

Tackling human trafficking for labour exploitation in the Netherlands: From criminal justice to social justice

Although labour exploitation has been criminalized as human trafficking, also known as labour trafficking, forced labour, or modern slavery, globally, many cases remain undetected. Previous studies have suggested that in part, this underreporting is due to low levels of self-identification of victimization of labour trafficking. Low self-identification suggests that a discrepancy exists between legal definitions of labour trafficking victimhood and the lived experiences of work and employment by what are often labour migrants. This contribution, based on ethnographic research into labour relations in migrant businesses in the Netherlands, argues that a criminal enforcement perspective does little justice to the experiences and wishes of labour migrants. Labour migrants may value their work conditions as a temporary arrangement to achieve upward social mobility and consider labour conditions from their home country's work and income standards. Therefore, such migrants may perceive themselves as active agents of their destiny who make their own decisions in engaging in certain working conditions and not as passive victims of exploitation. For this reason, this paper argues for a social justice perspective on labour exploitation that has more attention for the capabilities and functioning's of labour migrants, where working in adverse labour conditions can also be considered a pathway towards social mobility

Human trafficking – labour exploitation – criminal justice – capabilities and functionings