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## The tale of 400 victims: A lesson for intervention

### Historia 400 ofiar: wnioski dla właściwej interwencji

**Abstract:** This article describes a world order where forced labour is in plain sight and starts on the streets. Homeless people and individuals who have recently left correctional institutions are approached on the streets of towns and cities and are subsequently swiftly transported to places of destination. There, again in plain sight, they are taken to legal, regulated recruitment agencies and are found jobs. In many instances, they are employed in factories, recycling plants, and warehouses. Although these jobs are legitimate, what happens behind the scenes is not. The individuals have no access to their wages; they suffer psychological and physical abuse and are subjected to coercive control; they are threatened and their documents are taken away from them. These clear components of forced labour are perfectly illustrated in the increasingly observable plight of vulnerable Polish citizens recruited and transported to the UK. Following their story, this exposé investigates and explores three key points where intervention is needed: two are related to the recruitment of exposed subgroups – the homeless and those with a criminal past – and a third, where forced labour is facilitated through the use of legitimate recruitment agencies. To aid the discussion of these points, the article relies on a recent case, where a group of over 400 victims (aged between 17 and 60) were exploited by two Polish crime families.

**Keywords:** human trafficking, forced labour, homeless, criminal past, recruitment agency, Operation Fort

**Abstrakt:** Artykuł opisuje realia pracy przymusowej, która odbywa się na naszych oczach, a często zaczyna się na ulicach. Osoby bezdomne, a także osoby, które niedawno opuściły zakłady karne, są werbowane na ulicach miast i miasteczek, a następnie szybko przewożone do miejsc docelowych, gdzie są wykorzystywane. Za pośrednictwem legalnie działających agencji rekrutacyjnych, znajdują pracę. W wielu przypadkach jest to praca w fabrykach, zakładach zajmujących się recyklingiem lub w magazynach. Chociaż sama praca jest legalna, to co się dzieje za jej kulisami, już nie. Ludzie nie otrzymują wynagrodzenia, są wykorzystywani fizycznie i psychicznie, podlegają przymusowym

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kontrolom, są zastraszani i pozbawiani własnych dokumentów. Te elementy pracy przymusowej są dobrze widoczne wśród jednej z grup narażonych na stanie się ofiarami takiego procederu – Polaków rekrutowanych i przewożonych do Wielkiej Brytanii. Na podstawie ich historii, w niniejszym artykule zostały wskazane trzy kluczowe obszary, w jakich potrzebna jest interwencja. Dwa z nich dotyczą rekrutacji osób z grup wrażliwych na pokrzywdzenie – osób bezdomnych oraz osób mających za sobą przeszłość kryminalną. Trzecim obszarem jest ułatwienie świadczenia pracy tym osobom poprzez zaangażowanie legalnych agencji rekrutacyjnych. By ułatwić dyskusję nad tym tematem, w artykule została przedstawiona historia, która wydarzyła się niedawno, a w której 400 osób w wieku od 17 do 60 lat zostało zrekrutowanych i wykorzystanych do pracy przymusowej w Wielkiej Brytanii przez dwie polskie rodziny zaangażowane w przestępczość zorganizowaną.

**Słowa kluczowe:** handel ludźmi, praca przymusowa, bezdomność, przeszłość kryminalna, agencje rekrutacyjne, Operation Fort

## 1. Introduction

This article describes a world order where forced labour is in plain sight and starts on the streets. Homeless people and individuals who have recently left correctional institutions are approached on the streets of towns and cities and are subsequently swiftly transported to places of destination. There, again in plain sight, they are taken to legal, regulated recruitment agencies and are found jobs. In many instances, they are employed in factories, recycling plants, and warehouses. Although these jobs are legitimate, what happens behind the scenes is not. The individuals have no access to their wages; they suffer psychological and physical abuse and experience coercive control; they are threatened and their documents are taken away from them. These clear components of forced labour are perfectly illustrated in the increasingly observable plight of vulnerable Polish citizens recruited and transported to the UK. Following their story, this exposé investigates and explores three key areas where intervention is needed. Two are related to the recruitment of exposed subgroups – the homeless and those with a criminal past – and a third, where forced labour is facilitated through the use of legitimate recruitment agencies. To aid the discussion of these points, the article relies on a recent case, where a group of over 400 victims (aged between 17 and 60) were exploited by two Polish crime families. Victims of forced labour were placed in cramped, rat-infested accommodation across the Midlands region of the UK. However, in 2019, after the UK's largest-ever human trafficking network was exposed through Operation Fort, the victims saw a degree of justice. Eight offenders were convicted of slavery, trafficking, and money laundering. This article will focus on the narrative of these victims, which encapsulates some of the key points for intervention that policy-makers, law enforcement, civil society, academics, and other stakeholders ought to focus on.

Where relevant, the author includes her own experience of working with victims, including those who were part of Operation Fort. In the years 2015–2019 the author worked at a safe house for male victims of human trafficking in the North of England, where she provided emotional and logistical support to the victims and had an opportunity to engage in discussions with them. In other words, the author draws on field experience. No personal data is revealed in this article – merely the author’s own observations and validation of findings from other reports. Indeed, the author’s experience of working with victims and the sheer number of those who started their journey as homeless and/or with a criminal past inspired this article and the appeal for intervention. Otherwise, the vast majority of the article follows a traditional legal method of analysing and commenting on the subject at hand in order to try to solve the problem of where policy and law enforcement involvement is needed. This method is supported by referring to academic and government publications, scholarly comments, and case law as well as the outcomes of studies in other disciplines.

