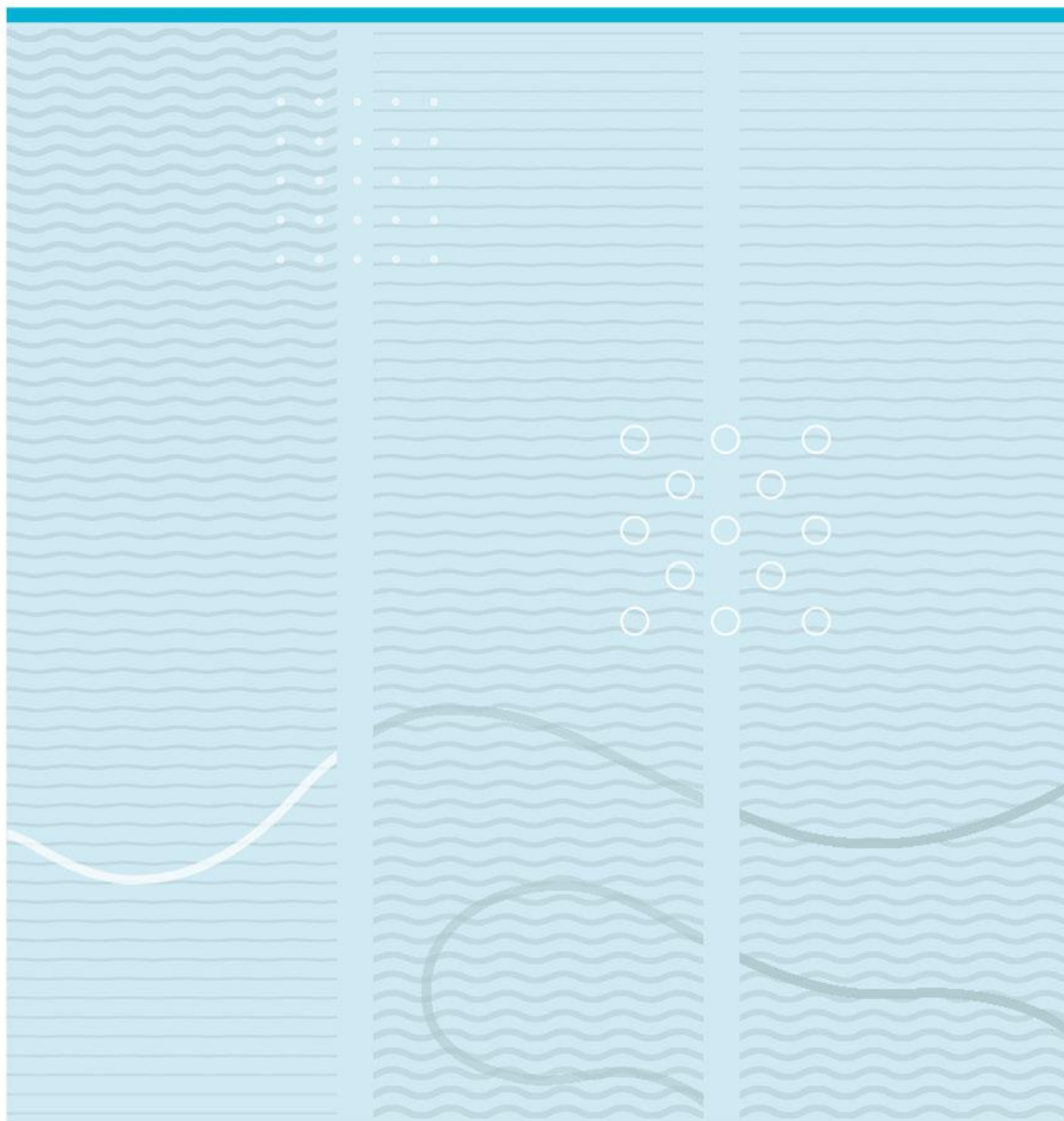


Eliane Janine Ntanguen

# **Power Imbalances in the Use of Technology Combating Forced Labour in the Context of Trafficking in Human Beings in the European Union: A Critical Discourse Analysis**



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This thesis is worth 45 study points

Word count: 25 669

## **Abstract**

Technology has been used by the European Union in combating forced labour in the context of human trafficking over the last decade. However, the Covid-19 pandemic has given a strong impetus to the discourse on the use of technology to combat this crime. Forced labour in the context of human trafficking has become a crime facilitated by the internet and technology. Law enforcement agencies are, therefore, increasingly using technology to identify victims, perpetrators and suspicious job advertisements on job portals.

This thesis focuses, therefore, on the power imbalances in the use of technology combating forced labour in the context of trafficking in human beings in the European Union. The sample comprises documents published by the European Commission, its agency Europol, the Organisation for Security and Co-operation for Europe and the Council of Europe. The data is analysed using a Critical Discourse Analysis inspired by Fairclough to reveal power relations in the discourse. This thesis finds that the European Commission uses its power to decide that technology should be used to identify victims but not to empower them. Instead, the argument of protecting victims is used to justify technology-based border control. In addition to border security, the European Commission also targets cybersecurity and calls for stronger legal frameworks to facilitate the work of law enforcement agencies. The European Commission calls for training in working with technology, as well as increased cooperation between European and non-European law enforcement agencies and the private sector. It is argued that the European Commission willingly accepts responsibility if it means more power (as in the case of stronger legal regulations). However, the European Commission uses cooperation to shift responsibility to the private sector. Overall, it is shown that the goal of the European Commission is the security state and that its argumentation discriminates against victims of forced labour in the context of trafficking in human beings and excludes their needs from the discourse. The European Commission uses opacity to maintain hegemonic power relations.

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For those who have no voice.

## **Acknowledgement**

I would like to take this opportunity to thank my supervisor Gabriela Mezzanotti, who has always supported me throughout the process of this work and challenged me to think further with her comments.

