



Szandra Windt ■

The unspoken phenomenon: Forced labour in Hungary

Przemilczane zjawisko: praca przymusowa na Węgrzech

Abstract: According to official crime statistics, a total of 36 registered forced labour crimes were committed in Hungary between 2013 and 2019. Forced labour (Section 193 of the Criminal Code) was a separate statutory offence in Hungary between 1 July 2013 and 30 June 2020. In 2019, nearly 40 forced labour cases were analysed, the sociological and criminological characteristics of which are summarised and shown in this article following a statistical review. Based on the cases we examined, it can be said that the typical victim has alcohol problems, is homeless and unemployed, elderly, and in extremely poor health, and has below-average intelligence. In terms of their gender, there was a significant number of men. The victims of forced labour and the crimes committed against them are even more hidden, even more difficult to detect and to prove than acts of sexual exploitation. These people are a 'hidden population', and statuses such as 'tenant' or 'distant relative' obviously do not reveal the true situation to police officers arriving on the scene. It is possible that this situation has been widespread for years and was never brought to the authorities' attention.

Keywords: forced labour, exploitation, criminal statistics, victims

Abstrakt: Jak podają oficjalne statystyki dotyczące przestępczości, w latach 2013-2016 na Węgrzech zarejestrowano 36 przestępstw związanych z pracą przymusową. W okresie od 1 lipca 2013 r. do 30 czerwca 2020 r. czyn ten był odrębnym przestępstwem uregulowanym w art. 193 węgierskiego kodeksu karnego. W niniejszym artykule zostały przedstawione wyniki przeprowadzonych analiz – statystycznej, jak i socjologiczno-kryminologicznej dotyczącej charakterystyki 40 przypadków ofiar pracy przymusowej. Na ich podstawie można stwierdzić, że ofiary tego rodzaju przestępstwa to osoby mające problem z alkoholem, bezdomne, bezrobotne, których stan zdrowia można określić jako zły, a poziom intelektualny jako niski. Zwykle to osoby w podeszłym wieku. Wśród ofiar przeważają mężczyźni. Ofiary pracy przymusowej trudno jest zidentyfikować, a popełnione przeciwko nim

przestępstwa trudno wykryć. Jest to jeszcze trudniejsze niż w przypadku przestępstwa wykorzystania seksualnego. Ofiary pracy przymusowej stanowią bowiem „ukrytą” grupę. O ich faktycznej sytuacji trudno dowiedzieć się choćby funkcjonariuszom policji w trakcie interwencji na miejscu zdarzenia, a to z uwagi na fakt, że ofiary przedstawia się jako dalekich krewnych lub osoby podnajmujące mieszkanie. Niewykluczone, że sytuacje takie trwają wiele lat, a informacje o nich nie docierają do władz.

Słowa kluczowe: praca przymusowa, wykorzystanie, statystyki przestępczości, ofiary

Introduction

Forced labour is not a new phenomenon in Hungary, although we have very little knowledge of it. We collect the data and we have regulations that follow international expectations; a dismissive narrative, however, is typical from the authorities: ‘this isn’t our problem’, ‘it only exists abroad’, ‘Hungary is just a transit and source country’.

First of all, we have to emphasise that to overlook forced labour is not a ‘Hungaricum’; we can read the same in the literature from Ireland to Canada and beyond (Doyle et al. 2019; de Vries 2019; Ricard-Guay, Hanley 2020; etc.).

Critical studies on trafficking have also highlighted that the common conflation of human trafficking with ‘sex trafficking’ has led to other types of human trafficking being overlooked, particularly trafficking for forced labour. This has been true in terms of research and both public and political attention to the problem. However, consequently, this conflation of trafficking with sex trafficking has also translated into less-developed responses in the field of trafficking for forced labour (Ricard-Guay, Hanley 2020: 290).

Regarding labour trafficking, the lack of information and research has resulted in low visibility and little consideration and, in turn, an under-identification of cases by law enforcement (Ricard-Guay, Hanley 2020: 290).

The National Institute of Criminology (OKRI), founded in 1960, is the academic research and training centre of Hungary’s Prosecution Service. This means that the researchers of OKRI have the opportunity to analyse documents from prosecution proceedings. At OKRI, Petronella Deres and I conducted a study entitled ‘Characteristics of human trafficking cases: A criminal, criminological, and sociological evaluation of exploitation’ in 2019.

The phenomenon of forced labour had not been examined by document analysis and on a sample of this size before 2019. These results could help to paint a more nuanced picture of forced labour in Hungary and they point out that more such research is needed, particularly in order to monitor new legislation.

In this study a presentation of the Hungarian legal environment follows an international overview of the subject. The aim of this paper is to present the Hungarian situation and the results of empirical research on forced labour, official statistical data along with the findings of the document analysis.

1. International outlook

According to the International Labour Organisation (ILO), in 2016 40.3 million people fell victim to modern slavery worldwide: 24.9 million for forced labour and 15.4 million for forced marriages (Global Estimates of Modern Slavery: Forced Labour and Forced Marriage 2017: 9–10). That is, 5.4 out of every 1,000 people are victims of modern slavery in the world. One in four victims is a child (Global Estimates of Modern Slavery: Forced Labour and Forced Marriage 2017: 5).

