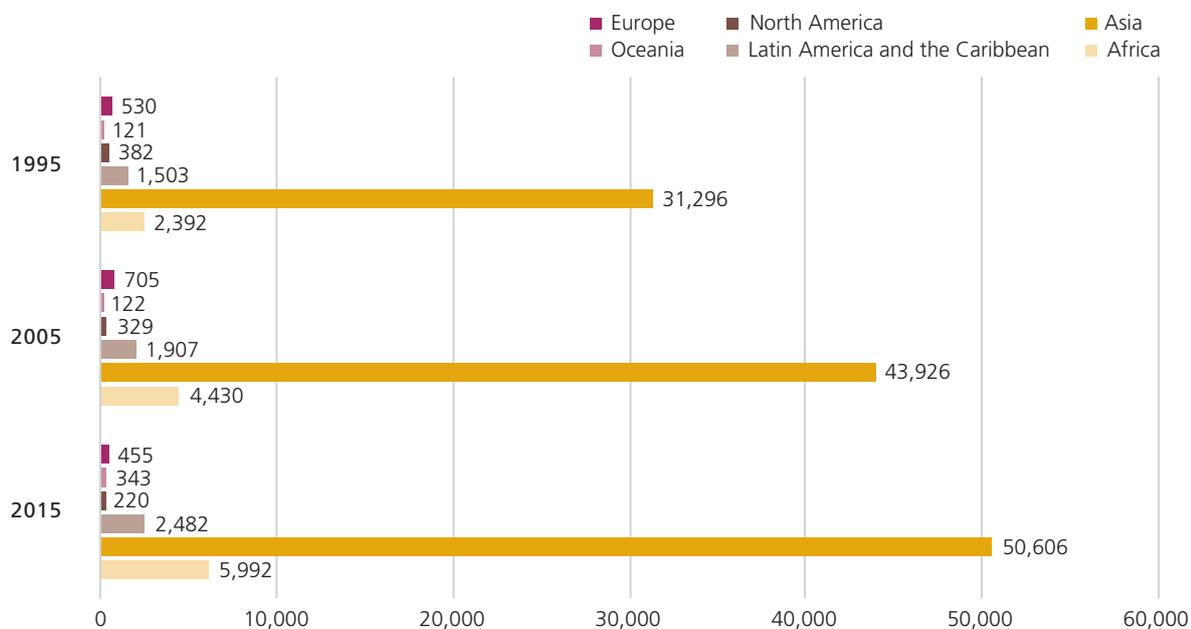
254 Buckley, M.; Zendel, A., Biggar, J., Frederiksen, L., Wells, J. (2016) *Migrant Work & Employment in the Construction Sector*, International Labour Organization, Sectoral Policies Department, Conditions of Work and Equality Department. – Geneva: ILO, 2016, page 9.

FIG. 80 World capture and aquaculture production, 1950-2018



Source: Food and Agriculture Organization (FAO).

FIG. 81 Number of people employed in the fishing industry, in selected years, by regions



Source: Food and Agriculture Organization (FAO).

As the construction industry continues to expand globally, the prevalence of this form of trafficking may continue to grow.

Fishing industry and Trafficking

The global consumption of fish has been steadily increasing over the last 70 years, the result of both the growing world population and corresponding fish consumption per capita.²⁵⁵ Similarly, over the last few years, the world has re-

corded an increase in the market price of fish.²⁵⁶ Therefore, the overall business in this industry has increased.

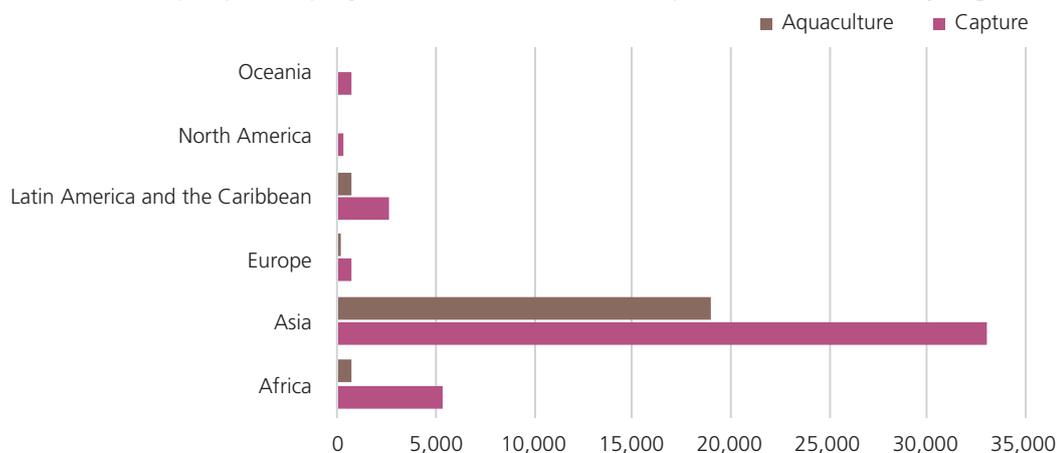
In addition, the fishing industry has diversified as it has expanded. Over the last 15 years, the industry has been introduced to new sources of supply with advances in aquaculture production, or the farming of aquatic organisms.²⁵⁷ Old-fashioned capture production is more labour

²⁵⁶ *Ibid.*, page 63.

²⁵⁷ Aquaculture is understood to mean the farming of aquatic organisms including fish, molluscs, crustaceans and aquatic plants. Farming implies some form of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies individual or corporate ownership of the stock being cultivated. <http://www.fao.org/fishery/statistics/global-aquaculture-production/en>, accessed 02-03-2020.

²⁵⁵ Food and Agriculture Organization, *The State of World Fisheries and Aquaculture 2018 - Meeting the sustainable development goals*. FAO, Rome, 2018, page 4.

