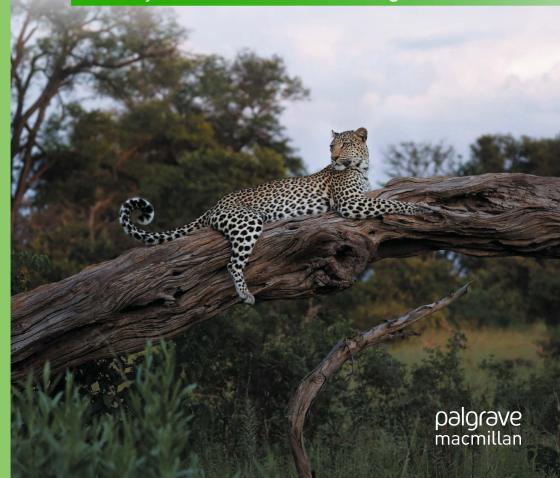
Global Green Crime and Ecojustice

Edited by Daan van Uhm · Dina Siegel



Palgrave Studies in Green Criminology

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Criminologists have increasingly become involved and interested in environmental issues to the extent that the term Green Criminology is now recognised as a distinct subgenre of criminology. Within this unique area of scholarly activity, researchers consider not just harms to the environment, but also the links between green crimes and other forms of crime, including organised crime's movement into the illegal trade in wildlife or the links between domestic animal abuse and spousal abuse and more serious forms of offending such as serial killing. This series will provide a forum for new works and new ideas in green criminology for both academics and practitioners working in the field, with two primary aims: to provide contemporary theoretical and practice-based analysis of green criminology and environmental issues relating to the development of and enforcement of environmental laws, environmental criminality, policy relating to environmental harms and harms committed against nonhuman animals and situating environmental harms within the context of wider social harms; and to explore and debate new contemporary issues in green criminology including ecological, environmental and species justice concerns and the better integration of a green criminological approach within mainstream criminal justice. The series will reflect the range and depth of high-quality research and scholarship in this burgeoning area, combining contributions from established scholars wishing to explore new topics and recent entrants who are breaking new ground.

Daan van Uhm • Dina Siegel Editors

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Foreword

Green criminology has now—for decades—been pushing the boundaries and expanding consideration of what constitutes harm. Harm transcends notions of legality; it includes the lawful and unlawful, the administrative violations as well as the criminal ones. For many green criminologists, harm also transcends humans; it includes people, but also all parts of nature—the non-human is central to consideration. Regardless of the species—and not only species but also ecosystems and the environment—the criteria for something to be environmentally harmful are suffering, damage, injury, injustice.

(In)justice is also a concept that green criminology has challenged understanding of. And this edited collection furthers this debate. Ecological, or ecojustice, is justice for non-human nature (Washington et al., 2018) or the justice between human and non-human species (Naess, 1973). To have a just relationship with the Earth and all the beings on it, humans should minimize—or, at best, end—suffering, damage, and injury. From a largely global perspective detailing examples from Africa, America, Asia, and Europe, the chapters in this collection explore the myriad ways in which humans act unjustly with regard to the non-human. Many of these instances involve non-human animals as victims of illegal hunting and wildlife trafficking. They are taken from their homes, kept as companion animals, forced to race, or killed for food or medicine. All these situations are forms of injustice—to the individual

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non-humans who become victims, to non-human animal communities who lose members, and to the larger environment due to the degradation and disruption of ecosystems.

As the collection documents, eco-injustice is not confined to non-human animals. Human-induced wildfires are decimating landscapes as are human wars. The undeterred and unsustainable use of fossil fuels has set climate change in motion; this, in turn, is already impacting nature and human communities. In terms of human responses to climate change, one consequence is humans preying on other humans by trafficking them when they are forced to move.

The scale of injustice can be overwhelming, but contributions to the collection offer ways forward. One is foregrounding justice in the international justice system by recognizing ecocide as the fifth crime against peace within the Rome Statute. This would mean severe environmental harm becoming an internationally defined criminal offence. Another is expanding the use of restorative justice systems for green crimes so that when there is an injustice a remedy is central to the punishment. As the collection concludes, however, there are challenges for the furtherance of ecojustice. On a planet largely continuing environmental exploitation to sustain often lavish human lifestyles, where is the entry to scale up ecojustice? For anyone interested in learning more about the differing forms of eco-injustice and how even small improvements can be made to achieving more justice for the nonhuman, this collection is a vital resource.