The article is structured as follows: first, it frames the concepts of human trafficking for the purposes of exploitation of forced labour or services, and the independent crime of forced labour. In section three the article links these crimes to the situation in England, in order to prepare the reader for section four, which in turn uses a situational approach to describe Operation Fort. Section four answers key questions in relation to the police operation of who, what, where, when, and how. Section five uses the findings from Operation Fort to highlight key points of future intervention in order to better prevent human trafficking and forced labour. Building on the article, the author argues in the conclusion that policy-makers who aim to address this crime must transcend the foci on criminalisation and the rigid stories that have long characterised our understanding of forced labour.

A note on terminology – as per the language used in the UK, readers will see the term ‘modern slavery’. It is acknowledged, however, that this term is seen by many as problematic, including the author herself (Muraszkiewicz 2015). There is a heated debate among both academics and practitioners on whether human trafficking and slavery are synonyms, human trafficking is just one form of slavery, or human trafficking and slavery are conceptually distinct. While it is unnecessary to get embroiled in this debate, it is important to state that because the article relies on a UK case and its legislation, modern slavery is used as a broad concept that seeks to capture the offences of slavery, forced or compulsory labour, servitude, and human trafficking.

## 2. What crime is being committed?

This article predominantly focusses on two crimes: (i) human trafficking for the purposes of exploitation of forced labour or services and (ii) the separate crime of forced labour. Despite the clear definition of what constitutes forced labour (see below), pinpointing the exact time/space when the crime occurs is challenging. This results from two factors. Firstly, there is the political issue. Various political stances view forced labour as encompassing different things, best exemplified by the debates around sex work, with conservative groups arguing that all sex work is forced labour (O'Connell Davidson 2015). Secondly, experiences of forced labour – and importantly, the perception of these experiences – vary from individual to individual and even within one individual's story. There is a continuum of exploitation, and sometimes it is hard to determine exactly when that border between lawful and unlawful has been crossed (Skrivankov 2010). An individual may work in an environment where the conditions are adequate and in compliance with labour laws, whilst on the other end of the spectrum, an individual may face the worst forms of treatment of workers, namely forced labour. Somewhere between the two there are breaches such as not paying wages or not providing safety equipment, and further down the spectrum we can add to these abuses the seizing of documents and captivity (Skrivankov 2010). As is often argued, 'forced labour is difficult to recognise. To the casual observer, situations of forced labour may appear unremarkable. Even seasoned labour enforcement officials are not always confident when they come across forced labour' (Shepherd, Wilkinson 2020: 8). In addition to this challenge, as Davies (2019: 2) described, there is a plethora of 'everyday labour exploitation that tends to become embedded and normalised as part of legitimate business and supply chain practices'. In an attempt to minimise their costs, companies engage in a race to the bottom with their suppliers, not checking what happens to the workers and remaining wilfully blind to weak regulations.

Industry practices which hover between lawful, but distressing and simply unlawful are common in low-wage occupations and among certain industries, such as food packaging, warehouse work, agriculture, and recycling – which as the following section will demonstrate, the victims identified by Operation Fort worked in. It is also worth recalling the high levels of forced labour in criminal exploitation, such as the cultivation of drugs (Gentleman 2017). Whilst this makes for a dire picture now, there is hope in the recognition that the birth and survival of forced labour practices is a human (business) invention (Rioux, LeBaron, Verovšek 2020), and thus malleable to reform. The status quo can be adjusted by sociopolitical control and regulation. In other words, we can tame the beast we have created through a series of interventions, some of which are discussed in this article.

However, before we engage in a broader discussion, we must turn our attention to defining the terms used in the article. The International Labour Organization

(ILO) defined forced labour (or compulsory work) in the 1930 Forced Labour Convention as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.’ The definition was confirmed in *Van der Musselle v. Belgium* (para. 35) and in *C.N. and V. v. France* (para. 73), among other cases. The *Van der Musselle* case is of note for the definition of forced labour. In this case, the European Court of Human Rights (para. 33) ruled that the word ‘labour’ should not be interpreted in the narrow sense of manual work, but should be understood as ‘all work or service.’ In November 2016 the ILO’s Protocol of 2014 to the Forced Labour Convention of 1930 entered into force, expounding the definition of forced labour so that the definition of ‘work or service’ included all types of work, service, and employment, occurring in any activity, industry, or sector, including the informal economy. This development ought to be applauded for breaking a stereotype and recognising that forced labour can permeate even ‘respectable’ professions.

Two elements are central to the definition: (i) the threat of any penalty and (ii) the lack of voluntary agreement. The ILO (2001) explained that “exacted under the menace of any penalty” must be understood in a broad sense including penal sanctions and the loss of rights and privileges.’ Such an interpretation of ‘menace of any penalty’ leads to the conclusion that one would not offer themselves voluntarily. In other words, the two elements, in effect, become one. This is further recognised by a UNODC Issue Paper (2015: 31) on the concept of ‘exploitation’, which states that ‘work extracted through “menace of any penalty” is not voluntary’. As will be shown below, the victims that were identified during Operation Fort perfectly fit this definition and were therefore clearly subjected to forced labour.