In the European context, the most common form of exploitation is ‘sexual’, making up over half (56%) of the registered victims of trafficking in human beings in the EU28 for 2015–2016. One quarter (26%) of registered victims were trafficked for labour exploitation, while 18% were victims of ‘other’ exploitation (Data collection 2018: 55). This distribution shows a shift from previous data: according to the data from 2010–2012 for the EU28, the majority (69%) of the victims of human trafficking were for sexual exploitation, with a further 19% for labour exploitation and 12% for other forms of exploitation (Data collection 2018: 55). This means that labour exploitation has increased over the past ten years.

Trafficking for the purpose of labour exploitation was reported as the second-most common form of exploitation in the EU27 in 2017–2018, with 15% of the registered victims in the EU27 being trafficked for forced labour, followed by ‘other’ forms of exploitation (15%) (Data collection 2020: 16).

Member States were requested to provide data on all forms of exploitation, including those categorised as ‘other’ forms of exploitation: criminal activities, forced begging/use for begging, domestic servitude, benefit fraud, and removal of organs. The findings of the data collection indicate that, in the EU28 in 2017–2018, trafficking for criminal activities accounted for 11% of the forms of exploitation that came to the attention of the registering organisations, followed by domestic servitude (5%) and forced begging/use for begging (1%) (Data collection 2020: 16).

In the EU28, the main forms of exploitation of victims of trafficking with EU citizenship in 2017–2018 were sexual (53%), followed by forced labour (18%) and other (25%) (Data collection 2020: 28).

Definitions

Different terms exist in connection with labour exploitation—forced labour, trafficking for labour exploitation, and modern slavery; they are sometimes used as equivalents, but that is misleading. The most difficult to define is labour exploitation (Öllus 2015; Lodder 2020: 1364), and the boundary between forced labour and labour trafficking is unclear (Rijken 2011; Plant 2015: 154); this is also perhaps

one of the reasons for the phenomenon being less a focus of attention from a legal perspective.

The ILO states that

clear and precise definitions are fundamental to the measurement of social problems, their trends, and potential change. By carefully defining a problem, it is possible to quantify its extent, understand whether it decreases or increases over time, and assess whether policies have an impact. Some problems are easier to measure than others, and the consensus is that measuring forced labour, trafficking, and slavery—including sexual exploitation—poses many challenges. The hidden nature of the problem, political sensitivities, and ethical considerations make it very difficult to implement verifiable surveys (Profits and poverty 2014: 3).

The definition of forced or compulsory labour from the ILO ‘is all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily’ (ILO Forced Labour Convention No. 29 1930).

ILO has launched a new programme called Ending Forced Labour by 2030, which was published in December 2018. This focuses on the 2014 Forced Labour Protocol and Recommendations No. 203, which are the latest updated documents of the ILO’s 1930 Forced Labour Convention. In this publication, the ILO sought to present the phenomenon globally in four areas: prevention, protection, redress, and enforcement. The new Protocol establishes the obligations to prevent forced labour, protect victims, and provide them with access to remedies; it emphasises the link between forced labour and trafficking in persons. In line with Convention No. 29, the Protocol also reaffirms the importance of prosecuting the perpetrators of forced labour and ending their impunity (ILO standards 2016: 3).

Recommendation No. 203, which supplements both the Protocol and Convention No. 29, provides non-binding practical guidance concerning measures to strengthen national law and policy on forced labour in the areas of prevention, protection of victims, and ensuring their access to justice and remedies, enforcement, and international cooperation (ILO standards 2016: 4).

The Forced Labour Protocol (Article 1(3)) explicitly reaffirms the definition of forced labour in Convention No. 29 and confirms that it encompasses situations of trafficking in persons for the purposes of forced or compulsory labour (ILO standards 2016: 5).

The European definition of trafficking is provided in European Union Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, with a transposition date of 6 April 2013. 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 (following the definition in the Palermo Protocol).

Other international legal concepts such as slavery, situations comparable to slavery, forced labour, and servitude address situations that can be qualified as labour exploitation, but since 2000 these concepts have not garnered the same international attention for explaining the phenomenon of labour as the Palermo Protocol (Ollus 2015; Lodder 2020: 1362). Domestic servitude is considered a form of exploitation for forced labour. Forced begging or use for begging means the exploitation of begging, including the use of a trafficked dependent person for begging.

The victims of forced labour are not the same as those in the trafficking in human beings, in which ‘archetypical victims [are] mainly imagined to be young women and girls, vulnerable and naïve and readily falling prey to trafficking’ (Haverkamp 2019; Ricard-Guay, Hanley 2020: 289). The United Nations Office on Drugs and Crime (UNODC) delineates the differences between victims of trafficking in persons and populations affected by forced labour and/or slavery: trafficking victims may be exploited for purposes other than forced labour or slavery, enumerated in Article 3(a) of the UN Trafficking in Persons Protocol.

