



IMO

NewMUN: Chapter VI
BACKGROUND GUIDE
International Maritime
Organization

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LETTER FROM THE CHAIRS

Dear delegates of the International Maritime Organization, IMO, we welcome you to NEWMUN 24!. It is with immense pleasure that we have you participating in our upcoming simulation and discussing relevant issues that are of concern and applicable to the maritime issue.

NewMUN: Chapter VI 2024

The International Maritime Organization (IMO) is the specialized agency of the United Nations charged with regulating the shipping industry; it was established in 1948. IMO's main area of work is to ensure the safety, security, and environmental performance of international maritime trade. Additionally, IMO supports maintenance of a safe maritime ecosystem and advocates for the implementation and enforcement of maritime regulation.

This committee would handle combating human trafficking and migrant smuggling being done in the sea, and also with the issue of the extent of labor exploitation, human rights abuses, and modern slavery in the industry.

As a whole, you represent different states of IMO. It is expected from you to research on your country for the issues given at hand and participate in the discussion and debates conducted in the council. The aim is to work in collaboration and find feasible solutions to address the challenges that this maritime organization is facing.

We as your chairs, do hope you come with an open-minded attitude and in a fighting spirit to debate and work together towards finding solutions on pressing issues. Looking forward to seeing you there and having really nice times.

Sincere regards,

Chair persons: Aditi Guha Roy and Dani Isac

AGENDA 1:

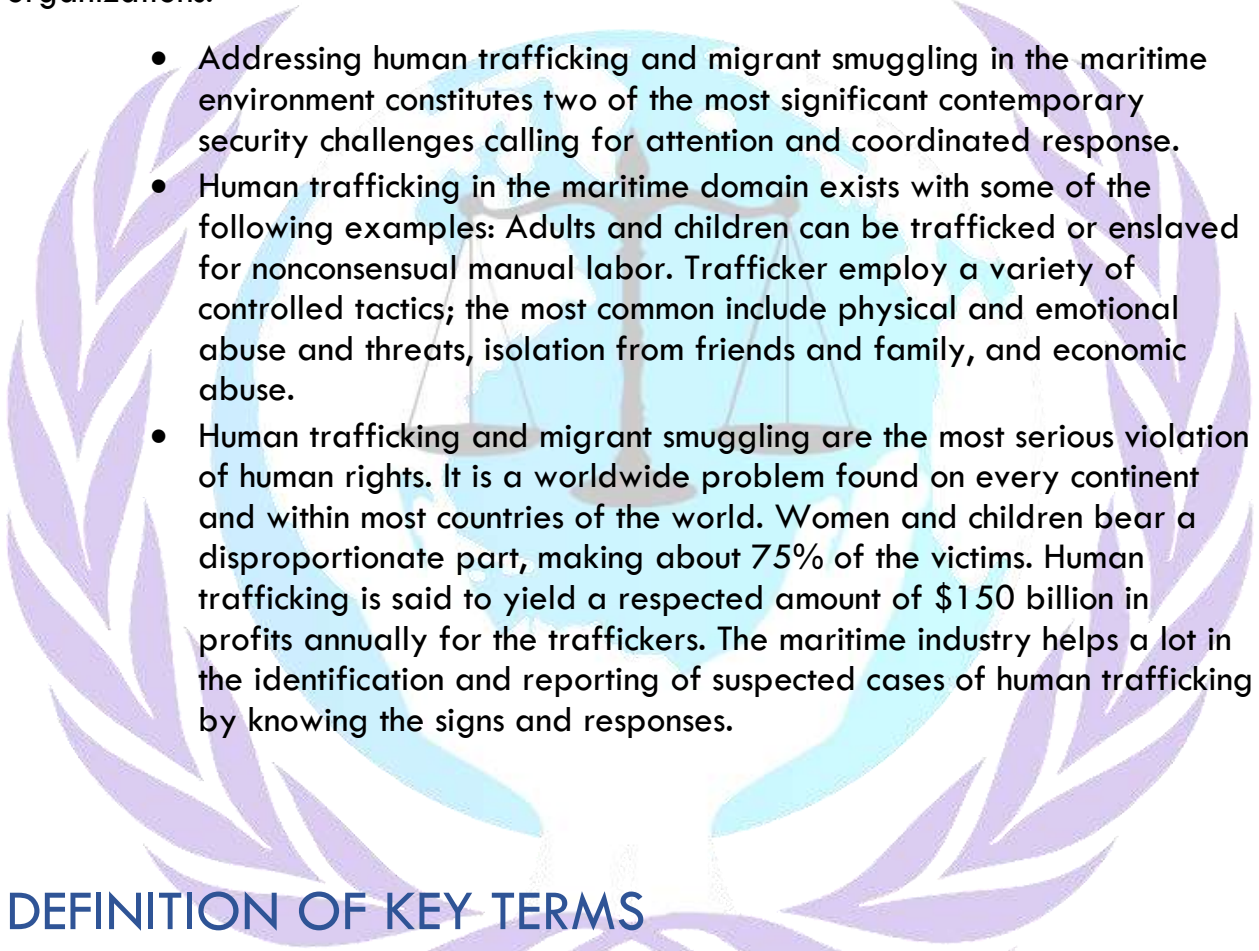
Combatting human trafficking and migrant smuggling in the maritime domain