Whilst forced labour can occur as an individual crime, it is also one of the forms of exploitation detailed in the definition of human trafficking. Indeed, in many countries there is no distinct crime of forced labour and it is often prosecuted as part of the broader crime of human trafficking. In Poland for example, forced labour is a notion included in the definition of human trafficking within the Criminal Code. The Code does not delineate forced labour, and neither the Code nor any other legal act functionalise the notion in such a way as to envisage penalties for those who engage in forced labour. This could explain, as was argued by Wieczorek (2018), why so few cases of forced labour are prosecuted in Poland. Moreover, Wieczorek (2018: 85) commented that the majority of cases of forced labour regard Poles being forced into labour abroad, and only a small number of cases concern forced labour in Poland; in these latter cases the victims are predominantly foreign. Of course, forced labour can be penalised under an array of labour infringements, such as those stemming from the Labour Code or the 2012 Act on the effects of delegating work to foreigners staying contrary to regulations on the territory of the Republic of Poland.

Noting that forced labour is often prosecuted as part of human trafficking, it is necessary to recall the definition of human trafficking as laid out in the 2011 EU Human Trafficking Directive. The EU definition of human trafficking is very

similar to the one in the UN's 2000 Palermo Protocol (supplementary to the UNTOC) on trafficking, with the key difference being that the Directive includes a further 'action': exchange or transfer of control. In addition, the Directive includes a new 'purpose': begging and exploitation of criminal activities. The Recital to the EU document also includes illegal adoption or forced marriage as examples of exploitation. Article 2 condemns

the recruitment, transportation, transfer, harbouring, or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation

and includes the following definitions:

2. A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.
3. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

The definition of human trafficking can be broken down into two sections: an *actus reus* and a *mens rea*. The *actus reus* is the 'action' and the 'means' element. The purpose element makes up the *mens rea*. Within the definition, the means element is an important factor to unpack so that the reader can fully appreciate why the individuals involved in Operation Fort truly were victims of trafficking. Notably, the definition's breadth wipes away any myths that victims are recruited and forced at gunpoint to carry out work. Indeed, many victims of human trafficking for the purposes of forced labour or services are victimised by perpetrators who abused their position of vulnerability. As seen from the definition, a position of vulnerability refers to a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved. The EU Directive does not shed further light on what this means, but some clarification can be found in the Explanatory Report (2005: 83) to the 2005 European Council Convention on Action against Trafficking, which states that

by abuse of a position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social, or economic. The situation might, for example, involve insecurity or illegality of the victim's administrative status, economic dependence, or fragile health. In



short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no-one can validly renounce.

Unsurprisingly the ILO (2011: 6) has also sought to shed light on the meaning of the abuse of a position of vulnerability, stating that abuse of vulnerability, including

threats of denunciation to the authorities, is a means of coercion where an employer deliberately and knowingly exploits the vulnerability of a worker to force him or her to work. The threat of denunciation is used especially in the case of irregular migrant workers. Other instances of abuse of vulnerability include taking advantage of the limited understanding of a worker with an intellectual disability and threatening women workers with dismissal or with being forced into prostitution if they refuse to comply with the employer's demands. As noted above, the obligation to stay in a job due to the absence of alternative employment opportunities, taken alone, does not equate to a forced labour situation; however, if it can be proven that the employer is deliberately exploiting this fact (and the extreme vulnerability which arises from it), to impose more extreme working conditions than would otherwise be possible, then this would amount to forced labour.

This explanation renders the definition of the position of vulnerability sufficiently broad to reflect the experiences of increasing trends in recruitment and also the manner in which persons are then exploited and controlled. Indeed, the extensiveness of the position of vulnerability accurately highlights the fact that in situations of recruitment and exploitation power dynamics are a central feature, with a wide spectrum of inequalities between the victim and the criminal. For a person in a position of vulnerability, such as economic vulnerability, being offered work could be a lifeline. Vulnerability is therefore connected to some form of dependency, so often visible in narratives of human trafficking, particularly where recruitment begins with perpetrators targeting individuals who are homeless or have no prospect of a job due to stigma from their criminal past (more below).

For the purposes of this article, it is also important to discuss what recruitment entails. Recruitment is the action of enlisting new people to be exploited. According to the CoE/UN (2009: 78) study, recruitment 'is to be understood in a broad sense, meaning any activity leading from the commitment or engagement of another individual to his or her exploitation.' As was highlighted by the EU-funded project *Trafficking as a Criminal Enterprise* (TRACE),

the trafficker needs to 'find' the persons s/he wants to exploit. Usually this involves gaining the trust of the victim and drawing an attractive picture

of the type of work on offer, the working conditions, and the salary, which will later turn out to be (partly) false (Spapens et al. 2014).