Vienna, Austria

Tanya Wyatt

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The Hidden Toll: Women and Girls in the Intersection of Climate Change and Domestic Servitude

Nieves Sanz Mulas

Climate Emergency and Human Displacement

Human activity has been so crucial in determining the climate of the last two centuries that we can speak of a new geological interval: the Anthropocene. This new epoch of the Earth is characterized by the dominant influence of human activity on climate and the environment (Felipe, 2019). The advance of neoliberal economic policies and the unstoppable state deregulation have increased inequalities and caused unprecedented global environmental degradation. According to the Intergovernmental

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Panel on Climate Change (IPCC, 2021), temperatures have already risen by an average of 1.1 °C, and this, together with unprecedented population growth, has had serious negative effects on health and the availability of food and water¹ (UN, 2019). Shortages of basic resources have led to the displacement of large groups of people known as climate migrants (Felipe, 2019). This chapter reviews the literature to demonstrate the relationship between climate migrations, gender, and domestic servitude, a necessary feminist approach that has not been adopted in consequent measures.

According to Haley and Arrigo, "climate change is a primary driver of migration, including both migration within countries of residency and immigration to other countries" (2022). The reference names in the study of this phenomenon are Lester Brown (1976) and Essam EL-Hinnawi (1985). However, it was not until 2019 that the International Organization for Migration (IOM) included climate migration for the first time in its glossary on human mobility, which it defines as: "the movement of a person or groups of persons who, predominantly for reasons of sudden or progressive change in the environment due to climate change, are obliged to leave their habitual place of residence, or choose to do so, either temporarily or permanently, within a State or across an international border" (IOM, 2014). As Agnew describes, "drought will force farmers and herders off the land; sea-level rise will force coastal inhabitants to move; social conflict will force many to flee to safer areas (more below); and extreme weather events and forest fires will destroy homes and livelihoods—again prompting migration. ... While a portion of this migration will cross borders, much of it will be internal. Many of the migrants will move to megacities in developing countries, which are often polluted, overcrowded, and lacking in basic infrastructure such as clean water and sewerage" (2012). A good (and very sad) example is Bangladesh.

¹The number of inhabitants worldwide will increase from the current 7.7 billion to 9.7 billion in 2050. This figure will continue to rise to 11 billion by 2100. India will become the most populous country from 2027 (1.45 billion inhabitants) and China will move into second place (1.065) followed by Nigeria (733), which will overtake the United States in fourth place (434 million inhabitants). Sub-Saharan Africa will see the largest population increases. Countries such as Niger, Angola, Tanzania, Somalia, Somalia, Zambia, Burundi, Republic of Congo, Burkina Faso, Mali, and Mozambique will see growth of more than 300%. At the other extreme, Europe will lose population, with countries such as Poland and Romania registering declines of more than 38%.

In an average year, about 20% of the land area of the country is flooded in one or other part of the country. Floods, therefore, are an important climatological factor pushing migrants from coastal areas to the cities, especially the country's capital. According to World Bank approximately 300,000 to 400,000 people migrate to Dhaka each year, a lot of them living in slums and squatter settlements (CEAR, 2021). Overcrowding and lack of planning is creating traffic jams, pollution, land grabbing, imbalance in the climate, and impossible daily demands for energy and water. That is, these people face problems of sanitation facility, lack of safe water, shortage of water and poor congested shelter, which makes them even more vulnerable (Islam et al., 2018).

The challenge now is to quantify to this phenomenon. The most reliable data come from statistics related to the impact of disasters on internal migratory movements (Global Report on Internal Displacement) of the Internal Displacement Monitoring Centre (IDCM). In this regard, while 18.8 million were counted in 2017 (1.3 million associated specifically with droughts) (IDCM, 2018), the figure fell to 17.2 million in 2018 (IDCM, 2019), rising again to 24.9 million in 2019, which is three times the number of displacements caused by conflict and violence (8.5 million). In 2023 alone, disaster displacement was detected in 148 countries and territories, with significant events across six continents. Some high-income countries, such as Canada and New Zealand, reported their highest figures ever (IDCM, 2024).

Since the 1990s (Lynch, 1990; South, 1998), green criminology describes some of the ways in which global warming and climate change may impact the (im)mobility² of those who have contributed the least to anthropogenic climate change (Brisman et al., 2018). How they are the ones who suffer most from its extreme events: drought, floods, and disease.

As an inherently unjust phenomenon, climate change takes its toll on impoverished countries. Although climate change is a global phenomenon, the responses to it are grossly inequitable. While rich nations protect

² Having the need to migrate does not mean being able to do so. Those who are forced to leave their families and friends, home, livelihoods and land, may become "climate refugees". Those who remain involuntarily, because they don't have the necessary means to migrate (money, contacts, skills, etc.) to migrate, may become the "climate abandoned".

their cities with expensive seawalls and storm barriers, areas inhabited by the poor and indigenous people remain at the mercy of storms and rising seas.

