



**TRANSNATIONAL ALLIANCE
TO COMBAT ILLICIT TRADE**

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**THE HUMAN COST OF ILLICIT TRADE:
EXPOSING DEMAND FOR FORCED LABOR IN
THE DARK CORNERS OF THE ECONOMY**

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MEDIA

All media inquiries should be directed to Cindy Braddon,
Head of Communications and Public Policy, (Cindy.Braddon@TRACIT.org)

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LinkedIn: www.linkedin.com/company/tracitorg

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ABOUT TRACIT

The Transnational Alliance to Combat Illicit Trade (TRACIT) is an independent, private sector initiative to drive change to mitigate the economic and social damages of illicit trade by strengthening government enforcement mechanisms and mobilizing businesses across industry sectors most impacted by illicit trade.

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Transnational Alliance to Combat Illicit Trade
209 W 29th Street #6295
New York, NY 10001
USA

www.TRACIT.org

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ABBREVIATIONS AND ACRONYMS

ASM	Artisanal and small-scale mining
CBP	US Customs and Border Protection
CITES	Convention on International Trade in Endangered Species
EU	European Union
EUIPO	European Union Intellectual Property Office
G20	Group of Twenty
GDP	Gross Domestic Product
GLAA	UK's Gangmasters and Labour Abuse Authority
IGOs	Intergovernmental organizations
ILO	International Labour Organization
IOM	International Organization for Migration
IP	Intellectual Property
IPR	Intellectual Property Rights
IUFRO	International Union of Forest Research Organizations
IUU fishing	Illegal, Unreported and Unregulated fishing
NAS	Nuclei Antisofisticazioni e Sanità
OCGs	Organized Crime Groups
OECD	Organisation for Economic Co-operation and Development
PIPCU	City of London Police's Police Intellectual Property Crime Unit
PPE	Personal Protective Equipment
RFMO	Regional Fisheries Management Organization
SDGs	UN Sustainable Development Goals
TRACIT	Transnational Alliance to Combat Illicit Trade
UK	United Kingdom
UN	United Nations
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
US	United States
WRO	Withhold Release Order
WTO	World Trade Organization

EXECUTIVE SUMMARY

Amongst the worst crimes associated with illicit trade is the demand it creates for forced and child labor to carry out the tasks of making counterfeits, sewing fake logos on luxury apparel, or harvesting illegal fish. This report shows that women, children and men of all ages and race are forced to labor in illicit sectors, where they are abused by organized criminals pursuing clandestine profits. It concludes that ending these human rights abuses will only be possible by eradicating illicit trade and the demand for forced labor associated with it.

Progress on stopping forced labor has been painfully slow, despite a long list of international legal treaties aimed at eradicating it. For example, more than 90 years after the introduction of ILO's Forced Labour Convention, 25 million people continue to be coerced into a situation of forced labor, and the annual estimates of this crime are rising, not falling.

In an effort to address this situation, TRACIT has been investigating the incidence of forced labor* in a largely overlooked part of the global economy, namely illicit market activities. In these dark corners of the economy, illicit trade thrives in the presence of regulatory gaps, poor law enforcement, weak state institutions and where informal markets have been left unattended. Moreover, the poly-criminal nature of illicit traders reveals a tendency to practice more than one illegal activity, where counterfeiting, smuggling, money laundering and forced labor are often undertaken in tandem.

As a starting point, this report looks at the demand for forced labor from the perspective of the underlying economic activity that drives it. For example, recent work by the ILO, OECD, IOM and UNICEF** finds that global supply chains,

encompassing all sorts of economic activity, can be a source of demand for forced labor. This study extends that methodology by examining supply chains for *illicit products and markets* and asks the following questions:

- If highly regulated legal supply chains can be infiltrated with forced labor, what can be said about unregulated, untaxed, unlicensed illicit sectors and trading markets?
- What is the impact of illicit economic activity – including manufacturing, downstream product distribution, trademark infringing activities and, in limited cases, upstream harvesting of *illicit products* – on the demand for forced labor?

In sum, the findings indicate that forced labor is prevalent in illicit activity, global in nature, and significant enough that it cannot be ignored by governments seeking to eradicate this form of human rights abuse.

Methodology

Information presented in the report was gathered through a series of interviews conducted with a wide range of companies, trade associations, government agencies and intergovernmental organizations; conversations with private investigators; and extensive desk research.

To illustrate how *illicit* economic activities can be a source of demand for forced labor, it investigated the incidence of forced labor in eight sectors where illicit practices are regularly reported. These activities include: (i) counterfeiting of apparel, footwear and luxury goods; (ii) counterfeiting of electronics machinery and equipment; (iii) substandard and falsified medical products; (iv) illegal mining; (v) illegal,

* In this report, references to 'forced labor' will include instances of trafficking in persons for the purpose of forced labor.

**ILO, OECD, IOM, UNICEF. (2019). *Ending child labour, forced labour and human trafficking in global supply chains*. Geneva: International Labour Organization, Organisation for Economic Co-operation and Development, International Organization for Migration and United Nations Children's Fund. <http://mne-guidelines.oecd.org/Ending-child-labour-forced-labour-and-human-trafficking-in-global-supply-chains.pdf>

unregulated and unreported fishing; (vi) illicit tobacco products; (vii) illegal pesticides; and (viii) illegal timber.

Findings*

- Incidents of forced labor are reported all along the illicit supply chain – from upstream agriculture harvesting and minerals extraction to counterfeit manufacturing and street-corner retailing further downstream.
- There is a complete disregard by illicit traders for human rights and labor rights in their treatment of workers, where children, women and men alike are exploited and, at worst, viewed as disposable components of production.
- It is difficult – but not impossible – to identify and mitigate labor abuses and enforce human rights in illicit sectors that purposely conceal detection and where regulatory frameworks are weak and/or poorly enforced.
- While significant work is being done to mitigate illicit trade and even more is being done to address forced labor, the nexus between the two topics is a largely unexplored area where further attention, research and data collection is needed.
- Illicit trade and its associated demand for forced labor is holding back progress and pushing the achievement of the UN Sustainable Development Goals (SDGs) relating to human rights further away.

Building on the findings from this report, and in order to encourage effective policy responses to forced labor in illicit trade, TRACIT calls for the following:**

1. Governments must address the impact that illicit economic activities have on the demand for forced labor. This starts with accounting for the interconnected nature of forced labor and illicit trade so as to ensure that laws and regulations generally pertaining to preventing

forced labor will specifically investigate and enforce against occurrences in illicit economic activity. This will require renewed political leadership to more effectively enforce existing international legal frameworks and to ensure the inclusion of anti-illicit trade policies in national plans to combat forced labor. Operationally, governments will need to strengthen inter-agency and inter-departmental cooperation at the national level, particularly by improving law enforcement capacities. Increased coordination across agencies responsible for law enforcement, labor, health, economy, security, finance, border control and trade will be critical for addressing the intersection between forced labor and illicit trade.

2. Governments must actively gather more and better data on the incidence of forced labor in illicit operations to improve the evidence-base for national and international policy-making and standard setting. Governments must also strengthen investigative techniques to address human rights abuses in illicit trade and dismantle the organized criminal networks behind illicit trade.
 - Since data is limited, and governments have not yet been successful in closing this gap, additional data collected in the field is needed to improve the understanding of how illicit supply networks operate, and how they recruit, use and abuse their labor force.
 - Governments should support and build upon private sector initiatives – such as that undertaken by TRACIT*** – to collect intelligence from private sector investigations, raids, seizures and other measures along illicit supply chains operating in parallel to their legal equivalents.

* For the full set of findings, see the Conclusions section of this report.

** For the full set of recommendations, see the Recommendations section of this report.

*** For more information on TRACIT's efforts to collect data on human rights abuses in counterfeit operations, see Appendix.

- Game-changing technological innovations that can improve discovery and traceability of illicitly sourced product inputs need to be catalyzed. A predictive model that red flags sectors and regions at risk of labor abuse in illicit trade needs to be developed and built with the goal of strengthening law enforcement's ability to detect, disrupt and dismantle these networks.

3. Governments should swiftly implement standing measures to stop illicit trade, thereby removing any associated demand for forced labor. Some of these recommendations include:*

- Focus law enforcement on policing illicit trade.
- Strengthen deterrent criminal penalties.
- Strengthen the customs environment and border control.
- Tighten controls on money laundering and corruption.
- Strengthen Intellectual Property Rights enforcement.

These measures can be more effective when governments appoint an Interagency Anti-Illicit Trade Coordinator to facilitate the exchange of intelligence and resources across law enforcement, customs, health and trade agencies, and to bring in private sector expertise through public-private partnerships.

Looking forward

Given the global priority on upholding human rights, it is remarkable that forced labor persists – and at such significant levels. But the evidence is abundant and cannot be ignored.

The purpose of this report is to improve the understanding of where and how forced labor is abused in the operations of illicit supply networks. The objective is to strengthen the ability to detect, disrupt, and dismantle illicit operations and, as a result of that, reduce the associated demand for forced labor.

Addressing the threat of illicit trade on workers' rights will require renewed political will of government officials at all levels to prioritize the problem, collect more evidence and data, actively pursue solutions, and invest in enforcement measures. This study provides a first step, and it is hoped that this work will serve as a roadmap to help policy makers identify areas that merit greater attention and to formulate effective strategies to address the serious threats posed by illicit trade.

* For a full delineation of TRACIT's global and regional policy recommendations, visit <https://www.tracit.org/publications.html>

I. INTRODUCTION

More than 90 years after the adoption of the International Labour Organization's Forced Labour Convention, 25 million people continue to be trapped in a situation of forced labor.¹ Even more troubling is that despite renewed global prioritization of the problem under two of the United Nations (UN) Sustainable Development Goals' (SDGs) targets for 2030,² the annual estimates of forced labor are rising, not falling. Among those sobering indicators is the June 2021 International Labour Organization (ILO) report that "global progress against child labour has stalled for the first time since [they] began producing global estimates two decades ago," and that "the COVID-19 crisis is likely to push millions more children into child labour."³

Even in countries where existing legal frameworks are generally considered sufficient, progress can fall short for myriad limitations in authority, accountability, investment, data, and coordination across responsible government agencies.⁴ A lack of thinking outside established parameters can also contribute to the obstinance of the problem, such as a failure to investigate many of the financial sector's reports on suspicious activity linked to trafficking, including the illicit use of the financial system.⁵

It stands to reason that where governments remain ineffective in tackling forced labor, more resources and coordination are needed, and more effective measures must be applied to address the complexity of the problem. But even before governments can allocate resources and crack down on the underlying criminal networks, it is vitally important to gain a more precise understanding of how and where human rights abuses occur.

Accordingly, this report addresses the problem of forced labor, child labor and human trafficking for the purpose of forced labor exploitation. It investigates them at their root cause, namely the underlying commercial activity that can create demand for these labor abuses. The report takes as its starting point an original approach put forward by the ILO, the Organisation for Economic Co-operation and Development (OECD), the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF)⁶ to focus on where forced labor might occur in global supply chains.

This report extends this methodology to investigate the occurrence of forced labor in the supply chains for *illicit products and markets*. If highly regulated commercial supply chains can be infiltrated with forced labor, then it stands to reason that unregulated, untaxed unlicensed illicit trading markets would be equally – if not more – vulnerable. Consequently, to not investigate the impact of *illicit* economic activity as a source of demand for forced labor would be an oversight.

It is hoped that this report will improve the understanding of where and how forced labor is abused in the operations of illicit supply networks. The objective is to strengthen governments' ability to detect, disrupt, and dismantle illicit operations and, as a result, reduce the demand for forced labor. If human rights objectives are to be achieved, illicit operations and their demand for forced labor must be forcefully addressed.

Focus on: forced labor occurring in illicit trade

To shed light on the problem, this report delineates examples of forced labor used explicitly for illicit operations, such as the manufacture or trade of counterfeit apparel, pharmaceuticals and pesticides, or cross-border smuggling of illicit tobacco.