While forced labour requires coercion or threat of punishment, in the context of trafficking in persons, victims can be trafficked by other means, including abuse of power or a position of vulnerability. For minors, the consent is always irrelevant in the determination of a trafficking case. The term modern slavery has recently been used in the context of different practices or crimes such as trafficking in persons, forced labour, and slavery, but also child labour, forced marriages, and others. The common denominator of these crimes is that they are all forms of exploitation in which one person is under the control of another (UNODC 2016: 15–16).

In cases of human trafficking, extreme violence is the typical modus operandi. According to Ricard-Guay et al.,

such sensational representations of trafficking in human beings leave more complex issues of human rights violations and labour exploitation in the shadows. Trafficking in human beings does not always involve psychical violence, physical confinement, and situations of being ‘enslaved’. Some forms of exploitation that do not fall within trafficking or forced labour definitions may be perceived as being residual and even tend to be normalised, thus creating a ‘hierarchy of suffering’ (Ricard-Guay, Hanley 2020: 290).

Exploitation for labour purposes may occur in the domestic sector or family-owned businesses, for example, far from organised crime networks—this was true in the cases we studied as well (Ricard-Guay, Hanley 2020: 290–291). Such people, who are forced to work day and night without any payment, are mostly a ‘hidden

population'; they do not have families or a workplace and they are alone, which means they feel they do not deserve any help or better circumstances.

The economic situation, its changes, and the unemployment rate are all linked to forced labour as a social phenomenon. Economic growth in Eastern Europe remains robust in international terms, although the pace of expansion is expected to decelerate over the next couple of years. Output growth in 2018 is estimated at 2.7 per cent, which should gradually decline to 2.3 per cent in 2020. In particular, the sub-regional unemployment rate is forecast to remain just below 5 per cent in 2019 and to decline to 4.8 per cent in 2020. This reduction is broadbased across countries in the sub-region, with the unemployment rate expected to decline in Bulgaria, Hungary, Poland, Slovakia, and—to a lesser extent—Romania and the Russian Federation (World Employment 2019: 52).

In Eastern Europe, both extreme and moderate working poverty have been virtually eradicated. Nevertheless, measures of relative working poverty—i.e. the proportion of people earning below 60 per cent of the median income—reveal that this is still a problem, especially for those with temporary contracts and the self-employed. For instance, the share of temporary workers at risk of working poverty is above 20 per cent in Bulgaria, Cyprus, and Hungary; it remains just below 10 per cent in Poland and Slovakia. It is among the self-employed, though, that the incidence of working poverty is highest, with rates exceeding 50 per cent in Bulgaria and Hungary (World Employment 2019: 54).

2. Human trafficking and or forced labour in Hungary

Hungary is a small country in the heart of Europe. The total population is nearly ten million and according to the estimates in the Global Slavery Index 2018, 36,000 people live in a situation of slavery in Hungary (Global Slavery Index 2018). According to some in-depth interviews with experts,

Hungary is primarily a source or transit country rather than a target country of labour migration. Furthermore, latency is also assumed to be a crucial problem in this area. Hence, most of the experts referred to cases of Hungarian citizens exploited either in Western European countries or in Hungary (Bodrogi, Simonovits 2014: 4).

The Labour Code (Major laws 2020) regulates the age limit of all persons entering an employment relationship as employees: they must be at least sixteen years of age. In addition, during the school vacation period, an employment relationship may be entered into by a person of at least fifteen years of age pursuing full-time studies in elementary, vocational, or secondary school (Bodrogi, Simonovits 2014: 8).

Trafficking in human beings and forced labour is in the Special Part Chapter XVIII of the Criminal Code (Offences Against Personal Freedom). Under Section 192 of the new Criminal Code (enacted 1 July 2013), the legal definition of ‘trafficking in human beings’ retained the previous provisions from the old Criminal Code (sale and purchase), and at the same time complemented them with rules that included trafficking with the purpose of exploitation as a new element:

(2) A person who, for the purpose of exploitation, sells, buys, exchanges, transfers, takes over, recruits, transports, accommodates, hides or, for another person, acquires another person, shall be punished by imprisonment for one to five years.

In cases when the offence in question is perpetrated by a criminal organisation, the maximum punishment can be increased to ten years’ imprisonment.

It needs to be stressed that the issue of labour exploitation is only mentioned as part of the implementation of the relevant directives into the national legal system, and the issue is given no special attention in terms of governmental plans or actions (Bodrogi, Simonovits 2014: 12).

This statement was true before 2020. Between 1 July 2013 and 30 June 2020, the offence of forced labour was provided for by Section 193 in the Criminal Code:

(1) Any person who forces another person by taking advantage of his vulnerable situation, or by force or by threat of force, to perform work against his will, is guilty of a felony punishable by imprisonment of one to five years. (2) The penalty shall be imprisonment of two to eight years if the crime of forced labour is committed: a) by tormenting the victim; b) by causing a significant injury of interests; or c) against a person under the age of eighteen years (Windt, Deres 2020: 150).