Thanks also to all the friends and family who have encouraged me during this time. I would especially like to thank Gabriel Bamidele Olawuyi for his patience, emotional support, and sympathetic ear. You are a blessing to me. I love you.

## List of Abbreviations

AI	Artificial Intelligence
CoE	Council of Europe
EC	European Commission
EC3	European Cyber Crime Centre
eEDES	e-Evidence Digital Exchange System
EMSC	European Migrant Smuggling Centre
ESOCC	European Serious and Organised Crime Centre
EU	European Union
Europol	European Union Agency for Law Enforcement Cooperation
GAO	Government Accountability Office
GRETA	Group of experts on action against trafficking in human beings
ICCPR	International Covenant on Civil and Political Rights
ICT	Information and Communications Technology
ILO	International Labour Organization
IOM	International Organization for Migration
IPs	Internet Protocols
ISPs	Internet Service Providers
LEA	Law enforcement agency
LEAs	Law enforcement agencies
MS(s)	Member State(s)
NGO(s)	Non-governmental organisation(s)
OHCHR	United Nations Human Rights Office of the High Commissioner
OSCE	Organization for Security and Co-operation in Europe
OSCE ODIHR	Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights
OSCE OSR/CTHB	Organization for Security and Co-operation in Europe Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
SIS	Schengen Information System
THB	Trafficking in Human Beings
UDHR	Universal Declaration of Human Rights
UN ICAT	United Nations Inter-Agency Coordination Group against Trafficking in Persons



UN	United Nations
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UNTC	United Nations Treaty Collection

# 1 Introduction

The European Commission (EC) (EC, 2023c) emphasises that cybercrime does not only include crimes specific to the internet, online fraud or illegal content but also includes crimes facilitated by the internet. This includes forced labour in the context of trafficking in human beings<sup>1</sup> (THB) (EC, 2023c). Technology has been used by the European Union (EU) in combating forced labour in the context of human trafficking over the last decade. The Covid-19 pandemic has given a strong impetus to the discourse on the use of technology to combat this crime. Observers see the pandemic in particular as responsible for the fact that human trafficking for labour exploitation has become a crime facilitated by the internet and technology (EC, 2022a; Europol, 2020b, p. 6; OSCE OSR/CTHB, 2022, p. 11; ILO, Walk Free, IOM, 2022, p. 1). According to the Organisation for Security and Co-operation for Europe (OSCE) (OSCE, 2023), “the increasing global usage of Information and Communications Technology (ICT) has shifted technology from being a niche subject to a central challenge in the antitrafficking field” (OSCE, 2023). This challenge, according to Raets and Janssens (2021), is that “Ignoring the role of technology altogether would be erroneous (...) Overstating its importance, by contrast, does not move our understanding of the matter much further forward either” (Raets & Janssens, 2021, p. 232).

Traffickers benefit from increased anonymity, eased recruitment and transactions, a bigger marketplace, and increased opportunity of controlling victims (UN ICAT, 2019, pp. 1f.). Law enforcement agencies are using data analytics<sup>2</sup> based on machine learning and artificial intelligence to search for suspicious ads on job portals, identify victims and perpetrators and secure evidence. Forced labour in the context of human trafficking violates the prohibition of slavery, which is why combating the crime is one of the European Union Agency for Law Enforcement Cooperation’s (Europol) top priorities (UN, 2022a; EC, 2023a). At the same time, the use of technology raises the question of respect for fundamental rights such as the right to privacy, data protection and freedom from discrimination. In 2022, the United Nations (UN) (2022b) published a news article

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<sup>1</sup> Also called human trafficking, trafficking in persons.

<sup>2</sup> Data analytics is the umbrella term to describe the broad field of using data and tools to find solutions (Bay Atlantic University, 2021). It includes data aggregation and data analysis. Data aggregation means the collection of raw data from multiple sources that is presented in a summarized form. Data aggregation is conducted before data analysis (Patrizio, 2021). Data analysis means the cleaning, transforming, modelling, questioning and visualising data to obtain useful and valuable information to draw conclusions (Bay Atlantic University, 2021).

with the title “Using the Power of Technology to Help Victims of Human Trafficking”, focusing on the positive impact that law enforcement agencies (LEAs) can have through the use of technology to combat forced labour in the context of human trafficking. This thesis, in contrast, explores the power imbalances in the use of technology combating forced labour in the context of trafficking in human beings in the European Union.

## **1.1 Research questions and the purpose of the research**

The United Nations Sustainable Development Goal 8, *Decent Work and economic growth*, promotes “sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all” (UN, 2023). The United Nations Member States agreed in target 8.7 to “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking” until 2030 (UN, 2023). Less than seven years to reach this goal, but so far, it is a long way off. Today, there are 17.3 million victims of forced labour worldwide (ILO, Walk Free, IOM, 2022, p. 25). The trend is upwards (ILO, Walk Free, IOM, 2022, p. 22).

According to the EC (2023a), in the EU, in total, 14,311 victims of THB were registered between 2019 and 2020, of which 51 per cent were trafficked for the purpose of sexual exploitation, and 28 per cent were trafficked for the purpose of labour exploitation. Sixty-three per cent of victims of THB are female, and 33 per cent are male. The number of registered victims of THB that are EU citizens is slightly higher (53 per cent) than the one of third country-nationals (43 per cent). These figures describe the bright field. However, the EC estimates that the actual number of victims is 5 to 10 times higher (EC, 2023a).

Further, the EC (2020a) states that the economic crisis that accompanied the Covid-19 pandemic created a market for those who provide cheap or illegal labour (EC, 2020a, p. 2f.). Increased unemployment and increased demand for trafficked persons for labour and sexual exploitation, affect “traditional fields of exploitation (prostitution, begging and theft, textile and agricultural sectors)” but also fields like tourism, the construction industry, catering industry (pubs and night shops), care and domestic services (EC, 2020a, p. 2. 5). Women are mostly exploited in care or cleaning services and domestic work. However, most victims of human trafficking for labour exploitation are men (EC, 2020a, p. 5). The risk for migrants to become victims of forced labour is three times higher than for workers in their home country (ILO, Walk Free, IOM, 2022,

p. 4). Traffickers have shifted to the digital sphere not only in recruiting victims but also in organising their travel and accommodation, as well as their exploitation and surveillance. In addition, they use the ICTs for advertising, communication within the criminal network and with potential clients, as well as in financial transactions (EC, 2021b, p. 11). But technologies are also used in the anti-trafficking field to combat forced labour in the context of human trafficking.