While all forms of forced labor are intrinsically illegal, this report focuses exclusively on where forced labor occurs in illicit economic activity.

This activity can include manufacturing, downstream product distribution, trademark infringing activities and, in limited cases, upstream harvesting of illicit product.

Specifically, the report investigates the incidence of forced labor in eight sectors where illicit activity is regularly reported. These activities include: (i) counterfeiting of apparel, footwear and luxury goods; (ii) counterfeiting of electronics machinery and equipment; (iii) substandard and falsified medical products; (iv) illegal mining; (v) illegal, unregulated and unreported fishing; (vi) illicit tobacco products; (vii) illegal pesticides; and (viii) illegal timber.

As a result of interviews conducted with a wide range of companies, trade associations, government agencies, intergovernmental organizations, extensive desk research and conversations with investigators, this study has expanded the understanding of how organized criminals are exploiting labor and has managed to paint a picture of the intersection between forced labor/child labor/human trafficking and multiple forms of illicit trade.

Discussions with the private sector have revealed that forced labor is being recruited for manufacturing and downstream distribution of illicit products. Moreover, the lives of forced laborers can be put at risk in some manufacturing applications and, in the case of illicit pesticides, forced laborers in the agricultural sector are also exposed to these toxic, illicit products. What stands out is a situation of complete disregard for workers' basic rights, where children, women and men alike are exploited and, at worst, viewed as a disposable component of production.

Similarly, interviews with governmental entities have highlighted the difficulties faced by law enforcement agencies in upholding human rights and mitigating labor abuses in illicit sectors that purposely conceal detection and where it is challenging to get convictions. In some cases, the poly-criminal nature of illicit trade means that there are multiple regulations pertaining to the different aspects of the illicit criminal activity – and human rights and labor rights violations are not the areas that are most likely to result in cases that hold up in court.

In all cases, however, the inescapable finding is that the use of forced labor in illicit operations remains largely unexplored and undocumented. Further research and data collection is needed to shed light on the full extent of this phenomenon.

Establishing a baseline: exposing forced labor

Efforts over the last century to understand and report on the problem have typically been conducted on a country-by-country basis. One example is the UNODC's *Global Report on Trafficking in Persons* that provides an overview of patterns and flows of trafficking in persons at global, regional and national levels. Another example is the annual *Trafficking in Persons Report* by the US Department of State, which identifies and analyzes the occurrences of trafficking for the purposes of forced labor, sexual exploitation, domestic servitude and organ removal. Drawing upon evidence collected by US embassies abroad, local government officials, nongovernmental organizations, news articles and research trips, the report discloses forced labor on a country-by-country basis. Furthermore, it classifies a country into different tiers depending on how that government's efforts to combat trafficking measure up against the minimum standards established in the *US Trafficking Victims Protection Act*. Since its inception in 2001, starting with assessments of 82 countries, the Report has expanded to 188 countries in 2020.

Although the US *Trafficking in Persons Report* has emerged as an extremely valuable tool, its reliance on law enforcement data collected on the

number of prosecutions, convictions and victims identified runs the risk to overlook the vast number of trafficking or forced labor cases that may never be reported.

A new approach: focus on supply chains

Reflecting the need to dissect the occurrences of forced labor more deeply than through country reports, some innovative thinking has recently been promoted by ILO, OECD, IOM and UNICEF,⁷ who collectively undertook to estimate prevalence of forced labor in global supply chains. This approach differs from the country-focus in the *Trafficking in Persons Report* in that it investigates the problem from the perspective of the underlying commercial activity that might create demand for forced labor and the unique complexities of global supply chains that can hide abuse.

Reflecting an urgency from the highest levels of government, the *ILO et al* report responded to the Group of Twenty (G20) Labour and Employment Ministers' call for a joint report by international organizations and Alliance 8.7* on how to accelerate action to eliminate the worst forms of child labor, forced labor and modern slavery in global supply chains, including identifying high risk sectors.⁸

This call to action was then echoed by the Buenos Aires Declaration on Child Labour, Forced Labour and Youth Employment, which called for “research on child labour and forced labour and their root causes [...] pay[ing] particular attention to supply chains [...] and high risk sectors.”⁹

By better understanding where forced labor occurs along supply chains, the *ILO et al* report submits that policy makers will be better able to fashion and target regulations and other enforcement efforts. Notably, there is a focus on formal supply chains, where forced labor data sets have been matched with national input-output tables, import tables, bilateral trade and other statistics.¹⁰

Extending the investigation to illegal supply chain operations

The *ILO et al* approach increases visibility on the incidence of forced labor in formal supply chains and sheds light on how this type of economic activity can create demand for forced labor.

Critically, the *ILO et al* report acknowledges that the informal economy is where the vast majority of forced labor occurs. If this is the case and given that illicit trade is categorically an aspect of the informal economy, then an equal amount of investigation must go into assessing the impact of illicit economic activity as a source of demand for forced labor.

Consequently, this report endeavors to investigate the incidence of forced labor in illicit activity occurring along supply chains for illicit products, i.e., where the product itself or the activity creating, harvesting, or selling the product is illegal. In so doing, it shows how the circumstances characterizing illicit economic activity are ideal for exploiting forced labor – and why the risk versus reward calculation tilts towards continued abuse.

* Alliance 8.7 is the global initiative against forced labor, modern slavery, human trafficking and child labor under SDG Target 8.7. Partnership is open to government institutions, international and regional organizations, workers' organizations, employer and business membership organizations, civil society organizations, academic institutions, media or journalist networks, and survivor networks.

II. ESTABLISHING THE PARAMETERS

What is meant by illicit trade?

Illicit trade can be understood as any practice or conduct prohibited by the law relating to the production, assembly, shipment, receipt, possession, distribution, sale or purchase of goods or services.

Illicit trade is increasingly recognized as a major policy and regulatory challenge worldwide. It encompasses a wide spectrum of illegal activities, conducted both offline and online, including narcotics and arms trafficking, environmental and wildlife crime, robbery and resale of antiquities and cultural artifacts. On the commercial side, it undermines a very wide range of industries: pharmaceuticals, consumer goods, tobacco, alcohol, entertainment content, petroleum products, fishing, forestry, agri-foods, precious metals and gemstones, pesticides and thousands of products vulnerable to trademark counterfeiting and copyright piracy.

In some cases, goods involved in illicit trade operations may be intrinsically legal (e.g., genuine tobacco products and alcoholic beverages), but they are traded in contravention of tax laws and/or health, safety, and security regulations. By contrast, other goods may be intrinsically illegal. This is the case, for example, of the trade in endangered wildlife species, counterfeits that infringe on legitimate brands or fraudulent medicines produced with a different formula than advertised.

Illicit trade along with associated transnational criminal activities accounts for an estimated 8 to 15 percent of global GDP.¹¹ In some developing countries, the figures may be much higher. These magnitudes suggest that any comprehensive assessment of compliance with labor laws must investigate labor activities in the illicit economy.

The interplay between informal economies and illicit trade

Illicit trade is a subset of the informal economy, which broadly refers to those marketplaces where activities, enterprises, jobs and workers are not regulated or beyond the reach of the state. In an informal economy, the production and trade of goods and services may be partially or totally concealed to avoid payment of taxes or to escape labor market or product regulations. While not all informal activity is illicit, all illicit trade falls into the informal economy when it comprises activities that have market value and would add to tax revenue and GDP if they were recorded.

According to *ILO et al*, the “informal economy [is] where the vast majority of child labor, forced labor and human trafficking occurs.”¹² It is thus critical to investigate the abuse of labor in the informal economy, all the more so since 60 percent of the world’s employed population ages 15 and older spend at least part of their time in the informal sector.¹³ However, exactly because informal economies are beyond the reach of labor laws and most governments’ inspection regimes, the lack of transparency makes it difficult to monitor and follow up on labor practices.¹⁴

Are there limits to this work?

The scope of this report is limited to forced labor occurring strictly in illicit activities.

For example, an assessment of labor use in legal fishing operations that is in compliance with fishing regulations is not included in this report, even if forced labor has been reported. These activities are already subject to oversight, and it is up to governments to either step up enforcement of local labor laws or to more fundamentally

correct the underlying socio-economic failures that allow forced labor in formal economic activity.

Instead, staying on the fishing example, this report is interested in registering occurrences of forced labor used during acts of illegal, unregulated or unreported fishing, such as when illicit operators harvest fish beyond established boundaries, above quotas, or contravention of regional, national or international laws. Similarly, in cases where timber is illegally harvested, this report would include forced labor used in this context.

In cases where there are no legal restrictions in place on harvesting a raw material such as cotton, coffee, sugar or tobacco, the act of harvesting is not illegal, and the harvested product in itself is not illegal. Therefore, an assessment of labor use in for example cotton picking is not included in this report, even if forced labor has been reported.

Consequently, this report would only assess occurrences of forced labor if and after a legally harvested product (i.e., not sourced in contravention of any regional, national, or international laws regulating the harvesting of that particular raw material) is diverted to an illicit supply chain. It is from this point of diversion onwards that this report follows the illicit product and the occurrence of forced labor that goes into the manufacture, distribution or sale of finished products.

What is forced labor?

In 1930, the UN identified forced labor as a priority issue and later defined it under the *ILO Forced Labour Convention* as “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.” There are three central elements to what is defined as forced labor:

1. Work or service – covering all types of work in any industry, sector or activity in both the formal and informal economy. The informal economy is of particular interest in this study, when zeroing in on organized criminals use of forced labor in their supply chains.

2. Threat of penalty – referring to a wide range of penalties including penal sanctions and various forms of direct or indirect coercion, such as physical violence, psychological threats, non-payment of wages, and a loss of rights or privileges (e.g., promotion, transfer, or access to new employment).¹⁵

3. Involuntariness – meaning that the person in question did not take up the job based on free and informed consent and is not free to leave at any time.

The *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime*, introduces the notion of forced labor into the trafficking in persons space:

“the recruitment, transportation, transfer, harbouring or receipt of 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.”

The purposes of exploitation that are covered by the Protocol include but are not limited to:

- the exploitation of the prostitution of others or other forms of sexual exploitation;
- forced labor or services;
- slavery or practices similar to slavery;
- servitude; and
- removal of organs.

While not all trafficking is committed for the purpose of forced labor – with organ trafficking being one example of this – forced labor exploitation is one of the purposes of trafficking in persons that is included in the definition set forth in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*.

On the ground, the manifestations of forced labor vary widely across countries, sectors, and workplaces, and even across the circumstances and backgrounds of the people that are subject to the abuse. Determining whether a type of labor can be defined as ‘forced’ is, therefore, not always easy. Nonetheless, there are a number of conventional methods for detecting it, starting with a set of observable characteristics of forced labor. For example, if workers are not in possession of their passports or if guards are stationed in a factory to monitor workers’ movements, then this could indicate that they are not there voluntarily or are not free to leave. If workers are spoken for when addressed directly or do not have employment contracts specifying their rights, then these are indicators that they could have been coerced. If workers are without access to their pay or are paid wages as non-cash or in-kind, then this could indicate indentured service or create dependency on the employer under the ‘threat of penalty’.

Where informal economic activity exists, it is more difficult for governments to inspect operations and enforce regulations. This lack of transparency creates more opportunities for human rights abuses such as forced labor.

How does forced labor and illicit trade impact achievement of the SDGs and other human rights commitments?

The UN Sustainable Development Goals (SDGs) lay out an ambitious set of 17 goals to address the world’s most acute economic, social and environmental challenges. They cover everything from poverty eradication and zero hunger to clean water, decent jobs and peace. Since coming into effect in January 2016, governments, private sector and civil society have rallied around the SDGs to guide policy, implement investment strategies and allocate funding.

The key SDG targets related to forced labor are:¹⁶

- 5.2: eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual or other types of exploitation.
- 8.7: Take immediate action and effective measures to eradicate forced labor, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labor, including recruitment and use of child soldiers, and by 2025 end child labor in all its forms.