FIG. 82 Number of people employed in the fisheries and aquaculture in 2016, by regions



Source: Food and Agriculture Organization (FAO).

intensive than modern aquaculture.²⁵⁸ Yet, capture production continues to be prevalent, and people employed in the most labour-intensive sector of the industry are concentrated in Asia and Africa. The African continent records a high share of non-motorised vessels (about 77 per cent, as opposed to 35 per cent in Asia), suggesting African production is even more labour-intensive than in other parts of the world.²⁵⁹

Some features put this industry at risk for human trafficking: workers are typically underpaid, working under hazardous conditions, with rampant informal employment present.²⁶⁰

A structural factor exacerbating the exposure of workers to trafficking is overfishing. The increasing consumption of fish, although compensated by aquaculture, has led to the depletion of fish stocks in traditional fishing areas. Faced with the scarcity of fish along the coastlines, over the last decade, fishing vessels have started working further out in waters away from shore, in order to locate more abundant fish stocks.²⁶¹ Distant captures require

crews to stay prolonged periods at open sea, increasing costs for a catch while reducing the possibilities of labour or police inspections.²⁶² Overall, these factors have favoured the use of trafficking victims in this sector.

Trafficking in persons for forced labour in the fishing industry has been widely documented all over the world.²⁶³ As discussed previously, given the specific geography of this industry, most reports and studies of trafficking in the fishing industry are recorded in Asia²⁶⁴ and Africa,²⁶⁵ and to lesser extent in other regions.

262 *Ibid.*

263 United Nations Office on Drugs and Crime *Global Report on Trafficking in Persons 2016* (United Nations publication, Sales No. E.16.IV.6), page 104; See the Nexus Institute webpage <https://nexusinstitute.net/publications/trafficking-for-fishing/>, accessed 02/11/2020.

264 International Organization for Migration *Trafficking of Fishermen in Thailand* IOM, Bangkok, 2011; International Labour Organization, *Ship to Shore Rights: Baseline Research Findings on Fishers and Seafood Workers in Thailand*, ILO, 2018; United Nations Interagency Project on Human Trafficking, *Estimating Labour Trafficking: A Study of Burmese Migrant Workers in Samut Sakhon, Thailand*. UNIAP Regional Management Office, Bangkok, 2011. Sarah R. Meyer et al, *Trafficking, Exploitation and Migration on the Thailand-Burma Border: A Qualitative Study*, 53 *International Migration* (2014), page 37; Indonesian Ministry of Marine Affairs and Fisheries (KKP), Indonesia Presidential Task Force to Combat Illegal Fishing, the International Organization for Migration (IOM), Coventry University (2016); *Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry*, IOM, Jakarta, 2016. A/HRC/29/38/Add.162, Report of the Special Rapporteur on trafficking in persons on her mission to Malaysia. (23 -28 February 2015), page 5.

265 Hamenoo ES, Sottie CA (2015) *Stories from Lake Volta: the lived experiences of trafficked children in Ghana*. *Child Abuse & Neglect* Volume 40, February 2015, Pages 103-112; International Labour Organization *Caught at sea: Forced labour and trafficking in fisheries*, ILO, 2013, page 5, page 11; Environmental Justice Foundation (2012). *Pirate Fishing Exposed: The Fight against Illegal Fishing in West Africa and the EU* EJF, London, 2012.

258 Food and Agriculture Organization, *The State of World Fisheries and Aquaculture 2018 - Meeting the sustainable development goals*. FAO, Rome, 2018, page 30.

259 *Ibid.* Page 71.

260 Food and Agriculture Organization, *Scoping study on decent work and employment in fisheries and aquaculture: Issues and actions for discussion and programming*, FAO, 2016, Rome, page 1 and page 28

261 International Labour Organization *Caught at sea: Forced labour and trafficking in fisheries*, ILO, 2013, page 5; Indonesian Ministry of Marine Affairs and Fisheries (KKP), Indonesia Presidential Task Force to Combat Illegal Fishing, the International Organization for Migration (IOM), Coventry University (2016); *Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry*, IOM, Jakarta, 2016, page 23. Food and Agriculture Organization (FAO) and the International Labour Organization (ILO) *Guidance on Addressing Child Labour in Fisheries and Aquaculture*, FAO and ILO, 2013.

According to a study by IOM and Indonesian authorities, 10 per cent of all inspections recorded in vessels operating in Indonesian waters reported violations of trafficking in persons and forced labour in 2016.²⁶⁶ A 2018 ILO study conducted in South-East Asia reported that 24 per cent of fishermen interviewed had experienced their pay being withheld and 34 per cent reported having had their documents taken by employers.²⁶⁷ Other studies estimate that 33 per cent of seafood workers in Asia's principal processing region have been trafficked.²⁶⁸

There is no clear information on the sex of victims of trafficking exploited in this economic sector. The vast majority (86 per cent) of people employed in fish capture are males,²⁶⁹ which explains why most studies on trafficking in this industry refer to male victims.²⁷⁰ In some rural communities, however, girls are exploited in other parts of the industry, such as mending nets, but not in the capture phase.²⁷¹ Most identified victims, as with many other forms of trafficking for forced labour, are migrant workers.²⁷²

Victims are typically exploited in large groups by organized actors, including officially licensed companies. Court cases and literature refer to crews exploited for years with no pay by companies operating in international waters.²⁷³ Some investigations highlight how the levels of organization of certain groups can be very sophisticated, including utilizing a country's systemic corruption along with the use of supply ships to exchange the catch for food, water and fuel in order to keep the crew permanently at sea and fraudulent documentation to mask the true identity of trafficked migrants.²⁷⁴ According to these cases, thousands of fishery workers have been documented to have been recruited in a variety of different countries in South-East Asia and operating in distant waters up to the African coasts.²⁷⁵

In addition, there are also cases of victims exploited in smaller fishing vessels by unregulated operators active along the coastlines.²⁷⁶ Patterns of children trafficked in small numbers in the context of local fishing communities are also reported. In these cases, children are exploited in rudimentary wooden rowing boats, most of which have no motors.²⁷⁷

Whether victims are exploited by large companies or by local fish suppliers, it appears that, like in other industries, recruiting agencies and intermediaries between the labour supply and demand sides play a role. Large investigative cases resulting in the detection of thousands of victims identify the role of recruitment companies supplying crews from different parts of the world to the fishing companies that then exploit them.²⁷⁸ Similarly,

266 Indonesian Ministry of Marine Affairs and Fisheries (KKP), Indonesia Presidential Task Force to Combat Illegal Fishing, the International Organization for Migration (IOM), Coventry University (2016); *Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry*, IOM, Jakarta, 2016, page 17.