The market for anti-trafficking tools is vast. The Organization for Security and Co-operation in Europe Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSCE OSR/CTHB) (2020) identified around 300 technological tools to combat THB. Forty-six per cent of technological tools focus on forced labour (OSCE OSR/CTHB, 2020, p. 23). Sixty-one per cent of anti-trafficking tech tools are available in English, of which 19 per cent are additionally available in other languages (OSCE OSR/CTHB, 2020, p. 23). The top three core areas are identifying victims and traffickers, tools that are mostly used by LEAs (26 per cent), followed by tools for awareness-raising, education, and collaboration (16 per cent, mostly used by (potential) victims), and supply chain management (14 per cent, mostly used by companies) (OSCE OSR/CTHB, 2020, p. 25). Despite the availability of tools, the rate of prosecutions for the crime is low, not to mention the rate of convictions of traffickers (OSCE ODIHR, 2022, p. 58). While the rate of identified victims has increased over the last ten years, the rate of convictions has remained below one per cent of identified victims (OSCE ODIHR, 2022, p. 58). State Parties indicated in the CoE report that data encryption and the mass of data are highly challenging due to a lack of appropriate technological tools and knowledge. (CoE, 2022a, p. 15).

Following the UN (2021), LEAs use Data analytics to filter relevant information, as authorities can neither manually search tens of thousands of websites which can be related to forced labour nor the mass of data that ICTs produce. To simplify the search for the “needle in a haystack” (Latonero, 2011, p. 23), authorities are turning to machine learning and data mining tools to collect and analyse data and to keep the personnel effort as low as possible (Raets & Janssens, 2021, p. 226). Web crawlers are used to search websites of interest, such as ad portals and social media. Data mining is then used to search for patterns in the datasets and classify job postings as suspicious or unsuspecting. Suspicious vacancies are then checked by the investigators. Data analytics is also used when searching digital devices for evidence. Digital footprints can be found when searching social media postings (footage, identity, locations, contacts), but network

devices, Internet Protocols (IPs) and browser histories can also give information (UN, 2021, p. 12).

The literature I have reviewed has focused on technology-facilitated responses to online sexual exploitation of women and children. Since technologies facilitate forced labour in the context of THB, but the exploitation itself often takes place in the analogue world, the topic is underrepresented in the academic literature. Publications that have nevertheless addressed the issue of forced labour in the context of THB and technologies have dealt with the benefits and dangers of a technology-based response. In this thesis, however, power imbalances in the use of technology combating forced labour in the context of THB in the European Union are examined. I am interested in highlighting how the EU legitimises a technology-based law enforcement response. The work focuses on political argumentation about the use of technology. Thus, the following research questions arise for this thesis:

- 1. How do discourses on the use of technologies to combat forced labour come about, and how do power imbalances manifest themselves in and behind this discourse?*
- 2. To what extent are hegemonic power relations being maintained and reproduced in this discourse challenging the protection of workers?*

To answer the research questions, I used purposive sampling to compile a sample of documents published by EU institutions and pan-European organisations that address the use of technology to combat forced labour in the context of human trafficking. These documents form the data for this thesis. I have chosen to examine and analyse the texts using a Critical Discourse Analysis (CDA) inspired by Fairclough's (1989; 1993; 2001; 2013; Fairclough & Fairclough, 2012; 2013) approach. CDA, as a methodology, looks at political argumentation on social problems and allows me to examine practical arguments in the texts under analysis critically. CDA, as a theory, aims to uncover power relations and considers power as communicated and reproduced in written and oral language. I am particularly interested in how forced labourers are perceived in this discourse, to what extent they are protected, or their vulnerability is further reinforced. In order to understand and question the chosen course of action by the institutions, in particular by the EU, it is therefore important for me to identify values or beliefs that underlie the argumentation.

This research focuses on the Surface Web, which means websites accessible to the public and searchable with search engines. I refer to Surface Web as ‘internet’ in this thesis for better readability because the term is colloquially widespread. However, the darknet, the hidden side of the internet that is accessible anonymously and often associated with crime and also used by traffickers to facilitate committing the crime of forced labour, is excluded from this research.

Further, the definition of THB includes child exploitation, but this thesis focuses on the human trafficking of adults for the purpose of labour exploitation. The vulnerability of children requires separate attention and cannot be addressed in this paper. However, online sexual exploitation of children has been addressed in numerous publications and has received more attention than technology-facilitated forced labour (see chapter 2.3).

## **1.2 Significance to Human Rights and Multiculturalism**

Forced labour is a gross human rights violation. It violates several human rights laws of the Universal Declaration of Human Rights (UDHR) drafted by the UN General Assembly in 1948 (UN, 2022a). Forced labour violates Article 4, which states, “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms” (UN, 2022a). Forced labour can also be linked to the violation of other human rights, including the right to freedom from discrimination (Article 2), the right to work (Article 23), the right to rest and leisure (Article 24), and the right to a free and fair world (Article 28). Forced labour also violates Article 1, which states that we are all born free and equal.

In the EU, the main instrument on trafficking in human beings is the *EU Anti-trafficking Directive 2011/36/EU*. It is closely related to the Palermo Protocol<sup>3</sup>, one of the most important legal frameworks on THB internationally. The EU Directive follows a victim-centred approach and safeguards the protection of victims, the prevention of THB and the prosecution of traffickers. The binding legislation advocates for “appropriate communication technologies” which should be used in court proceedings to protect the victims from re-encountering the perpetrators (Directive 2011/36/EU, 2011, §12 & 15). The internet is mentioned as a means of awareness raising and research (Directive

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<sup>3</sup> The so-called Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

2011/36/EU, 2011, § 18(2)). The Directive 2011/36/EU further defines a position of vulnerability as “a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved” (Directive 2011/36/EU, 2011, § 2(2)).