The main element of exploitation is the attempt to benefit from abusing the position of a victim brought into or kept in a vulnerable position. In this respect, the benefit does not exclusively refer to financial benefit; it denotes any type of benefit, advantage, or advantageous position that is gained by abusing the position of the victim (Bodrogi, Simonovits 2014: 8).

Child labour is addressed in Section 209 of the Criminal Code. It states that any person who a) violates the statutory provisions on employing persons under the age of eighteen years or b) employs a third-country national who has not attained the age of eighteen years and does not hold a permission to carry out gainful activities is guilty of a felony punishable by imprisonment for up to three years. In our research of forced labour cases, we did not encounter any child victims.

Major steps were taken in the fight against human trafficking and forced labour in 2020. After the four years of the last Strategy, Hungary’s National Strategy against Trafficking in Human Beings (2020–2023), and the action plan on measures to

be implemented in 2020–2021, was adopted in February 2020 by Government Decision No. 1046/2020 (II. 18). In this strategy there are some important steps to support the victims of human trafficking.

In the beginning of 2020, three major amendments were also made to Act C of 2012 on the Criminal Code. The legal definitions of trafficking in human beings (Section 192) and forced labour (Section 193) were merged—this constituted a reasonable simplification of their regulation, since they are conceptually parts of the phenomenon. (This is a significant change, but in the end of 2020 we do not yet have information on the application of this section.) At the same time, the maximum penalties have increased since 1st July 2020: the offence described in the standard case is punishable by imprisonment of up to 5 years instead of 3 years. Knowingly utilising the services or other activities of victims of human trafficking and forced labour will become punishable as well (New anti-trafficking 2020).

Although labour trafficking and exploitation are crime problems (de Vries 2019: 209), the difference between the legal (regulation) and the social phenomena should be highlighted (Scarpa 2020). Forced labour or labour exploitation as a social phenomenon is not new: stronger, more powerful individuals tend to take advantage of their superior position over weaker individuals and put to them work and exploit them. It is new that this is increasingly less tolerated by international organisations, states, and—fortunately—local communities. However, it depends on the community or society as to how sensitive it is and how much it turns a blind eye. This social phenomenon exists, and criminal law tries to control it, but it has no effect on the underlying causes; it only gives a symptomatic response, which in many cases turns out to be insignificant.

The number of crimes is influenced by three things: macroeconomic factors (as mentioned above), demographic changes/characteristics, and technological innovations (Kerecsi, Pap 2017: 545). In connection with labour exploitation, the economic and demographic factors are very important: poverty, unemployment rates, and the situation of minors.

According to research by the Central Statistical Office of Hungary (KSH), the unfortunate fact is that ‘we spend only 19% and 12% of the EU average on alleviating unemployment and social exclusion, respectively’ (Magyarország 2019: 178). These are extremely low figures which could be linked to trafficking in human beings and forced labour.

The Central Statistical Office has also been conducting research into poverty since 2010, based on a common EU indicator system. Through this, we can also form a picture of the number of people living in relative income poverty and material deprivation, as well as working poverty, and the proportion of them within the population. It is alarming that working poverty has increased dynamically in Hungary despite the significant increase in the minimum income and the average wage levels and overall improving poverty indices (Albert 2019: 4). Persons at risk of poverty or social exclusion are those who are affected by relative income poverty, severe financial deprivation, and/or unemployment. Between 2010 and

2016, the proportion of people at risk of poverty or social exclusion decreased in most European Union member states. One of the largest decreases occurred in Hungary (Magyarország 2019: 166–167).

Based on the information obtained from our document analysis, we outline below the cases of forced labour that have become ‘visible’, highlighting and quoting several cases to show what Hungarian forced labour looks like from the prosecution proceedings.

3. Forced labour

Forced labour according to the crime statistics

The presentation of statistics is important, though, as Albrecht warns: ‘Official crime and court statistics generate valid information about how criminal offence statutes are implemented, but they do not provide for valid cross-sectional or longitudinal information about the phenomenon itself’ (Albrecht 2019: 41).

In Hungary, the total number of reported crimes decreased in 2019 to less than half that of 2013 (from 380,000 to 166,000; Table 1) (Kerezsi 2020). In this context, the number of cases of trafficking in human beings and forced labour is not significant at all; there are very few of them. Compared to human trafficking, forced labour is even less visible, with an extremely high latency: in only one year between 2013 and 2019 were there more than 10 registered cases of forced labour. However, according to some opinions, the number of ‘domestic servants’/‘house slaves’ in Hungary is significantly higher than this.

Table 1. The number of trafficking crimes between 2013 and 2019

Act C of 2012 on the Criminal Code	2013	2014	2015	2016	2017	2018	2019
Section 192. Trafficking in Humans Beings		8	6		10	4	34
Section 193. Forced Labour		3	15	3	9	2	4
All registered crimes	377 829	329 575	280 113	290 599	226 452	199 830	165 648

Source: Unified Investigation Authority and Prosecution Criminal Statistics (ENYÜBS)

Some data are collected in ENYÜBS in connection with the circumstances of Criminal Code Section 193 (which was merged with Section 192 effective 1 July 2020). According to these data, all recorded forced labour crimes were committed to the detriment of a Hungarian victim in Hungary. Substance use (alcohol and/or drugs) was not statistically significant regarding either the perpetrator or the victim according to the official data. On the contrary, in our documents we found that many victims had alcohol problems.