INTRODUCTION

The international maritime organization was founded in 1948, based in London, comprising at the moment 174 member states and other associate members. Its main function is to ensure the security, safety, and environmental performance of

international maritime transportation. It is also responsible for the upholding and updating a harmonized, complete regulatory framework for such a shipping, responding to the concerns on environmentalism in the fields of the shipping and preservation of the maritime environment.

The IMO is governed by an assembly which meets every two years and a council which provides continuous oversight and guidance, the council is composed of complete 40 member states which is responsible for supervising the work of the organizations.

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- Addressing human trafficking and migrant smuggling in the maritime environment constitutes two of the most significant contemporary security challenges calling for attention and coordinated response.
 - Human trafficking in the maritime domain exists with some of the following examples: Adults and children can be trafficked or enslaved for nonconsensual manual labor. Traffickers employ a variety of controlled tactics; the most common include physical and emotional abuse and threats, isolation from friends and family, and economic abuse.
 - Human trafficking and migrant smuggling are the most serious violation of human rights. It is a worldwide problem found on every continent and within most countries of the world. Women and children bear a disproportionate part, making about 75% of the victims. Human trafficking is said to yield a respected amount of \$150 billion in profits annually for the traffickers. The maritime industry helps a lot in the identification and reporting of suspected cases of human trafficking by knowing the signs and responses.

DEFINITION OF KEY TERMS

Human Trafficking: Trafficking is the case where children and the young are deceived, coerced, or invited to leave their homes, transferred or transported, and subsequently exploited, forced to work, or sold. Children are also trafficked for sexual exploitation.

Migrant Smuggling: Migrant smuggling means to make a profit through the facilitation of entry, transit, and continued stay of people in a country without legal visas or immigration authorization, usually for profit-making purposes—criminal networks that benefit from the illegal business.

Unaccompanied minor: A person below the age of 18, unless, under the law

applicable to the child, majority is attained earlier and who is "separated from both parents and is not being cared for by an adult who by law or custom has responsibility to do so".

Refugee: Any person who has been forced to leave his or her native country because of persecution, war, or violence. A refugee has a well-founded fear that they will be persecuted regarding their race, religion, nationality, political opinion, or membership in a particular social group.¹

Human smuggling: The procurement, in order to obtain, directly or indirectly, a financial gain or other material benefit of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.

Durable solution: Any means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives.

Repatriation: The act or process of restoring or returning someone or something to the country of origin, allegiance, or citizenship.

Local integration: The settlement of refugees with full legal rights in the country to which they have fled.