Key pieces of legislation that directly address the use of technology in law enforcement are not explicitly linked to human trafficking but are laws about data protection and artificial intelligence that needs to be applied to the crime of forced labour.

An important instrument is the Council of Europe (CoE) (CoE, 2023a) *Budapest Convention on Cybercrime*, which aims to combat crime<sup>4</sup> against and with the help of computers and secure electronic evidence. The Convention uses a “technology-neutral language” and is thus applicable to various crimes (CoE, 2023a). It criminalises child pornography in Article 9 but does not refer to forced labour (CoE, 2023a). Other legal provisions<sup>5</sup> that provide a better basis for law enforcement in cybercrime regulate cross-border cooperation with the private sector and among states and strengthen the mandate of domestic authorities and EUROPOL. The regulations have either yet to enter into force or entered into force recently. This policy shift underlines the relevance of this thesis topic.

The *Artificial Intelligence package* consists of the *Communication on fostering a European approach to AI* (a review of the Coordinated Plan on AI) and a *proposal for the AI Act*. It is a “key milestone in both policy dimensions” (EC, 2021d).

As the first legal framework, the *AI Act* aligns with the EU Charter of Fundamental Rights, the legislation on data protection, consumer protection, non-discrimination and gender equality. It complements the Law Enforcement Directive (EU) 2016/680 and the General Data Protection Regulation (EC,2021c, p. 4). The AI Act acknowledges “a significant degree of power imbalance” when LEAs use AI systems as it “may lead to surveillance, arrest or deprivation of a natural person’s liberty” (EC, 2021c, p. 27). Further, it acknowledges the impact of Artificial Intelligence (AI) systems in migration, asylum and border control management, where vulnerable persons rely on the non-discriminatory decision of the authorities. The use of AI in both areas is categorised as high-risk and asks for transparency, human monitoring, and risk assessment to comply with fundamental rights. In the case of law enforcement, this includes the right to an

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<sup>4</sup> The EC understands cybercrime not only as crimes specific to the internet but also facilitated by it and includes human trafficking explicitly (EC, 2023c).

<sup>5</sup> These include among others the CoE Second Additional Protocol to the Crime Convention on enhanced cooperation and disclosure of electronic evidence<sup>5</sup>, the EU Proposal for a Regulation on European Production and Preservation Orders for electronic evidence in criminal matters<sup>5</sup>, the EU General Data Protection Regulation (EU) 2016/794<sup>5</sup>, and Regulation (EU) 2022/2065 Digital Services Act (DSA).

effective remedy, a fair trial, the right to defence, and the presumption of innocence. In the case of migration control, this includes the rights to non-discrimination and free movement, the protection of life and personal data, international protection and good administration (EC, 2021c, pp. 27f.).

The Communication *Digitalisation of justice in the European Union: A toolbox of opportunities* remarks that more and more judicial authorities are using AI<sup>6</sup>-based technologies which pose “the risks of biased outcomes and potential discrimination against women and particular groups, such as persons with a minority ethnic or racial background”. (EC, 2020b, p. 11) The EC (2020b) acknowledges these risks as “high” and calls for qualitative, relevant data to train the machines and “appropriately safeguard” fundamental rights, especially data protection and equal treatment. (EC, 2020b, p. 11)

I am interested in analysing the power imbalances that were addressed in the AI Act. My focus is not on the technical aspect that challenges LEAs in technology-based prosecution but on the discourse of using technology to combat forced labour in the context of THB in the EU. Moreover, I am interested in how the discourse is oriented, encompassing forced labour and technology. Both topics are closely related to fundamental rights and thus face the challenge of protecting the right to data protection and privacy of alleged perpetrators and victims, but also to do justice to Article 4 of the UDHR on the prohibition of slavery. From a multicultural perspective, Article 2 on freedom from discrimination is particularly important since marginalized groups are more often affected by discrimination through AI-based technologies (see Chapter 2.3).

### **1.3 Structure of the thesis**

Besides this introductory chapter, this thesis entails five further chapters. Chapter 2, “Literature Review”, presents the discourse around forced labour and technology in relation to security (2.1), human rights (2.2), stereotypes (2.3), and economics (2.4). I believe this gives a deeper understanding of the texts under analysis. In Chapter 3, “Theoretical Framework”, the concepts of power (3.1) and ideology (3.2), as well as the understanding of history (3.3), and manipulation (3.4) in Critical Discourse Analysis, are elaborated on. These are essential to critically evaluate the texts under analysis to answer

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<sup>6</sup> Artificial intelligence is the simulation of human intelligence, i.e. problem solving ability, in a digital computer or computer controlled robot. To this end, AI draws on powerful data sets and computer science. (Lackes, 2018a)



the research questions. In Chapter 4, “Methodology”, I explain Critical Discourse Analysis as a methodology to further explain my methodological approach to clarify how I conduct the research in 4.1. Thus, in 4.1.1, I explain its epistemological and ontological foundation. I expound on the meaning of practical argumentation (4.1.2) and dialectical reasonableness (4.1.3) and present the analytical framework of CDA (4.1.4). Then, I clarify my ethical considerations and positionality in 4.2. In 4.3, starting with an explanation of the sampling process, I present the sample by introducing the authors of the sample, Europol, the European Commission (EC), the Organization for Security and Co-operation in Europe (OSCE), and the Council of Europe Group of experts on action against trafficking in human beings (CoE GRETA). Then, I point to the limitations of this thesis in 4.4. Chapter 5, “Analysis”, entails the CDA of the discourse on combating forced labour with the use of technology in the EU. After explaining the structure of the analysis, the findings are critically presented and evaluated in 5.1 “The ‘novelty’ digital era, 5.2 “The narrative of ‘protecting’ and ‘identifying”, 5.3 “The legitimation of monitoring migration with technology”, 5.4 “Securing the state”, and 5.5 “Transnational cooperation as an all-purpose solution”. 5.6 “Power imbalances” presents the power relations in the discourse. Chapter 6, “Conclusion”, summarises the thesis and gives some concluding remarks.