Criminal proceedings were initiated after the victim was reported according to the official crime statistics. The crime of forced labour was typically committed

at the perpetrator's place of residence, which is one of the difficulties in detecting and preventing this phenomenon; it also suggests a similarity to domestic violence (Viuhko 2018; Segrave, Hedwards, Tyas 2020). Violence, exploitation of vulnerability, and intimidation were the most common methods in these cases.

In forced labour cases, based on the relationship between the perpetrator and the victim, it can be said that they were acquaintances; the official data reports that neighbours and/or someone to whom they owed money are the perpetrators of these acts. Forced labour is typically carried out by adult Hungarian men, who rather act with impunity according to the official crime statistics.

Methodology

In the study entitled 'Characteristics of human trafficking cases: A criminal, criminological, and sociological evaluation of exploitation', we used several methods: in addition to processing the international and domestic literature, during the document analysis we studied the documents of prosecution proceedings initiated between 2013 and 2018. The facts of human trafficking and forced labour were indicated (Sections 192 and 193 of the Hungarian Criminal Code). Relevant information about the victim, the perpetrator, the criminal activities, the methods, the process of the proceedings, and the legal penalty were recorded on a questionnaire containing 40 questions (Windt 2020). The documents were sent by the Prosecutor Offices from the whole country. A total of 127 documents were received, including 37 forced labour cases.

It is important to learn more about forced labour through document analysis because it points behind the statistical data, as these documents contain more detailed information about the background than the official crime statistics do. No such comprehensive, nationwide document analysis had been done on forced labour in Hungary before. Nevertheless, the limitations of this method should also be mentioned. This study only surveyed those cases in which law enforcement was carried out and a report was made. The steps of the criminal process, the activities of the authorities, and the role of the victims could be analysed in these documents and a faint picture of the social phenomenon appeared (Bowen 2009; Cockbain, Boxers, Vernon 2020). This method and the results of our work could serve as a starting point for further research, and should be complemented by research using completely different methods.

As in other countries, forced labour is not a well-known, well-researched topic in Hungary. Even if there is research, it is performed on an extremely small sample; only aspects of forced labour can be investigated (Bodrogi, Simonovits 2014; Vidra et al. 2015). In the documents we examined, it also happened that some criminal proceedings did not take place in Hungary—the witnesses were only sought and

questioned on the basis of questions from the authorities of the acting country. This also provided important information on the subject.

4. Characteristics of forced labour criminal records

4.1. Victims

‘I was constantly under his supervision.
He said that because I owe him,
I can’t take another job, just what he says,
I do it; I’m a fool; I don’t think’
(transcript from a victim’s testimony, Case 1)

In the examined documents there were 59 victims. While official statistics suggest that alcohol abuse is not typical of victims in forced labour cases, during the analysis of documents the opposite clearly appeared in the victims’ statements (Windt 2020).

Based on the cases we examined and present herein, it can be said that the victims tend to have alcohol problems, be homeless, unemployed, elderly, in extremely poor health, and of below-average intelligence. In terms of their gender, there was a significant number of men among the victims of forced labour.

The victims of forced labour and the crimes committed against them are even more hidden, even more difficult to detect and prove than cases of sexual exploitation. Stating that they are ‘subtenants’ or ‘distant relatives’ obviously does not reveal the real situation to attending police officers. In this way, it is possible that the situation has persisted for years. For this reason, it can be formulated as a proposal that, when responding to calls due to forced labour, attending police officers should act according to the protocol developed for scenes of domestic violence, as the same intimidation and power-play takes place in the background. The connections with this phenomenon are also neglected, and more research is needed on this topic (Viuhko 2018, 2019).

Information on the victims is very limited in the criminal processes of forced labour cases. Usually, the crime of forced labour was committed to the detriment of a male Hungarian victim. Very little information was available on the victim’s education level, marital status, or income. Most victims exercised their procedural rights by filing a complaint. The victim initiated the proceedings in most cases, it was less often the person who detected the crime or the police. The principle of non-criminalising the victims predominated in the examined cases.

4.2. General characteristics of the perpetrators

In these 37 documents there were 58 perpetrators. In the examined cases both women and men were the perpetrators. Typically, they had been punished before and took advantage of the victim's fallen state, regularly using violence many times for years. Verbal abuse and threats (and in some cases physical abuse) were very common.

Those allegedly carrying out forced labour typically performed the act on their own; if they had a partner it was a relation (most often their spouse). Suspects tended to be male, an average of 37 years old at the time of the crime, and typically had a primary-school education. In the documents we examined of the perpetrators' own confessions, they worked, but there were some who did not comment on employment. We received (questionable) data on the income of 8 suspects (in their own words). Almost no-one had any meaningful information about debt in the analysed documents. The typical suspect in forced labour cases was a Hungarian citizen who is married and make money mainly from casual work. Nine had previously been punished, most commonly for theft. There was very little information on the use of drugs and alcohol (Windt 2020).

