

THE EXPLOITATION OF LABOUR AND THE EUROPEAN VALUES

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ON THE VALUES OF THE EUROPEAN UNION ENCODED IN LEGAL NORMS

When looking for the values of the European Union encoded in legislation we are confronted with the strange situation that they are phrased clearly and most concisely in a piece of draft legislation available with the title "*Treaty Establishing a Constitution for Europe*" (widely known as the draft European Constitution)², which has never been approved.

Article 1-2 is entitled "*The Union's values*". It says that "*The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.*"

Article 1-3 is entitled "*The Union's objectives*". According to section 5 "*In its relations with the wider world, the Union shall uphold and promote its values (emphasis mine – FI.) and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.*"

Article 1-19 is entitled "*The Union's institutions*". According to section 1, "*The Union shall have an institutional framework which shall aim to: promote its values.*"

The promotion of common values is emphasized in the document in several other places as well. For example in section 5 of Article 1-40 on the Specific provisions relating to the common foreign and security policy; in section 1 of Article 1-57 on The Union and its neighbours; in section 1 and 2 of Article 1-59

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² Treaty Establishing a Constitution for Europe. https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_establishing_a_constitution_for_europe_en.pdf.

on the Suspension of certain rights resulting from Union membership; also, the same can be found in Part II The Charter of Fundamental Rights of The Union Preamble of the draft, which says that *"The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values"*. The text then continues:

"Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.

The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote balanced and sustainable development and ensures free movement of persons, services, goods and capital, and the freedom of establishment.

To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter."

Section 2 of Article III-292 of the draft under TITLE V regulating The Union's External Action stresses specifically that *"the Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:*

(a) safeguard its values, fundamental interests, security, independence and integrity;

(b) consolidate and support democracy, the rule of law, human rights and the principles of international law..."

Among the statements on the decrees of the Constitution, statement 12 on the explanations appended to the Charter of Fundamental Rights gives voice to the commonly held European values, which, in effect, repeats the principles laid down in the Charter.

The above quotations used as examples clearly define the principles that the member states of the European Union have to (or at least should) follow and the principles that the Member States of the European Union fail to uphold both individually and taken as a whole as well because *although their values and interests might as well be the same in the long term they are different in the short term*. Consequently, their short-term interests often overrule their short-term

and long-term common values. Was it maybe because of this realization that the member states of the European Union have failed to approve of the Agreement?

Failing to come to the necessary agreement has serious consequences as *Ágnes Heller* pointed out in an interview shortly before her death³. According to *Szilárd Teczár's* interpretation Heller, a philosopher emphasized that as *there is no European Constitution* those who act against the common European interests cannot be called to account because it cannot be said that they act against the Constitution but only that *"they don't comply with the European values, which is a rather vague concept"*.

The validity of the above statements will be tested in the following against the way the exploitation of the workforce is dealt with in the European Union.

THE CONCEPT OF EXPLOITATION AND THE WAY IT OPERATES

The concept of *exploitation* can be identified with a certain kind of purposeful action, which means taking advantage of someone or something unjustly or cruelly. There are various ways of exploitation just as the number and the composition of the groups of people involved are varied. The *concept* involves forced (or slave) labour, and the groups of perpetrators and victims characterized by their age group, gender and occupation.

When analysing this gross form of the misuse of power (advantage) experts most often focus on the issues of *economic exploitation*. This *concept* means that a person generates profit with his or her work for another person without being offered or given fair remuneration. There are two known forms of it: *organizational* or *"micro-level"* and *structural* or *"macro-level"* exploitation. The former means the commercial power of economic enterprises in the area of commercial activities. The latter – especially in connection to free trade – focuses exploitation on wide layers of society. This approach means a close connection to the Marxist theory, according to which the capitalist class is an exploiting entity and capitalism itself is based on exploitation.⁴

Forced and slave labour can be regarded as an especially serious kind of exploitation of labour. The relevant sources of literature also confuse these two concepts several times and they often mention forced labour and slave labour together. Therefore, both will be defined in the following.

³ *Teczár, Szilárd, Ágnes Heller: „Orbánnak ilyen a természete, ösztönösen erre törekszik”. Interview, Magyar Narancs (9 May 2019), <https://magyarnarancs.hu/belpol/ez-valami-uj-119535>.*

⁴ See <http://en.wikipedia.org/wiki/Exploitation>. There are also so-called neoclassical and neoliberal theories of exploitation but I am not going to expound them here.