## **1.4 Definitions**

To ensure the transparency and comprehensibility of this work, I set out my understanding of important concepts and define terms essential to this work.

### **1.4.1 Forced Labour**

According to Article 2 of the International Labour Organization (ILO) Forced Labour Convention from 1930, forced labour is “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily” (ILO, 2023a). Voluntariness relates to “the free and informed consent of a worker to take a job and his or her freedom to leave at any time” (ILO, 2023b). In this research, forced labour is analysed and understood as a form of exploitation of trafficking in human beings (THB). Even though there are numerous definitions of human trafficking, the most prevalent definition is found in the “Protocol to Prevent, Suppress

and Punish Trafficking in Persons, Especially Women and Children”<sup>7</sup> (Abramson, 2003, p. 480). The Protocol entered into force in 2003, and by June 2022, the Protocol was ratified by 178 states (UNTC, 2022). It provides a basis for domestic law on THB in numerous states and reflects the complexity of the criminal offence (Uzun, 2019, p. 82; Piotrowicz, 2005, p. 161). THB is characterized by the three elements of the act, the means and the purpose of the offence (UNODC, 2022).

The 2003 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, refers to human trafficking as

(a) “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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;” (UN, 2004, p. 42)

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age. (ibid, p. 43)

Some of the literature on which this paper is based explicitly refers to forced labour. In other cases, the generic term human trafficking is used. Where it was clear from the context in these cases that this term includes forced labour and is not limited to THB for the purpose of sexual exploitation, I have used the term forced labour in this thesis. The same applies when the literature refers to technologies that impact THB for the purpose of sexual exploitation *and* forced labour. I have chosen to use only the term forced labour (instead of switching between THB, forced labour and THB for the purpose of sexual exploitation) to maintain the focus of this thesis and to ensure better understanding through consistency. Ultimately, however, this decision is due to the limited range of literature that clearly focuses on forced labour and technologies in the context of THB.

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<sup>7</sup> Also called Trafficking Protocol.

## 1.4.2 Organised crime

The understanding of organised crime in this work thus follows Article 2 of the UN Convention against Transnational Organized Crime:

- (a) “Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
- (b) “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty; (UNODC, 2004, p. 5).

## 1.4.3 Technology and technology-facilitated

The terms technology and technology-facilitated are crucial for this work but not defined in most of the documents because their understanding is seen as common sense. However, the Council of Europe (2022a) follows the definition provided by Latonero et al. (2012). Technology is defined as “information and communication technologies, particularly those constituting digital and networked environments. Technologies that allow users to exchange digital information over networks include the Internet, online social networks, and mobile phones” (Latonero et al., 2012, pp. 9f.).

According to the OSCE OSR/CTHB (2022), technology-facilitated trafficking in human beings refers “to trafficking in human beings offences occurring or facilitated through the use of technology” (OSCE OSR/CTHB, 2022, p. 9). This thesis will work with their definitions as well.

## 2 Literature Review

CDA attaches particular importance to context and thus follows an interdisciplinary approach. In order to do justice to the complex discourse of forced labour and technology, a multi-perspective approach is used. I decided to present the literature review in a thematic order. Following Fairclough's methodology of practical reasoning (see 4.1.2), I chose a problem-oriented approach considering forced labour and technology from security (2.1), human rights (2.2), stereotypical (2.3), and economic (2.4) angles, thus, allowing me to holistically examine the relationship between problem and solution in the discourse. Moreover, it reveals essential discourses that are interconnected with technology-facilitated forced labour. In line with Wodak (2001a), I see discourses as historically produced, so I intended to describe the development to the current state for every subchapter.

### 2.1 Forced labour and technology as a security problem

The criminal justice approach puts the state's concerns first and the needs of the individual in the background (Balarezo, 2013, p. 46). It thus represents a contrasting approach to the human rights-based approach and highlights the various crimes that often accompany forced labour (ibid). For this reason, I decided to include this approach in the literature review. According to Europol (EC, 2022b), forced labour is often linked with further criminal offences like "migrant smuggling<sup>8</sup>, drug trafficking, extortion, money laundering, document fraud, payment card fraud, property crimes, cybercrime and others" (EC, 2022b). Therefore, this approach focuses on national security, migration and human trafficking laws<sup>9</sup>, and law enforcement (Balarezo, 2013, p. 46). Supporters of the criminal justice approach include law enforcement agencies, governments, the United Nations Office on Drugs and Crime (UNODC), International Organization for Migration (IOM), and judicial and legal officials (ibid). They advocate for the increased regulation of the

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<sup>8</sup> In this work Smuggling of migrants is understood in line with Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;" (UN, 2004, p. 54f).

<sup>9</sup> The Convention against Transnational Organized Crime, together with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children recognise THB as a global transnational issue, representing a significant change in the legal and policy approach (UN, 2004, p. iv; Gallagher, 2010, p. 68).

internet and preventive security (Mendel & Sharapov, 2016, p. 8). Forced labour is seen as a technological challenge that demands cooperative collaboration and technical response to prevent, investigate and protect against forced labour (Musto & Boyd, 2014, p. 461. 469).

According to the United Nations Inter-Agency Coordination Group against Trafficking in Persons (UN ICAT) (2019), “the transnational nature of ICT-facilitated human trafficking” eased the use of technologies by traffickers (UN ICAT, 2019, p. 2). Transnationality causes challenges that affect not only the jurisdiction but also the investigation, extradition, and (transnational) cooperation among LEAs, as well as LEAs and stakeholders. Inadequate legal regulations are emerging. Expertise, training, and personnel and material capacities further challenge LEAs (UN ICAT, 2019, p. 2).