267 International Labour Organization, *Ship to Shore Rights: Baseline Research Findings on Fishers and Seafood Workers in Thailand*, ILO, 2018, page 5.

268 United Nations Interagency Project on Human Trafficking (2011). *Estimating Labour Trafficking: A Study of Burmese Migrant Workers in Samut Sakhon, Thailand*. UNIAP Regional Management Office, Bangkok, 2011.

269 Food and Agriculture Organization, *The State of World Fisheries and Aquaculture 2018 - Meeting the sustainable development goals*. FAO, Rome, 2018, Page 33.

270 R Surtees, *At Home: Family reintegration of trafficked Indonesian men*, *Anti-Trafficking Review*, issue 10, 2018, pp 70–87.

Indonesian Ministry of Marine Affairs and Fisheries (KKP), Indonesia Presidential Task Force to Combat Illegal Fishing, the International Organization for Migration (IOM), Coventry University (2016); *Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry*, IOM, Jakarta, 2016.

Sarah R. Meyer et al, *Trafficking, Exploitation and Migration on the Thailand-Burma Border: A Qualitative Study*, 53 *International Migration* (2014);

International Labour Organization, *Ship to Shore Rights: Baseline Research Findings on Fishers and Seafood Workers in Thailand*, ILO, 2018, page 5;

Surtees, R. (2014) *In African waters. The trafficking of Cambodian fishers in South Africa*, IOM/Nexus Institute.

271 Human Rights Council, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shabinian, Mission to Ghana (22 29 November 2013)* page 27-38

272 Indonesian Ministry of Marine Affairs and Fisheries (KKP), Indonesia Presidential Task Force to Combat Illegal Fishing, the International Organization for Migration (IOM), Coventry University (2016); *Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry*, IOM, Jakarta, 2016; Page 43, page 52.

273 Court case 116 – Indonesia 2014;

Surtees, R. (2014) *In African waters. The trafficking of Cambodian fishers in South Africa*, IOM/Nexus Institute page 63;

Indonesian Ministry of Marine Affairs and Fisheries (KKP), Indonesia Presidential Task Force to Combat Illegal Fishing, the International Organization for Migration (IOM), Coventry University (2016); *Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry*, IOM, Jakarta, 2016; page 20.

274 International Organization for Migration (2011) *Trafficking of Fishermen in Thailand* IOM, Bangkok, 2011.

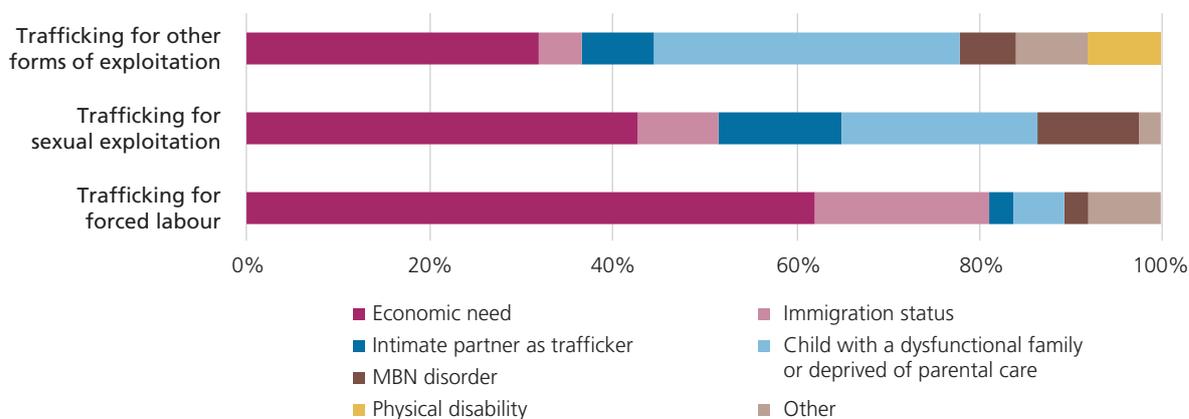
275 Indonesian Ministry of Marine Affairs and Fisheries (KKP), Indonesia Presidential Task Force to Combat Illegal Fishing, the International Organization for Migration (IOM), Coventry University (2016); *Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry*, IOM, Jakarta, 2016.

276 See Thailand's Country Report on Anti-Human Trafficking Response (1 January – 31 December 2016), page 66 and 67.

277 Human Rights Council, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shabinian, Mission to Ghana (22 29 November 2013)* page 27-38

278 Indonesian Ministry of Marine Affairs and Fisheries (KKP), Indonesia Presidential Task Force to Combat Illegal Fishing, the International Organization for Migration (IOM), Coventry University (2016); *Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry*, IOM, Jakarta, 2016; Page 43, page 52.

FIG. 83 Shares of cases, by condition of the victim before being trafficked, as reported in the GLOTIP court cases*



Source: UNODC elaboration of national data.

*The information on the form of exploitation and victim’s condition before trafficking was reported in 233 court cases of a total of 489 cases collected by UNODC for the purpose of this Report.

children in rural communities in Africa are also recruited by intermediaries who provide money to the child’s parent to supply these children to fishermen.²⁷⁹

As the fishing industry continues to grow and diversify, victims may be exploited in different ways and in different areas in the global fishing supply chain. Yet, it is likely that traffickers will continue to rely on the very nature of fishing and its remoteness in the world’s oceans to exploit victims, in particular migrants.