Forced labour has two, basically different meanings. One specifically views things in terms of enemies and focuses on punishment. According to it “*forced labour* is a prohibited kind of free labour, which is introduced in a war or after that by violent, overpowering military or civil powers because they are in an *economic emergency situation*, which they are trying to solve by punishing or sometimes even destroying people groups or persons regarded as their enemies”⁵. The other meaning is closely related to an exploitation-centred and widespread approach of production in our present world and also to the two central themes of criminological investigations: human trafficking and sexual exploitation.

Based on regular information coming from civil organizations, mainly from developing countries, *Veronika Gyurácz* summarizes the essence of *slave work* in the following:

*“There are still a lot of practices around the world that infringe on people’s personal freedom, who are treated as property, their labour is exploited, and all this with violence and intimidation. These concerns are shared by the most important international organizations that guarantee international legal protection and they urge the member states to make efforts in order to put an end to slave work. For example, since 2007 there has been a special envoy at the United Nations, assigned to ensure that these practices are treated uniformly as slavery by the national authorities and that the victims receive protection accordingly and the perpetrators are held responsible.”*⁶

The exploitation of labour is kept alive as most of the consumer habits in our globalised world are incompatible with fairness as a supreme value of Europe and are consequently unacceptable from a moral point of view. The reason behind it is distorted capitalism, which is based on exploitation that serves to satisfy the hunger for profit instead of the keystones of bourgeois society: the sanctity of private property, the freedom of contract and equality before the law. The goal of exploitation is the cheap production of products, serving customer needs to the outmost, with a wide selection of goods and securing a huge extra profit through these. The key participants of the globalised economy have no regard for the consequences of the process that starts with production, continues through transport and consumption and ends with the destruction of goods. The treadmill of production (ToP) theory contains the detailed *connections* of that. The *direct losers*

⁵ <https://hu.wikipedia.org/wiki/K%C3%A9nyszermunka>.

⁶ Gyurácz, Veronika, Legal and pedagogical protection against modern-day slavery in Hungary [Jogi és pedagógiai védelem a modernkori rabszolgaság ellen Magyarországon], *Acta Humana 2* (2016), 75–94, https://folyoiratok.uni-nke.hu/document/nkeszolgaltato-uni-nke-hu/AH_2016_2_04_Gyuracz.pdf.

of the present capitalist economy are the people who are exploited and the *indirect losers* are all the others except for the *short-term winners*. Their *method* is extra-profit oriented exploitation, their *instruments* are underpaid workers who produce raw material and turn it into finished products at the peril of their health and their *target group* are the consumers who are "purchased" through advertisements. The "engines" of the *networks formed by companies* are power centres that focus their intellectual and material resources on short-term goals only, assert only their interests and ignore the damage they cause to society and nature through the activities aimed at achieving their goals. They make use of the legal environments in the individual countries that are unable to secure the priority of the public interest. The *direct* consequences of this economy include hazards and often serious damage to the body and physical health on a large scale as well as the degrading of the natural environment. The *indirect* consequences are the unpunishable sins that are materialised in the metamorphosis of the exploitation of the natural environment at an increasing speed in a process starting from production continuing with consumption and ending in the destruction of the products.

ON THE SILENT VICTIMS OF EXPLOITATION

Both forced labour and slave labour can be closely related to *human trafficking*.⁷ *The goal of human trafficking is always exploitation*, which can mean prostitution or other forms of sexual exploitation, forced labour or services, slavery or similar practices, oppression of others and the illegal removal of the organs of the human body. *"Human trafficking may involve exploitation through forced labour, including the following areas: agriculture, building industry, textile industry, catering (restaurants, bars, hotels), horticulture, care work, fishing."*⁸ In spite of these realizations, experience shows that while criminologists consider human trafficking and prostitution a central issue, the literature of the field pays much less attention to *the exploitation of human labour*. This difference may be due to the fact the profit from the exploitation of labour concerns a much wider

⁷ See further: UN. General Assembly A/RES/55/25 8 January 2001: 55/25 United Nations Convention against Transnational Organised Crime. Specifically Article 3 (a) https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_55_25.pdf.

