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. 62 Shares of detected trafficking victims, by form of exploitation, by subregion, 2018 (or most recent)](Source: UNODC elaboration of national data.)

![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.
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.
Cases of domestic servitude are characterized by a lower number of victims, most of them adult women,\textsuperscript{205} and in some cases, children, both girls and boys.\textsuperscript{206} While only two cases reported to UNODC concerned trafficking in the fishing industry, they involved a large number of victims, mostly adult men.\textsuperscript{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.\textsuperscript{208}

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


\textsuperscript{207} Court case 44 – Thailand, 2016; court case 116 – Indonesia, 2014.

\textsuperscript{208} Court case 377 – Cote d’Ivoire, 2017; court case 397 – Argentina, 2018; court case 409 – Chile, 2017; court case 2018 – Chile, 2018.
were employed worldwide, and of these, 11.5 million of them (about 8 per cent) were migrant workers. Yet, this may very well be an underrepresentation of the size of this economic sector. Domestic work takes place inside private homes and, in some cases, is carried out by undocumented migrants. As with other migrants with undocumented status, domestic workers remain, to a large extent, under the radar of labour inspection. These factors expose such workers, especially if they are migrants, to human trafficking.

Traffic for the purpose of domestic servitude has been documented in all regions: from Europe to the United States. 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 work 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. Yet, this may very well be an underrepresentation of the size of this economic sector. Domestic work takes place inside private homes and, in some cases, is carried out by undocumented migrants. As with other migrants with undocumented status, domestic workers remain, to a large extent, under the radar of labour inspection. These factors expose such workers, especially if they are migrants, to human trafficking.

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

Source: National Crime Agency National Referral Mechanism (NRM)

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

Source: Department of Social Services / Australian Red Cross

Detected victims of trafficking in persons for domestic servitude in Cote d’Ivoire, 2016

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

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 rather as members of the household where the victim is employed and exploited.

While all forms of trafficking are frequently physically employed and exploited.

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-

217 Human Rights Council Report of the Special Rapporteur on trafficking in persons, especially women and children, on her mission to Kuwait A/HRC/35/57/Add.1, 21April 2017
225 European Union Agency for Fundamental Rights, Severe labour exploitation: workers moving within or into the European Union, FRA, Vienna, 2015, page 60.
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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. 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.


Traffic 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 Africa and in South-East Asia, farms

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

in North America, different types of croplands in Latin America and for the seasonal harvest of fruits, berries and vegetables in Europe. Moreover, the victim profile is also quite diverse. Victims of trafficking in persons in this economic sector are males and females, both adults and children.


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


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

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

**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.
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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{254}

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


\textsuperscript{253} Court case 24 – Canada 2010.

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 recorded 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 intensive and less sustainable.\(^{258}\) Therefore, the growth of the fishing industry has been accompanied by increases in the demand for labour, leading to greater instances of trafficking.


\(^{256}\) 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.
intensive than modern aquaculture. 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.

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

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. 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. Overall, these factors have favoured the use of trafficking victims in this sector.

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

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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


262 Ibid.


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. 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. Other studies estimate that 33 per cent of seafood workers in Asia’s principal processing region have been trafficked.

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, which explains why most studies on trafficking in this industry refer to male victims. In some rural communities, however, girls are exploited in other parts of the industry, such as mending nets, but not in the capture phase. Most identified victims, as with many other forms of trafficking for forced labour, are migrant workers.

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. 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. 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.

In addition, there are also cases of victims exploited in smaller fishing vessels by unregulated operators active along the coastlines. 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.

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.


271 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


277 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

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, high informal employment, and longer working hours. Workers in informal employment are often not unionized because they lack collective bargaining power. The presence of recruitment agencies or a limited labour supply further contributes 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 common factor in different forms of trafficking for forced labour.

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 common factor 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.

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

[Graph showing 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.


280 Correlation between UNODC-Share of TiP for forced labour to total detected victims and ILO reported wages (parity purchasing power) is Pearson’s -0.431, 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 on extra-hours worked (parity purchasing power) is Pearson’s 0.440, Sig: 0.000, N 79.