Other important government commitments include those under the *UN Guiding Principles on Business and Human Rights* that “apply to all States and to all business enterprises.”¹⁷ The foundational principles state that “States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.”¹⁸

However, governments’ commitments are of course not limited to the human rights space. As highlighted by the OECD, “effective action to counter illicit trade and support for governance frameworks to lower the incidence of such trade are key policy concerns for governments as they support the promotion of economic prosperity.”¹⁹ Furthermore, tackling illicit trade is key if governments are to meet the SDGs.

In order to help governments and business better understand how their efforts to achieve sustainable development must account for the negative forces of illicit trade, a TRACIT study from 2019* mapped the 17 UN SDGs against the following sectors of illicit trade: agri-foods, alcohol, fisheries, forestry, petroleum, pharmaceuticals, precious metals and gemstones, pesticides, tobacco, wildlife and all forms of counterfeiting and piracy. These sectors were chosen because they participate significantly in international trade and are particularly vulnerable

* This report is available at: https://www.tracit.org/publications_illicit-trade-and-the-unsdgs.html

to illicit trade. Based on the research undertaken in the study, the socio-economic impacts of illicit trade are all quantifiably negative and present significant deterrence to achieving all 17 of the SDGs.

Taken together, this means that States have dual responsibilities for mitigating human rights abuses and fighting illicit trade. Without effectively combatting human rights abuses,

governments will not meet the UN SDGs and live up to international commitments such as the *UN Guiding Principles on Business and Human Rights*. Similarly, achieving human rights objectives may actually not be possible without stopping illicit trade, as illicit trade makes the problem of forced labor worse, pushing the achievements of the goals and human rights commitments further away.

III. ADDRESSING FORCED LABOR IN THE CONTEXT OF ILLICIT TRADE

A number of circumstances that characterize illicit economic activity are ideal for exploiting forced labor. In short, illicit trade is a category of the unregulated, untaxed informal economy. It is lawless by nature and prospers where gaps in law enforcement are weak and vulnerable. Moreover, these lawless actors are increasingly poly-criminal in that their illicit trading activities are often accompanied by other crimes such as money laundering and human rights abuses.

Informal economy

As previously mentioned, while not all informal activity is illicit, all illicit trade falls into the informal economy when it comprises activities that have market value and would add to tax revenue and GDP if they were recorded.

Informal economic activity can typically be characterized as operating outside of regulatory controls, featuring menial work with little or no job stability or security for workers. Markets for forced labor are also commonly associated with “labor intensive, poorly-mechanized activities, requiring a low-skilled labor force.”²⁰

These circumstances are similar to those commonly found in illicit operations, which are further characterized by serious safety and sanitary issues, where children are operating dangerous machinery without personal protective equipment, workers are sleeping in cramped quarters on filthy mattresses, there is a lack of adequate drinking water, and workers are prohibited from leaving their place of work or contact their families on the outside.

Lawless nature of illicit trade includes human rights abuses

Contrary to legal enterprises that operate in the open, and where transparency facilitates oversight of employee rights in the supply chain, illegal actors operate in the dark at the expense of those most vulnerable to abuse, including children, women, and migrant workers.

These criminal enterprises operate without regard to laws and regulations by sidestepping safety controls, contributing to environmental degradation, and engaging in IP theft, smuggling, fraud, and corruption. Their disregard for the law also includes abdication of legal frameworks governing employee rights. The European Commission captured this situation in pointing out that while “reputable companies that manufacture abroad respect [labor standards], dealers in fake goods don’t have reputations to protect and can mistreat workers – even children, forced to work in sweatshops – as much as they like.”²¹

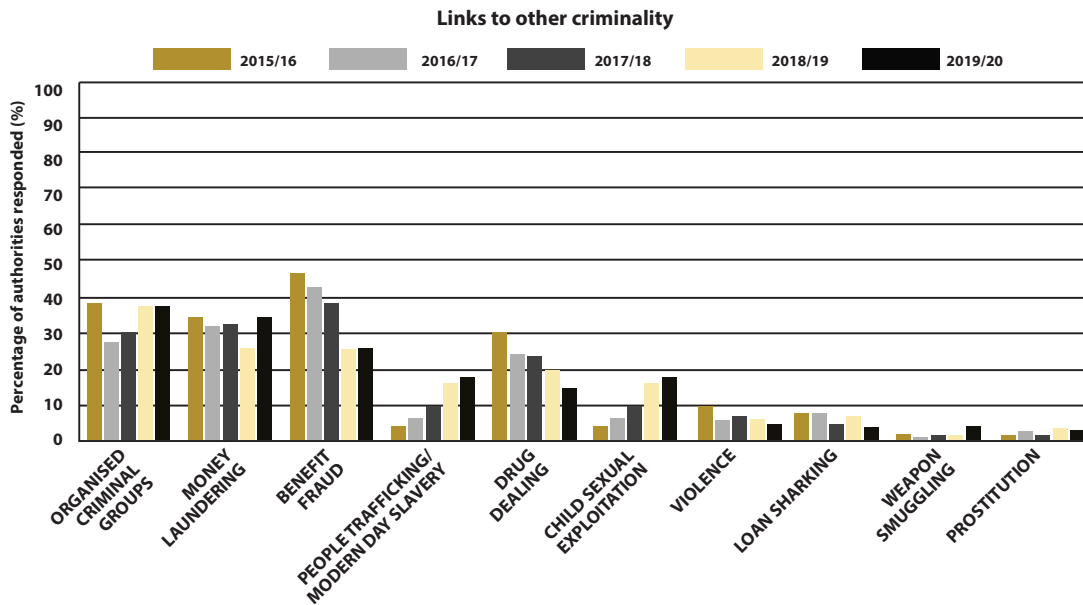
This view is echoed by conclusions from UNODC that the illegal nature of counterfeiting can create labor conditions “far worse than those seen in legitimate companies,”²² and instances such as threats of violence, exposure to hazardous materials, and deadly working conditions are much worse for workers in a clandestine setting, compared to “global companies whose supply-chain practices are at least open to some degree of scrutiny.”²³

Poly-criminality

Criminals often engage in more than one criminal activity to mitigate risks, reduce operational costs and increase profit margins. Europol reports that organized crime groups (OCGs) involved in trafficking illicit goods are the most poly-criminal groups in the EU, and that they typically traffic more than one illicit commodity such as counterfeit goods or different types of illicit drugs.²⁴ They also engage in the associated crimes of money laundering and human rights abuses in the form of forced labor.

A recent study by the UK Intellectual Property Office²⁵ shows that there are strong links between intellectual property crime (e.g., trademark counterfeiting and copyright piracy) and other forms of organized criminality. In presenting data collected over the last five years, the study included “Money Laundering” and “People Trafficking/Modern-day Slavery” among ten other crimes associated with intellectual property crimes. Figure 1 shows that while the reporting of money laundering as an associated crime has remained relatively flat, “People Trafficking/Modern-day Slavery” have increased steadily and significantly since 2015.

Figure 1: UK Trading Standards Officers’ responses to IP crime’s links to other criminality



Source: UK Intellectual Property Office & IP Crime Group. (2017). *IP Crime and Enforcement: Report 2016/17*. Newport: IP Crime Group. p. 10

In addition, various types of illicit products are often found together during raids or border inspections, indicating that a single criminal group will traffic multiple products using the same personnel, facilities, trade routes or supply networks. For example, officers of the Silesian Customs and Tax Office in Poland raided a warehouse and found both illicit tobacco and illicit alcohol on site.²⁶ In Slovakia, customs officials inspecting a truck at the border with Ukraine uncovered smuggled cigarettes, dried tobacco, and fake FILA-brand shoes and clothing.²⁷

These findings suggest that once the line has been crossed on what is legal versus illegal, then cutting corners and engaging in other associated crimes become common and, in some cases, necessary. In the case of money laundering, for an illicit trading enterprise to succeed, “it must be able to hide, move, and access the proceeds of its crimes [as] without usable profits, the criminal activity cannot continue.”²⁸ Across all forms of illicit trade, annual proceeds are estimated at more than \$2 trillion globally.²⁹

As explained by *Allain et al.*³⁰, illicit traders play off the fears of child, migrant and forced workers to help reduce risks of exposure to law enforcement, and “employers that have

control over workers through forced labour can leverage this control to reduce the risks of detection of their informal or illegal practices.”³¹ This is because “forced labourers, unlike free workers, are less likely to inform authorities on the shady practices of their employers [since they] experience considerable vulnerability and this vulnerability often prevents workers from contacting authorities out of fear of reprisal, loss of work, further precariousness, or even deportation.”³²

Human rights abuses, such as trafficking in persons for the purpose of forced labor, can be found throughout illicit trading sectors, and illicit traders seek forced labor for a variety of reasons, starting with the relatively lower cost – or no cost at all – of such labor, in terms of both compensation and benefits. As highlighted by the US Department of Homeland Security, “it is much cheaper to manufacture illicit goods because counterfeit and pirated goods are often produced [...] by workers who are often paid little—and sometimes nothing in the case of forced labor.”³³

IV. OBSERVATIONS OF FORCED LABOR IN ILLICIT OPERATIONS

In practice, the large-scale, informal underground economy operates in parallel to the global economy, where it steals Intellectual Property, builds manufacturing plants to produce counterfeits, operates “sweatshops” to produce fake apparel and footwear, and exploits maritime shipping, parcel delivery, e-commerce platforms and other nodes of the global supply chain that serve the legal world.

Among these crimes is the use of forced labor in illicit operations. The following sections of this report highlight sector- or product-specific examples of forced labor across eight illicit activities, including counterfeiting of apparel, footwear and luxury goods; counterfeiting of electronics machinery and equipment; illegal mining; IUU fishing; illicit tobacco; illicit pharmaceuticals; illicit pesticides; and illegal timber. Based on the evidence collected, there is a focus on manufacturing of illicit goods, but the report also shows that forced labor can be used further downstream, such as in the distribution and sale of counterfeit goods.³⁴ While the types of abuse differ across industry, a commonality is the blatant disregard for human rights and labor rights. Workers are treated as disposable components of the manufacturing and sales of illicit products, with little or no regard for their safety or life.

A. Counterfeit and pirated goods

The global trade in counterfeit and pirated goods accounts for the largest economic value of all forms of illicit trade.³⁵ The OECD reports that counterfeiting and piracy in international trade alone has grown from US\$250 billion annually in 2007³⁶ to US\$ 509 billion in 2016, representing 3.3 percent of world trade, and up to 6.8 percent of EU imports from third countries.³⁷ 2019 numbers are at a similar level, with counterfeits

representing an estimated 2.5 percent of world trade, and 5.8 percent of EU imports.³⁸ Examples of counterfeiting and piracy include apparel and footwear; luxury goods; personal electronic products; household and personal care products; pharmaceuticals and medical devices; vehicle spare parts; alcohol; tobacco; and copyright piracy of movies, television, music, live performances, computer software and video games.