⁸ Windt, Szandra (ed.): *Guiding and assisting the European victims of human trafficking, [Az emberkereskedelem európai áldozatainak irányítása és segítése] – RAVOT-EUR HOME/2012/ISEC/AG/4000004405. Informative manual on the Transnational Guiding Mechanism operating between Belgium, the Netherlands and Hungary, assisting the victims of human trafficking*, Budapest, The Interior Ministry of Hungary, 2015, 10–12.

spectrum of society than sexual exploitation. The purpose of the operation of the present network is that the direct or indirect exploiters should do everything they can to maximize a fast profit. There is nothing new about it since it coincides with the usual activity that has characterized the spheres of economic interests for a long time. The parties concerned who take part in it include the state and the indirect beneficiaries of exploitation. The most important actors among the latter are the buyers and the consumers of the products. Because of this, *the exploitation of labour can still be included in the category of normality instead of deviance* up to the present times. On the one hand, different international and national organizations regularly condemn companies for breaking the legal regulations that prohibit inhuman work and call for humane working conditions as part of the normal operation of the economy. On the other hand, however, these companies do not tend to follow norms unless they are forced to. The main reason for that is that the *moral checks* and the *legal values* that often fail to involve sanctions do not constitute enough *balances* against the extra profit oriented *economic interests*.

The past few decades have been just enough – mainly through the help of *NGOs and the media supporting them* – for the population of economically developed countries to receive information about the risky conditions severely harming or endangering human life and health among which the people who take part in the production of cheap products work.⁹ For a long time, people may have had the impression that such working conditions can prevail only in the Far East, in Africa and South-America, that is, in places far from their living space. People living in the “first world” may have regarded it only as sensational news that they felt sorry about and something morally indifferent and routinely acceptable in the “third world” when they heard about a clothes factory burning down completely, chemical contamination victimizing huge numbers of people or other disasters. They may have thought things like that were just something normal in those places, something that cannot happen in their own environment and that this kind of work culture is not characteristic of “the developed world”.

Interest in the circumstances of exploitation of labour started to grow gradually around the turn of the millennium concerning countries of the European Union

* See, for example: Der Tagesspiegel, Ausbeutung auf Kakaofarmen. Arbeiter profitieren nicht gleichermaßen vom fairen Handel, *Der Tagesspiegel* (4 July 2019), <https://www.tagesspiegel.de/wissen/ausbeutung-auf-kakaofarmen-arbeiter-profitieren-nicht-gleichermassen-vom-fairen-handel/24526252.html>.

as well.¹⁰ In the report of the Group of Experts on Action against Trafficking in Human Beings (GRETA)¹¹ for example, we can read the following:

"85. GRETA's country-by-country reports show that in many States Parties, trafficking for the purpose of sexual exploitation is the predominant form of trafficking as far as identified victims are concerned. At the same time, trafficking for the purpose of labour exploitation has been on the rise and was the predominant form of exploitation in some countries (e.g. Belgium, Cyprus, Georgia, Portugal, Serbia, United Kingdom). While there are considerable variations in the number and proportion of labour trafficking victims amongst the evaluated countries, all countries indicated an upward trend of labour exploitation over the years."¹²

The European Parliament summarized the different forms of modern-day slavery in a 70-page study in December 2018.¹³ At the same time, an 80-page volume was published to address the risk of modern-day slavery in the private sector with the support of several private institutions.¹⁴

It was only in the middle of the second decade of the 21st century that the leading politicians of the European Union started to realize the seriousness of the widespread practice of the exploitation of labour in the countries of the European Union. They also managed to conclude that it is not enough to condemn exploitation through declarations in legal formulas but something has to be done. So, for example in 2019 Gerd Müller, the minister of development of Germany put it in this way: *"Hourly wages of a few cents, life-threatening working conditions, this is not sustainable. In other words, it cannot go on like that."¹⁵*