Perpetrators tend to find a recruitment method that works for them and then continuously pursue it, for example, using the same website for posting job advertisements, always engaging with potential victims outside a shelter, or recruiting through acquaintances. In other words, the *modus operandi* tends to be consistent, both amongst one particular criminal group and across an array of them. Another key thing to note, which will be seen when describing Operation Fort, is that force in the European context is an uncommon method of recruitment for trafficking in general. In contrast in conflict kidnapping is a common form of “recruitment”, used for example by groups such as Boko Haram.

### 3. Forced labour in England and Wales

Before describing Operation Fort, it is useful to shed some light on the situation of forced labour in England and Wales (Northern Ireland and Scotland have their own criminal law systems). England and Wales woke up to the existence of forced labour in 2004, in the wake of the Morecambe Bay cockle picking disaster, which saw at least 23 Chinese undocumented immigrant labourers and victims of trafficking drowned by an incoming tide after picking cockles off the Lancashire coast. The tragedy led to the establishment of the Gangmasters Licensing Authority (GLA), now the Gangmasters and Labour Abuse Authority (GLAA), which characterises itself as ‘the foremost investigative agency for labour exploitation in the UK’. They describe their role as ‘work[ing] in partnership with police and other law enforcement agencies to protect vulnerable and exploited workers’. Despite their efforts, and perhaps unsurprisingly, human trafficking for the purposes of exploitation of forced labour or services and the stand-alone crime of forced labour continue to be prevalent. Shepherd and Wilkinson (2020: 2) capture the zeitgeist well: ‘forced labour persists, apparently unchecked. For perpetrators the potential gains are enormous, the risk of punishment minimal. For victims, however, the support is limited and fragmented.’ This lack of support exists against a background of perilous employment conditions in factories, warehouses, food processing plants, and farms and within the gig economy. The work is often characterised as dirty, difficult, and dangerous (the 3Ds).

Though we must approach statistics on human trafficking with caution – as they do not paint a true picture of the scale of the crime – it is interesting to note that the UK National Referral Mechanism’s numbers for the first quarter of 2020 show that labour exploitation was the most common abuse type for adult potential victims, whilst criminal exploitation was most commonly reported for child potential victims. Researchers have supplemented these figures and pointed out



that in ‘the United Kingdom ... around 80% of labour trafficking victims identified between 2009 and 2014 came from within the EU, in particular from Slovakia, Poland, Lithuania, Romania, Czech Republic, and Hungary’ (Volodko, Cockbain, Kleinberg 2020: 8). Numbers such as these make it impossible to continue and conflate human trafficking with sex trafficking alone, and as such policy and legislation in this space are improving, a hallmark of which is the government’s attempt to address the role that complex supply chains can play in concealing this form of exploitation; this is enshrined in Section 54 of the 2015 Modern Slavery Act (more on the Act below). Section 54 places an obligation on entities in the UK that have an annual turnover of more than £36 million to annually report on the measures, if any, that they are taking to ensure that their supply chains do not contain instances of modern slavery.

The Act, which was hailed by the Home Office as ‘historic’ (Historical Law 2015), criminalises the offences of human trafficking, slavery, servitude, and forced or compulsory labour. Moreover, amongst other things, it raises the maximum sentence for said offences to life imprisonment; creates a provision for slavery and trafficking prevention orders; forms a new statutory defence for victims who have been compelled to commit crimes; contains protections for victims who act as witnesses; details provisions for independent child trafficking advocates; and establishes the office of an Independent Anti-Slavery Commissioner, to name just a few examples.

A true test of the success of a piece of legislation is the impact it has in practice. Notwithstanding what one may make of the term ‘modern slavery’ used in the Act and how it is related to the offences contained within, a testament to it is the fact that forced labour is increasingly becoming the focus of law enforcement work, who are increasingly taking on a victim-centred approach. This is illustrated by the #wouldyou campaign run by Manchester Police, born out of the understanding that forced labour is difficult to recognise. As part of this campaign, the law enforcement authority posts pictures of places such as car washes and nail salons, which are known by practitioners and academics to be businesses with high levels of exploitation, and in a bid to raise awareness asks the public to consider whether they would recognise modern slavery in those places. In Manchester there has also been an emphasis on training, which has led to a 300% increase in identified forced labour cases (GRETA 2016). Despite this increase, identification remains problematic: many businesses that engage in exploitation go unnoticed and many businesses are unaware that their supply chains include modern slavery.

Brexit adds an additional layer of complication, particularly as since December 2020 there has been a points-based immigration system for all people. The Independent Anti-Slavery Commissioner’s report (Crates 2020: 27) expressed concern that the conditions within the UK, namely the high thresholds to obtain a working visa and the possible capping of numbers on seasonal workers, may be manipulated by criminals to exploit victims: ‘If there are significant labour shortages, unscrupulous employers and organised criminals may exploit the vulnerable by

trafficking them to the UK to work.’ Brexit and its impact on migration highlight the fact that to understand forced labour we should not consider it an individualised phenomenon which occurs in a specific context, but we must instead situate it in wider relations of labour, politics, social contexts, and global supply chains. Case studies like Operation Fort, described below, offer just one window of opportunity to better understand the crime and the spaces in which we may be able to intervene and prevent it.