In short, we face a complex, heterogeneous, and multifactorial issue that affects, above all, the neediest and socially isolated people in cities and rural areas. This is due to their close relationship with their environment, the lack of resources, and the remoteness of the institutions and political power that allow for a rapid and adequate response. "It's always the poor who are hurt the most because they are less able to absorb the shocks and adapt because they have fewer assets" (Vidal, 2011). And as every vulnerable group has within it a group that is always more fragile, the situation for women and girls becomes considerably more complicated. Approximately 80% of climate refugees are women (Haigh & Vallely, 2010). "As climate disasters increase, women and single-mother households displaced bay such events are forced to resettle elsewhere" (Henrici et al., 2015).

Female Climate Migration and Human Exploitation

The Feminization of Migration

This new era of global conflicts and economic (under)development has led to millions of women migrating, a clear effect of the "global feminization of poverty". These disparities have more to do with social positions within families and communities than genetics. Among the complex and multiple reasons behind female migration, factors related to social constraints stand out. Constraints influenced by models of "sexual selectivity" perpetuate women's submissive roles: domestic violence, marital break-ups, the impossibility of getting a divorce, "desires for self-improvement", racism, or sexism.

And what happens if environmental degradation is added to all this? Generally, women face various vulnerabilities in the context of climate change (intersectionality). Green criminology analyzes the impact of sexism, racism, and capitalism at the intersection of climate justice and the

literature shows that poor women and women of color are impacted the most by climate change. But gendered vulnerability to climate change is not due to characteristics intrinsic to women as a group, "the same cultural, historical, political, and economic factors that influence the cycle of poverty disproportionately impacting women are also responsible for the inequitable distribution of climate change impacts" (Haley & Arrigo, 2022).

To begin with, in times of crisis, men flee earlier while women stay longer in their homes to protect them. In many countries, women are supposed to care for and protect children and the elderly, as well as the family's household property, which hampers their own rescue efforts in almost any type of natural disaster (Schwoebel & Menon, 2004; Alston, 2013). As a result, the harm suffered by women in relation to climate impacts is both direct (death, injury) and indirect (less access to education, fewer opportunities for economic development). More women than men usually die in natural disasters due to social inhibitions, dress, and a lack of survival skills (swimming, climbing trees, etc.) (Neumayer & Plümper, 2007; MacDonald, 2005).3 Even food insecurity caused by climate change affects the female population more: in much of the world, women are systematically discriminated against and do not have equal access to resources such as land, water, seeds, fertilizers, or credit for production (Dominelli, 2013). Although women are responsible for approximately 50-80% of the global food-producing workforce, they only own around 20% of the land (Pachauri & Meyer, 2014). In the end, it is also women who are the first to see their food consumption reduced in the face of extreme weather events.

In most cases, disasters place an additional burden on women and girls, as they are responsible for unpaid work (providing care, water, and food for households, etc.). In Kenya, 85% of women's energy is used to fetch water, which—in times of drought—can take up to eight hours a

³A 2005 study on the aftermath of the tsunami in Indonesia, Sri Lanka, and India found that the rate of men who survived the storm outnumbered surviving women by four to one. Another study conducted in 2007, which looked at natural disasters in 141 countries over a 20-year period, found that women represent the majority of those most impacted by climate disasters and are 14 times more likely to die in a disaster than men. These disparities are reduced in countries where women have increased socio-economic power.

day (Duncan, 2007). This work overload is not compensated by an increase in caloric intake, since some cultures have food hierarchies and women are relegated to last place despite of their increased needs during menstruation, childbirth, and breastfeeding (Sorensen et al., 2018). This is the case, for example, in sub-Saharan Africa, where cultural rules mean that women consume fewer calories despite lifting much heavier loads than men (FAO, 2000).

In short, being poor and being women means that they are doubly affected by climate change (and it is even worse if they are indigenous) with climate change affecting their basic livelihoods. Food, water, and energy (e.g., firewood) are usually provided by women; therefore, it is women who are most affected by their depletion. In Africa, for example, women are often involved in agriculture, so water scarcity puts them and their families at risk, increasing their workload as they must spend much of their time fetching water. Women and girls are the ones who must collect water in 8 out of 10 households. Of course, this work is neither recognized nor remunerated and ends up meaning they are unable to attend schools (Molinares & Echeverría, 2011; Lane & McNaught, 2009). Climate migration is thus another gendered process that does not receive adequate attention and protection (IOM, 2014).