¹⁰ See, for example: Daniel Mennig, Ausbeutung im Gewächshaus. Gemüse aus Spanien: Hungerlöhne für Pflücker, *SRF* (3 July 2018), <https://www.srf.ch/news/panorama/ausbeutung-im-gewaechshaus-gemuese-aus-spanien-hungerloehne-fuer-pfluecker>; DW, Ausbeutung von Arbeitsmigranten angeprangert, *DW* (05 December 2018), <https://www.dw.com/de/ausbeutung-von-arbeitsmigranten-angeprangert/a-46594133>; Bozzay, Balázs: Román nők ezreit erőszakolták meg és kényszerítették munkára Szicíliában, *Index.hu* (30 December 2019), https://index.hu/kulfold/2019/12/30/emberkereskedelem_kenyyszermunka_nemi_eroszak_kizsakmanyolas_olaszorszag_roman_ferfi/

¹¹ For more detail, see GRETA Group of Experts on Action against Trafficking in Human Beings. Council of Europe: 7th GENERAL REPORT ON GRETA'S ACTIVITIES covering the period from 1 January to 31 December 2017 <https://rm.coe.int/greta-2018-1-7gr-en/16807af20e>.

¹² GRETA Report 39.

¹³ Silvia Scarpa, *Contemporary Forms of Slavery*, Brussels, European Parliament, Policy Department for External Relations, PE 603.470, 2018.

¹⁴ IFC, *Managing Risks Associated with Modern Slavery, A Good Practice Note for the Private Sector*, London, Ergon Associates – Ethical Trading Initiative, 2018.

¹⁵ See further: Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung, *Der Grüne Knopf – Fragen und Antworten*, 19 September 2019. https://www.flachsbarth.info/wp-content/uploads/2019/09/190909_DerGrueeneKnopf_FAQ.pdf.

The decision of the European Parliament and the study that was published on the same day as the statement and presumably had helped to prepare it may have answered a few questions. However, the different forms of modern-day slavery still seem to raise their heads in the EU. The issue was also addressed by the plea issued by the trade unions in 2019, calling for the abolition of slave labour on Europe's roads.¹⁶

We can conclude from all these that serious problems persist not only in the so-called developing world but in the economies of the member states of the European Union as well, which exploit the citizens of the member states looking for work – often at each other's disadvantage.¹⁷ It has also become clear that in this symbiosis both the more and the less developed countries of the continent take part. The *Covid-19 epidemic* that broke out in the countries of the European Union in 2020 brought to the surface several problems that had lain "swept under the carpet" for a long time. Problems that the big companies involved in exploitation could not hide any more due to their serious consequences, which suddenly started to concern multitudes.¹⁸ It seems, that the conclusions that can be drawn from the experiences of the pandemic prove that the established forms of corporate behaviour can be expected to change only if the measures taken are strictly controlled and monitored by the government and the media.¹⁹

However, the expectations concerning these changes are far from being certainties at present. Examples like that of the Lufthansa airline serve as a warning for this. The German-Austrian company, which pocketed astronomical extra profit earlier amidst an emerging global economic crisis – without regard to the expected future demands for air travel, an industry facing complete makeover – demands to be paid billions of euros²⁰ with the assistance of the European

¹⁶ EFA Press Release, EU Governments Must Abolish Modern Slavery on Europe's Roads, *EFA Greens*, 10 January 2019, <https://www.greens-efa.eu/en/article/press/eu-governments-must-abolish-modern-slavery-on-europes-roads/>.

¹⁷ See here: FRA, Súlyos munkaerőkizsákmányolás: az Európai Unió belül mozgó vagy ide érkező munkavállalók, *FRA* (2016), https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-severe-labour-exploitation-summary_hu.pdf.

¹⁸ Most recently see in more detail: Szilágyi, Károly, Tönnies: vesztfáliai példaképből közellenség, *Euronews* (26 June 2020), <https://hu.euronews.com/2020/06/26/tonnies-vesztfaljai-peldakepbol-kozellenseg>.

¹⁹ See, for instance, here: Das Erste, MOMA-Reporter: Aus für Werkverträge bei Tönnies. Was macht der Fleischgigant jetzt anders?, *Das Erste* (22 January 2021), <https://www.daserste.de/information/politik-weltgeschehen/morgenmagazin/reportagen/moma-reporter-aus-fuer-werkvertraege-toennies-grossschlachtere-100.html>.