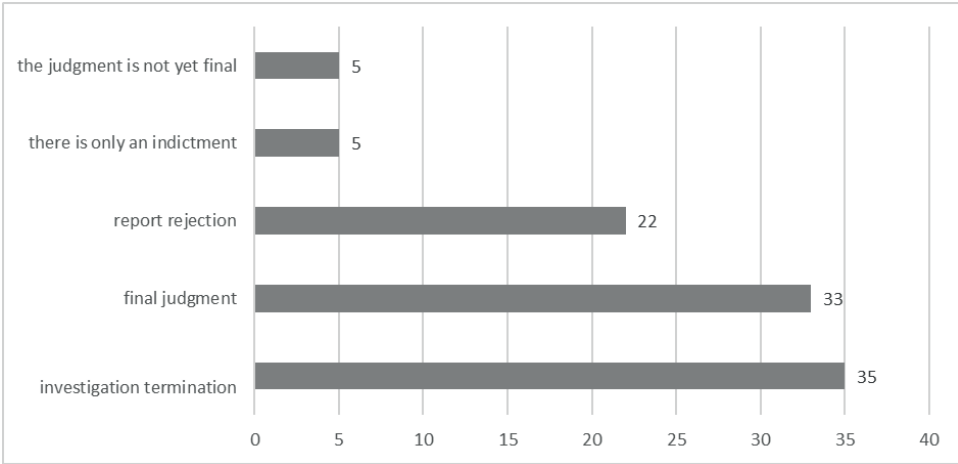
4.3. Procedural consideration

The length of the proceedings is very important in cases of human trafficking and forced labour. The condition of the victims, both physically and mentally, is very poor (because of the violence and harassment against them), and the lengthy procedure also means further shocks (confrontations, testimonies, etc.).

It is clear from the practice of domestic law enforcement of human trafficking that sexual exploitation is more typical than the labour forms of exploitation. It is for this reason that we also included the analysis of forced labour cases, which clearly showed us the characteristics of labour exploitation as well, in the examined documents.

We examined 37 criminal records involving forced labour which were reported between 2013 and 2018. Twelve of these cases were closed by a final judgment, whilst 21 were closed by an investigation (13) or a rejection of a report (8). In two cases there was only an indictment; in two cases the verdict was not final. These criminal activities were committed between 2013 and 2016 (Windt 2020).

Figure 1. Characteristics of forced labour cases (in percent; N=37)



In a large number of the proceedings, there were denials of complaints and the investigations were terminated¹; only 10 cases were closed with a conviction. Unfortunately, these cases are difficult to uncover, but the large number in one county suggests that the phenomenon is extremely prevalent in that area. (The Hungarian Act on Criminal Procedure was valid at the time of these cases [Act XIX of 1998]). The new Hungarian Act on Criminal Procedure entered into force on 1 July 2018 (Act XC of 2017) and changed the rule on termination (Polt 2018: 783–791).

Regarding the length of the proceedings, it can be said that from the beginning and the completion of the investigation, a period of 6 months to 2 years elapsed and a further 2–4 years is typical from the prosecution to the final conclusion of forced labour cases, which means that these victims needed more time to cope with what happened with them.

Regarding the penalties in these cases, the courts sentenced the accused to imprisonment for a period of 1 to 4 years, in almost all cases with a ban on public affairs, together with an ancillary penalty. In three cases, the accused was acquitted. The court has imposed confiscation of property on only two defendants (Windt 2020).

¹ In the analysed documents the law enforcement agencies acted in accordance with Act XIX of 1998 on Criminal Procedure; the termination of an investigation is regulated in Section 190 (Király 2008: 372–375).

4.4. Criminological view on the types of cases

The crime of forced labour can be categorised based on the method, place, and nature of the crime. In many cases, the presence of usury also arose (although the crime of usury was not investigated by the authorities): the perpetrators work the victim in exchange for a loan; they force the victim to work.

In almost all the crimes examined in our research, the victim and the perpetrator lived under the same roof. The similarities and differences between domestic violence and the perpetration of forced labour crimes is not the subject of this study, but we should refer to it. Although the victim and the perpetrator usually do not have a familial relationship, the crime is also simply contained within four walls due to housing. There is also a situation of power in relation to trafficking, forced labour, and domestic violence or child abuse cases: the perpetrators use a very similar set of tools (Viuhko 2018, 2019; Segrave, Hedwards, Tyas 2020: 439). They believe they are free to do anything with the vulnerable victim. In human trafficking and forced labour cases, this vulnerable situation is extremely difficult for law enforcement authorities (prosecutors and police) to interpret because of its highly subjective nature.