In their issue brief, UN ICAT (2019) presents Tech Against Trafficking, a partnership of tech companies that aims at fighting THB and is advocated by international organisations like OSCE and IOM. It listed over 260 tech instruments for work in the Anti-trafficking sector, almost 50 per cent of which address forced labour. These include apps to raise awareness among vulnerable people about the risks of labour exploitation and more sophisticated apps that use satellite imagery and geographic maps to locate high-risk areas. With the help of the latter and social media, authorities can map criminal networks by checking usernames and their contacts (Raets & Janssens, 2021, p. 226). (UN ICAT, 2019, p. 3).

Drones could be used to monitor harvest labour and fisheries to create more transparency about exploitative working conditions (Milivojevic et al., 2020, p. 22). Victims of other forms of forced labour, which cannot be registered with technical tools, remain undetected (Mendel & Sharapov, 2016, p. 18).

Furthermore, technologies for detecting money laundering can also reveal forced labour, as both crimes are linked to illegal financial transactions (Dixon, 2013, p. 38). Online payment services allow traffickers to send and receive money via Apps. *Data mining*<sup>10</sup> applications allow LEAs to uncover traffickers and their financial transactions. For instance, the online payment service PayPal and the American NGO Polaris cooperated to conduct a databank analysis to detect money flows from THB and financial crimes such as money laundering (UN, 2021, p. 11).

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<sup>10</sup> Data mining means the interpretation of raw data to uncover patterns and regularities (Lackes, 2018b).

Since cryptocurrencies are based on *blockchain*<sup>11</sup> technology, i.e. they are decentralised and cannot be regulated by the state, traffickers use them, albeit rarely, to launder money (Raets & Janssens, 2021, p. 225). Following the UN (UN ICAT, 2019; UN, 2021), the advantages of cryptocurrencies are anonymity, lack of money-laundering compliance regulations, avoiding large sums of cash and the reduction of the risk of being detected by law enforcement or financial institutions (UN ICAT, 2019, p. 1; UN, 2021, p.8). Raets and Janssens (2021) see two reasons for the so far low use of cryptocurrencies. First is the price fluctuations, and the second is the limited possibilities of using virtual currencies (ibid).

Friesendorf (2007) and Krahmman (2005) call for criminal prosecution that particularly considers the transnationality and the high degree of organisation of THB for labour exploitation. I have chosen to include their approach in the literature review because they address the policy trend of expanding cooperation to fight organised crime and cybercrime and illustrate that national efforts are reaching their limits.

In his article “Pathologies of Security Governance: Efforts Against Human Trafficking in Europe”, Friesendorf (2007) applies the concept of governance to human trafficking (Friesendorf, 2007, p. 383). He states that transnational policy-making and the participation of private actors in governance are essential in tackling forced labour (ibid). However, national, hierarchical government systems would be inadequate for fighting transnational crime (ibid). According to Friesendorf, security governance must consider the complex character of forced labour to address its causes and effects to counter this issue (ibid, p. 384f).

Krahmann (2005) introduces the term “networks” in her article “Conceptualizing Security Governance”. She states that networks are used not only to keep global security but also by organised crime (Krahmann, 2005, p. 13). Similarly, Raab and Milward (2003) refer to the latter as “dark networks”, stating that criminals enjoy the same benefits as non-state and state actors in security governance (Raab & Milward, 2013). Europol (2023a) describes dark networks as “highly dynamic” and “more digitalised than ever” (Europol, 2023a).

Technology steadily advances, and so do criminal networks (Raets & Janssens, 2021, p. 231). Following Raets and Janssens (2021) ICTs improve efficiency and efficacy and, thus, flexibility and interconnectivity regarding the organisation and execution of forced

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<sup>11</sup> Blockchain is a decentral databank that stores information about transactions in blocks and updates this information authentically on computers on the same network. (Mitschele, 2018)

labour. Dark networks can lower costs while reaching a broader pool of potential victims. It is thus rational for dark networks to rely on technologies (Raets & Janssens, 2021, pp. 231f.). Friesendorf (2007) adds that a captured criminal group usually will be replaced by another in no time (Friesendorf, 2007, p. 385). According to him, the flexibility of security governance actors has to be the reply to the flexibility and the high degree of organisation of trafficking networks (ibid).

On the contrary, Musto and Boyd (2014) question whether increased stakeholder cooperation and digital monitoring of suspected victim and perpetrator groups effectively stop forced labour. For them, the assumption that technologies are central to facilitating forced labour is “growing, albeit uninterrogated” (Musto & Boyd, 2014, p. 462). I agree with Milivojevic et al. (2020) that solving the complexity of forced labour by a technological response is “unrealistic” as they do not address the causes (Milivojevic et al., 2020, p. 27). I am critical that technological tools can solve an already known problem, especially since technologies have not shifted the phenomenon of forced labour to the digital world but expanded it. The authors, too, remark that the digital focus on specific perpetrator groups will bring some results, but “the issues pertinent to the social context in which such exploitative practices occur cannot be captured by retina scans or drones” (Milivojevic et al., 2020, p. 27). To me, this shows the two main problems of the use of technology. Some vulnerable groups are monitored for their protection, accompanied by a restriction of the right to privacy for this group. At the same time, the technologies do not cover other vulnerable groups that remain thus invisible to the authorities in this approach. In both ways, one can argue that vulnerable groups are disadvantaged.

Critics note that the criminal justice approach does not consider victims’ human rights and thereby endangers these victims through the criminalisation of their actions, deportation to their home countries or their vulnerability to re-trafficking (Jordan, 2002, p. 4). In the context of regulation of the internet and (digital) security, it is argued that technology is used as a means to identify victims and collect digital evidence, whilst the dangers of law enforcement misusing it as a surveillance and control tool is pushed aside (Musto & Boyd, 2014, p. 470). Like this, the state somewhat supports forced labour and endangers victims’ human rights instead of protecting them (Jordan, 2002, p. 4; Lobasz, 2009, p. 322). Therefore, I believe that, as outlined in the UN Human Development Report 1994, a shift from state security to human security is worthwhile (UNDP, 1994).