Risk factors

Investigating patterns and vulnerabilities in trafficking for forced labour is extremely complex given its multi-dimensional nature that cuts across criminal activities, social norms, labour relations and the macroeconomic dynamics of different economic sectors.

Some elements that may contribute to the incidence of trafficking in persons for forced labour emerge from the analysis presented above. These elements include workers’ individual vulnerabilities, such as being an undocumented migrant or lacking alternatives for income generation, as well as structural dynamics connected with the working environment itself, such as being low paid, labour intensive, short-term and/or dangerous. Further, some factors relate to the labour market, such as the presence of recruitment agencies or a limited labour supply. However, one element in particular seems to be a com-

mon pattern recorded in different forms of trafficking for forced labour: the drastically asymmetric relationship between employer and employee, resulting in a lack of realistic alternatives for workers other than to accept risky job offers and remain in exploitative labour situations.

Lack of alternatives to exploitative wages, excessive working hours and few or no rights

Overall, trafficking for forced labour is more frequently detected in those countries characterized by low salaries,²⁸⁰ longer working hours²⁸¹ and high informal employment.²⁸² Workers in informal employment are often not union-

280 Correlation between UNODC-Share of TiP for forced labour to total detected victims and ILO reported wages (parity purchasing power) is Pearson’s -.431, Sig.:0.000, N 79.

Correlation between UNODC-Share of TiP for forced labour to total detected victims and ILO reported wages on extra-hours worked (parity purchasing power) is Pearson’s -.440, Sig.:0.000, N 79.

281 Correlation between UNODC-Share of TiP for forced labour to total detected victims and ILO reported extra working hours is Pearson’s +.355, Sig.:0.001, N 79.

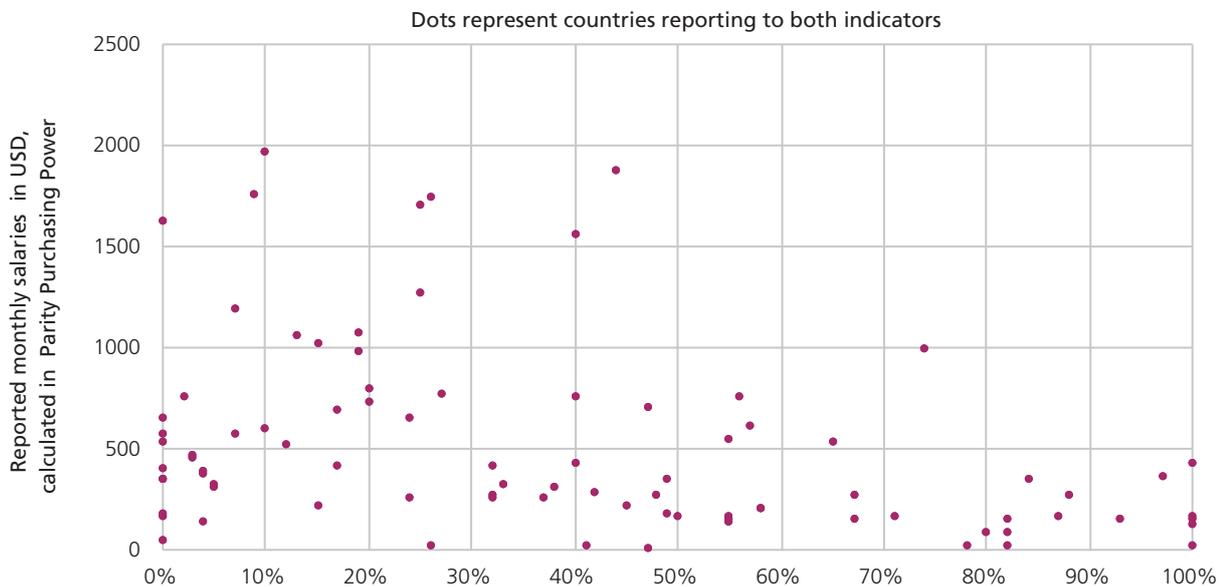
282 Correlation between UNODC-Share of TiP for forced labour to total detected victims and ILO Informal Employment to total employment is Pearson’s +.584, Sig.:0.000, N 81.

ILO defines informal employment as comprising the total number of informal jobs, whether carried out in formal sector enterprises, informal sector enterprises, or households, during a given reference period; informal employment comprises: Own-account workers and employers employed in their own informal sector enterprises; Contributing family workers; Employees holding informal jobs, Members of informal producers’ cooperatives; Own-account workers engaged in the production of goods exclusively for own final use by their household.

See Hussmanns, R. (2003) *Statistical definition of informal employment: Guidelines endorsed by the Seventeenth International Conference of Labour Statisticians* Bureau of Statistics International Labour Organization, Geneva, page 6.

279 Human Rights Council, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, Mission to Ghana (22-29 November 2013)*, page 27-38.

FIG. 84 Relation between countries' shares of victims exploited in forced labour to total victims detected and countries' average wages

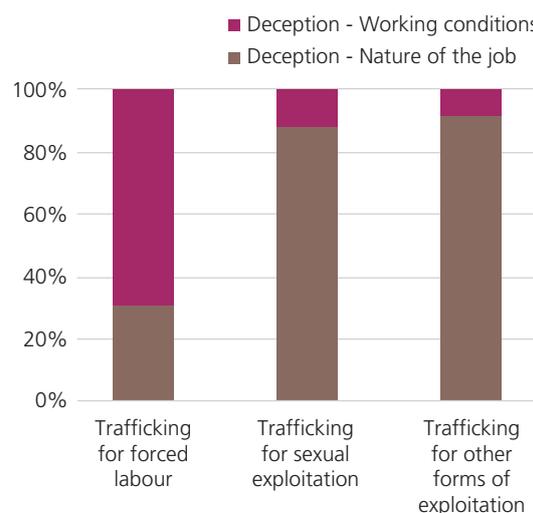


Source: Elaboration on UNODC data on trafficking in persons and ILO survey data on monthly salaries.

ized and are invisible to existing systems of labour protections.²⁸³ In general, those in informal employment typically work more²⁸⁴ and are paid less²⁸⁵ than workers doing the same job in formal employment. For these workers, the informal nature of their job may include the absence of social security coverage, annual paid leave or paid sick leave, employment contracts as well as a lack of awareness or choice to not comply with the requests of the employer.²⁸⁶ Not everyone in informal employment is a

victim of trafficking, of course, but informality is a context that is more prone to exploitation. Furthermore, the World Bank has assessed that the Pandemic recession will greatly and negatively impact those surviving in informal employment, raising additional concerns over the exacer-

FIG. 85 Shares of cases, by type of deception and forms of exploitation, as reported in the GLOTIP court cases*



Source: UNODC elaboration of national data.