This is a big business, with big demands for resources, transportation and labor. Over the years, considerable attention has been paid to the negative impacts of counterfeiting on consumer health and safety, such as faulty automobile brake pads or fake pharmaceuticals. However, consumers are not the only people harmed by counterfeits. There are significant human rights abuses associated with the manufacturing and sale of counterfeits.³⁹

Abuse of labor in the production and distribution of counterfeit and pirated goods is widespread. UNODC reports that:

“Migrants who have been smuggled into a country are coerced into selling counterfeit goods while irregular labour, including children, can be used in the production of counterfeit items.”⁴⁰

UNODC goes on to argue that:

“Given the illegal nature of counterfeiting, labor conditions could be far worse than those seen in legitimate companies where, despite regulations, mistreatment can happen. Severe labor abuses in the supply chains of even some of the world’s major brands have been well documented, with instances such as threats of violence, exposure to hazardous materials, and deadly working conditions all having been noted. If this can happen in global companies

whose supply-chain practices are at least open to some degree of scrutiny, then the situation would be much worse for workers in a clandestine setting.”⁴¹

At the national level, the US Office of the Intellectual Property Enforcement Coordinator highlights that:

”The behind-the-scenes production of counterfeit goods often involves human rights violations, including the use of child labor, forced labor, human trafficking, long hours and dangerous “sweatshop” working conditions, and payment of unlawfully low wages that do not cover living expenses.”⁴²

ILO further reports that clandestine workshops which employ large numbers of illegal immigrants that have specialized in copying and pirating well-established brand names employ “labor practices that are contrary to the most rudimentary principles of respect for human rights at work.”⁴³ In some cases, identity papers of immigrant workers are confiscated and workers are housed in hazardous and unhealthy conditions.⁴⁴ These practices have been confirmed by the UK’s Intellectual Property Office’s Asia Policy Head Huw Watkins, who reports that the criminals who engage in counterfeiting don’t care for the rule of law and they “certainly don’t care if they exploit individuals in the way they do business.”⁴⁵

In 2018, Northern Ireland’s Department of Justice warned customers that “purchasing counterfeit goods may ultimately fund an organised crime group and the profits may be used to help finance other illegal activities such as drug dealing and human trafficking.”⁴⁶ The Italian National Antimafia Bureau highlights the growing links between Chinese criminal organizations involved in the production and marketing of counterfeit goods and the Neapolitan Camorra, stating that Chinese immigrants are involved in the illegal immigration of their fellow citizens, who are then exploited in these illegal production and distribution structures in Italy.⁴⁷

“The organizations behind counterfeiting operations pay no taxes, obey no laws, support organized crime, contribute to official corruption, often employ child and illegal immigrant (and in some cases, slave) labor and generally have no social conscience (or fear of liability) when it comes to the dangers posed to consumers by the low quality, even dangerous, fake goods they inject into global trade.”⁴⁸

- Intellectual property lawyer Edward J. Kelly

A1. Apparel, footwear and luxury goods

Counterfeit apparel, footwear and luxury goods are global, billion-dollar industries that employ more than 30 million people.⁴⁹ Despite the high quality of the finished product, parts of the supply chain for textiles can utilize relatively low-skilled labor. As explained above, forced labor tends to migrate to relatively low-skilled applications,⁵⁰ presenting a “natural fit” for counterfeiters to use forced labor and child labor to assemble fake versions of these goods.

As Lusher points out in his report on counterfeiting, the complexities of global supply chains challenge legal companies to control vulnerabilities such as forced labor, but when it comes to illicit traders, “there are no accountability checks at all on the conditions in which fakes are made.”⁵¹ This include products which can pose serious health risks for consumers when counterfeiters use potentially harmful input materials or the human cost and suffering stemming from the use and abuse of forced laborers.⁵²

“Whether displayed on an online forum or at a stand on New York’s Canal Street, the counterfeit label disguises two things: a fraudulently made product and the human rights violations that went into the making of that product.”⁵³

- Angela Terese Timpone, Editor, Cardogo Public Law, Policy, and Ethics Journal

As evidenced in a speech by the publisher of Harper’s Bazaar, the industry is aware of these vulnerabilities associated with illicit trade and warns consumers of the harms of purchasing counterfeits; “Most people don’t know that by

purchasing fakes, they are funding child labor, terrorism, and drug cartels” and that “[t]here is a direct link connecting laundered money to these criminal activities.”⁵⁴



In *Knock Off: The Deadly Trade in Counterfeit Goods*, Philips further argues that:

“If you buy the real product, it may have been made by child labour, or in a sweatshop, but you can do something about it. For example, every legitimate Chinese product has to have the name of the factory and a phone number on it, so the factory can be inspected. If you know that a company exploits its workers, you can refuse to buy its products. [Conversely], if you buy a fake product, there’s no inspection of the factories and no way for you to find out what goes on there. But here’s a clue: a manufacturer who knowingly breaks the law to make the product and ship it, perhaps with dangerous design flaws, isn’t likely voluntarily to raise working conditions for the staff employed.”⁵⁵



“Many counterfeit goods are made in developing countries by gangs that have no regard for their workers. Know that with every counterfeit you buy, you are helping to employ slaves who toil in horrific conditions. They receive little pay and work at the whim of the bosses. While some may be more humane, you don’t know who treats their workers well and who doesn’t. Safety is never a concern for the counterfeiter, because you can literally just go out and buy more workers if you need them. You can sleep knowing that the handbag in your closet has given someone forced into labor a few more hours of breath while they pleased the master.”⁵⁶

- William Shepherd, Partner at Material Handling & Logistics

There are numerous examples where potential victims of forced labor have been identified in connection with counterfeiting apparel, footwear and luxury goods:

- In January 2021, the Police of São Paulo, Brazil, conducted a search and seizure in a property in the Belém region, after receiving reports that children were working and living in a clandestine sewing factory producing counterfeit Lacoste garments. During the seizure, the Police found 12 people, including children and family members, that working and living in the factory.⁵⁷
- In December 2020, the UK Gangmasters and Labour Abuse Authority (GLAA) found a counterfeit apparel factory that used exploitative practices and coerced workers to live at their workplace. GLAA director Daniel Scully said that, “where workers are being kept on premises, that’s really not a great situation for anyone to be in,” and that this particular environment is not one “where people should be overnight - it’s not a residential place, it’s full of paint, chemicals [and] screen-painting equipment.” GLAA also found allegations of suppressed earnings, meaning workers were putting in more hours than the books showed, and that paid salaries were making it back to the company, essentially being “clawed back from workers.”⁵⁸
- In October 2017, 31 Bolivian victims of trafficking in persons were found in a Chinese-run counterfeit factory of fake Tommy Jeans t-shirts in Buenos Aires, Argentina. The factory owner, Park Hyo Wom, was detained by the police.⁵⁹
- In a 2016 case in the São Paulo Metropolitan Region of Brazil, Guillermo Rivas Quispe, a Bolivian citizen, was charged with the crime of forced labor after authorities found that 14 Bolivian workers in his counterfeit clothing factory were subjected to work hours that exceeded 15 hours per day, at below minimum wage, in an unhygienic, unhealthy and dangerous environment, which lacked sanitary facilities, an adequate place for meals and drinking water. Workers had their wages withheld and told investigators that they were afraid of Guillermo. In this counterfeit factory that primarily produced knock-off Quiksilver and Hurley clothes, one employee was almost beaten to death for raising the fact that he had not been paid for three months. Guillermo was sentenced by The Federal Court of Justice to 5 years in prison.⁶⁰

- In December 2013, a fire in an Italian factory that was manufacturing counterfeit apparel resulted in the death of seven workers. The ensuing investigation revealed that they “had fourteen to sixteen hour workdays, no days off, and slept within the factory itself, which did not have any fire prevention or alarm systems.”⁶¹
 - Author Dana Thomas reported her observations after joining a police raid in a tenement in the Guangdong Province of China – one of the global epicenters for production of counterfeits – where she witnessed “two dozen sad, tired, dirty children, ages eight to 14, making fake Dunhill, Versace, and Hugo Boss handbags on old, rusty sewing machines.”⁶²
 - Thomas also reported visiting a sweatshop in Thailand where she saw “six or seven little children, all under 10 years old, sitting on the floor assembling counterfeit leather handbags.” She further reported a story told by an investigator who shared that, “the owners had broken the children’s legs [...] because the children said they wanted to go outside and play.”⁶³
 - In 2019, reporters from Norwegian TV2 and a representative from investigative firm Cerberus IP gained access to a Turkish factory producing counterfeit Louis Vuitton handbags. When walking through the factory, they observed children manning the machinery.⁶⁴
 - In October 2017, in Manchester, UK, police and immigration officers conducted a series of raids that yielded £2m in seized counterfeit versions of Adidas, Nike, Louis Vuitton and Rolex brands. In addition, the officers reported, “potential victims of slavery were identified and directed to support services to receive protection and rehabilitation.”⁶⁵
 - In 2013, three frightened, undocumented immigrants sewing fake Henry Lloyd, Adidas and Ralph Lauren logos onto about 6,000 polo shirts were found in a back room in Leicester, UK, being paid 70p a day and reportedly too terrified to say who was putting them to work.⁶⁶
- Other examples of serious exploitative practices include:
- In December 2020, a probe into a counterfeit clothing company in Leicester, UK, found workers sleeping on mattresses in the factory. This triggered the investigation to look into allegations of suppressed earnings and evidence that money paid to workers was being extracted back to the company.⁶⁷
 - In December 2017, following raids on 11 counterfeiting shops in Manchester, UK, law enforcement found evidence suggesting that forced labor was at play. Investigators reported modern slavery concerns, including arrangements for workers and how little they were paid, if they were paid at all.⁶⁸ The raids turned up three shipping containers “filled with seized fake clothing, handbags, trainers, perfumes and jewelry, with a total value in excess of £3m.” There were also thousands of designer labels intended for workers to attach to the products.⁶⁹ Investigators feared that the work of attaching these labels to the unbranded fakes were done in conditions similar to a sweat shop in the developing world. Local news reported that “thousands of fake designer goods [...] were seized, including 2,000 bags and boxes of counterfeit branded goods in the name of Adidas, Chanel, Ugg, Michael Kors, GHD, Beats/Apple, Nike and Superdry” along with a significant amount of cash.⁷⁰ Two large knives were discovered in the December raids, and one spotter “guardedly revealed recently that he was working to ‘pay off debts.’”⁷¹
- Forced labor is not only found in the manufacturing of counterfeit goods but also in downstream sales of these illicit products. For example, Europol reports that illegal immigrants – often from Africa or Asia – are “coerced by their facilitators to engage in street sales of counterfeits.”⁷²

- In Argentina, manteros – street vendors selling counterfeit merchandise on blankets in the streets – are an example of the downstream use of forced labor. The City Attorney General's Office in Buenos Aires reports that manteros are not self-employed. Instead, these street vendors are run by criminal mafia style organizations that take over public spaces, profit from poverty, evade taxes, launder money, harm legal commerce, and use slave labor. The City also confirmed that these mafia organizations are linked to the smuggling of merchandise and raw materials.⁷³ In August 2020, an investigation into a human trafficking network abusing Senegalese manteros in La Plata was launched. The vast majority of the Senegalese were undocumented and subjected to coercion, injuries and threats.⁷⁴ It was reported that the Senegalese immigrants arrived in Argentina with the promise that they would work in hotels and restaurants. However, once they paid a large amount of money for transit into Argentina, the mafia organization withheld their passports in lieu of debt repayment.⁷⁵

“Selling fake goods cuts across a huge number of other crime types – and that includes violence, drug dealing and modern slavery.”⁷⁶

- Huw Watkins, former senior police detective, now head of Asia policy at the UK Government's Intellectual Property Office

As evidenced by the sheer number of cases gathered in counterfeit apparel, footwear and luxury goods, forced labor is a pervasive problem in both the manufacturing and sales of the fake versions of these consumer products. In the words of Detective Sergeant Kevin Ives of The Police Intellectual Property Crime Unit (PIPCU), run by the City of London Police, “this is not a victimless crime [and] behind each counterfeit item there is potentially a string of victims.”⁷⁷

A2. Electronics machinery and equipment

According to the OECD, the fourth most commonly counterfeited and seized category of products by customs between 2014-19 was electronics machinery and equipment.⁷⁸ This category of goods includes – among other items – cellphones, batteries, domestic appliances, electric shavers, electronic cigarettes, solid-state storage devices, and other media for recording of for example sound.⁷⁹ In 2014-17, electrical machinery and electronics represented 35 percent of the global trade in fake goods, with an estimated value in 2016 of US\$ 138 billion.⁸⁰

Counterfeit electronics are often of sub-standard quality using unknown or harmful chemical/material input components, such as counterfeit batteries or devices that can generate heat burns or electric shocks.⁸¹

In addition to significant risks to consumer health and safety, forced labor is used in the manufacturing and sales of fake personal electronics products.