Human Exploitation of Migrant Women and Girls

Millions of women, expelled from their homes, find themselves ensnared by harsh immigration laws, exacerbating their vulnerability and rendering them perfect targets for trafficking and both sexual and labour exploitation. If work and employment opportunities are limited and if resources are scarce in the receiving region, this could create conditions ripe for human trafficking of migrant women and girls (Brisman et al., 2018). As displacements, migration, and service disruptions increase due to climate disasters, vulnerability to human trafficking also increases. Research shows the relationship between unstable housing and unemployment with involuntary and voluntary entry into sex work. Once a woman enters sex work, the cycle of poverty becomes more pronounced as an increased dependency on others emerges and socio-economic power declines (Gerrard, 2017).

However, this escalating human exploitation often remains concealed for several reasons. Firstly, the crime is frequently mistaken for offences against workers or, more commonly, conflated with migrant smuggling. Additionally, the criminal justice system's inadequate investigative capacity, compounded by prevalent corruption, further obscures these injustices. Moreover, the circumstances of female workers whose prevailing cultural norms—such as the perception that caregiving is exclusively women's responsibility—often renders reporting impossible. Furthermore, the victim's imperative to sustain employment leads many women to be reluctant to cooperate with authorities and leads many to opt for collaboration with traffickers over repatriation. In some cases, victims even seek to advance within the labour hierarchy, transitioning from being exploited to becoming exploiters (Villacampa, 2022a).

Ironically, human trafficking and exploitation serves a precarious labour market that exists as a complement to the capitalist economic system (Hurtado & Pereira-Villa, 2018). While capitalism has fostered efficiency in certain production processes and reduced poverty rates in some regions, its emphasis on economic accumulation has also facilitated the exploitation of individuals within labour markets (Villacampa, 2019). Referred to as the "modern Indies Companies", these entities profit from the influx of desperate migrants, exemplified vividly in Spain through industries such as the cultivation and harvesting of "red gold" (tomatoes and strawberries), with revenues from such activities even included in the GDP. This paradoxical scenario underscores the failure to incorporate this economic dimension into policies aimed at preventing and prosecuting these crimes (García-Sedano, 2020).

Slavery and Domestic Servitude of Climate Migrant Women and Girls

The Feminization of "Dirty Work"

A quintessential example of labour exploitation affecting women and girls is found in domestic service, encompassing tasks such as cleaning and caregiving for the elderly, sick, disabled individuals, children, and

pets. The crucial question arises: who undertakes this vital work, essential not only for sustaining human life but, paradoxically, also for maintaining the functioning of the liberal capitalist system? This labour, often labelled as "dirty", involves tasks and roles perceived as repugnant and degrading. The term "dirty" here stems not from the nature of the work itself but rather from its devaluation and pejorative perception, both individually and socially constructed (Lerussi, 2020, p. 409). This labelling, however, significantly impacts the working conditions associated with such tasks, resulting in diminished rights and guarantees, precarious employment contracts often in temporary or part-time formats, heightened levels of informality, and even instances of labour exploitation. Workspaces are characterized by substandard conditions, with limited or no organizational or union representation, and frequently lack legal recognition as legitimate employment (Lerussi, 2020).

In essence, dirty work is structured along social hierarchies based on various factors such as class, race, ethnicity, migratory status, sexuality, and gender. Predominantly, individuals engaged in such tasks are Black, Latino, Caribbean, Asian, indigenous, migrant, and predominantly female. The feminization of poverty exacerbates this dynamic, pushing women and girls into domestic labour and facilitates their exploitation. Given that women often shoulder the responsibility of supporting children, they bear a disproportionate burden when social welfare programmes are cut or entire sectors, such as agriculture, collapse. Furthermore, as families frequently prioritize the education of their sons over their daughters, this leads to girls being compelled to abandoning schooling to assist with family obligations. These tasks, undervalued and often unseen within the occupational structure, are influenced by societal expectations of mothers, wives, and housewives, as dictated by the heterosexual framework in which we are born, live, and die (Lerussi, 2014; Butler, 1990). Despite being essential, such work is consistently devalued, with a prevailing notion that the more it involves helping others, the less it warrants adequate compensation. This perpetuates a narrative of sacrifice expected from those employed in feminized sectors (Lerussi, 2020). It's noteworthy that migrant women and girls are not exempt from these sectors, further emphasizing their vulnerability within these dynamics.

Female Migration and Domestic Exploitation

Outlines and Characteristics of the Phenomenon

It is certainly difficult to link migration to climate change, especially when it comes to slow degradation processes such as drought. But the data do not lie: the climate is forcing more and more people to migrate (CEAR, 2021). And this is a reality that affects women the most, as they are responsible for supplying their families with increasingly scarce resources (water, firewood, agricultural products). Women and girls who, culturally relegated to domestic and care tasks, seek jobs in the destination countries in line with these skills. Tasks carried out in the private sphere, and which give rise to all kinds of abuses (labour, sexual, etc.).