## 4. Operation Fort

Operation Fort lasted five years and was the largest police action in England and Wales to focus on human trafficking, or ‘modern slavery’ in the local parlance. The operation saw five men and three women sentenced in 2019 in Birmingham Crown Court for a range of criminal offences, including forced labour. The network that carried out this exploitation was described by the judge (Judge Mary Stacey 2019) during sentencing as

the most ambitious, extensive, and prolific network of interlinked overarching conspiracies to traffic large numbers of vulnerable men (and a few women) into the UK for the purposes of two forms of exploitation: both labour exploitation and using them to open multiple bank accounts, ostensibly in their name but over which they had no control.

On the streets of Poland and at the front gates of prisons, vulnerable men and women were recruited, with the promise of decent wages and a better future in the UK. It is alleged by the police that a group of over 400 victims (aged between 17 and 60) were exploited by two Polish crime families. Of those 400 victims, 92 were identified by law enforcement, 89 of whom were men. The Independent Anti-Slavery Commissioner’s report (Crates 2020: 13) on this operation stated that most of the victims

had vulnerabilities, such as being homeless, destitute or had formerly served prison sentences. Some were addicted to drugs or alcohol. Because of their backgrounds, many were already fearful or distrustful of the police. They spoke little or no English and did not understand their rights.

During her work at a safe house, the author worked with many of the victims during their time in the reflection period and was able to ascertain the accuracy of the report through her interaction with them.

The victims did not fit the ‘ideal victim’ image, which is a term coined by Christie (1986) to reflect the expectations that society has as to what a victim ought to look like. A perception that is deeply rooted in social stereotypes and

falsehoods assumes that ideal victims of trafficking would be ‘those who have been victims of extreme exploitation, are “innocent” of their own exploitation, and agree to participate in criminal proceedings’ (Ollus, Alvesalo-Kuusi, Jokinen 2016: 59). Middle-aged male workers who ‘keenly’ migrated to England, who suspected that the job offer seemed dubious and then ended up being exploited, do not easily fit within the archetypal perception of victims. If we followed Christie, we would assume that their criminal past and addictions ought to have acted as a barrier to them receiving victim status. And yet they entered the National Referral Mechanism. Their identification is a testament to how far law enforcement’s understanding of forced labour has progressed. Although a caveat ought to be made, these persons existed and were exploited in plain sight for many months without their co-workers, managers, and – importantly for this article – recruitment agencies noticing.

The criminals who exploited them consisted of eight individuals who were a family network made up of parents, siblings, cousins, and friends. One of the eight escaped the UK but was arrested in Poland and stood trial there, which culminated in a five-year sentence. In the UK the sentences ranged from 11 years to three years.

The gang’s strategy consisted of approaching people who had been exposed to social injustices and offering them work and a chance of a new life. The victims were told they would earn between £250–400 a week, in addition to being provided with food and accommodation. Time was used as a pressure tactic, with victims being told they had between a few hours to one day to decide whether they wanted to take the offer. On arrival, the victims were placed in cramped, rodent-infested lodging across the Midlands region of the UK (West Bromwich, Walsall, Sandwell, and Smethwick). Some homes had no toilets, heating, furniture, or hot water, resulting in the victims washing themselves in canals. Complaints were met with threats or physical abuse, in one case a broken arm. ‘Two victims who complained about their treatment were taken out of their house and told to dig their own graves in the woods’ (Crates 2020: 140). ‘House spies’ – previously trafficked victims – kept an eye on the workers. There were no locked doors and no imprisonment, but the victims were psychologically abused by being isolated, pushed into addiction, moved between residences and jobs, told myths about their residence status in the UK, and forced into working consecutive shifts.

The victims were placed in jobs through legitimate recruitment agencies, but were forced to work by their traffickers. They worked on farms, in poultry factories, and in recycling centres; they constructed fencing and sorted parcels. The wages that the victims were allowed to keep – if at all – amounted to a maximum of 50 pence an hour. In order to survive, the victims relied on soup kitchens and food banks. The traffickers confiscated the victims’ identity cards and then registered the victims for national insurance numbers, which allowed them to open bank accounts in the victims’ names with fake addresses. Traffickers also claimed benefits without the victims’ knowledge. The criminal group made great profits and flaunted their wealth by driving luxurious cars. The offences uncovered

by Operation Fort surfaced after victims came looking for food at a soup kitchen at a local church. There they met a Polish charity outreach worker who referred them to anti-trafficking NGO.

Operation Fort draws attention to the plight of those particular 400 victims, but their tale is a common one that extends far and wide. The story teaches stakeholders key lessons: forced labour and human trafficking for exploitation of forced labour or services are rooted in social vulnerabilities such as homelessness and past criminal behaviour and victims work in plain sight.