- The OECD has found organized crime in the audiovisual sector linked to human trafficking, “where Chinese pirates force the people they smuggle into Europe to work as distributors of pirate products to pay off their transport costs”.⁸² The UK government has also reported that mainland Chinese organized crime groups that are heavily involved in the distribution of counterfeit DVDs exploit illegal immigrants or asylum seekers to sell them on the streets in the UK.⁸³
- In 2015, following reports of possible counterfeiting activity, a raid in Brussels discovered an improvised production line for counterfeit smartphones. Europol and EUIPO's reporting of the case indicated that the people involved were being exploited, lived and worked in poor conditions onsite, and were in Belgium illegally with the use of false identity documents.⁸⁴

Copyright piracy of CDs falls into the same category of electronics machinery and equipment.

- In 2010, an investigation by the Harris County Sheriff's Office in Texas found a human smuggling operation, where the organization would pay the undocumented alien's smuggling fee from Mexico to the US and would then require them to pay off their smuggling debt by selling pirated CDs and DVDs in apartment complexes. According to the inditement, "the undocumented aliens were forced to live with the traffickers and if they did not pay their debts, they were assaulted, threatened with violence and intimidated [through] threatening phone calls to family members in Mexico."⁸⁵
- In 2008, over 400 Spanish police raided an organized piracy ring run by Chinese nationals in 10 different cities, arresting 32 persons. Seizures included over 162,000 recorded DVD-Rs and 506 burners, as well as 144,000 music CDs, and nearly 500,000 unrecorded discs. The organized piracy ring, run by gang leaders Zheng Rongliang and Lupeng Yang, were exploiting Chinese immigrant workers whom they illegally smuggled to Spain, "forcing them to pay off their travel debt under harsh conditions for a period of three to four years."⁸⁶

Taken together, counterfeit electronics and machinery is not a sector that is spared from forced labor. Forced laborers are abused by organized criminals in both the manufacturing and sale of illicit goods, with severe human rights consequences as a result.

B. Substandard and falsified medical products

Illicit trade in substandard and falsified medical products is an enormous global problem, with an estimated value of US\$ 4.4 billion.⁸⁷ In several African countries, falsified medicines account for between 30 and 60 percent of all medical products.⁸⁸ In the US, it has been estimated that one out of every hundred pharmaceuticals is counterfeit.⁸⁹

Since the onset of COVID-19, these figures have increased, with the falsification of COVID-19 related vaccines, therapeutics, and diagnostics in circulation. For example, Interpol reported that counterfeit facemasks, substandard hand sanitizers and unauthorized antiviral medication worth more than US\$ 14 million were seized and 121 arrests were made under their Operation Pangea XIII during 2020.⁹⁰ Similarly, the US Department of Homeland Security reported the seizure of more than 10 million counterfeit respirators.⁹¹



This situation has created significant opportunities for market, product and labor violations as illicit traders attempted to supply the world with fake products and remedies to COVID-19. For example, in the UK it was reported that "the fake masks are often made in unsterile sweatshops previously used to make phoney handbags or designer jeans."⁹² Similar to the organized criminals manufacturing counterfeit apparel and luxury goods, there is no incentive for illicit traders manufacturing counterfeit pharmaceuticals to respect human rights. There is no transparency into their operations, no labor inspections or other oversight into how the workers are treated, and no avenue for workers to enforce their rights. In other words, substandard and falsified medical products present high

probability scenarios for the use of forced labor, child labor and human trafficking.

- In March 2020, an investigation by the Indiana State Excise Police, US Department of Homeland Security and the Madison County Drug Task Force into the sale of fake Viagra resulted in the arrest of two men on felony charges of money laundering and dispensing a prescription drug illegally. Human trafficking was also investigated after agents who are trained to identify signs of labor and trafficking crimes observed common signs such as refusal to answer questions in relation to their identification and extreme nervousness around law enforcement.⁹³

C. Illegal mining

Many low-and-middle-income countries depend heavily on mining to develop their resource endowments as a component of wider national economic growth.⁹⁴ Studies carried out by the International Council on Mining and Minerals have found that the income from mining can contribute as much as 25 percent of total government revenue.⁹⁵ However, in some the world's most important gold mining countries, a substantial share of the mining and associated resource development is illicit. In 2016, it was estimated that 28 percent of gold mined in Peru, 30 percent of gold mined in Bolivia, 77 percent of gold mined in Ecuador, 80 percent of gold mined in Colombia and 80 to 90 percent of Venezuelan gold were produced illegally.⁹⁶

With its global scale and diverse operations, the mining industry has opportunities to mobilize significant human, physical, technological and financial resources to drive development across the world by creating decent jobs, enabling economic diversification, contributing taxes, and bringing vital investments and infrastructure to resource-rich but nonetheless remote and underserved areas.⁹⁷ It also supports social development and inclusion for millions of people employed in a wide range of businesses, building the skills of employees and bringing financial security and other benefits to communities where it operates.

Conversely, poorly managed or illegal mining and the subsequent trade in illegally sourced resources can lead to environmental degradation, human rights abuse and conflict, while providing a significant source of revenue for organized crime and terrorist groups.⁹⁸ Moreover, the presence of criminal groups in the mining and minerals sector drives corruption and negatively impacts stability, governance, development and the rule of law.⁹⁹



In evaluating the presence of forced labor in mining, it is important to differentiate between illegal mining and Artisanal and Small-scale mining (ASM). With ASM, the majority of workers work informally. As defined by the Global Initiative Against Transnational Organized Crime, “informal mining is conducted by miners who operate on a small-scale and have begun the process of formalisation but have not yet been able to meet all legal requirements.”¹⁰⁰ As such, ASM is not by definition illicit, nor does it imply that the workers are criminals. The informal, unregulated nature of their situation does, however, leave them at particular risk of labor exploitation and human trafficking by organized criminals.¹⁰¹

Illegal mining, on the other hand, is illegal from the outset. It is “carried out in blatant violation of the law” and “often linked to the corruption of government officials, human trafficking, money laundering, and contraband.”¹⁰² Illegal mines usually operate in protected areas and/or fail to comply with environmental, tax and labor law.^{103, 104} Verité states that “these mines are not necessarily small, and can operate with

international capital, with profits that can run into the billions.”¹⁰⁵ To put this into perspective, in Peru illegal mining is estimated to be more lucrative than drug trafficking.¹⁰⁶

Verité also argue that “because these mines operate clandestinely and fail to abide by the law, the workers employed in [there] are generally poorer, more marginalized, and more vulnerable to extreme forms of labor exploitation, including forced labor and human trafficking.”¹⁰⁷

There are numerous reports highlighting how the labor abuse in these illegal mining operations manifests itself:

- For the period of 2007 to 2011, the Peruvian Ministry of Labor reported that there were 48,000 victims of forced labor throughout Peru and highlighted the mining region of Madre de Dios as having one of the highest incidences of forced labor.¹⁰⁸
- In a study into labor conditions in the mining region Madre de Dios in Peru, Verité found evidence that miners were subject to unfree recruitment, work and life under duress, impossibility of leaving employer, and sex trafficking of adults and minors.¹⁰⁹ These are all indicators of forced labor. Moreover, the migrant workers appeared to be in exploitative labor circumstances, with no contract or benefits and long working hours in hazardous working and living conditions.¹¹⁰
- The US Department of Labor reports that “children in Peru work in informal and small-scale mining, particularly for gold, sometimes in situations of forced labor, and are exposed to hazards, including wall collapses, landslides, explosives accidents, and exposure to mercury and harmful gases. Near mining areas, children are also subjected to commercial sexual exploitation, sometimes as a result of human trafficking.”¹¹¹ Furthermore, “in 2019, the Government of Peru continued ‘Operation Mercury’ to combat the pervasive practice of illegal gold mining in the Amazonian region, which has historically fostered child labor, forced labor, and commercial sexual exploitation.”¹¹² In September 2019, during this operation, Peruvian authorities dismantled a

human trafficking network in Madre de Dios, arresting 15 people.¹¹³

- In Angola, the US Department of Labor and US Department of State reported on undocumented migrant children entering the country to work in illicit diamond mining, where “some experience conditions of forced labor or commercial sexual exploitation in mining camps.”¹¹⁴
- Investigations into massive illegal mining operations for mica in India found children as young as six years-old working in the mines. It was also estimated that between five and 10 children die in the mines each month, with the number of adult fatalities even higher. Reports state that “90% of the deaths are never reported because of the unwelcome attention they might bring.”¹¹⁵
- In Madagascar’s southern provinces of Androy, Anosy, and Ihorombe, several reports highlight the involvement of as many as 10,800 children ages 3 to 17 in the mining and sorting of mica.¹¹⁶ Not only are the children not in school, but they are exposed to injuries from digging mines and from falling rocks, experience trouble breathing as a result of the lack of oxygen in the mines and use of dangerous tools without any protective equipment.¹¹⁷

These examples expose the links between forced labor and illegal mining and show that it is a lucrative crime that preys on the vulnerable, abusing children and adults alike. Illegal mining is dangerous work that keeps the next generation out of school, and traps women, children and migrant workers in slave-like conditions.

D. Illegal, Unregulated and Unreported Fishing

Illicit fishing is a major global problem. Global losses to Illegal, Unregulated and Unreported (IUU) fishing have been estimated at some US\$ 15.5 – 36.4 billion, representing 14 – 33 percent of the global marine capture value.¹¹⁸ In West African waters IUU fishing may account for as much as 37 percent of all fish caught.¹¹⁹

Large-scale IUU fishing plunders the oceans, endangers food security, weakens economies, depletes fish stocks, and undermines conservation and management efforts. Furthermore, it deprives coastal fishing communities of income, undermines the rule of law, deprives states of revenues and distorts free and fair competition for law-abiding commercial fishermen. IUU fishing also supports associated illegal activity, including money laundering and tax evasion, and it creates a market for slave labor.



IUU fishing occurs when illicit operators harvest fish beyond established boundaries or above quotas. Specifically, IUU fishing refers to fishing activities that contravene regional, national or international fisheries conservation or management measures, or that occur outside the reach of these laws and regulations.¹²⁰ IUU consists of three distinct but related elements:

- Illegal fishing are activities conducted in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations.
- Unreported fishing refers to fishing activities (i) which have not been reported or have been misreported to the relevant national authority; or (ii) undertaken in the area of competence of a relevant regional fisheries management organization (RFMO) which have not been reported or have been misreported in contravention of the reporting procedures of that organization.
- Unregulated fishing is a broader term, which refers to fishing activities conducted by vessels without nationality, or those flying the flag of a country not party to a RFMO within the jurisdiction of that RFMO, or more generally fishing in a manner which contravenes the regulations of the RFMO.

Most research undertaken to date shows that human rights violations—including forced labor—are associated with IUU fishing and that these “instances of human trafficking in the fishing industry are reported to take place in most major regions of the world.”¹²¹ As an indication, the 2016 edition of the *US Trafficking in Persons report* showed that 54 countries were identified as destination or transit countries for human trafficking to support marine and freshwater fishing industries.¹²²

In addition to the significant economic and environmental costs associated with IUU fishing, the following examples illustrate the linkages to trafficking in persons for the purpose of forced labor.