Situations of slavery and domestic servitude are notably pervasive within the context of migration, owing to the heightened vulnerability experienced by migrant workers. Particularly, women and girls in irregular situations often gravitate towards clandestine employment to avoid migration authorities. Payment in cash and the occasional opportunity to spend nights at home provide a semblance of accommodation and security. Paradoxically, it is this very situation that renders them more vulnerable, especially when their regularization depends on their employment status.⁴

Human trafficking can indeed serve as a conduit for domestic slavery or servitude, yet detecting this form of trafficking proves exceedingly challenging, often occurring under the guise of seemingly legal activities and sometimes even socially sanctioned. As such, exploitation can go unnoticed, aided by the complicity of parents or guardians. ⁵ The United

⁴For instance, in numerous Asian and Middle Eastern nations, such as those operating under the kafalah system, migrant worker visas are contingent upon sponsorship by a specific family. Domestic workers are typically unable to change their visa sponsorship without their employer's consent, a feat that is practically unattainable in most cases. Should a domestic worker be terminated from their employment, they may find themselves abruptly without income, legal residency, or familial support. With no provision for a return flight ticket or the right to seek alternative employment, they risk being left destitute and vulnerable on the streets.

⁵As another example, the Committee on the Rights of the Child expressed concern at the growing number of children trafficked internally in Pakistan, often sold by their parents, or forced into marriage, sexual exploitation, or domestic servitude.

Nations Office on Drugs and Crime (UNODC) has cautioned that statistics on this form of trafficking may be biased, as it frequently goes unreported (UNODC, 2022).

Likewise, the Organization for Security and Co-operation in Europe (OSCE) has highlighted how courts may misapply criminal offences, opting for charges such as harbouring a foreigner with irregular documents or exploiting their vulnerable position, rather than recognizing it as human trafficking (OSCE, 2014a). This underscores the need for heightened awareness and improved mechanisms for identifying and addressing instances of domestic slavery and servitude within the context of human trafficking.

Slave-like practices are not confined to what we may perceive as "less developed" regions, serving as a stark reminder of the abuses present even within Europe—an uncomfortable reality often overlooked to evade acknowledging our own transgressions. Despite the voluntary migration of many domestic workers to Europe, some fall victim to deception by their employers, agencies, or intermediaries, finding themselves ensnared in debt bondage or even trafficked, thereby enabling abusive employers or spouses (such as in cases of mail-order brides) to subject them to enslavement. These deplorable situations are further compounded when they occur within the residences of diplomats. In addition to the inherent challenges in detecting domestic servitude due to its clandestine nature within households, the sanctity of diplomatic residences under international law poses an additional barrier to intervention. This combination of factors underscores the urgent need for heightened vigilance and concerted efforts to combat domestic slavery and servitude, even within seemingly privileged contexts.

It is indeed startling, and indeed deeply disconcerting, to discover that a significant portion—approximately one-third—of domestic servitude cases involve diplomats. In these instances, officials exploit the privileges and immunities afforded by their positions to engage in corrupt practices that facilitate the trafficking of domestic workers. These practices may include falsifying visas, confiscating passports, issuing threats of denunciation, and, in some egregious cases, resorting to physical and sexual violence (IBA, 2016). The isolation and invisibility experienced by such victims are particularly pronounced. Beyond language and cultural

barriers and the physical distance from their families and support networks, the tasks performed by these workers often occur behind closed doors—cleaning, cooking, childcare, and the like (Rodríguez, 2022).⁶ This phenomenon is both unexpected and multifaceted, presenting a formidable initial barrier: diplomatic immunity, which affords perpetrators impunity for their actions. Addressing this issue requires concerted efforts to dismantle the systemic mechanisms that perpetuate such exploitation and to hold accountable those who abuse their positions of power and privilege.

Ultimately, the recognition of this reality in several Member States prompted the publication of an ad hoc handbook by the Organization for Security and Co-operation in Europe (OSCE) in 2014 (OSCE, 2014b). This acknowledgment also spurred further study of a phenomenon that is more prevalent than previously imagined, revealing common characteristics shared across different contexts (Lousada, 2020):

- The context in which the services are provided. Unlike other forms of human exploitation, this one take place in the private sphere, which makes it difficult to eradicate, both because of its invisibility and because it is often condoned by the society in which it takes place.
- The versatility of the services provided extends beyond traditional domestic chores such as cleaning, cooking, and childcare, often encompassing additional responsibilities like gardening or work in agricultural, industrial, or commercial settings. Unfortunately, exploitative situations may also involve instances of sexual abuse. In some cases, performing tasks becomes secondary to enduring conditions of labour slavery, forced begging, or coerced involvement in prostitution.