*The information on the form of exploitation and type of deception was reported in 175 court cases of a total of 489 cases collected by UNODC for the purpose of this Report.

283 Harkins, B.; Lindgren, D; Suravoranon, T (2017) *Risks and rewards: Outcomes of labour migration in South-East Asia*, International Labour Organization and International Organization for Migration, 2017, page 61.

284 According to ILO survey statistics, close to 45 per cent of all workers in informal employment are working more than 48 hours a week compared to 30 per cent of workers in formal employment. About 14 per cent of those in informal employment are working more than 60 hours, while only 7 per cent of those formally employed work that amount. *Women and men in the informal economy: a statistical picture (third edition)* / International Labour Organization – Geneva: ILO, 2018, page 61-65, page 156.

285 Informal wage employees earn less than formal wage employees. Wages of informal employees are in some cases up to 65 per cent lower than wages of formal employees for the same job; ILO. *World Employment and Social Outlook: The changing nature of jobs* (Geneva), page 41.

286 International Labour Organization, *Women and men in the informal economy: a statistical picture (third edition)* ILO, 2018, page 61-65; Harkins, B.; Lindgren, D; Suravoranon, T (2017) *Risks and rewards: Outcomes of labour migration in South-East Asia*, International Labour Organization and International Organization for Migration, 2017. Palumbo, L. (2016) *Demand in the context of Trafficking in Human Beings in the Domestic Work Sectors in Italy*, Demand-AT Country Study No. 5, page 6.

bated effect of COVID-19 on trafficking in persons.²⁸⁷ One element of importance is that, while victims of trafficking for sexual exploitation are normally promised a job unrelated to sexual activities, victims of trafficking for forced labour are more frequently deceived about the working conditions, but not about the nature of the job, which is a likely indicator of low salaries or dangerous activities. Yet, their intrinsic vulnerability makes them accept these risky choices.

Out of sight; confined in remote areas with few or no inspections

Traffickers can avoid labour regulations by segregating their victims in remote areas or in private apartments. The “invisibility” of some sectors, such as domestic work, fish capture in open sea, agriculture or mining in remote areas where workers have no contact with the rest of the community, facilitates exploitative practices. In the absence of labour inspections, law enforcement and social control, trafficking goes unpunished more easily and traffickers may operate relatively freely with impunity.

The most evident case of hidden labour is domestic work. According to the Special Rapporteur on the Human Rights of Migrants in regard to domestic workers, “*Many migrant women work as domestic workers. However, labour inspections are not carried out in private households. That leaves domestic workers unprotected and therefore vulnerable to abuse and exploitation*”.²⁸⁸ This is confirmed by field studies indicating inspections as being virtually non-existent in the domestic work sector.²⁸⁹

What makes combatting trafficking particularly challenging in domestic work is that victims are segregated from the rest of the community, forced to live in the same location where their exploitation takes place. In the same way, similar situations have been reported for people trafficked to work in restaurants²⁹⁰ and garment “sweatshops.”²⁹¹

287 World Bank, *Global Economic Prospects*, June 2020. The World Bank, page 40. <https://doi.org/10.1596/978-1-4648-1553-9>

288 A/HRC/35/25/Add.1, 2017, *Report of the Special Rapporteur on the human rights of migrants on his mission to Angola*, page 13.

289 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, Page 74; International Labour Organization Country Office for Sri Lanka and Maldives *Presence of Human Trafficking and Forced Labour in Labour Migration-Sri Lanka*, ILO, 2019, page 24-25.

290 Court case 7 – Australia 2012; court case 190 – Dominican Republic 2014.

291 Court case 398 – Argentina 2017.

Working in remote areas increases the risk of exploitative conditions. Ukraine, for example, reported a case of trafficking where victims were trafficked from South Asia to be exploited in stone processing. Further compounding their situation was the fact that they were living and working in the production plant in a remote province.²⁹² Such isolation and thus increased risk of being exploited, sometimes for years, is also commonly the case in the fishing industry, as discussed previously.²⁹³

Similarly, people trafficked in agriculture can often be found in remote rural areas. In a case reported in the European Union, for example, a group of migrant workers from Eastern Europe were exploited on a remote farm, far from any populated areas with no access to transportation, and relying entirely on their exploiters for basic supplies.²⁹⁴ This pattern emerges in several European countries, where migrants trafficked in the agriculture sector are found to live in rudimentary accommodation close to the fields and isolated from local communities.²⁹⁵ Moreover, spatial segregation in slums and abandoned farmhouses facilitates the concealment of the victims’ living and working conditions and reduces the risks of intervention by authorities.²⁹⁶ The same methods are reported for trafficking of workers in the mining sector.²⁹⁷ As mining often takes place in remote areas where law enforcement and social control is weak, the resulting conditions create immense opportunities for traffickers to exploit children and adults in the extraction of minerals and metals.²⁹⁸

The involvement and control of national authorities in an area can also play a significant role in traffickers’ abili-

292 Court case 329 – Ukraine, 2016.

293 International Labour Organization, *Ship to Shore Rights: Baseline Research Findings on Fishers and Seafood Workers in Thailand*, ILO, 2018.

294 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 49.

295 Court case 333 – United States of America 2015. Corrado, A. (2018), *Is the Italian agriculture a pull factor for irregular migration – and, if so, why?*, European University Institute, 2018, page 9.