- ILO reports that crews of IUU fishing vessels have been shown to be particularly prone to forced labor and human trafficking because of the isolation of the workplace, strong competition within the industry, and the ready supply of vulnerable workers.¹²³
- The Gangmasters and Labour Abuse Authority has reported an increase in reports of illicit shellfish harvesting involving labor exploitation, most of which suggest links between gangmasters and Asian restaurants.¹²⁴
- Reports also show that migrant laborers and fishers fall prey to human traffickers as victims of trafficking for the purpose of forced labor on board fishing vessels, in port, or in fish processing plants. These examples indicate that fishing operators and fish processing operators create a demand for victims of trafficking.¹²⁵

Box 1: Forced labor in the Thai fishing industry



While forced labor in IUU fishing is a problem throughout the world, Thailand accounts for one of the most notorious locations for abuse in the fishing industry. An extract from the 2019 *US Trafficking in Persons report* highlights the type of abuse that fishermen were subjected to in the Thai fishing industry:

“Labor traffickers subject Thai, Burmese, Cambodian, Vietnamese, and Indonesian men and boys to forced labor on Thai and foreign-owned fishing boats. Some are paid little or irregularly, incur debts from brokers and employers, work as much as 18 to 20 hours per day for seven days a week, and without adequate food, water or medical supplies. Some boat captains threaten, beat, and drug fishermen to work longer hours. Some trafficking victims in the fishing sector had difficulty returning home due to isolated workplaces, unpaid wages, and the lack of legitimate identity documents or safe means to travel.”¹²⁶

Focusing on the abuse of Burmese men, the US State Department reports:

“Senior crew aboard Thai-owned and flagged fishing vessels subject some Burmese men to forced labor through debt-based coercion, passport confiscation, threats of physical or financial harm, or fraudulent recruitment; they also subject some to physical abuse and force them to remain aboard vessels in international waters for years at a time without coming ashore.”¹²⁷

Similar abuse is reported on Cambodian workers:

“Cambodian men working on Thai-owned and -operated fishing vessels report deceptive recruitment tactics, severe physical abuse, underpayment or nonpayment of wages, restrictions on access to medical care, and confinement at sea for years at a time without permission to come ashore.”¹²⁸

What is reported on Burmese and Cambodian men is echoed for Indonesians, covering a wider set of national waters:

“Indonesian fishermen working on Taiwan, Thai, Malaysian, and Philippines-flagged fishing vessels operating in Indonesian, Thai, Sri Lankan, Mauritian, and Indian waters reported boat captains perpetrated pervasive abuse, forced labor, unpaid salaries, and, in some cases, murder. Dozens of recruitment agencies in Burma, Indonesia, and Thailand hire fishermen, assign them fake identity and labor permit documents, and force them to fish long hours in waters for low or unpaid salaries while incurring severe physical abuse. Boat captains and crews prohibit fishermen from leaving their vessels and reporting these abuses by threats of exposing their fake identities to the authorities or by detaining them on land in makeshift prisons. More than 7,000 Indonesian fishermen per year sign in and out of foreign vessels at the port in Cape Town, South Africa, reportedly facing dire working conditions, particularly on vessels owned by citizens of Taiwan, Korea, and Japan.”¹²⁹

While these reports do not make a distinction on whether forced labor occurs in the legal or illegal fishing sector, it is reasonable to believe that IUU fishing is more prone to the use of forced labor.

There are currently three active Withhold Release Order (WRO) issues by the US Customs and Border Protection (CBP) against fishing vessels,¹³⁰ and one WRO issued against an entire distant-water fishing fleet owned by the Chinese company Dalian Ocean Fishing Co. Ltd.¹³¹ This means that at all US ports of entry, CBP will detain seafood harvested by these three fishing vessels and fishing vessels owned by the Dalian Ocean Fishing Co. Ltd. The first-ever WRO against an entire distant-water fishing fleet for the fleet owned by the Dalian Ocean Fishing Co. was issued after the agency identified all 11 of the International Labour Organization's indicators of forced labor during its investigation including physical violence, withholding of wages, and abusive working and living conditions.¹³² On board Dalian Ocean Fishing Co.'s *Long Xing 629*, 4 crew members died, and the surviving 20 reported 18 hour work days without adequate food or water, confiscated passports, and physical violence. *Long Xing 629* was involved in finning endangered sharks, amassing nearly 800 kg of shark fins during its year at sea.¹³³

There are several additional reports of forced labor in IUU fishing:

- In 2018, Thai fishing boats *Sang Samut 3* and *Sang Samut 2* were under investigation for human trafficking and seized by Royal Thai Navy officers. Both boats were involved in illegal whale shark fishing off the coast of Phuket.¹³⁴
- Indonesia's navy detained a Thai refrigerated cargo ship, *Silver Sea 2*, off the island of Sumatra after it received illegal Indonesian catch from two fishing trawlers. The Thai captain was detained, and a human trafficking investigation was launched.¹³⁵

In sum, IUU fishing is far from 'lack of compliance with technical regulations' issue – it is an illicit trade where vulnerable populations are forced to work in inhuman conditions, without any possibility to escape their situation of abuse.

E. Illicit tobacco products

Illicit trade in tobacco is rampant with estimates indicating that 1 in every 10 cigarettes and tobacco products consumed globally is illicit.¹³⁶ The annual value of the illicit trade in tobacco is estimated at US\$ 60 billion,¹³⁷ resulting in a considerable loss of tax and duty revenue for governments and helping fund organized crime and terrorist groups.¹³⁸

Criminals engage in many forms of illegal trade in tobacco, including contraband cigarettes, counterfeits, illicit or cheap whites, grey market cigarettes and loose tobacco. Illicit trade in tobacco generally includes “any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.”¹³⁹ This can either be:

- Illicit manufacture: cigarettes produced in legal or covert facilities and not declared to tax authorities (e.g., counterfeits of established international brands, non-duty paid production for local consumption, duty and non-duty paid production for smuggling out¹⁴⁰); or
- Illicit importation: tobacco products produced/ brought in one jurisdiction and then illegally transported to another where prices or taxes are relatively higher, either for personal consumption or commercial exploitation (e.g., bootlegging and large-scale smuggling).¹⁴¹

The fact that tobacco products are easily transported and disguised, coupled with low penalties, makes this type of illicit trade a *high-profit, low-risk* source of revenue for organized criminal networks and terrorist organizations. It also presents the potential for the use of forced labor.¹⁴² Criminals are going to great lengths to stay undetected and keep costs down – with slave labor being a key component in this. The following cases show that when forced labor has been found associated with illicit tobacco, it is usually in the manufacturing of illicit tobacco products.

- In February 2020, the Spanish Civil Guard (supported by Europol, Lithuanian Customs Criminal Service (Muitinės kriminalinė tarnyba), Polish Police Central Bureau of Investigation (Centralne Biuro Śledcze Policji) and LEAs from the United Kingdom) dismantled an organized criminal group involved in illegal cigarette manufacturing and drug trafficking. What they found was a complete production line for illicit cigarettes hidden in an underground bunker, together with beds and living quarters for the workers. According to Europol, workers there were forced to work in extremely dangerous and toxic conditions and were not allowed to leave the facility. After the criminal leaders were arrested, the workers were left trapped in the underground bunker,¹⁴³ until they were found banging on the soundproofed trapdoor, gasping for air.¹⁴⁴

Europol also reported a similar case that uncovered workers being blindfolded when transported to and from the clandestine factory. Workers may have been paid for their work, but they were not allowed to leave, or to make contact with other people while working.¹⁴⁵

Another European case similarly deals with the intersection of clandestine production of cigarettes and forced labor:

- In November 2019, the Hungarian National Tax and Customs Administration (NTCA, Nemzeti Adó- és Vámhivatal) uncovered an illegal cigarette factory operating in a rented warehouse in Budapest. Upon arresting the ringleaders and 20 factory workers,¹⁴⁶ Europol and EUIPO reported that the workers had been forced to live and work in the factory, unable to leave the locked, soundproof, purpose-built rooms.¹⁴⁷

Workers were also housed in the illicit tobacco factory in two recent cases from Spain:

- In March 2021, a joint investigation by Spain's Customs Surveillance of the Tax Agency and the National Police resulted in the raid of two

factories dedicated to the illegal production of tobacco in Valladolid. The investigation began in November 2020, when Bulgarian authorities informed Spanish authorities that Bulgarian citizens would enter Spain with the intent to work in a clandestine tobacco factory. After months of surveillance, an inspection pointed to labor exploitation of workers. In addition to finding all the machinery necessary for the complete production of illicit cigarettes, investigators observed that the warehouse was fully equipped to house workers, including toilets, kitchen and sleeping quarters in order to avoid anyone having to leave the factory. A home address of one of the Bulgarian citizens was also searched. A total of ten mobile phones in airplane mode were found, which confirmed that the workers, in addition to being completely isolated from the outside world, were also deprived from any forms of communication in order to avoid informing anyone of their location. Eight Ukrainian nationals, and one Bulgarian national, were arrested.¹⁴⁸

- In January 2021, Spanish officials investigated an illicit tobacco factory in Andalusia and seized 45,500 packs of cigarettes, 4,200 kilos of sting and 10,320 kilos of tobacco leaf and machinery for making cigarettes. The raid also found workers who lived inside the warehouses crammed into a single room without windows. They were not permitted outside the warehouse, were denied contact with the outside world, and remained at all times under the control of the leaders of the criminal organization.¹⁴⁹

Clearly, these cases illustrate a complete disregard for the lives of workers forced into illicit tobacco operations while locked inside warehouses – either above or below ground – and even left to die after ring leaders were arrested. This shows how workers in illicit operations are essential but viewed as disposable.

F. Illegal pesticides

Agrochemicals and specifically pesticides are an integral part of conventional agriculture to help maximize crop quantity and quality by reducing pests and diseases that cause damage to crops and limit crop yield.¹⁵⁰ Given the widespread global use of pesticides – a market projected to reach US\$90 billion by 2023¹⁵¹ – it is not surprising that counterfeit and illegally-traded versions are finding their way into markets worldwide.¹⁵² The share of illegal pesticides in the global market is estimated as being as high as 25 percent.¹⁵³

Illegal agrochemicals include: obsolete or banned unauthorized pesticides; untested, unregulated, or unlicensed pesticides; unauthorized imports; counterfeit and fake pesticides; relabeled or mislabeled pesticides; and refilled pesticides containers.¹⁵⁴ These illegal pesticides are untested for safety and may contain unapproved and unknown impurities, uncertified chemicals, illegal formulations, incorrect proportions of active ingredients and have fraudulent or nonexistent guidelines for proper usage.

The trade and use of illegal pesticides present significant risks to human health in the forms of food toxicity, exposure to unsafe chemicals, and safety hazards associated with transportation and handling. Counterfeit and illegal pesticides often contain chemicals which are either banned or restricted due to the risk they pose to human health and/or the environment. Additionally, counterfeit and illegal pesticides are often falsely declared to avoid international labelling requirements designed to ensure safety during transport. As a result, highly toxic, flammable or otherwise hazardous substances are transported without regard to the safety of the staff handling the product, bystanders and the environment.

Profits from illegal pesticides represent a highly lucrative activity for organized crime, with criminal networks hiding their operations in complex global supply chains including repackaging, remarking and changing labels.¹⁵⁵ Europol reports that “the trade in illegal and counterfeit pesticides is organized by highly sophisticated criminal networks [and that] criminals have developed complex global supply

chains and exploit legal companies to camouflage their activities.”¹⁵⁶ As a criminal enterprise, there is little threat to the profitability of criminal activities with illegal pesticides. Moreover, criminals are unlikely to be apprehended as authorities are under-resourced and the penal system does not usually create a significant deterrent.

Organized criminals producing illicit pesticides are not only disregarding health, safety and environmental laws. There are also reports of their disregard for labor and human rights.

- In April 2021, NAS – Nuclei Antisofisticazioni e Sanità, a special unit of Italy’s Carabinieri in charge of monitoring that food supply chains are free of frauds – arrested 7 people between Terracina (Latina) and the province of Venice on charges of criminal association aimed at the exploitation of non-EU citizens in agriculture, extortion and use of unauthorized pesticides for greenhouse cultivation. The investigations identified 157 workers, and 224 liters of unauthorized plant protection products were seized. According to investigators, foreign citizens were subjected to conditions of exploitation and being forced to work in hazardous conditions without protective equipment.¹⁵⁷
- In February 2021, Turkish authorities raided and seized counterfeit pesticides worth 20 million Turkish Lira (approximately US\$ 2.4 million).¹⁵⁸ During the raid, investigators also identified refugees from Afghanistan that were being exploited by criminals for manufacturing the illicit pesticides.
- Another example of the close link between illegal pesticides and forced labor is a recent case from central Italy. NAS reported the seizure of 200 liters of irregular pesticide products arriving from China. Once on site, workers are forced work under the cover at night to conceal their application of illegal pesticides to agricultural land. They were also subjected to grueling working hours during harvest periods and were paid for far fewer days than actually worked (see Box 2).