⁶According to the US State Department's Trafficking in Persons Report (TIP), between 2009 and 2018, cases have been reported in Austria, whose government reported that several foreign diplomats left the country in 2011 and 2012 after being accused of subjecting their domestic workers to forced labour. Similarly, between 2004 and 2005, several diplomats were sanctioned for identical acts in Belgium. In August 2011, a German diplomat in Cyprus was investigated for subjecting a Nepalese domestic worker to forced labour. In April 2013, an official of the Italian consulate in California was found guilty of exploiting a Brazilian domestic worker whose documents he had previously seized. Also in 2013, the Irish government reported two investigations into domestic servitude in diplomats' residences. Similarly, in 2011, a federal court in the canton of Geneva, Switzerland, convicted the Saudi Arabian consul general of violating the rights of two domestic workers from Indonesia, who were required to work 14-hour days for around 300 euros per month.

- The gender impacts are profound. Between 80 and 90% of the victims are adult women, adolescents, and girls, a statistic attributed to the pervasive discrimination faced by women globally (ILO, 2013).⁷ As observed, sexist stereotypes dictate that domestic chores fall within the purview of women within the family, where they are expected to fulfil these duties without reward, recognition, or room for dissent. Regrettably, these stereotypes permeate the professional realm as well, rendering domestic workers vulnerable to exploitation and objectification, often as objects of sexual gratification. Furthermore, their reproductive rights are frequently denied, with dismissal being a common consequence of pregnancy.
- The vulnerability of victims is a significant concern, as underscored by the Report of the Special Rapporteur on Contemporary Forms of Slavery (UN, 2010). This report particularly emphasizes the heightened vulnerability experienced by migrants, exacerbated by intersecting forms of discrimination based on ethnicity, race, colour, or caste. In essence, arbitrary distinctions regarding an individual's worth and dignity, often stemming from insignificant differences in appearance or lineage, serve as the foundation for ruthless exploitation.⁸

In summary, these intricacies are interconnected and mutually reinforcing, shaping domestic work as a personal or quasi-family relationship between the household head, often occupying a higher social status, and the servant, perceived as inferior due to socio-cultural attributes such as sex, age, ethnicity, race, colour, caste, or nationality. Within this dynamic, the household head exerts control over the servant's actions in exchange

⁷The percentages fluctuate between regions: from two-thirds in the Middle East, Eastern Europe, and the former Soviet Union, to over 90% in Latin America and the Caribbean, with female participation at both extremes in Western Europe.

⁸ As examples, she cites Brazil, where there is a greater tendency for girls of African origin to be subjected to domestic servitude than lighter-skinned Brazilian girls. In Middle Eastern countries, meanwhile, Filipino migrant domestic workers are paid more than dark-skinned migrants from South Asia or Africa. And in India, the so-called untouchables (Dalits) and some indigenous communities make up most people in captive domestic work, which is a form of domestic servitude. In addition, specific types of degrading domestic work are specifically associated with lower castes and exploitative conditions. In some states in India, despite the government's campaign to end the practice, many Dalit women are still engaged in manual scavenging: because of their caste, they are expected to remove excreta from dry toilets in private homes or public places.

for a level of protection typically limited to basic survival needs, shielded from public scrutiny (Lousada, 2020). This framework echoes medieval attitudes, reminiscent of the authoritarian context of Franco's Spain. Here, domestic servants were regarded as extended family members requiring paternalistic guidance and moral instruction to protect them from perceived societal risks, with the housewife assuming the role of "mother and teacher". This discourse reflects "late-feudal reminiscences", as evidenced by terminology such as servant, servitude, lord, and master. Tragically, this discourse facilitated the exploitation of thousands of young, unmarried women from impoverished provinces by the emerging middle classes (Cañabate, 2014).

The Impunity of Human Exploitation in Spain

However, despite the severity of this reality, the truth remains that convictions for the use and abuse of the labour force in our country are virtually non-existent. The rate of prosecution and punishment for these offences is alarmingly low, contributing to the proliferation of such cases, particularly in sectors like agriculture, domestic work, and cannabis cultivation in Catalonia. To prove this point, between 2015 and 2021, there were only 14 convictions for trafficking and exploitation in the workplace, with just 3 resulting in prison sentences. The scarcity of sentences is especially striking in cases involving exploitation of vulnerable individuals and participation in criminal activities. ¹⁰

Indeed, as the number of female victims of workplace exploitation continues to rise, convictions are typically only attainable in cases where extreme violence can be proved, resulting in the victims suffering physical or psychological trauma. Conviction¹¹ becomes practically unattainable when exploitation occurs through the abuse threats. This is largely due to the fact that victims, driven by fear, necessity, or other insurmountable

⁹Understood as forced labour since Directive 2011/36/EU.