According to the statistics of EU28 countries, the Commission wrote that in the cases of forced labour (and in human trafficking), oral recruitment methods are the most common ones (Data Collection 2018: 80). In our cases, oral recruitment was the only method of promising accommodation and a better life and of showing the victim a way out of their distress. Some perpetrators recruited their victims from homeless shelters and hospitals with a promising offer of accommodation, food, and easy work.

Forced labour can be divided into two large types based on *location* in our cases. Firstly, the less characteristic type is forced labour in a closed institution. These were the classic scam cases that typically took place in prisons. The beginning of the criminal process was a message from the directors of these institutes to other inmates that they have been prosecuted and convicted, i.e. threatening to abuse the victim, repeatedly forcing them to clean the perpetrators' prison cell and wash his clothes, and such activities are not acceptable.

The perpetrators constantly harassed their roommates, arbitrarily interfered in their daily lives by not letting them sleep at night, instructing them to do various tasks—washing their clothes with victims—taking their personal belongings without their permission, and using their clothes. The second type occurs when the perpetrator and the victim are living in the same house.

a) Doing work around the house

One typical case of forced labour is when the perpetrator employs the victim to do work around their house. Such cases were easy to identify when the victim was moved by the perpetrator or when the perpetrator moved in with the victim (van Meeteren 2020: 1607–1609).

The perpetrator moves in with the victim

The perpetrator moves into the victim's property as a tenant, initially as a helper, where they slowly take control of the victim; these were less long-term offences. Because the property was owned by the victim, they preferred to seek help despite their fear.

The 25-year-old injured man filed a complaint with the police after two months: the foster carer had bought a property where he had lived alone for three years. He found it difficult to support himself, so the suspect moved in with his wife and six children. From there, he was pushed out of the house, beaten, and abused (Case 14).

The victim received the two defendants at his residential property for his care, leaving the property in his name and his belongings to the defendants in exchange for care after his death. But the defendants did not give the victim food, nor did they administer insulin. The victim complained to the police because his health had deteriorated greatly; the second victim moved in with her aunt and was instructed to commit various crimes (e.g. cutting down fruit trees, stealing a stove and a refrigerator, and committing burglary) (Case 13).

The perpetrator moves the victim to their residence

This type of forced labour case is the most difficult to cover and obtain enough evidence of a crime. In such cases, most reports are rejected, or the investigations were closed because there was insufficient evidence of a crime, and it is difficult to prove that the offender has motivations other than an intention to help. In addition to being afraid, there is almost never possible to bathe, meals are barely provided or not at all, and the victim is not paid for their work.

The victim's bank card, money, and documents are missing, and the abuse and fear are ongoing. The victim has been relocated by the perpetrators so they can supervise him much better; he lost their help and is forced to do different jobs (Case 5).

It can be said that the farm workers were not in a vulnerable position because they made their own decision (in some cases at their own request) to work on the farm, for which they received other benefits, or to do the work as a favour (Case 7).

A 70-year-old resident has been working in a sheep shed on the outskirts of a small town for several years without being paid wages, and his identification documents have been taken away (Case 8).

The victim became homeless and unemployed; the defendant's father suggested that he move in with the defendant in September 2006, receiving HUF 500–1000 from his own pension. The victim had to go to the rubbish dump every day. If the job was not done or was not done well, he shouted at him, hit him, threatened him, and placed him in a social care home after the police action (Case 11).

The reason for these reports being rejected in many cases was that 'the victim could leave at any time, was not restricted in his liberty'; however, these victims obviously did not know where to go without money or identity cards, and they were afraid to ask for help.

Other types of exploitation were found in these cases, forced criminal activities and forced begging were very rare in our sample.

b) The victim was used for other crimes

In some cases, the perpetrator forced the vulnerable victims to commit crimes: such as bank card fraud, making phone subscriptions (misuse of a cash substitute payment instrument, etc.), burglary, etc.

Three victims lived in poor financial conditions, they need help due to their mental state, the female victim was persuaded to take out a telephone subscription; it was used by the accused, who did not pay the bills. They were constantly abused, they did all the work, they did not get paid (Case 18).

The investigation was terminated in another case because the victims were not forced, they were free to leave their accommodation according to the justification:

A woman recruited candidates for a job in England at a homeless shelter in the capital. The factory work paid £2,000 for two months. At first, they did not work; they also forced to make bank cards, the credit lines of which were taken up by the perpetrators. The English police, through the Salvation Army, organised the repatriation of the victim (Case 19).

An account package and card contract were signed at OTP Bank with the victim, from whom the card was immediately taken; the perpetrators withdrew money from ATMs (Case 20).

In these cases, the victims were not punished, as it was clear that they were forced to perform these activities.

c) Forced begging

Forced begging was not common in our sample: these victims were all adults, in these proceedings there were no children (Vidra et al. 2015). The perpetrators recruited their victims from homeless shelters and hospitals; the vulnerable persons,

often limb-deficient and in poor health, were forced to beg and spend 10–12 hours a day on the streets regardless of the weather.

The case was initiated on the basis of the male victim's report: from the beginning of 2014 to May 2015, his guardian and his family abused him several times, took his pension, threatened to kill him and forced him to beg. The victim is under guardianship, has limited capacity to act, cannot make independent decisions, is demented, is an alcoholic (Case 16).