282 Correlation between UNODC-Share of TiP for forced labour to total detected victims and ILO reported extra working hours is Pearson’s 0.355, Sig: 0.001, N 79.

283 Correlation between UNODC-Share of TiP for forced labour to total detected victims and ILO Informal Employment to total employment is Pearson’s 0.584, 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.

ized and are invisible to existing systems of labour protections. In general, those in informal employment typically work more and are paid less 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. 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-


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.


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

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.
bated effect of COVID-19 on trafficking in persons.  
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.” This is confirmed by field studies indicating inspections as being virtually non-existent in the domestic work sector.

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 restaurants and garment “sweatshops.”

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 complicating their situation was the fact that they were living and working in the production plant in a remote province. Such isolation and thus increased risk of being exploited, sometimes for years, is also commonly the case in the fishing industry, as discussed previously.

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. 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.

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. The same methods are reported for trafficking of workers in the mining sector.

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.

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

289 European Union Agency for Fundamental Rights, Severe labour exploitation: workers moving within or into the European Union, FRA, Vienna, 2015, Page 74;
290 Court case 7 – Australia 2012; court case 190 – Dominican Republic 2014.
291 Court case 398 – Argentina 2017.
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.
296 Ibid. page 23.
ty to act with impunity. Avoiding the risks of being over-
seen by national authorities can be achieved in any loca-
tion if law enforcement and labour inspectors’ controls are
limited, corrupted or focus on migration status rather than labour standards.\textsuperscript{299} Authorities’ lack of controls over employers facilitates the perpetration of exploitative practices against employees.\textsuperscript{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 wit-
nessed labour inspections perceived them to not have been properly conducted.\textsuperscript{301} There are indications that labour inspections are generally reducing in number\textsuperscript{302}. 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.\textsuperscript{303}

\textbf{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 irreg-
ular migration status.

Particularly in wealthy countries, trafficking for forced labour is more commonly identified among migrants than national citizens. Traffickers abuse different vulner-
ability of migrants, starting with the fact migrants may not always have a regular status to work or legal permis-
sion 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).\textsuperscript{304} From the investigations in these cases, it emerges that traffickers use this irregular status to exploit victims.\textsuperscript{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.\textsuperscript{306}

Traffickers typically threaten to report victims to migra-
tion authorities if they do not comply with exploitative working conditions.\textsuperscript{307} In a court case provided by Israel, the persons convicted for trafficking restricted the move-
ment 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.\textsuperscript{308} Many countries report similar cases.\textsuperscript{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.\textsuperscript{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


303 International Labour Organization reports the number of labour inspection visits to workplace during the year. The variable is described as the ‘physical presence of a labour inspector in a work-
place 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 deceasing 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/


307 Ibid. p 57, p 65.

308 Court case 282 – Israel 2016.


debt these victims have to pay back to cover the costs for being smuggled into the country.\textsuperscript{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 regularly registered employment contract.\textsuperscript{312} In some instances, the fees charged for regular migration are more expensive than those for irregular migration.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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 specific 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.\textsuperscript{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,\textsuperscript{317} are unaware of available support mechanisms\textsuperscript{318} and/or are unable to understand the language of the countries where they are exploited.\textsuperscript{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.\textsuperscript{320}

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

As reported above, migrant workers often rely on some


\textsuperscript{312} A/HRC/29/38/Add.162, Report of the Special Rapporteur on trafficking in persons on her mission to Malaysia, page 5.


\textsuperscript{318} European Union Agency for Fundamental Rights, Severe labour exploitation: workers moving within or into the European Union, FRA, Vienna, 2015, page 78.


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

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


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


328 Court case 117 – Indonesia 2015.


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. 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. Similar cases were reported in different regions and economic sectors.

Outsourcing the labour force is a flexible form of labour arrangement that allows employers to adapt to the volatility of the markets. 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. 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.

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. 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.