¹⁰Up to 2016, there had been only one conviction for exploitation of begging. Between 2016 and 2021, there were only two convictions for trafficking for the purpose of criminal activity.

¹¹According to the reports of the Spanish State Prosecutor's Office, between 2013 and 2018, only 9 prosecutions were opened to follow up on the crime of domestic employment.

factors (often including their irregular administrative status), rarely confront their traffickers. Furthermore, victims are often perceived as having consented to their exploitation, as they are believed to have had, or to have had, a "real or acceptable choice" to submit to the abuse.

One of the primary challenges hindering the prosecution and punishment of human exploitation in Spain stems from its distinct differentiation from labour trafficking. Unlike the approach outlined in Article 3 of the Palermo Protocol (UN, 2000), which encompasses exploitation as a separate offense, the Spanish Criminal Code only penalizes exploitation for trafficking (Ramón, 2022). The absence of human exploitation being considered a crime which encompasses both sexual and non-sexual forms, coupled with the complexities surrounding the identification of trafficking for labour exploitation, often results in courts dismissing trafficking charges when victims claim to have engaged in work voluntarily, irrespective of the conditions under which the work was conducted.

The primary recourse, albeit used sparingly, has been to categorize such conduct as crimes against workers' rights (Articles 311 and 312 PC). As labour trafficking and crimes against workers' rights cannot be equated, it makes punishment more difficult. This is because in such cases, "not only is there a violation of the labour or social rights of the worker as such, but there is also a violation of their freedom to decide whether or not to engage in work, as they are subjected to conditions akin to slavery, serfdom, or similar forms of exploitation" (Pomares, 2011; Villacampa, 2022b).

Towards Ending Impunity: Prevention and Response to Human Exploitation

Criminalization of Modern Forms of Slavery

Since the end of 2022, Spain has introduced the *Draft Comprehensive Law against Trafficking and Exploitation of Human Beings* (Ministerio de Justicia, 2022). While pending approval, this legislation aims to combat what are commonly referred to as modern forms of slavery. Aligned with

measures undertaken in neighbouring countries such as Germany, France, Italy, and the United Kingdom, ¹² Article 177 criminalizes forced labour or services, servitude, and slavery. It's important to note that these concepts are not synonymous; rather, the severity of the offense depends on the level of coercion and the extent to which the victim's freedoms are restricted or denied.

While the underlying characteristic of all these behaviours is the absence of voluntarism in the provision of work or services, distinctions arise based on the extent to which areas of freedom are restricted or eliminated. In instances of forced labour or services (Art. 177 ter.1 PC), victim subjugation typically involves the exertion of control, use of violence, intimidation, deception, or exploitation of a position of superiority or the victim's vulnerability (such as threatening to report their irregular situation to authorities). Conversely, servitude (Art. 177 ter.2 PC) occurs when the victim is compelled to reside where they provide services or activities, or when their freedom of movement is otherwise restricted, leading them to perceive their condition as permanent with no possibility of change (for example, debt bondage forcing acceptance of subjugated worker status until the debt is repaid) (UN, 1956). Finally, slavery (Art. 177 ter.3 PC) manifests itself when the victim's availability is absolute, resulting in a clear objectification of the individual. While this does not equate to ownership of the person, it does involve de facto possession, wherein the perpetrator appropriates the value of the victim's labour by stripping them of their inherent status, effectively assuming control as though they were the owner.

 $^{^{12}}$ 19 European countries have criminalized slavery, servitude and similar practices, and even forced labour, including Austria, France, Germany, Italy, Norway and the United Kingdom.

¹³ Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, identified as practices analogous or equivalent to slavery: debt bondage; serfdom of the glebe (a slave attached to an estate and who does not disengage from it upon change of ownership); marriage by promise, assignment, or inheritance; and the assignment of children for labour. Specifically, debt bondage, the most common in sectors such as domestic service, garment workshops and agriculture, is the situation where the debtor undertakes to provide his personal services as security for a debt, provided that the services provided "fairly valued" are not applied to the payment of the debt (it is an undue debt or subject to unfair conditions), or where the duration is not limited and the nature of such services is not defined (Art. 1.1).