Technology-facilitated mechanisms must focus on people (and their rights) and serve them, not the supposed security of the state.

## **2.2 Forced labour and technology as a human rights problem**

In “Rethinking the place of human trafficking in international law in consideration of crime against humanity”, Uzun (2019) explains why forced labour incorporates various human rights violations. In his mind, the roots lie in the evident inequality between perpetrator and victim (Uzun, 2019, p. 72). Also, the UN Declaration of Human Rights links this phenomenon to human rights violations.

Further, Uzun (2019) refers to Gallagher (Gallagher 2008; 2010), who sees the state as accountable for fighting forced labour. Following her (2010), the complexity of the crime asks for a comprehensive approach (Gallagher, 2010, p. 3). I agree with Gallagher (2010) that approaches to tackling forced labour solely as a hazard through migration or organised crime do not address the issue in depth (Gallagher, 2010, p. 3).

Before forced labour was addressed in the context of migration and organised crime, it was the subject of international human rights law<sup>12</sup> (Gallagher, 2010, p. 477). The recognition of forced labour as a violation of the human and fundamental rights of victims within the jurisdiction of the state in international legislation is indispensable (Gallagher, 2009). This recognition obliges the state to protect citizens and non-citizens within its territory, uphold their rights, and prevent and prosecute forced labour at the national and transnational levels (ibid).

Based on Gallagher’s remarks, Uzun (2019) develops his argumentation on the importance of robust legal frameworks that protect (potential) victims and critically examines international law on human trafficking concerning human rights.

The United Nations Human Rights Office of the High Commissioner (OHCHR) defines a human rights-based approach as normatively based on international human rights and operationally focused on promoting and protecting these rights (OHCHR, 2014, p. 8). This approach aims to identify rights holders and human rights violations, duty bearers and their obligations, and analyse power relations (ibid). The unequal power relation between perpetrator and victim highlights the massive human rights violation that comes with forced labour (Noll, 2007, p. 344). Policies and response mechanisms are related to

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<sup>12</sup> Essential legal provisions are a.o. the CoE Convention for the Protection of Human Rights and Fundamental Freedoms, and the International Covenant on Civil and Political Rights (ICCPR).



international human rights law and should, therefore, primarily advocate for protecting rights (OHCHR, 2014, p. 8). The Human Rights-based approach is promoted by the Human Rights Council, the General Assembly, and special procedures and treaty bodies (ibid).

According to Musto and Boyd (2014), the use of technology presents authorities with the challenge of not restricting or breaching human rights concerning personal rights and rights to privacy (Musto & Boyd, 2014, p. 472). Technologies carry the risk that their use, and thus the data protection and privacy restriction, will become increasingly widespread (Lyon, 2010, p. 330).

UN ICAT (2019) argue that tech tools are “useful entry points for addressing human trafficking” (UN ICAT, 2019, p. 2). Concerning the use of technologies to combat forced labour, they call LEAs “to ensure responsible and ethical use and to avoid unintended consequences” without further explaining what they mean by “unintended consequences” (UN ICAT, 2019, p. 2).

I agree with the UN Working Group (UN 2021) that LEAs must “ensure adequate human rights and privacy rights safeguards in applying technology throughout all investigative processes. It is essential to ensure that infiltration and prevention activities by law enforcement authorities are proportionate, legal, accountable and necessary.” (UN, 2021, p. 8). This would require a sound understanding of human, criminal and privacy law, legal provisions on data protection and legal assistance, and also implies appropriate, effective legislative frameworks for monitoring these rights (UN, 2021, p. 8. 14).

Latonero (2011) notes that developers and investigators should develop and use technologies with knowledge of and consideration for rights such as freedom of expression, privacy, and security. The authors, therefore, suggest that human rights safeguards should be integrated into the technologies and their terms of use (Latonero, 2011, p. 40).

Many tech applications to combat forced labour use data analytics. Technologies based on algorithms also carry the risk of being error-prone (Musto & Boyd, 2014, p.473; Latonero, 2011, p. 40).

Following the UN Working Group (UN 2021) and UN ICAT (2019), this challenges LEAs to treat the data confidentially, giving access only to authorised, highly trained persons and storing it securely, making it necessary to set up protective measures and protocols. This includes risk assessment, mainly if LEAs publish information that

could disclose the victim's identity, which poses a potential danger to them and their families. Moreover, the right to privacy must be respected not only for the victims but also for the suspects, for instance, if LEAs obtain passwords from devices and evaluate data from private messenger applications. Data capture systems and biometrics are widely used. Their use and data analytics, GPS and surveillance tools must be monitored, transparent, responsible, and consistent with mentioned rights (UN ICAT, 2019, p. 5; UN, 2021, p. 12.14).

The UN (2021) warns of the "abusive government surveillance, corporate manipulation and the end of privacy" and therefore calls for strict frameworks and human supervision when using AI in the context of THB (UN, 2021, p. 12). Latonero (2011) sees a conflict in the observance of human rights in practice when monitoring online trafficking activities is necessary to help a victim as fast as possible (Latonero, 2011, p. 40). It remains to be seen to what extent these concerns, which are also mentioned in the AI Act and in the EC's Communication on Digitalisation of justice in the European Union: A toolbox of opportunities (see Chapter 1.2), will influence the discourse on forced labour and technology.

Following the UN (2021; UN ICAT, 2019), there is a shift from state responsibility to reduce forced labour to the individual's responsibility. Technologies for private use are aimed at victims and vulnerable target groups (e.g. migrants). Applications aimed at migrants inform them about recruitment agencies and if they are suspected of forced labour or allow them to report forced labour in supply chains and get support. These apps help migrants network and to make more informed decisions. Other tools support victims with e-learning tools. Interviews and questionnaires can be used in different languages to give NGOs an insight into exploitative working conditions in the supply chain.