Resettlement: The transfer of refugees from an asylum country to another State that has agreed to admit them and ultimately grant them permanent residence.

GENERAL OVERVIEW

In comparison with human trafficking, it occurs within and beyond the border. Migrant smuggling is an exclusively cross-border crime. It is a crime of facilitating for financial or material gain the illegal entry of a person to a state party of which the person is not a legal citizen. Such a person would not have entered the state otherwise, just for the purpose of making a profit.

Smuggling is financially profitable as it is based on demand from migrants keen and/or obliged to enter a country without requisite legal documentation. International law requires member states to criminalize migrant smuggling but not those who are smuggled. However, because they mostly lack regular ways to migrate, migrants give their consent to the smuggling venture. However, smuggled migrants are often placed at risk through actions of the smugglers, for example, hazardous sea passages, and, therefore may turn out to be other crimes that are victims in the process of smuggling, which includes serious human rights violations.

Human trafficking into the maritime industry is embedded within a form of private slavery that has deep historical roots in imperial China. Over the

ages, successive dynastic regimes as the Han (206 BCE to 220 CE) and the Tang (618 to 907) issued statutes regulating facets of the legitimacy and realization of slavery in Chinese society. Legislation like this, however, did not avert individual incidents of trafficking and slave procurement among high-ranked officials and elite families or the amassing of large numbers of slaves in military campaigns. Literary sources as well as inscriptions dating from the second century BCE to the mid-fifteenth century concerning human trafficking and slaves along the networks of the land and sea routes of the Silk Road confirm there was extensive commerce in slaves both within and outside of China.

During the Ming, as at 1368-1644, trafficking laws imposed severe punishment towards slave dealers and buyers – human trafficking was made one of the most vigorously punished crimes. An excepted reference related to officially forbidden activities, such as maimai, abduction, and sale, and guaimai – the laws.

The Da Ming lü [The Great Ming Code; first promulgated 1374], explicitly outlawed kidnapping, and selling humans (including children), at § 298. Fragmentary references in legal case studies and a few passages in Ming-era encyclopedias, however, do tend to indicate that human trafficking was not a rare occurrence.

MAJOR PARTIES INVOLVED

International Organization for Migration (IOM):

Provides assistance and aids in the perceived fight against human traffic in all walks of life, including maritime settings.

Anti-Slavery International:

Works directly to end all forms of slavery and human trafficking, including in the fishing and shipping industries.

Human Rights at Sea:

Advocates for the rights of individuals at sea and works for awareness on human trafficking in maritime environments.

Verité:

Carries out research and finds solutions to eliminate forced labor and human trafficking from global supply chains, including the maritime industries.

Walk Free Foundation:

Carries out global programs toward the elimination of modern slavery and campaigns to minimize human trafficking in the maritime industry.

The Freedom Fund:

Puts investments to support effective community-based NGOs whose aim is to end modern slavery, with special interest in maritime labor exploitation.

The countries within which there is most human trafficking in the maritime industry include:

- **Thailand** - Known for issues in regard to fishing industries and labor exploitation.
- **Indonesia** - Fights with the issue of illegal fishing and labor trafficking.
- **Vietnam** - reported cases of trafficking in the fishing and maritime industries.
- **Philippines**- Trafficking concerns in the maritime labor sector, particularly fishermen.
- **Malaysia**- Issue of labor exploitation in the country's fishing industry.

All these countries, human trafficking is a steady problem of law enforcement associated with regulation and economic circumstances.

TIMELINE OF KEY EVENTS

Transatlantic Slave Trade (16th-19th Century): One of the most detestable, infamous maritime human trafficking incidents, where millions of Africans were forcibly shipped across the Atlantic Ocean to be enslaved in the Americas.

Cuban Rafters (1990s-present): Hundreds of Cubans have tried to get to the United States by sea. Most of them turn to smugglers who sell them rickety boats that may not withstand operation water or the U.S. Coast Guard patrols.