## 5. Points of intervention

Whilst the state plays a role in ‘rescuing’ victims of forced labour, providing them with support, and bringing the perpetrators to justice, regrettably it is also a neglectful actor, failing to address points of potential intervention in order to prevent the crime from happening in the first place. One can go as far as to argue that it is culpable of fostering a climate where forced labour can flourish, by ‘facilitating exploitation through restrictive immigration policies and minimal regulation of labour markets’ (Davies 2019: 3). To Davies’ observation the author also adds that the state can expedite forced labour by overlooking and not intervening in key points that trigger the exploitation journey. It is the latter that is the focus on this section. The positioning of the argument is based on the premise that the state has an obligation, under numerous anti-human-trafficking laws, to prevent human trafficking. This in turn ought to entail protecting the vulnerable through creating and supporting policies/institutions that reduce opportunities for exploiters to abuse – in other words, closing the gaps of vulnerability that traffickers manipulate. This article does not naively put forward the notion that vulnerability is a straightforward matter that can be addressed through unilateral or bilateral intervention programmes, for example, poster campaigns providing information on the mere existence of the risk of exploitation. Indeed, the opposite is true: vulnerability is a phenomenon that is rooted in intersubjective relationships and includes matters that belong not just to the individuals – e.g., one’s own psychology – but also those of the community (more on vulnerability below). However, in an attempt to ‘start somewhere’ this article encourages policy-makers to look at the economic and social drivers, including poverty and the lure of employment, as keys to how individuals get trapped in forced labour, and thus as tangible spaces where intervention ought to take place.

So, what are the points of state involvement? They are spaces and situations where the authority of the state and society does not protect the vulnerable, either through a lack of capacity due to funding or through intentional neglect. They are domains where people are isolated and go unnoticed.

## 5.1. Homelessness

The victims in Operation Fort, like so many others, began their journey to exploitation as homeless persons. Thus, they are first and foremost victims of the state's inability – partly but not solely due to poor funding – to support citizens through systems for income safeguarding, provision of accommodation and employment, and care of mental illness and other types of disabilities. The homeless are propelled to victimhood by poor economic conditions, a lack of prospects, and social instability. For those who are living on the streets or in shelters, a job offer – even under uncertain and risky conditions – coupled with an offer of accommodation may be too good to turn down. The author was told first-hand by victims that even though the offers seemed uncertain at times, the choice between destitution and a risky job offer seemed obvious. In the case of the people from Operation Fort, they accepted the offer and thus essentially mortgaged their labour power against a loan from the exploiter, who offered a better, potentially even more exciting future. The terms of that mortgage, however, were riddled with traps and abuse.

Of course, not every homeless person will end up a victim, but if their path crosses that of an offender who spots their vulnerability, the risk of exploitation significantly increases. 'Vulnerability' is indeed one of the key underlying factors behind trafficking and exploitation, and as shown above it is a key element of the definition of human trafficking. Vulnerability can derive from social, economic, or cultural factors, such as poverty or gender inequality. Vulnerabilities are those life events, experiences, and environmental or individual characteristics that corrode individuals' opportunities whilst creating openings for others to exploit them, thus creating an imbalance of power (Goodin 1985: 195). Here we can also draw on Sample's (2003) work, who stated that vulnerability emanate from extreme dependency as a result of an inequality in bargaining power, which is clearly visible in many cases of forced labour – particularly those that start off in the context of homelessness. As the author wrote in a recent report, 'in homelessness we find a phenomenon with several overlapping dimensions of marginalization, the consequences of which are varied but undoubtedly include a heightened risk of human trafficking and exploitation' (Muraszkiewicz 2020: 31). For those who are sleeping rough, finding a place to sleep while fighting weather conditions and relying on food banks, shelters and donations from strangers render an individual extremely vulnerable. Other forms of homelessness which are much more hidden, such as couch surfing, sleeping in cars, and riding night busses, are also incredibly destabilising. Thus, a homeless person's ability to turn away an offer of employment, a chance for a new life, is limited. This was the case for many victims uncovered through Operation Fort, and their tales show that economic and material motivations do remain a driver in explaining the vulnerability to forced labour.

Regrettably, information in the public domain does not tell us how many of the 400 victims were homeless (nor how many had a criminal record – which is important to the discussion below which addresses victims' criminal past), but the

observations on the prevalence of homelessness as a launch pad for trafficking are corroborated by the conclusions of other studies. Indeed, it is worth noting that targeting homeless persons is a systemic practice and in the UK there have been numerous cases of local homeless persons, especially men, recruited into exploitation. As reported by the Joseph Rowntree Foundation (Skrivankova 2014: 7):

The 'Connors' case involved several members of the Connors family who induced vulnerable British men to work for them. The victims were vulnerable by circumstances and lifestyle (for example, homelessness or alcohol addiction) and some had learning difficulties. They were made to do manual labour, block-paving, and demeaning tasks while being threatened and physically abused, having their documents withheld from them and receiving derisory pay.

Likewise, in the UK-based police Operations Netwing, Tundra, and Helm – which uncovered cases of forced labour – 19 of the victims

were unemployed and either living on the streets or in homeless shelters/hostels. Many were long-term homeless and very few were in regular contact with their families. None were registered as missing persons. Almost all the victims were heavily alcohol-dependent at the time of recruitment and three were drug-dependent (Cockbain, Brayley-Morris 2018: 134).