296 *Ibid.* page 23.

297 International Labour Organization, *Combating forced labour and trafficking in Africa*, Background paper Special Action Programme to combat Forced Labour (SAP-FL) International Programme for the Elimination of Child Labour (IPEC), ILO, 2013 page 22-25; Schipper, I.; de Haan, E. (2015) *Gold from children’s hands, the use of child-mined gold by electronic sector*, Stichting Onderzoek Multinationale Ondernemingen (SOMO) Centre for Research on Multinational Corporations, Amsterdam, 2015.

298 A/HRC/35/25/Add.1, *Report of the Special Rapporteur on the human rights of migrants on his mission to Angola*, 25 April 2017, page 13.

ty to act with impunity. Avoiding the risks of being overseen by national authorities can be achieved in any location if law enforcement and labour inspectors' controls are limited, corrupted or focus on migration status rather than labour standards.²⁹⁹ Authorities' lack of controls over employers facilitates the perpetration of exploitative practices against employees.³⁰⁰

Qualitative research conducted in the European Union showed that 132 out of 237 workers participating in the study had not witnessed nor heard of inspections at the workplace. Almost none of those employed as domestic workers witnessed inspections, nor the majority of those working in construction or catering. Those who had witnessed labour inspections perceived them to not have been properly conducted.³⁰¹

There are indications that labour inspections are generally reducing in number³⁰². Despite the increases in working populations or national GDPs, reduction in the number of labour inspections is a trend recorded in 31 countries from a total of 62 where information was available.³⁰³

Migration and precarious legal status

People can also be exploited in plain sight, especially when they are marginalised, discriminated against and/or are afraid of being reported because they have an irregular migration status.

Particularly in wealthy countries, trafficking for forced labour is more commonly identified among migrants than national citizens. Traffickers abuse different vulner-

abilities of migrants, starting with the fact migrants may not always have a regular status to work or legal permission to stay in the country of exploitation.

According to official data on 71 cases of trafficking for forced labour prosecuted in Argentina between 2009 and 2013, about 70 per cent of the 516 victims were foreigners, and 56 per cent of them were in a precarious legal situation, such as experiences of illegal entry into the country (26 per cent).³⁰⁴ From the investigations in these cases, it emerges that traffickers use this irregular status to exploit victims.³⁰⁵ Similarly, research conducted in the European Union among irregular migrants shows that residence status is perceived as the most important factor contributing to labour exploitation.³⁰⁶

Traffickers typically threaten to report victims to migration authorities if they do not comply with exploitative working conditions.³⁰⁷ In a court case provided by Israel, the persons convicted for trafficking restricted the movement of a domestic worker, warning her she could be arrested if she left the house as she did not have her travel documents in order.³⁰⁸ Many countries report similar cases.³⁰⁹ The fear of being returned to their country of origin may discourage migrants with irregular residence status from seeking support or justice, even in extremely exploitative situations.³¹⁰

As with many forms of trafficking, labour traffickers may be involved in facilitating the irregular migration of the victims. This typically happens on the basis of a

299 Shin Y. J.; (2017) *A Transnational Human Rights Approach to Human Trafficking: Empowering the Powerless*, Studies in Intercultural Human Rights, Volume 8, Brill, 2017.

European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 74.

300 International Labour Organization, *Strengthening action to end forced labour*, International Labour Conference, 103rd Session, 2014, page 57.

301 European Union Agency for Fundamental Rights, *Protecting migrant workers from exploitation in the EU: workers' perspectives*, FRA, Vienna, 2015, page 73.

302 Corrado, A. (2018), *Is the Italian agriculture a pull factor for irregular migration – and, if so, why?*, European University Institute, 2018, page 21.

303 International Labour Organization reports the number of labour inspection visits to workplace during the year. The variable is described as the "physical presences of a labour inspector in a workplace for the purpose of carrying out a labour inspection and which is duly documented as required by national legislation".

According to this data, for 62 countries where information was periodically available from 2010 to 2018, 31 countries recorded a decreasing number of annual inspections. About 14 countries recorded an increasing trend of inspections per year, while for 17 countries the trend was stable or unclear.

Available at: <https://ilostat.ilo.org/data/>

304 Procuraduría de Trata y Explotación de Personas *Trata laboral en Argentina. El tratamiento judicial de los casos en el fuero federal*, 2014, page 35.

305 International Labour Organization and Procuraduría de Trata y Explotación de Personas *La trata de personas con fines de explotación laboral. Estrategias para la detección e investigación del delito*. Dirección de Relaciones Institucionales - Ministerio Público Fiscal de la Nación, page 46.

306 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, pp 67-68.

307 *Ibid.* p 57, p 65.

308 Court case 282 – Israel 2016.

309 Court case 68 – United States of America 2010; court case 72 – United States of America 2013; court case 134 – Poland, 2013; court case 181 – United States of America 2014; court case 232 – Belarus; court case 461 – United States of America 2016; court case 459 – United States of America 2017.

310 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 57, page 65;

David, F.; Bryant, K.; Larsen, J.J. (2019) *Migrants and their vulnerability to human trafficking, modern slavery and forced labour*, International Organization for Migration, page 38; A/HRC/35/25/Add.1, *Report of the Special Rapporteur on the human rights of migrants on his mission to Angola*, page 13.

debt these victims have to pay back to cover the costs for being smuggled into the country.³¹¹ Charging migration fees is not only practiced by migrant smugglers, but also widely used in regular migration processes and by officially registered companies. Many migrant workers fall victim to debt bondage when they take on an initial debt for the migration journey as part of the terms of a regular registered employment contract.³¹² In some instances, the fees charged for regular migration are more expensive than those for irregular migration.³¹³

Linking labour contracts and migration status makes migrant workers bound to their employer. In some countries of the Middle East, for example, migrant workers are not allowed to leave the country without the employer's permission. The employer can legally withhold the passport of the employee until the migration debt is paid.³¹⁴