Haitian Boat People: In the 1980s and 1990s, after political instability in Haiti, thousands tried to get out by sea, often with smugglers; very many of them met perilous conditions at sea, leading to many drownings, rescues, or apprehensions by the U.S. Coast Guard.

Chinese Coolie Trade (19th Century): A lot of Chinese laborers were transported on ships under coercive conditions to work on plantations and gold mines, in particular in the Americas and the Caribbean, after their abolition of slavery.

The "Phantom Ships" were active in the 19th century, some of which, during this period, engaged in the ferrying of indentured workers—who had been deceived about the nature and conditions of their labor. Many ended up in abusive working conditions in the Caribbean, South America, and other places.

Investigations have exposed that the majority of fishing vessels in countries such as Thailand were crewed by trafficked individuals, primarily from Myanmar and Cambodia. These workers were enticed into the industry with the promise of a good catch and were subsequently subjected to severe abuse and forced labor.

Mediterranean Migrant Crisis 2010s-present: People-smuggling networks transported migrants mainly from North Africa to Europe. The overcrowded, unseaworthy boats often capsized in mass numbers, killing thousands.

The "Lampedusa Tragedy": In 2013, the boat sank around Lampedusa, Italy, with migrants from Libya. More than 360 people died, opening the tragic world about marine smuggling in the Mediterranean.

The "Sinking of the MV Zainab" (2014): A vessel carrying migrants from Libya capsized, leading to significant loss of life. This tragedy underscored the risks faced by those relying on smugglers for maritime passage.

The Case of "M.V. Kaptan Ali" (2015): This fishing boat was said to traffic workers from Bangladesh and Myanmar. The rescued victims spoke of the physical abuse of crew members who were never compensated for their labor.

The "Ghost Ships" in Southeast Asia: the Rohingya refugees, who, often were desperate to gain asylum in Malaysia and Thailand, used to be the ones who turned to smugglers for boat travel. For these very reasons, a great many people were left adrift in the seas, with all the consequences of this humanitarian crisis and with allegations of abuse by smugglers.

The Reports of "Sea of Shame": Many reports have already been published on the miserable condition of the migrants in the Mediterranean; in most cases, migrants are trafficked by the smugglers who exploit the migrants during travel, leading to forced labor and sexual exploitation.

Contemporary Human Trafficking (21st Century): According to VAT's assertion, trafficking networks have recently started to exploit the sea routes in the abduction of the gullible lot who are taken to foreign lands and then are forced into labor or prostitution. This involves the trafficking of women and children in Southeast Asia, usually employing fishing boats and cargo ships.

Sea Migration Crisis of confidence: In the past few years, flowing from conflict-torn zones like Syria and Libya, migrants were migrating to Europe through risky sea-routes; the majority have fallen prey to traffickers who take advantage of such vulnerabilities.

PREVIOUS ATTEMPTS TO RESOLVE THE ISSUE

- IMO is dealing with all the critical areas listed in the Code of Conduct.
- IMO's new involvement in the West and Central Africa Maritime Security Trust Fund will persist and increase it to reach
- these goals, depending on the level of support provided.
- The program also has the goal of increasing West and
- Central African maritime) industries' capacity, which should eventually lead to the realization, monitoring, and enforcement of SOLAS Chapters V and VI requirements.

APPENDIX

United Nations Convention against Transnational Organized Crime (UNTOC):

entry into force in 2000; it is the instrument that the State parties of the present Convention utilize for their action in the field of international cooperation and in their collective fight against the predicament of organized crime, including human trafficking and migrant smuggling.

Protocol against the Smuggling of Migrants by Land, Sea and Air:

This is the protocol developed to supplement the UNTOC and especially deals with the area of smuggling of migrants. It encourages states to adopt measures in the effort to prevent and fight against smuggling.

International Maritime Organization (IMO) Guidelines:

Guidance has been prepared for the member states under this IMO, which

aims at preventing and suppressing the smuggling of migrants by sea and calls for cooperative efforts in exchanging information.