Box 2: Forced labor and illegal pesticides in Italy



In November 2019, the Sikh agricultural workforce in Agro Pontino in the Lazio region of Italy once again took to the streets to protest against unacceptable working conditions, starvation wages and grueling working hours during harvesting periods. There are reports where laborers are being recruited by the gangmasters along the Pontine roads, getting paid for fewer days than actually worked, or being forced to work at night to ensure that no one can see that they are forced to use illegal pesticides. Workers were also subject to sexual abuse in the countryside.

Due to the toxic nature of the illegal pesticides that workers were forced to apply, there were many reports of illness and in turn physical abuse suffered by those who dared to report the illness or go to the hospital emergency room. Workers also reported on the harms of applying the sprayed pesticides, which are drawn into the nose and mouth while breathing. Most of these forced laborers were provided with no protective equipment, and when they were, the toxicity and strength of the illegal pesticides were so strong that they penetrated the gear, leaving injury to nose and chest.

Marco Omizzolo, researcher and sociologist with Eurispes, reports that:

“Certain doctors kept telling me about serious pathologies, even cancerous ones, skin problems, problems with the respiratory system, irritation spread throughout the body, always on the bodies of the workers, men and sometimes even women. We have found a combination that we define as perverse and dramatic, between labour exploitation, mafias, agromafias, and a question of health - public and environmental health. [...] They are completely clandestine, completely illegal, and are then spread, used by labourers, sometimes even at night, without any kind of protection, to be able to increase agricultural production. The consequences are dramatic. We know that the basic chemical elements are purchased on the Chinese market, are brought to Italy even passing through the ports of Gioia Tauro and Naples, are processed in clandestine laboratories probably in the hands of the Camorra and then sold to certain bosses, agricultural producers in the province of Latina, but also, we know, in Sicily. There are companies that have, we suspect, direct relationships with large mafia organisations. Eurispes claims that the turnover of agromafias is as high as around 25 billion euros every year, in agriculture alone. Our latest financial package is 30 billion euros, the agromafias make 25 billion euros every year. This is to give some idea of the business that is above and below this system.”

Sources: Rosa, R. (2019, November 18). *Lavoro e Veleni*. Tv7. <https://www.youtube.com/watch?v=ORuSY8JdMKs>

The Istituto Nazionale dei Tumori San Gallicano Regina Elena in Rome carried out a study on the consequences of illegal pesticides on the health of farm workers, starting with an analysis of the various dermatological tumors found on the skin of greenhouse laborers. The Institute reports findings of cutaneous lymphoma because of skin damage from toxicity, but that the damage is not limited to the skin. The most serious damage from working in the greenhouses is damage over time, due to absorption of these substances in the lungs, mucous membranes and blood, and therefore serious damage from the point of view of the risk of developing tumors.¹⁵⁹

Even for doctors, getting in touch with farm workers is not easy. Few workers have the courage to speak out against the working conditions, the complete lack of protection for the nose, mouth and hands, and the absence of any job protection, as “whoever reports it is threatened, beaten, or even killed.”¹⁶⁰

In sum, illegal pesticides are both produced and used by forced laborers. In both instances, worker health and well-being are at serious risk from the forced handling of toxic chemicals, especially in poorly ventilated spaces.

G. Illegal timber

The International Union of Forest Research Organizations (IUFRO) broadly defines illegal logging and related timber trade as including “all practices related to the harvesting, processing and trading of timber inconsistent with national and sub-national law.”¹⁶¹

The estimated annual retail value of illegal logging is US\$ 52 to 157 billion, making it the world’s most profitable natural resource crime, with knock-on effects of reducing government tax revenue on sales and exports.¹⁶² Illegal logging and illicit trade in timber undermines sustainable economic growth, economic development and environmental conservation. It not only puts the livelihoods of forest-dependent communities at risk, but also causes serious harm to workers.

There are several examples of forced labor being used in illegal logging. Observed instances of forced labor in illegal timber harvesting has included threats, violence, poor living and working conditions, a lack of formal contracts, and non-payment of wages. It also occurs in sawmills, where workers have to work excessive and unpaid overtime while having their documents retained and movement restricted.

The US Department of State’s *2019 Trafficking in Persons Report* shows that forestry workers, and in particular migrant workers, in the Czech Republic and Estonia have been subjected to forced labor, often by being compelled to work to pay off debt to their employers.¹⁶³ The US Department of Labor lists Cambodia, Vietnam, Peru, North Korea, along with Brazil and Russia – two of the largest timber-producing countries globally – as countries in which timber is at risk of being produced with child or forced labor.¹⁶⁴ While these reports do not make a distinction on whether forced labor occurs in the legal or illegal forestry sector, it is reasonable to believe that unregulated and clandestine illegal logging activity is more prone to the use of forced labor. By some estimates, up to 50 percent of illegal logging globally is dependent on forced labor.¹⁶⁵

- In Brazil, investigations have identified forced work, debt bondage, isolation, exhausting working hours and life-threatening activities at illegal logging camps. Furthermore, work was conducted without any protective or safety equipment for workers.¹⁶⁶ Since 2003, 931 enslaved workers have been rescued from logging activities in the state of Pará alone.¹⁶⁷
- Similar reports are coming out of illegal logging operations in the Peruvian Amazon. The abuse includes non-payment of wages, remuneration in kind, and sub-human working conditions. In the most remote areas of the Amazon – where workers cannot escape – their documentation is taken from them. Salaries are low and goods are expensive, which in turn initiates a debt cycle from which workers cannot break free.¹⁶⁸

- In Chihuahua, Mexico, a Global Initiative Against Transnational Organized Crime report from 2020 highlights a significant number of indicators of forced labor in illegal logging operations. Workers are subjected to hazardous working conditions – either working without the necessary personal protective equipment (PPE) or being forced to pay for PPE themselves, which is likely to reduce usage rates. The resulting health risks include everything from cuts and loss of limbs to severe injuries and even death from falling trees and timber. The fear of physical violence ensures

that workers follow orders and only leave their employment once they are permitted to do so. Furthermore, workers' movements are controlled by lookouts patrolling the illegal logging sites. Kidnapped minors and teenagers are also forced to: engage in illegal logging activities; work as lookouts, debt collectors and assassins for illegal logging operations; engage in the cultivation, trafficking and sale of drugs; and are paid with drugs for the purpose of being able to be controlled and manipulated.¹⁶⁹

V. CONCLUSIONS

“[Protecting] Human rights and [promoting] anti-counterfeiting initiatives have overlapping goals. That is, if counterfeit operations in (mostly) developing countries are forced to shut down, then a significant level of the forced labor is reduced and subsequently the level of fashion counterfeits entering the market.”²¹⁷⁰

- Angela Terese Timpone, Editor, *Cardogo Public Law, Policy, and Ethics Journal*

In its study of the incidence of forced labor in the activities of the illicit economy, this report has drawn its inspiration from the work of *ILO et al*, who advanced the premise that the underlying economic activity in global supply chains should be investigated as a source of demand for forced labor.

With that in mind, this report expands the investigation to the impact of illicit economic activity as a source of demand for forced labor, stipulating that if highly regulated commercial supply chains can be infiltrated with forced labor, then so can unregulated, untaxed, unlicensed illicit sectors and trading markets.

To make the case that greater attention must be given to the illicit economic activity as a source of demand for forced labor, this report has investigated the incidence of forced labor in eight sectors where illicit activity is, unfortunately, regularly reported. These sectors include: (i) counterfeiting of apparel, footwear and luxury goods; (ii) counterfeiting of electronics machinery and equipment; (iii) substandard and falsified medical products; (iv) illegal mining; (v) illegal, unregulated and unreported fishing; (vi) illicit tobacco products; (vii) illegal pesticides; and (viii) illegal timber.

While all forms of forced labor are intrinsically illegal, this report has focused exclusively on cases where forced labor occurs in illicit economic activity that runs parallel to legal supply chain

operations. This illicit economic activity can include manufacturing, downstream product distribution, trademark infringing activities and, in limited cases, upstream harvesting of illicit product.

As a result of interviews conducted with a wide range of companies, trade associations, government agencies, intergovernmental organizations, extensive desk research and conversations with investigators, this report has expanded the understanding of how organized criminals are using and abusing labor and demonstrated how forced labor/child labor/human trafficking intersect with multiple forms of illicit trade. It delineates examples of forced labor used explicitly for illegal or illicit operations, such as the manufacture or trade of counterfeit apparel, pharmaceuticals and pesticides, or cross-border smuggling of illicit alcohol or tobacco.

As this report shows, the unbounded, illicit underground economy is responsible for human rights abuses, specifically as a source of demand for forced labor, child labor and human trafficking. Far from being a victimless crime, women, children and men of all ages and race are forced to labor in illicit sectors, where they are abused by organized criminal criminals in their pursuit of profits.

Findings

- Incidents of forced labor are reported all along the illicit supply chain – from agriculture harvesting and minerals extraction upstream to counterfeit manufacturing and street-corner retailing further downstream.
 - Starting with the counterfeit phenomenon, this is far from a victimless crime. As is evident by the sheer number of cases of forced labor in counterfeit apparel, footwear and luxury goods, the use of forced

labor is a pervasive problem in both the manufacturing and sales of goods. Similarly, the manufacturing and sale of counterfeit electronics is also a sector where forced laborers are abused by organized criminals, with severe human rights consequences as a result.

- For illegal pesticides, forced labor is used for manufacturing and in the agricultural application of these toxic chemicals. In both instances, health and well-being are at serious risk.
 - Inhuman working conditions are present in IUU fishing. In this sector, it is not just a lack of compliance with technical regulations that we are dealing with. Human lives are at risk, with women, children and men trapped in situations of serious abuse.
 - Illegal mining is a lucrative crime that preys on the vulnerable, abusing children and adults alike. It is dangerous work that keeps the next generation out of school, and keeps women, children and migrant workers in slave like conditions.
 - Workers' treatment in the illicit tobacco clearly shows how workers are viewed as essential but disposable and left to die when operations are uncovered.
 - Forced labor is also being used in illegal timber operations, where workers are subjected to threats, violence, poor living and working conditions, a lack of formal contracts, non-payment of wages, excessive and unpaid overtime, and have their restricted. Minors and teenagers are also kidnapped and forced into illegal logging activities.
- There is a complete disregard by illicit traders for human rights and labor rights in their treatment of workers, where children, women and men alike are exploited and, at worst, viewed as disposable components of production. In many cases, they are being forced to risk their life or endure severe health consequences as a result of the abuse they have been subjected to.
 - It is difficult – but not impossible – to identify and mitigate labor abuses and enforce human rights in illicit sectors that purposely conceal detection and where regulatory frameworks (e.g., allowing for labor-related inspections) are weak and/or poorly enforced.
 - While significant work is being done to address forced labor, and significant work is being done to mitigate illicit trade, the nexus between the two topics is a largely unexplored area where further research and data collection is needed.
 - Government enforcement agencies report challenges they face in enforcing against goods based on human rights and labor abuses. For example, stopping goods for trademark violations is more straightforward than tracing a violation back to the use of forced labor. Consequently, if pursuing a trademark violation will more likely result in a seizure or penalty, this approach will be pursued and potential data on forced labor and human rights abuses in illicit operations is at risk of being lost.
 - It will be crucial to improve data collection efforts on associated criminal activity and labor abuses in trademark infringing operations. Without complete data and insights on how these organized criminal networks are running their operations, we are devising a response in the dark. This knowledge gap urgently needs to be addressed.

VI. RECOMMENDATIONS

The overarching takeaway from this report is that nations will not be able to successfully combat forced labor unless they also root out illicit trade in all its forms, as these illegal activities drive demand for continued and increased exploitation.

If human rights objectives are to be achieved, then more resources, better information and more effective cooperation across enforcement agencies are needed.

A legion of conventions has been passed – in the forced labor space and in the illicit trade space – but none address these issues jointly. The same can be said for an even greater number of laws that have been implemented. The political will to address forced labor certainly seems to be in place, but nonetheless, the problem persists.