²⁰ Merkur.de, Nach Kurs-Absturz in der Corona-Krise: Lufthansa fliegt aus dem Dax – Tausende Stellen stehen auf der Kippe, *Merkur.de* (06 August 2020), <https://www.merkur.de/wirtschaft/lufthansa-coronavirus-rettungspaket-dax-kuendigungen-entscheidung-angela-merkel-eu-kommission-krise-stellenabbau-zr-13716604.html>.

Union²¹ (successfully) by the governments concerned.²² Their argument amounts to moral blackmail. They threaten to make huge masses of employees redundant overnight if the governments don't comply with their wishes. The strongest car manufacturing concerns follow suit.²³ Their CEOs have "forgotten" about the enormous profit they garnered by cheating when they seemingly complied with the environmental requirements of the EU. They also neglect the change that can be expected to take place in the role of car travel. The meat factory where the most acute centre of the epidemic in Europe came to be formed owing to the exploitative work done there also applied for state subsidy.²⁴

The Covid-19 pandemic is causing significant economic and social traumas. There seems to be a break in the dominance of global economic centres often operating in symbiosis with the public administrative organs of the different states. Therefore the time has come for a new approach to prevail in the European Union, which is based on the *European value system*, a system that first slowed down and later stopped exploitation and the destruction of the environment, which puts an end to exploitation, reforms the culture of consumption and prefers the traditional European values.

SYSTEMIC ERROR WITH SERIOUS CONSEQUENCES

The cycle continuing from production through consumption to the production of waste and the destruction of the environment and going on to production again is a systemic error that can be neither addressed nor corrected in the long term

²¹ BMWI, EU-Kommission genehmigt Stabilisierungspaket für die Lufthansa, BMWI Pressemitteilung (25 June 2020), <https://www.bmw.de/Redaktion/DE/Pressemitteilungen/2020/20200625-eu-kommission-genehmigt-stabilisierungspaket-fuer-die-lufthansa.html>.

²² DW, Bund sagt Lufthansa Milliardenhilfe zu, DW (25 May 2020), <https://www.dw.com/de/bund-sagt-lufthansa-milliardenhilfe-zu/a-53562479>; Handelsblatt, Österreich und Lufthansa einigen sich auf Rettungspaket für Austrian Airlines, Handelsblatt (08 June 2020), <https://www.handelsblatt.com/unternehmen/handel-konsumgueter/fluggesellschaft-oesterreich-und-lufthansa-einigen-sich-auf-rettungspaket-fuer-austrian-airlines/25897804.html?ticket=ST-4960650-Ruodoni3fDSVTbFTAN3G-ap4>.

²³ Erste Am Communications, Autobranche leidet unter Corona-Pandemie, *Erste Blog* (25 May 2020), <https://blog.de.erste-am.com/autobranche-leidet-unter-corona-pandemie/>; Sven Satter, Wegen COVID-19: Daimler-Hauptversammlung fand erstmals virtuell statt, *Daimler* (09 July 2020), <https://www.daimler.com/magazin/berufsleben/virtuelle-hauptversammlung.html>.

²⁴ 24.hu, Állami támogatást kér a húszem, ahol Európa egyik legsúlyosabb járványgóca alakult ki, *24.hu* (12 July 2020), <https://24.hu/kulfold/2020/07/12/koronavirus-nemetszaghuzem-tamogatas/>.

through legal instruments only (especially through instruments of the penal law) because the decisions of political authorities are based on *double ethics*. This is proved by the fact that the norms set up by the UN and the European Union that rest on cultural and moral foundations do not prevail or do not prevail fully in the practical steps supported, tolerated or prohibited by the governments of the member states. All this can lead to the conclusion that we are active or passive participants of a worldwide network that follows a misguided course. In this network, national and international institutions define through legislation the acts they prohibit on the one hand. On the other hand, however, these above-mentioned institutions often fail to punish those who break these rules, because they follow their short-term interests. Instead, they tolerate and often even support the activity of those break these norms and cause damage to society. The decision-makers of political power centres often focus their efforts on prohibiting the political-economic status quo through legal instruments on the one hand, while supporting or at least tolerating it also through legal instruments. In connection with our present subject matter, it means that they directly or indirectly support the activity of the economic power centres, which focus only on their economic interests in the short term. An integral part of this is, however, the exploitation of the workforce involving harm to human life and health owing to the unacceptable risks and the exploitation of the natural environment as well.