Regional Agreements:

Regional frameworks and agreements, for Instance the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime, should enhance cooperation between nations in the Asia-Pacific regiment.

European Union Legislation:

The EU established several directives and regulations under the aspect f prevention of migrant Smuggling including the following directives

- EU Action Plan against Migrants Smuggling

Joint operations and TASK FORCES:

Operations like the Frontex Joint Operations in the Mediterranean aim for more practices of surveillance and interception in smuggling activities.

UDHR

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children: Commonly known as the Palermo Protocol, this instrument is an addition to the

UNTOC and serves to help combat the issues driving human trafficking.

UDHR—ILO Conventions:

Conventions such as the ILO Convention No. 182 on the Worst Forms of Child Labor and No. 29 on Forced Labor address labor exploitation, one form of human trafficking.

Regional Frameworks:

Several regional agreements, among them the ASEAN Convention Against Trafficking in Persons, especially Women and Children, concentrate on cooperation between member states in the fight against trafficking.

European Union Directives:

The EU has put in place directives in the field of prevention and combating of traffic in human beings, and measures concerning maritime activities.

Bali Process:

An agreement on a collective note regarding the prevention of people smuggling, trafficking, and related matters reflects cooperation among the countries of the Asia-Pacific region.

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AGENDA 2:

Addressing the prevalence of labour exploitation, human right abuses, and modern time slavery in maritime industry.

INTRODUCTION

Labor exploitation and modern times slavery have made an immense threat in the maritime industries. The incidents revolving around the past situations have highlighted the great threat on a global level concerning the situation on exploitation and slavery.

Countries like Bangladesh, Indonesia, Thailand, Vietnam, India, China have known history for labor exploitation, these regions have been experiencing several incidences on the circling issues and reports also have marked the dangers of this issue and its increasement.

Some cases relevant with the prevailing issues are: The fishing Industry of Thailand, Crisis on Taiwanese Fishing Vessels, Bangladesh's ship breaking vessels, Philippines Fishing Vessels, and many more. These cases have contributed to the increasing issue at global levels.

The efforts taken by the government and the organizations often fall short due to the vastness of the sea and its limited resources.



DEFINITION OF KEY TERMS

- **Fishing Fleets:** large groups of fishing vessels known for frequent cases of labor exploitation, with many migrant workers involved.
- **Shipbreaking:** the act of dismantling ships. It is usually associated with hazardous working conditions and labor exploitation.
- **Abusive Practices:** These may be the physical, verbal, or psycho-social abuse that the workers may face through the employers or supervisors.
- **Poor Working Conditions:** of working environments that have potential, tones or either undermines the work, health, or safety of the persons concerned. They include places that do not provide the stuff with protective clothing and also environments with dangerous materials.
- **Wage Theft:** The denial of workers to receive all the wages that are rightfully earned is pretty common in many maritime sectors.
- **Debt Bondage:** A form of modern-day forced labor whereby workers get into a cycle of debt due to recruitment fees or other types of loan.
- **Forced Labor:** Work performed involuntarily under the menace of penalty or continuance.
- **Human Rights:** Fundamental rights and freedoms that belong to every person on the face of the earth, including the right to life and liberty.
- **Violations:** Acts that bring about violation of human rights such as torture, discrimination, and incorrect detention.
- **Discrimination:** Unjust treatment or different categories of people,

especially on grounds of race, age, or sex.

- **Torture**: The act of inflicting very severe pain in order to punish, threaten, intimate, or extract a confession.
- **Arbitrary detention**: The arrest without any legal basis or court order, usually committed against political dissidents and other disadvantaged parties.
- **Persecution**: The series of oppression to any individual or party due to their identity, beliefs, and affiliations.
- **Child labor**: The employment of children depriving them of their childhood, education, and potential.

GENERAL OVERVIEW

For the myriad cases of labor exploitation in the maritime industry, the phenomenon truly concerns several modes of abuse and a mismatch from the enumeration of workers' rights.