Similarly, studies conducted in Europe highlight the risk of immigration policies that tie a residence permit to a specific employment contract. These policies can result in leaving the worker with no choice other than to accept exploitative working conditions in order to renew legal residence or legalise status.³¹⁵ For example, Norway reported a case involving three Indian migrants trafficked to work as cooks in a restaurant. The victims had residence permits allowing them only to work in that spe-

cific restaurant. This created a complete dependency of the victims on the employer, who abused this power by coercing the victims into exploitative conditions. In an interesting distinction, the court ruled that a fourth person, an Afghan man with irregular status, also exploited with the three Indians, did not constitute trafficking for forced labour in lieu of the fact as he was not bound to remain with the same employer.³¹⁶

Yet, migration status is not the only risk factor that may expose a worker to labour exploitation. Migrants are also targeted because they are generally unfamiliar with their labour rights,³¹⁷ are unaware of available support mechanisms³¹⁸ and/or are unable to understand the language of the countries where they are exploited.³¹⁹

Further compounding the issue, studies have shown that law enforcement or labour inspectors may not always be so keen in protecting migrants' rights due to widespread discrimination by the community or state authorities of the countries where they have settled.³²⁰

Lack of due diligence; intermediation, sub-contracting and involvement of legal companies

As reported above, migrant workers often rely on some

311 David, F.; Bryant, K; Larsen, J.J. (2019) *Migrants and their vulnerability to human trafficking, modern slavery and forced labour*, International Organization for Migration, page 30.

312 A/HRC/29/38/Add.162. *Report of the Special Rapporteur on trafficking in persons on her mission to Malaysia*, page 5. European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 35, page 43; International Labour Organization (ILO) Country Office for Sri Lanka and Maldives *Presence of Human Trafficking and Forced Labour in Labour Migration-Sri Lanka*, International Labour Organization, 2019, pp 48-55.

313 Harkins, B.; Lindgren, D; Suravoranon, T (2017) *Risks and rewards: Outcomes of labour migration in South-East Asia*, International Labour Organization and International Organization for Migration, 2017; Page 36.

314 International Labour Organization (ILO) Country Office for Sri Lanka and Maldives *Presence of Human Trafficking and Forced Labour in Labour Migration-Sri Lanka*, International Labour Organization, 2019, page 48-55.

315 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 65; Directorate General for Internal Policies, Policy Department for Citizen's right and constitutional Affairs, Women Rights & Gender Affairs *The vulnerability to exploitation of women migrant workers in agriculture in the EU: the need for a Human Rights and Gender based approach*, page 22; David, F.; Bryant, K; Larsen, J.J. (2019) *Migrants and their vulnerability to human trafficking, modern slavery and forced labour*, International Organization for Migration, page 38

316 Court case 433 – Norway 2019.

317 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, pp 67-68; International Labour Organization (ILO) Country Office for Sri Lanka and Maldives *Presence of Human Trafficking and Forced Labour in Labour Migration-Sri Lanka*, International Labour Organization, 2019, page 42.

318 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 78,

319 *Ibid.*; David, F.; Bryant, K; Larsen, J.J. (2019) *Migrants and their vulnerability to human trafficking, modern slavery and forced labour*, International Organization for Migration, page 40; Court case 181 – United States of America 2014; A/HRC/35/25/Add.1, *Report of the Special Rapporteur on the human rights of migrants on his mission to Angola*, page 13; A/HRC/23/48/Add.1, Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, 22 February 2013, page 6.

320 Shin Y. J.; (2017) *A Transnational Human Rights Approach to Human Trafficking: Empowering the Powerless*, Studies in Intercultural Human Rights, Volume 8, Brill, 2017; European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 74; Chea, P., (2014) *Migration and Human Security of Cambodian Workers in Thailand*, in *Irregular Migration and Human Security in East Asia*, ed. by Song and Cook, 2014. McCormack, S; Larsen, J.J.; Abul Husn, H. (2015) *The Other Migrant Crisis: Protecting Migrant Workers against Exploitation in the Middle East and North Africa*, Walk Free and International Organization for Migration. A/HRC/35/25/Add.1, *Report of the Special Rapporteur on the human rights of migrants*, page 13.

form of intermediation in order to access the labour market abroad. This normally implies a cost that the migrant is bound to pay back, such as a reduction in the agreed upon salary.³²¹

Recruitment fees applied by intermediaries may cover the acquisition of an employer/employee, travel and immigration documents, transportation, housing and other possible services.³²² Recruitment agencies have been reported to charge a worker up to the equivalent of four months' salary along certain migration routes,³²³ but in some cases, these costs may amount to up to 11 months' salary for the worker.³²⁴ Recruitment agencies sometimes induce people to believe that it will be easy for them to repay the debt based on the salaries promised in destination countries, but this is often not the case.³²⁵

As a matter of fact, this debt is a burden for the migrant worker who is forced to give up most of the salary that was promised, turning this recruitment mechanism into a debt bondage scheme resulting in trafficking in persons. Furthermore, in South-East Asia, a study reports about 65 per cent of those migrant workers who had to pay a recruitment fee saw their identification document withheld by their employer.³²⁶

321 David, F.; Bryant, K.; Larsen, J.J. (2019) *Migrants and their vulnerability to human trafficking, modern slavery and forced labour*, International Organization for Migration, page 11; European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 32;

International Labour Organization (ILO) Country Office for Sri Lanka and Maldives *Presence of Human Trafficking and Forced Labour in Labour Migration-Sri Lanka*, International Labour Organization, 2019, page 39-41.

322 United Nations Office on Drugs and Crime, *The Role of Recruitment Fees and Abusive and Fraudulent Recruitment Practices of Recruitment Agencies in Trafficking in Persons* UNODC, Vienna, 2015;

International Labour Organization *What's the incentive? Comparing regular and irregular migrant work experiences from the LAO People's Democratic Republic of Thailand* ILO, 2018, page 23;

Corrado, A. (2018), *Is the Italian agriculture a pull factor for irregular migration – and, if so, why?*, European University Institute, page 14.