Despite developing evidence that homeless persons are targeted for forced labour, there has not been enough inquiry on how human trafficking and homelessness overlap and impact one another. This was alluded to in a recent publication by the author:

This of course is part of a bigger problem, those aiming to prevent human trafficking, protect its victims, and prosecute criminals are too narrowly focused. Fighting the crime should not be defined by solely criminal law or migration policies; it should be understood in tandem with socioeconomics, social inequality, politics, and power disparities to name just some of the examples. We thus need to embrace a more macro view, which requires one to question how and why oppressions are able to occur, including how homelessness fits into this. The story of homelessness of so many of the Polish victims draws our attention, not just to their regretful fate, but also demands of a reflection of the political, social, and economic conditions that enable the possibility of exploitation of this group in the first place. Part of the answer lies in the lack of safety nets (Muraszkiewicz 2020: 32).

It is logical to find that where the state refuses to provide for its most vulnerable populations, they will seek support from other areas, including criminal actors. Their exploitation thus stems from the state's failure to provide for its community, making the presence of exploitation a partly political choice. An obvious point of



intervention is to address the ‘invisible shackles’ of homelessness through social welfare. Taking Poland’s approach to welfare as a case study, as it was the home country of the victims in Operation Fort, we clearly see where people’s lack of resilience to trafficking stems from. Compared against other EU countries, Poland spends considerably more of its budget on pensions and disability expenses; it has an average expenditure on education. However, it has a lamentably low spending on health care, support, and social security for vulnerable persons and housing benefits – the very spending that creates a safety net for people susceptible to homelessness. Furthermore, looking at unemployment, in 2015 Poland spent 0.6% of its GDP on this category; moreover, with regard to social assistance for excluded persons and housing benefits, it spent 0.4% of its GDP. This is 1.0 and 1.1 percentage points lower, respectively, than the average in the EU-15 countries. Low expenditure on social assistance for excluded people leads to the occurrence of a socially marginalised group. Such people find that there is not enough help for them. Homeless persons are unable to find help or a resolution to their vulnerabilities within the existing system. This is layered with a belief that in countries such as the UK or Germany one will be able to find employment or at least some level of social security, even without knowing the language. The existing system does not provide adequate opportunities to lift people out of their disadvantaged state. The conclusion to this article thus emphasises the need to increase access to resources that provide resilience against the harmful effects on well-being from economic hardship.

## 5.2. Criminal justice system

Homelessness is not the only social exposure that leads people to accept dubious offers. Another commonality, also present in the victims from Operation Fort, is a criminal record. To put it more colloquially, they have the status of an ex-offender. Persons with a criminal history have traditionally been reviled by society and subjected to discrimination, prejudice, and marginalisation (Geiger 2006). They have a socio-legal status that plays a direct role in being susceptible to exploitation, for they face an enduring risk of poverty and rejection. Like the status of slavery in ancient Greece and Rome, a criminal record often means effective exclusion from social and political life. Their past is an omnipresent mark on their CV, of which they are acutely aware. In countries of origin such as Poland, where there is a dearth in policy on rehabilitating those coming out of prison, ex-offenders find themselves susceptible to traffickers on account of their fractured safety net, their vulnerabilities, and poor prospects for employment. Unlike a labourer without a criminal past, an ex-convict is unable to easily offer her/his labour power to the market and benefit from the fruits of the regular economy, thus making the likelihood of unfree labour high. At the same time the state’s poor policy on integration, so prominent in times of austerity, strengthen the traffickers’ position. Thus, in

developing responses to exploitation, stakeholders need to look at the complex issue underlying recruitment, such as marginalisation by way of a criminal past.

The experience of a prison sentence itself can disempower people, making them easier for criminals to control. When leaving correctional facilities, individuals may have new or worsened mental health issues and substance abuse problems; they may have experienced violence, sexual harassment, and degradation (Travis, Solomon, Waul 2001). In addition, they are often poorly equipped to re-integrate back into society, often left with no secure long-term accommodation. In other words, they find themselves in circumstances that are ripe for traffickers to exploit. Their criminal past means, as with homelessness, that these individuals offer exploiters a high reward strategy. As victims of more than one injustice, they are unlikely to try and escape. Cockbain and Brayley-Morris (2018: 144) wrote that

such victims' expectations, incentives to escape, and likelihood of being reported missing could reasonably be expected to be lower than the average person's. This aspect of the offenders' behaviour fits with the rational choice perspective on crime, ... according to which offending is generally the result of a rational decision-making process.

### 5.3. Recruitment agencies

Skrivankova (2017: 115) noted that 'many of the most vulnerable workers are not exploited at the workplace, but rather around the workplace.' This was the case for many of the victims uncovered by Operation Fort, who were working in legitimate businesses and in jobs found through regular recruitment agencies. 'Analysis of Operation Fort suggests that the traffickers supplied victims to at least eight established labour agencies over several years, in many cases using normal recruitment channels' (Crates 2020: 16). Their exploitation took place on the peripheries of work. The nature of their exploitation, namely the fact that it was not their employer who oppressed them, does highlight the need for broad definitions of human trafficking and forced labour. Such an attitude to trafficking and forced labour acknowledges the power wielded by the perpetrators and the abuse faced by victim and how it relates to human exploitation for profit. With regard to the definition of forced labour and human trafficking, we should pay attention not only to who benefits from the direct fruits of the victim's labour – for example, a factory owner who now has 1,000 pairs of jeans to sell – but exploitation should be construed as the full range of benefits, including capturing the wages that the victim has earned.