Human rights abuses in the industry are concerning. Workers from the maritime industry include those in the field of shipping, fishing, and shipbreaking.

Forced Labor and Human Trafficking: Many seafaring workers in the maritime industry, driven by the desire for lucrative alternatives, are slowly exposed to forced labor. Promises of good salaries and working conditions drive them, only to meet rather deceptive alternatives that end up exploiting them.

Poor Working Conditions: Workers are often in unsafe environments, forced to work for long hours, and without proper safety measures. This goes along with exposure to hazardous materials and lack of protective gear that causes injuries and death.

Wage Theft: Many maritime workers are mostly not paid or are shorted on the amounts they have been promised, and worse off in some cases are never paid at all. This happens mostly in fishing fleets and shipping companies.

Geographic Hotspots

Southeast Asia: Countries like Thailand, Indonesia, and Philippines face widespread reports of extreme labour abuses in their fishing industries.

South Asia: Issues abound in shipbreaking and fishing sectors in countries like Bangladesh and India.

Global Shipping: Even the global shipping have reported of exploitations. The crew members over there are targeted with long contracts with a meagre level of rights.

Regulatory Challenges

However, enforcement is typically low, resultantly often corrupt and with insufficient supervisory frameworks, and a complex network of international marine laws further compounds continued exploitation.

These many reasons form the basis of why these myriad abuses require a government, NGO, and IGO attention to the Maritime Labor sector. The challenges will shape and set the scope for labor and maritime workforce rights protection globally.

KEY AND CRUCIAL ISSUES IN HUMAN RIGHTS ABUSES IN THE MARITIME INDUSTRY, WHICH INVOLVES WORKERS IN THE SHIPPING, FISHING, AND SHIPBREAKING SECTORS.

MAJOR PARTIES INVOLVED

Maritime Industry has been singled out with the application of forced labor, modern slavery, and human rights abuses in minor countries. On the other hand, some of the major countries imposing such malpractices are as follows:

Thailand, having the worst record in forced labor matters of the fishing and seafood industries.

Reports of human trafficking and exploitation in labor: fishing and shipping.

High incidences of labor abuse among seafarers and domestic workers in Philippine maritime contexts.

Migrant migrant workers in the shipping and fisheries industries of Malaysia for which they are vulnerable to exploitation.

Labor abuses in the ship-breaking yards, besides other abuses in the fishing fleet.

China: Reported incidences of forced labor mostly in the fishing sector.

Issues regarding labor rights violation in the shipping and fishing sectors:
India

Sexual harassment, assault, and rape are commonplace in the shipping sector.

These countries usually contain complex supply chains and regulatory challenges, hence facilitators of these abuses. International organizations and NGOs are very active in dealing with such issues through advocacy, awareness campaigns, policy recommendations, and implementation.

TIMELINE OF KEY EVENTS

2015 Thailand Fishing Industry Scandal: Investigative reports exposed widespread human trafficking and forced labor in Thailand's fishing industry under the limelight of international scrutiny that calls it to reform.

2016 UN Report on Human Trafficking: The United Nations published a report showing the level of human trafficking in the maritime sector of Southeast Asia and clearly emphasizing the need for more stringent regulations and protections.

2018 International Labor Organization Report: The ILO published findings on labor exploitation within global supply chains, including in the global maritime sector, with a specific emphasis on the plight of migrant workers.

2020 "Slavery at Sea" Report: A report by the Environmental Justice Foundation on current cases of modern-day slavery within the fishing industry, mainly in Southeast Asia, along with recommendations for governments and businesses.

Impact of the COVID-19 Pandemic (2020-2021): The pandemic worsened the already vulnerable stance of the maritime workforce, with thousands of sailors stuck at sea because of port and border closures, reluctant to report labor abuses for fear of being denied further employment.

2021 Global Estimates of Modern Slavery ILO and Walk Free Foundation issued estimates of millions of people becoming victims of forced labor within the sector of maritime, thus capturing international attention and action.