Globalization of Human Rights and Decrease in Demand: Another Challenge to Feminism

Make no mistake: modern slavery is not merely a malady to be cured, but rather an integral component of a system characterized by domination, exploitation, and a structure perpetuated by capitalism over centuries. It represents a profound violation of the fundamental aspects of human existence. But the solution is not easy "with most policymakers being white affluent men who are not substantially impacted by climate change, those making policy decisions do not understand the unique needs of those most impacted by a warming planet nor appreciate the urgency to act" (Haley & Arrigo, 2022). Consequently, the reversal of this economic paradigm necessitates the global promotion of human rights in a climate change context. Achieving this objective demands a reordering of priorities and the adoption of a comprehensive, multi-tiered approach. Addressing this issue effectively requires concerted action from all stakeholders: governments, the private sector, workers, and citizens alike.

Particularly crucial are the roles of citizens, both as consumers and as members of society (Carballo, 2021). It is imperative to address demand, especially focusing on aspects that violate human rights. Discrimination based on race, gender, ethnicity, or age often manifests itself in the demand for services which result in trafficking and exploitation, including domestic work. Consequently, international guidance also aims to penalize demand for these services. Both the Warsaw Convention (Art. 19)(Council of Europe, 2005), Directive 2011/36/EU of European Parliament and Council of European Union on preventing and combating trafficking in human beings and protecting its victims (Art. 18.4) and the EU Strategy on Combatting Trafficking of Human Beings (2021–2025) (COM (2021) 171 final) mention the (optional) possibility of implementing measures that criminalize the use of exploitative services, when it is known that the individual is a victim of trafficking. From an economic perspective on trafficking, the law of supply and demand underpins this illicit industry; therefore, reducing demand leads to a decrease in supply.

Aligned with this objective, the Spanish Draft Bill penalizes the solicitation, even though gross negligence (Art. 177 quater2), of anyone who,

without having directly participated as a perpetrator or accomplice, benefits from the services, advantages, or activities of a victim subjected to forced labour or services, servitude, or slavery (paragraph 1). This measure is necessary but insufficient, as demand persists, inevitably fuelling supply. Moreover, demand not only fails to diminish but is also often encouraged within society using new technologies or the consumption of pornography.

Recognizing this reality and driven by a preventive approach, the *Draft Bill* also emphasizes efforts on awareness-raising initiatives across various sectors, including education, training, health, advertising, and the media (Art. 16). Specifically, within the realm of higher education, the legislation anticipates the incorporation of comprehensive knowledge on the phenomenon of trafficking and exploitation of human beings, across diverse academic disciplines, underscoring the grave violations of human rights inherent in these practices and fostering teaching, research, and knowledge dissemination on these issues (Art. 7). Naturally, achieving this objective necessitates both initial and continuous training for educators in human rights, with a specific focus on combating trafficking and exploitation (Art. 9).

Education and awareness-raising serve as crucial initial steps. If we genuinely aspire to eradicate the appalling reality of human exploitation, taking consumer actions against products or services made or offered by victims of trafficking and exploitation becomes imperative. It is incumbent upon all of us to adopt a more proactive stance in combating these practices by deepening our understanding of the ramifications of our decisions to purchase and utilize certain services (Carballo, 2021). If the pursuit of cheap goods or services outweighs concern for the individuals who produce or provide them, little progress will be made (ICAT, 2014; ITUC, 2011). Unfortunately, this seems to be the trajectory of our consumerist, sexist, and apathetic society. A society that, in its relentless pursuit of consumerist comfort, even denies undeniable truths such as climate change and its myriad consequences, including the forced migration of countless vulnerable women and girls. These individuals, infinitely vulnerable, may eventually gain access to necessities like water and energy, but at the cost of continued deprivation of education and essential opportunities. These women and girls, who undertake the often-denigrated "dirty work" traditionally associated with femininity, in a way, sacrifice their own aspirations so that others may pursue theirs. This poses yet another profound contradiction to be addressed by feminism.

In any case, "if societies continue to tolerate the environmental and social harm of industrial processes in the name of economic growth, capitalism and consumerism will continue to be two of the biggest drivers of social injustice" (Haley & Arrigo, 2022). Women and girls in the countries most vulnerable to climate change have the most to lose. The lack of options, both in the country of origin and in the host country, turns them into objects of marketing and exploitation. They will continue to be treated as things in the service of those who were fortunate enough to be born in the right time and place.

Human exploitation is, therefore, another painful consequence of a climate change that affects us all, but for which we are not all equally responsible. Those of us who inhabit the Global North are mainly to blame for this climate disaster. Economic growth and limitless consumerism cannot be the eternal excuse for slowing down measures that are extremely urgent. Time is really running out while we remain obsessed with consuming and accumulating a series of products that, in their case, would never quench our thirst or hunger. And without food and water, we simply do not exist.

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