323 Martin, P. (2016) *What do Migrant Workers Pay for Foreign Jobs?* KNOMAD Data and SDG Indicator 10.7.1

University of California, 5 November 2016;

Harkins, B.; Lindgren, D.; Suravoranon, T. (2017) *Risks and rewards: Outcomes of labour migration in South-East Asia*, International Labour Organization and International Organization for Migration, 2017, page 40.

324 Martin, P. (2016) *What do Migrant Workers Pay for Foreign Jobs?* KNOMAD Data and SDG Indicator 10.7.1

University of California, 5 November 2016; page 7-8.

325 A/HRC/23/48/Add.1 *Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo*, 22 February 2013, page 5.

326 International Labour Organization (ILO), *Recruitment fees and related costs: What migrant workers from Cambodia, the Lao People's Democratic Republic, and Myanmar pay to work in Thailand*, 2020, page 77.

While some recruitment companies are officially registered, others are not.³²⁷ Dealing with an officially registered recruitment/intermediation agency, however, does not necessarily mean there are no risks of trafficking involved. Indonesian authorities, for example, reported the case of a registered worker placement company whose owner and affiliates were convicted for trafficking in persons. In this case, the recruitment company recruited a large number of people to be “dispatched” or “sold” to other licensed recruitment/placement companies located in different East Asian countries. Workers were recruited, “stocked” in compounds, segregated and forced to pay their recruitment debts to these companies before being released and sent to work abroad.³²⁸

The role of agents in the recruitment and exploitation of the victims is documented in all economic sectors and in all regions. For example, employment agencies operating between Asia and the Middle East are reportedly involved in the recruitment of domestic workers to be placed with middle- and high-income households. These companies typically charge employers for their services, and then in turn, employers charge the workers to pay back this cost. Documents are withheld and the migrant is not allowed to leave the employer until this recruitment fee is paid back. In some cases, the employment agencies have active roles in the trafficking by threatening the domestic worker and discouraging them to report to national authorities.³²⁹

Cases of trafficking where licensed recruitment or placement companies were involved or complicit with the exploitation of victims were reported also in agriculture.³³⁰ Many agricultural and other economic activities require an expanded labour force during certain periods of the production cycle, and thus the use of intermediaries facilitates a flexible labour supply.³³¹

327 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 32;

Corrado, A. (2018), *Is the Italian agriculture a pull factor for irregular migration – and, if so, why?*, European University Institute, page 14; International Labour Organization (ILO), *Recruitment fees and related costs: What migrant workers from Cambodia, the Lao People's Democratic Republic, and Myanmar pay to work in Thailand*, 2020, page 20.

328 Court case 117 – Indonesia 2015.

329 A/HRC/35/37/Add.1, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 21 April 2017, page 5; A/HRC/32/41/Add.1, *Report of the Special Rapporteur trafficking in persons, especially women and children*, 2016, page 5; A/HRC/23/48/Add.1, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, Joy Ngozi Ezeilo, 22 February 2013, page 7.

330 Court case 285 – Israel 2016, court case 307 – the Netherlands 2016.

331 Corrado, A. (2018), *Is the Italian agriculture a pull factor for irregular migration – and, if so, why?*, European University Institute, page 14.

Recruitment or placement agencies, whether legal or illegal, often have the power to intercept salaries paid by the company where workers are placed.³³² In these cases, the exploitation scheme is operated by the intermediary and not by the employer at the workplace.

Belgian authorities, for example, reported a trafficking case where Eastern European trafficking victims were recruited by service providers in the cleaning sector. These workers were 'sublet' to clean toilets in petrol stations through a legal service contract. Petrol stations paid the agency providing the cleaning service. The workers, meanwhile, were segregated and threatened, with their payments retained. Authorities estimated the trafficking group made profits of up to 1.3 million euros during three years of activity.³³³ Similar cases were reported in different regions and economic sectors.³³⁴

Outsourcing the labour force is a flexible form of labour arrangement that allows employers to adapt to the volatility of the markets.³³⁵ When labour is outsourced, however, there is no direct contractual link between the contractor and the workers, and the contractor has no responsibility for the working conditions of their employment.³³⁶ This often results in opacity and fragmentation of responsibilities, where it is unclear who is accountable for the labour conditions of the worker. These contexts become susceptible to trafficking practices under the guise of a legitimate business.³³⁷

The same principle applies when the supply chain is externalised and delocalised. Manufacturing corporations that import final or semi-final products from other companies located in other countries where labour costs are lower and where there is less enforcement may involuntarily become accomplices to trafficking for forced labour. While legal and well-reputed corporations may apply proper labour standards, those supplying services downstream may not.³³⁸ This mechanism is how trafficking in persons may infiltrate the globalized legal economy.

332 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 44.

333 Court case 93 – Belgium 2012.

334 Court case 69 – United States of America 2011, court case 101 – Czechia 2012. A/HRC/32/41/Add.1, *Report of the Special Rapporteur trafficking in persons, especially women and children, on her mission to Jordan*, 2016, page 5.

335 Bamu, P.H.; Godfrey, S (2009) *Exploring labour broking in the South African construction industry*, Labour and Enterprise Policy Research Group, University of Cape Town, Report commissioned on behalf of Building Workers International, 2009.

336 Wells, J. *Exploratory study of good policies in the protection of construction workers in the Middle East – ILO white paper* / International Labour Organization, Regional Office for Arab States. - Beirut: ILO, 2017, page 6.

337 European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union*, FRA, Vienna, 2015, page 44; page 67; Organization for Economic Co-operation and Development *Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector*, OECD, 2015, page 22; Martin, P. (2017) *Merchant of labor; Recruiters and international labor migration*, Oxford ed., 2017, page 218.

338 Quayson, A.; Arhin, A. (2012) *Labour Migration, Human Trafficking and Multinational Corporations; the commodification of illicit flows*, Abingdon, Oxon; New York, NY: Routledge, 2012., page 2-5.