PREVIOUS ATTEMPTS TO RESOLVE THE ISSUE

There have been several attempts to counter labor exploitation, human rights abuses, and modern slavery in the maritime industry. Some of these marked

initiatives and actions are:

International Labor Organization (ILO) Conventions: The ILO has developed conventions, specifically the Maritime Labour Convention (MLC) 2006, with minimum working and living standards for seafarers to reduce exploitation.

The United Nations Global Compact: This is a worldwide movement to induce businesses to adopt sustainable and responsible policies, including, among other things, freedom from all forms of forced labor and human trafficking in supply chains and, by implication, including the same elimination from maritime operations.

Regional Agreements and Guidelines: Regional agreements, such as the Bali Process and the ASEAN Declaration against Trafficking in Persons, can be seen as cooperation in regional frameworks to combat human trafficking and labor exploitation among Southeast Asian countries.

Government Investigation and Reforms: Governments have also taken steps to investigate the labor abuses in their fisheries, such as Thailand and Indonesia, where these have directly led to changes in labor legislation and reforms in enforcement mechanisms.

CSR Initiatives: Many of the shipowners and seafood suppliers have implemented their CSR policies aimed at ethical labor practices and supply transparency.

NGO Advocacy and Awareness Campaigns: NGOs, such as the Environmental Justice Foundation or the Human Rights at Sea Foundation, engaged in research, report making, and the sensitization of the globe on abuses across the maritime sector to redefine policy.

Training and Capacity Building: A number of agencies have trained the law enforcement agencies and maritime stakeholders to identify human trafficking and exploitation of labor.

Public Reporting and Accountability: Laws such as the UK Modern Slavery Act, which requires business entities to report on labor practices, have brought accountability and transparency into the maritime supply chain.

Partnerships with International Organizations: The collaborations with bodies such as the International Maritime Organization or the IMO, and the United Nations Office on Drugs and Crime, have been instrumental in the design of methods to fight against human trafficking and enhance labor working conditions.

POSSIBLE SOLUTIONS

Enhancing Legal Frameworks:

Effectuation of the Laws: Adequate implementation of the existing laws on labor and their laid-down procedures such as the Maritime Labor Convention.

Create and implement new laws targeting human trafficking and labor abuse particularly the maritime business sector.

Transparency and Accountability

Forced Labor Disclosure: Require firms to fully report the supply chains involved in possible labor violations

Public Reporting: Require seafood companies and seafood suppliers, in general, to disclose labor operations.

Increased Employment Mobility and Labor Choice

Empower Workers: Provide available resources to workers to report abuses without any fear of retaliation.

Access to Legal Aid: Ensuring the victims of labor exploitation have legal access and resources.

International Cooperation

Cross-Border Agreements: Develop cross-border agreements and cooperation of different countries to prevent human trafficking and exploitation of labor.

Sharing Best Practices: Directing countries to share successful strategies or best practices with respect to labor abuses.

Training and Capacity Building

Train law enforcement and maritime personnel to spot and respond to human trafficking and labor exploitation.

Training across Industry Stakeholders: Roll out training across industry stakeholders in to ensure ethical labor standards and human rights.

Corporate Responsibility Initiatives:

Ethical Sourcing: Encourage business organizations to have and follow ethical sourcing.

Partnerships with NGOs: Partner with non-governmental organizations in designing and implementing robust labor standards.

Awareness: Develop campaigns at a public perception as well as at a customer level, as regards the exploitation of labor and modern slavery in the maritime.

The Conscious Customer: Develop consumer pressure for the marketing of just those goods and services that have received from the supply-consumption process the "green light" of observation of labor justice.

Victim Support

Rehabilitation Programs for Victims

Treatment with due provision for mental health services of the affected

Technological Intervention

Use of Technology: Maximize its utility in monitoring labor practices and reporting abuses, through the use of mobile applications for reporting with anonymously reported basis.

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