Ákos Farkas highlights several causes of the problems mentioned above – among them problems in the harmonization of law.²⁵ Article 83 of the Treaty on the Functioning of the European Union (TFEU)²⁶ mentions specifically some aspects of exploitation only (the sexual exploitation of women and children is in connection with our topic among them) as ones that the following statement of Article 83 refers to: “*Judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judgments and judicial decisions and shall include the approximation of the laws and regulations of the Member States.*” As Farkas points out the same piece of legislation (Article 83) makes it possible to extend the scope of the crimes clearly specified by stipulating that “*on the basis of developments in crime, the Council may adopt a decision identifying other areas of crime that meet the criteria specified in this paragraph.*” In his opinion

²⁵ Farkas, Ákos, The limitations EU criminal law (Az EU büntetőjog korlátai), *Ügyészeti Szemle (Journal of Prosecution)* 2 (2018) 98–120. <http://ugyeszegiszemle.hu/hu/201802/ujtag#74>.

²⁶ Consolidated Version of the Treaty on the Functioning of the European Union. https://eur-lex.europa.eu/resource.html?uri=cellar:9e8d52e1-2c70-11e6-b497-01aa75ed71a1.0006.01/DOC_3&format=PDF.

"Law, including penal law is not or cannot be forced to adopt radical changes except in the case of natural, historical and political cataclysm; in all other cases it strives to develop organically, in a way that can be supported dogmatically although there may be exceptions from this." In his view, the reason behind it is that "although the way European countries think about penal law goes back to common Roman and Medieval roots, has common concepts and institutions, these are embedded in the history, culture and traditions as well as the state administrative, political and institutional conditions of the given country and also in the level of economic development and the religious differences, which firmly hold the law together."²⁷

In international law, the exploitation of labour (or more exactly of the workforce) seldom appears as a separate legal concept. As *Miklós Hollán* discusses in detail in his study²⁸ which contains a review of the European penal codes, this behaviour is mainly present as the goal of human trafficking. He puts it in this way:

"At the beginning of the 20th century (and at the middle of it) and also in our days the scope of the goal of mainstream human trafficking can be illustrated with two intersecting sets. The expansion of the scope is clearly shown by the fact that human trafficking can be committed not only to for the purpose of prostitution but other sexual acts and the exploitation of labour."²⁹

By analysing the facts that have become known in this topic, the criminologist has come to the conclusion that within the context of political and economic power, *penal law* can address the flaws present at a systemic level in societies to a limited

²⁷ Farkas, *The limitations EU criminal law*, 113.

²⁸ Hollán, Miklós, *The foundations of measures taken against human trafficking through national penal law in international law and their limitations concerning fundamental right*, [Az emberkereskedelem elleni nemzeti büntetőjogi fellépés nemzetközi jogi alapjai és alapjogi korlátai] OTKA PD No, 73641, 2013, invitation of proposals for postdoctoral scholarship. http://real.mtak.hu/12338/1/73641_Z1.pdf.

²⁹ For a more detailed discussion of the topic, see Hollán, Miklós: *Human Trafficking, Punishable cases of exploitation and the limits of regulations of penal law (Emberkereskedelem. A kizsákmányolás büntetendő esetei és a büntetőjogi szabályozás határai)*, Budapest, HVG-ORAC Lap- és Könyvkiadó, 2012. For international criticism summarising the advantageous and disadvantageous characteristics in the application of the law – with special regard to the treatment of the victims of prostitution and forced labour in relation to human trafficking – see, for example Egyesült Államok Külügyminisztériuma, *Jelentés az emberkereskedelemtől* – 2019, 20 June 2019, https://hu.usembassy.gov/wp-content/uploads/sites/232/tip2019_hu.pdf, also U.S. Department of State, 2019 *Trafficking in Persons Report, Office to Monitor and Combat Trafficking in Persons* (June 2019), <https://www.state.gov/reports/2019-trafficking-in-persons-report/>; and also Gyurácz: *Legal and pedagogical protection*, 75–94.

extent only. Consequently, it can have hardly any impact on events that pose grave dangers to society. It is especially true of techniques of advocacy manifested at global levels, which have become widely accepted and therefore seem to be normal and the danger they pose to society remains unnoticed.