Turning back to recruitment agencies, their use is widespread across Europe, particularly in sectors prone to exploitation and trafficking, namely hospitality, agriculture, construction, and jobs in warehouses and factories (Andrees, Nasri, Swiniarski 2015: 75). These sectors are highly competitive, with high turnover

of low-skilled staff who are dependent on temporary labour. As noted by the UNODC (2015: 5),

recruiters and recruitment agencies are especially sought in sectors where there is a seasonal demand for workers, in situations where workers and employers do not speak a common language, or where aspiring workers need to travel long distances (including across borders) to reach the job site. Companies also turn to recruitment and job placement agencies to manage the inherent challenges related to recruitment and hiring, while jobseekers look to recruiters to help them navigate the complex waters of migration for employment.

Because of social, legal, and organisational failures, recruitment agencies play a striking role in recruiting and employing potential victims. Traffickers bring the victims to the agencies, register them, and provide bank accounts over which they, the traffickers, have control. To elaborate, the victim is first made to open a bank account, into which the wages that they earn are then deposited, but they have no control over it, since all the documentation, cards, and passwords are held by the trafficker. In her work with victims of labour exploitation, the author heard from the victims that they did not even know which bank they had accounts in. Once registered with an agency, the victims are placed in jobs, where they may be employed on a flexible basis, including zero-hour contracts. The agency does not directly exploit persons in many instances, but its administrative failures and bureaucratic oversights, rather than deliberate fraud, play a part. Central to this, as mentioned, is the fact that the wages go to the traffickers. Skrivankova (2017: 110) found that labour agencies are under pressure to provide cheap and quick labour, which means that 'they often adopt practices in the grey area between legality and illegality ... they are one step removed from the workplace, and so it is harder to trace responsibility.'

Noting this modus operandi, it is paramount that agencies are sensitive to their role in the supply chain of victims of forced labour and exercise a high degree of scrutiny. The same is true for the state. Operation Fort revealed a crucial point of intervention for disrupting the survival of forced labour, namely the need for further diligence from recruitment agencies. As always in measures to tackle human trafficking, everything starts with training. All staff involved in recruiting labour for sectors prone to exploitation ought to undergo training on spotting signs of potential abusive behaviours. Further, as part of increased diligence, recruitment agencies should undertake numerous checks. These may include checking whether wages for different workers are being paid into the same bank account or whether numerous workers are providing the same address or phone number and next of kin. Perhaps their responsibility ought to stretch as far as checking worker welfare through follow-up interviews, visits to workplaces, and/or home visits. On this latter recommendation, while acknowledging its potential for impact and achievements, it would be unwise to overlook the challenges, obstacles, and

resistance to such an onus. The private sector has a tendency to shy away from such schemes and obligations, since they demand much and offer little in return. Thus, unless these duties are enshrined in law – e.g. labour law – they are unlikely to be adopted. Efforts to help mitigate the risks should thus include legislation and policies that clarify the role of labour recruiters and extend their role to monitoring in order to spot fraudulent or abusive behaviour. Labour Inspectors also ought to monitor recruitment agencies that provide labour in sectors prone to exploitation, blacklisting those known to have neglected their duties. Such a law would add more work but is worth considering, for if recruitment agencies are one of the actors at the centre of forced labour, this article submits that their involvement will allow for a more systemic approach to addressing the true context of exploitation.

Although this was not the case in Operation Fort, it is also a common story that agencies can be responsible for elements of exploitation, and Skrivankova (2017: 115) noted that the most common forms of exploitation that a person experiences from agencies include a lack of freedom of choice over accommodation, which is tied to the job; unlawful wage deductions; the agency not paying tax, despite assuring workers they have done so; and an obligation to purchase overpriced services, such as transport or clothing.

## 6. Conclusion

This paper represents the beginning of the development of some ideas, not the polished end-product. Nonetheless, it notes that the journey of an individual worker is pierced with a chain of activities that eventually lead to their exploitation and thus the eradication of their dignity. Starting off, offenders increasingly use recruitment tactics that prey on a person's vulnerability in connection with their homelessness and/or their criminal past. This is followed by a relationship with the trafficker/exploiter that is characterised by an imbalance of power. Here the trafficker/exploiter abuses and controls the victim, and this goes unnoticed by poor checks in recruitment agencies that make this control easier. In scrutinising these aspects, we are able to better understand the factors that contribute to exploitation and to consequently identify points of intervention. Activities to raise awareness amongst the homeless population and those leaving correctional facilities are some of the obvious solutions. Training staff who work in prisons and homeless shelters is another. A further recommendation emanating from this paper is to include progressive legal/policy changes that acknowledge the role recruitment agencies play in the victims' stories.

However, ultimately, the state needs to invest in its people and in society to wash away their vulnerabilities. It is nothing new to claim that access to income is

essential for ensuring that basic needs are met: shelter, clothing, and food. Access to income support can provide individuals with more resilience, which in turn should increase their ability to turn away offers made by traffickers. Of course, the utopian state of a society without vulnerabilities is unlikely, but welfare programmes ought to be designed to empower individuals so as to ensure their physical and psychological toughness. An increase of programmes that ensure the agency and bargaining powers of individuals so that they do not accept dubious offers ought to be a priority.

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