In this case the victim had no family or opportunities to live a better, normal life. He accepted the promise of accommodation and food, and it was enough at first sight. It was a case of forced labour (although the perpetrators recruited, transferred, accommodated the victims), and at the end of a long process the Curia stated in its order that after two years it needed to start a new criminal trial because this case was contrary to Section 192 of the Criminal Code, being a clear case of human trafficking (this delimitation problem was eliminated by merging the facts of the case after 1 July 2020).

d) Forced labour or trafficking for labour exploitation

As mentioned above, in our research we examined documents connected with Section 192, which is the section on human trafficking in the Hungarian Criminal Code. These documents mainly contained sexual exploitation cases, but there were two cases of labour exploitation. These cases highlight the differences in definition of the coincidence which are mentioned. In our research period (between 2013 and 2018), forced labour and exploitation for labour purposes were different sections (this has changed since 1 July 2020).

One case pointed to Dutch practice: the criminal proceedings took place in the Netherlands (therefore, we have no information on its conclusion). This document contained only the search for and questioning of witnesses.

The Kingdom of the Netherlands is being investigated for human trafficking and other crimes; a witness had to be heard in one of the counties. The male victim could earn 35 euros a day at a car wash in Eindhoven; the working hours lasted from 9 am to 8 pm, 250 euros were deducted from his salary for accommodation; he was abused and threatened. A Hungarian woman organised the victims, but the perpetrators were not Hungarians. The suspects exploited their workers, employing only foreigners who, due to a lack of knowledge of the Dutch language, did not know what rights they had (Case 21) (van Meeteren 2020: 1605–1618).

An actual 'purchase' of a victim was in another case of trafficking for labour exploitation: a Hungarian perpetrator 'bought' a Hungarian victim for 20,000 forints to work with horses. 'One of the defendants would know a suitable man for the job in exchange for consideration, but the person concerned could not know about it'. The perpetrators were found guilty by the court and fined (Case 22).

Final Remarks

Exploiting vulnerable people and benefiting from weakness under the guise of helping them is nothing new. This phenomenon has existed for centuries, and social indifference towards the issue is very common; however, the criminalisation of this behaviour has a short history. Attitudes towards these activities have started to change with criminalisation, although breaking down the wall of indifference is a long process. Overall, the results of our research have slightly modified the picture of the characteristics of forced labour in Hungary with regard to its cross-border nature, the identity (and relationship) of the victims and perpetrators, victim support and assistance, and its classification as a criminal organisation.

Forced labour and/or labour trafficking is an ignored topic in Hungary. There are very few studies; most of them deal with child labour and/or illegal work by migrants. In our research we found that this phenomenon exists among Hungarians: the perpetrators and victims are living here in Hungary. We have seen very few cross-border cases, most of which took place in the difficult economic situation of counties which are facing serious financial difficulties. The US TIP Report 2020 claimed that there is exploitation of Hungarian men in

labour trafficking in agriculture, construction, and factories domestically and abroad, particularly in Belgium, the UK, and the Netherlands. NGOs reported that domestic labour trafficking is an increasing concern, particularly in rural areas, among Ukrainians and other third-country nationals who came to Hungary at the encouragement of the Hungarian government to assist with the country's labour shortage (TIP Report 2020: 248).

In our sample, the criminal proceedings between 2013 and 2018 contained very little information to that effect.

Although these crimes were typically committed between 2011 and 2013 in our sample, we can say that the problem of (labour) exploitation of vulnerable persons within the country still exists, as the TIP Report 2020 also states that the 'authorities noted a rise in forced labour in domestic service among homeless individuals, citing 150 cases in a village of 16,000 inhabitants' (TIP Report 2020: 248).

Many investigations were closed and reports were dismissed in our sample. For the victims, the feeling of shame is much stronger. Victim protection and victim assistance have barely played a role in these cases, although these victims would need both.

Forced labour, like human trafficking, is a social phenomenon—not just a labour or legal issue. That is why it is important to learn more about the characteristics of forced labour in Hungary. This would help to develop better, more effective programmes and better assistance to victims, as well as more criminal proceedings, which would send the message to perpetrators that such activities are not acceptable. As part of this effort, the attitudes of law enforcement authorities must also change,

which has started with awareness-raising training for police officers, prosecutors, and judges (Awareness-raising 2019).

In 2020, the Palermo Protocol celebrated its 20th anniversary. Although the world has changed during this period, the purpose is still very important: to prevent trafficking, to protect the victims, and to prosecute the traffickers. Despite the past 20 years, we have no relevant information about trafficking for labour exploitation in Hungary: further research (mainly qualitative studies) in the form of victim and field surveys is needed to uncover and profile this ‘hidden population.’ These results would help the police, prosecutors, and judges recognise the phenomenon and apply the relevant legislation. This requires time and a lot of training for the law enforcement authorities to change their attitudes. However, to combat, control, and stop forced labour, it is time to speak about the phenomenon.

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