The above-mentioned difficulties in legislation and the application of law serve as a warning – even among present-day, cataclysmic circumstances that were rated as rare occurrences by Farkas – that curbing the exploitation of labour is only possible *by laying new foundations for production*. We are faced with an important systemic error, the elimination of which also requires the rethinking of – among others – such basic concepts as, for instance, the wellbeing of citizens.³⁰

This change can be facilitated by the successful management of the Covid-19 epidemic. From this respect, it is worth noting that the European Union took a common stand to regulate the private sector and even secured uniform principles for the acquisition and distribution of vaccines.³¹ The above examples, however, are only rays of hope yet. The methods for overcoming the epidemic seem to override the previously discussed moral weaknesses for the time being. Still, the above-mentioned initiative cannot make us forget that although the European Union is trying to distribute vaccines fairly this method deprives the poorer part of the world of accessing the vaccine production capacity.³²

CONCLUSIONS

It would be possible to change the habits, partly of production, partly of consumption that have roots in the political-economic system if some “rules of the game” were radically transformed. One of them, for instance, is *the separation of political and economic power centres*, which have been nearly completely intertwined (we could also say hopelessly entangled) and the redefinition of the separation and the distribution of social policy and economic policy functions. Accepting this statement means that the first thing to do is to change the legal environment of the conditions of production. This, in turn, means that the assessment of the different

³⁰ See the example of New Zealand here: Eleanor Ainge Roy, New Zealand ‘wellbeing’ budget promises billions to care for most vulnerable, *The Guardian* (30 May 2019), <https://www.theguardian.com/world/2019/may/30/new-zealand-wellbeing-budget-jacinda-ardern-unveils-billions-to-care-for-most-vulnerable>.

³¹ For more detail, see Katalin Sipos’s opinion here: Radó, Nóra, A válság válhat az új normalitássá a Földön, *Qubit* (26 January 2021), https://qubit.hu/2021/01/26/a-valsag-valhat-az-uj-normalitassa-a-foldon?_ga=2.203679065.856786797.1611430484-1283964420.1499259203.

³² Fehér, János, A magukat oltató gazdag országok hátrahagyták a szerencsétleneket, és ez mindenkinek rossz lesz, *Telex.hu* (23 January 2021), <https://telex.hu/koronavirus/2021/01/23/vakcina-hozzaferes-elosztas-igazsagtalansag-szegeny-oroszok-oltas-nelkul-who>.

forms of exploitation, which belong to the category of normality at present, needs to be changed. As a consequence, the scope of potential victims may be expected to expand inevitably. Making their helpless situation visible may give more emphasis to their role. The *ethical and legal norms can reinforce each other* so there is more hope for the fulfilment of the demand that Károly Bárd emphasises in his academic dissertation³³ about the obligations of the state, namely that the victims “*have the right concerning the crimes committed against them to be persecuted by the state*”.

The *reduction of the role of present-day multinational business activities that in the short term focus on extra profit only* can be achieved by having the values declared in the European Union prevail. The following conditions have to be fulfilled to achieve that:

- It should not be possible for the main economic and political actors in the states to regard the exploitation of labour as part of normality but these acts should belong to the category of prohibited deviances both from a moral and a legal point of view.
- The morally upheld legal norms should be kept.
- It should be possible to enforce the compliance with the norms if need be through regular inspections at all the main points of the chains consisting of points for the production, transport and sale of products.
- It should be possible to enforce these principles.

The initial steps aimed at the elimination of the exploitation of labour can already be seen in some European countries. These suggest that neither those who sell the end product nor the consumers will be able to avoid the responsibility much longer for the malfunctioning system. For this to happen it has to become clear that *the victims of this faulty system who are still silent secure others' wealth and well-being*. This condition is, however, *morally unacceptable*. At the same time, we must be aware of the fact that “*giving voice to the victim only means – and the merits of the victimology movement cannot be denied in this respect – that abstract legal order, the abstract ethical order is infringed indirectly but through very concrete individual pain and suffering.*”³⁴

³³ Bárd, Károly, *The dignity of the victims and the rights of the defendants – comparative legal study (Az áldozatok méltósága és a vádlottak jogai – összehasonlító jogi tanulmány)*, Doctoral thesis, Budapest, Magyar Tudományos Akadémia, 2020, 144.

³⁴ Bárd, *The dignity of the victim*, 186.

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