Building on the findings from this report, and in order to encourage an effective policy response to forced labor in illicit trade, TRACIT has prepared a set of policy recommendations. These recommendations provide a “checklist” of fundamental measures that governments are encouraged to implement to improve their ability to defend against the wider societal harms of illicit trade, with a particular emphasis on labor violations and human rights abuses.

Big Picture

Apply a holistic approach to forced labor and illicit trade

Governments need to account for the interconnected nature of the challenge. A holistic approach is needed to address the significant number of interdependencies and overlapping problems relating to forced labor and illicit trade. While illicit trade manifests itself slightly differently across sectors, there are common denominators such as the involvement of organized crime groups and their abuse of workers in the pursuit of their illegal activities.

Commonalities need to be identified, and strategies developed with these insights as a backbone.

Intergovernmental organizations (IGOs) active in the forced labor and illicit trade spaces could consider developing a multi-stakeholder action plan on forced labor in illicit trade, taking into consideration existing government regulations and enforcement efforts, initiatives from the business community, and input from civil society stakeholders.

Ensure that policies and regulatory frameworks addressing forced labor include provisions investigating occurrences in illicit economic activity

While important steps have been taken to investigate and addresses the problem of forced labor at its root cause, namely the underlying commercial activity that can create demand for these labor abuses, the next logical – and necessary – step will be to ensure that these efforts are extended to the illicit side of global economic activity.

Foster political will and leadership

Addressing the threat of illicit trade on workers’ rights will require political will of government officials at all levels to prioritize the problem, actively pursue solutions and invest in enforcement measures. This study provides a first step, by raising awareness on the threat of illicit trade to achieving commitments to tackle forced labor, child labor and human trafficking. It is hoped that this work will also serve as a roadmap to help policy makers identify areas that merit greater attention and to formulate effective strategies to address the serious threats posed by illicit trade.

Enforce the provisions of existing international legal instruments addressing both forced labor and illicit trade

International treaties are a source of guidelines and legally binding standards aimed to drive national action and international cooperation. Given the transnational nature of both illicit trade and forced labor, treaties play a critical role in facilitating information-sharing for law enforcement purposes and providing common terminologies and concepts to ensure coordination by countries with different legal and institutional systems.

International treaties are an important indicator of a country's commitment to addressing forced labor and illicit trade. Their provisions need to be enforced to ensure continued progress in rooting out labor abuses in both licit and illicit economic activity.

Key international treaties directly related to illicit trade include:

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973
- Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, 1989
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994
- United Nations Convention against Transnational Organized Crime, 2000
- Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes Involving Threats to Public Health, 2011
- Protocol to Eliminate Illicit Trade in Tobacco Products, 2012

In the forced labor space, key international treaties are:

- Forced Labour Convention, 1930
- Minimum Age Convention, 1973
- Convention on the Rights of the Child, 1989

- Worst Forms of Child Labour Convention, 1999
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000
- Protocol to the Forced Labour Convention, 2014

Include anti-illicit trade policies as part of national plans to combat forced labor

The findings from this study demonstrate that illicit trade is a significant deterrent to achieving country commitments against forced labor. As governments go about formulating policies and implementing programs to combat labor rights abuses, efforts to reduce the deterrent forces of illicit trade need to be factored in.

Strengthen inter-agency collaboration

To address the intersection between forced labor and illicit trade, as well as the multifaceted problem of these issues, Governments should: (i) increase coordination across agencies responsible for law enforcement, labor, health, economic, security, finance and customs; (ii) increase information exchange among law enforcement authorities (e.g. police, customs, immigration, inspection, health agencies); and (iii) increase cooperation between investigative authorities and Financial Intelligence Units in the fight against money laundering and in upholding financial investigations.

Furthermore, it is recommended that countries promote joint training opportunities and exercises to ensure each agency understands the intersection between forced labor and illicit trade, as well as the constraints and expectations of other agencies in addressing both, to discuss/validate common procedures and, generally, encourage a culture of mutual support.

Improve capacities

Collect data to ensure evidence-based policymaking in the forced labor in illicit trade space

Additional data collected in the field is needed to improve our understanding of how illicit supply networks operate, and how they recruit, use and abuse their labor force. Governments should actively support data gathering efforts on the incidence of forced labor in illicit operations to improve the evidence-base for national and international policy-making and standard setting. Cross-sectoral and multidisciplinary analysis of the political economy of illicit trade at the country level, focusing in on how forced labor is playing a part, will be key. In particular, governments should:

- Build on private sector initiatives, such as that undertaken by TRACIT to collect and process data from investigations, raids, seizures and other measures along illicit supply chains.
- Expand private sector data collection efforts to include a greater number of companies and sectors.
- Expand data collection efforts to include a greater number of operational stakeholders, such as private investigative firms active in the anti-counterfeiting space.
- Collect more data via collaboration with government and civil society.

Strengthen investigative techniques to address human rights abuses in illicit trade and dismantle organized crime groups

Governments need to utilize the full spectrum of investigative techniques available to disrupt the activities of OCGs. Given the close link between forced labor and illicit operations, governments should consider assigning labor inspectors to raids aimed at disrupting illicit operations in order to effectively identify and address forced labor cases and assist victims in exiting their situations of exploitation. Furthermore, governments should increase awareness raising and training for law enforcement officials, prosecutors, and judges to ensure adequate law

enforcement related to forced labor and how to interact with victims of abuse.

Leverage technological innovations

Game-changing technological innovations can improve discovery and traceability of illicitly sourced product inputs and need to be catalyzed. A predictive model that red flags sectors and regions at risk of labor abuse in illicit trade needs to be developed and built with the goal of strengthening law enforcement's ability to detect, disrupt and dismantle these networks.

Improve public awareness and education on the threat of illicit trade and its link with forced labor

Efforts to address illicit trade are hampered by a lack of public awareness on its dangers and associated societal harms. To this end, local and regional educational campaigns and community-level awareness activities are essential to improve the understanding of the negative impacts of illicit trade. Organizations such as the OECD, UNODC and ILO are encouraged to continue their concerted efforts to quantify and communicate the costs of illicit trade and forced labor as isolated issues, but also to address how these two issues intersect.

Step up anti-illicit trade interventions

Organized criminals engaged in illicit trade are driving demand for forced labor. By prioritizing the fight against the illicit trade and implementing and enforcing measures to mitigate it, governments can effectively curb demand for forced labor in these applications. To do this, policymakers are encouraged to:

Appoint an Interagency Anti-Illicit Trade Coordinator

In order to successfully achieve strong and efficient interagency collaboration, countries should designate an "Anti-Illicit Trade Coordinator" with high-level authority to raise the profile of the issue, oversee coordination of relevant government officials and agencies, and allocate necessary financial and personnel resources.

They may also consider the establishment of multi-agency task forces at the ministerial level in charge of defining policies, monitoring and collecting data on forced labor in and across specific illicit trade sectors.

Strengthen criminal penalties

Ensuring that criminal penalties offer adequate levels of deterrence should be a priority to limit opportunities for illicit traders to exploit countries and markets where weak penal regimes persist. In addition to court-imposed penalties and fines, consideration should be given to rescinding business licenses from retailers, manufacturers and distributors involved in illicit trade.

Tighten controls on money laundering

Denying access to entities and mechanisms used to launder proceeds of crime—and thereby depriving criminals and their networks of related profits—is one of the most effective ways to deter illicit trade. This requires a holistic, comprehensive anti-money laundering regime including the ability to trace, freeze, seize and confiscate assets related to illicit financial flows.

Strengthen the customs environment

Customs and other border control agencies have a key role in combating illicit trade at the border, with officers on the front-line conducting inspections and detecting and seizing illicit goods. A strong, clean, customs environment contributes strongly to combating illicit trade. Conversely, corruption at the border is a significant non-tariff barrier to trade that hampers economic growth and trade performance. Recent figures from the OECD show that improving integrity policies in customs alone has the potential to reduce trade costs by 0.5 and 1.1 percent.¹⁷¹ If customs' role is compromised, the system fails and enables opportunities for illegal trade, criminal activity, illegal financial flows and trafficking in products and persons. Promoting a better customs environment through enhanced public-private dialogue in cross-border processes can create significant benefits for society, as well as the public and private sectors.

Strengthen law enforcement efforts

Criminalizing illicit trade with deterrent sanctions is only as effective as the actions taken by the law enforcement community. Effective enforcement depends on high levels of coordination and the availability of adequate funding and training sufficient to address new challenges and patterns. Governments also need to respond to the magnitude of the problem by not only amending national laws and regulations, but also: (i) introducing legislation that targets various forms of illicit trade issues, such as the recent efforts of the US government to fight against illicit trade in wildlife¹⁷² and tobacco;¹⁷³ and (ii) adapting their enforcement legislation and court procedures to a reality in which illicit operators covertly utilize a range of modern communications technologies and adeptly manipulate privacy laws to structure their international operations to remain undetected or to increase the costs and difficulty of detection.

Implement strong anti-corruption regimes

Strong anti-corruption regimes at the level of customs/border control, criminal justice officials and regulatory/inspection authorities are key in tackling illicit trade. Addressing corruption at all levels of government must be tackled head on if strategies to combat illicit trade are to have any chance for success.

Strengthen IPR legislation and enforcement

Strong IPR legislation needs to be in place, including the minimum standards required by the WTO agreement on Trade-Related Aspects of Intellectual Property (TRIPS), and the enforcement of these provisions need to be prioritized. Policymakers also need to ensure that strict penalties for counterfeiting are in place; that customs officials are authorized to perform inspections and make provisional seizures of counterfeits, including goods in transit/transshipment; that there are measures in place that govern the destruction of counterfeit/illicit goods; and, that there is a consistent scrutiny of producers and importers of counterfeit goods.

In addition, policymakers are encouraged to ensure an expedited adjudication of counterfeiting and piracy cases presented to authorities.

Promote public-private partnerships

Public and private actors can play an important role in determining a responsive, evidence-based work program for addressing forced labor in illicit trade. Governments should promote the creation of private-public partnerships to bring key industry and government stakeholders together to define strategies, share know-how, intelligence and data, improve risk assessment, strengthen enforcement efforts and improve awareness.

APPENDIX: METHODOLOGY

For this project, TRACIT has undertaken desk research on forced labor in eight sectors of illicit trade and have conducted interviews with a wide range of companies, trade associations, government agencies and intergovernmental organizations to learn how organized criminals are using and abusing its labor force. The interviews and conversations ranged in duration between 30 minutes to an hour. They were not recorded, but detailed notes were taken.

Through discussions with the private sector, TRACIT has gained insight into how they run their counterfeit investigations as individual companies as well as within their sectors. TRACIT learned that forced labor is playing a part in both the manufacturing and sales of illicit goods. Not only are forced laborers' lives at risk in the manufacturing of illicit goods, but also when - in the case of for example illicit pesticides - forced laborers in the agricultural sector are forced to use these toxic products. Children, women and men alike are exploited. What stands out are illicit traders' complete disregard for human rights and labor rights in their treatment of workers. While an essential input into their criminal organizations, workers are viewed as disposable.

TRACIT has spoken with government enforcement agencies on how they address the nexus between forced labor and illicit trade,

and the difficulties they face enforcing against goods based on human rights and labor abuses. Stopping goods for forced labor is difficult, which means that if there is a trademark issue to go after, that is what is most likely to yield a result and the route that will be taken. This results in a lack of data on forced labor and human rights abuses in illicit operations.

From the international organizations, the main takeaway was that this is a largely unexplored area where further research and data collection is needed.

TRACIT has designed and launched an 11-question survey for use in the field by vendors or brand representatives participating in surveillance, investigations and raids of illicit operations to record observations of forced labor and associated criminal activity. A briefing package on the topic and roll out, a training program and a data reporting tool to facilitate the data collection process was also provided. The findings from this data gathering effort will be published in a stand-alone report.

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Transnational Alliance to Combat Illicit Trade
209 W 29th Street, New York, NY | +1.917.815.2824
email: info@TRACIT.org | TRACIT.org