Moreover, smartphone applications help end users pursue ethical consumption by raising awareness about the risk of forced labour and ranking providers which offer products free of forced labour and are transparent about their supply chains. The UN (2021) warns in their strategic paper that data used for rankings of ethical providers are partly untransparent, "outdated, contradictory or incomplete" (UN, 2021, p. 9). Further, reporting forced labour could endanger current employees trying to be protected if personal data is published. Critics highlight that applications do not get to the root of the problem and do not change structural grievances (UN ICAT, 2019, p. 4; UN, 2021, p. 9).

## 2.3 Forced labour and technology as a stereotypical problem

The focus of feminist approaches, in contrast to security approaches, is on the victim's security rather than the state's. It sees traffickers and the state as a security threat (Lobasz, 2009, p. 321). Individuals who might be considered irregular migrants and a threat to security are recognised as victims in the understanding of the feminist rights-based approach (ibid, p. 329). This shift in the understanding of a security threat also shifts the focus of policies towards demands for migrants' and workers' rights, security and protection, and social services (ibid, p. 321). Therefore, in the feminist rights-based approach, similar to the human rights-based approach, the human rights of the victims have the highest priority (ibid, p. 329). The focus is on the causes that make exploitative working conditions possible (ibid, p. 336). It is characterised by respecting and including women's experiences in theoretical considerations (ibid, p. 330). The aim here is to eliminate gender-specific human rights violations and gender stereotypes that "are used to establish and reproduce categories of practices, perpetrators, and victims" (ibid, p. 323).

Feminists criticise "the social construction of human trafficking" through two common stereotypes (ibid, p. 319). Gender and racial stereotypes distort the actual portrayal of victims whose access to support is further negatively affected by this (ibid, p. 322). The term "white slavery" can be traced back to "anxieties about changing gender, sex, class, and race relations at the turn of the century" (Doezema, 1999, p. 42). The image of a naïve, innocent victim can be explained by the stereotype of the "purity of white women" and the "impurity of women of colour" (Lobasz, 2009, p. 342). White women who prostituted themselves at that time caused consternation among the public (Scully, 2011, p. 120). About 99 per cent of the victims of forced prostitution at the beginning of the 20<sup>th</sup> century were women of colour (ibid). White prostitutes, because of the stereotype of white women's purity, were assumed to be victims of trafficking and, in their naivety, duped and exploited by perpetrators (ibid; Lobasz, 2009, p. 342). Several scholars point out that the international interest in human trafficking only arose because the media presented "white" victims with whom people could sympathise (ibid, p. 342f).

Among human trafficking, forced prostitution is the most represented type of trafficking in media and scientific papers (Gozdziak and Collett, 2005, p. 117). The public's interest in headlines about innocent women trafficked is higher than in reports about exploitative and degrading working conditions in other sectors (Lobasz, 2009, p. 337; Papadouka *et al.*, 2016). State and non-state actors constructed the political framework of human

trafficking (Musto & Boyd, 2014, p. 466). Many national reports that reveal data on human trafficking entitle women and children as victims, while male victims are labelled as migrant workers (GAO, 2006, p. 15). Their exploitation is downgraded “as an issue for trade unions and labour regulators” (ibid).

It can be observed that the female gender is presented as helpless, passive and dependent. In contrast, men are presented as the gender that makes choices of migration and job opportunities proactively (O’Connell Davidson and Anderson, 2006, p. 21).

However, this decision is made actively and rationally by both genders. The image of the defenceless female victim of sexual exploitation also creates a discrepancy between the “true victim” and the “irregular migrant” (Demleitner, 2001, p. 264; Chapkis, 2003, p. 930; Quirk, 2007, p. 298f). This creates a hierarchy in assessing trafficking victims and recognises or belittles their suffering (ibid).

In my opinion, the dilemma between over-emphasising the victimisation of women and the necessary distinction between the sexes for developing an appropriate and effective catalogue of policies and measures on forced labour emerges here. The latter must recognise the importance of gender-specific challenges and conditions in order to establish effective prevention and support mechanisms. While sexual exploitation can be categorised as a gender-specific crime, it should be noted that limiting human trafficking to sexual exploitation and forced prostitution is a gross oversimplification of the complexity of human trafficking. Moreover, it must be considered that female victims in other forms of trafficking of women, such as forced marriage and forced domestic labour, receive less attention. This tunnel vision harms individuals who do not fit the ideal image of a victim and are less likely to be identified as such, as well as those who do, as they experience excessive control due to framing.

Concerning technologies used to combat forced labour, surveillance technologies are used to protect potential victims (Milivojevic et al., 2020, p. 24). According to Milivojevic et al. (2020), this is a “moralising argument” that ignores and hampers women’s migration intentions in particular (ibid, p. 24. 28). The authors criticise that there is insufficient evidence for the causal link between the increased risk of forced labour and sexual exploitation and use of ICTs, which is often cited as an argument as well (ibid, p. 17). This is particularly suspected in the sexual exploitation of women and minors online, which is why more robust controls and regulations are being promoted (Milivojevic et al., 2020, p. 18; Musto & Boyd, 2014, p. 466).

Furthermore, according to the UN (2021; UN ICAT, 2019), facial recognition tools are promoted as recognising victims by using web crawling, which analyses pictures and videos and compares them to a database to find a match. In 2021, the UN still described AI-based facial recognition as unreliable as it shows racial and gender bias and makes mistakes in recognising individuals. Misidentification might disadvantage certain groups as PoC, minorities, undocumented migrants, and women (UN ICAT, 2019, p. 4; UN, 2021, p. 11f.).

Milivojevic et al. (2020) remarked that “recognition is rarely in the interests of those who have experienced exploitation (Milivojevic et al., 2020, p. 22). However, similar efforts to identify advertisements that indicate exploitative working conditions are not in evidence (Milivojevic et al., 2014, p. 18). Instead, efforts focus on identifying irregular migrant workers to deport them but not on questioning working conditions that would identify them as victims of forced labour (ibid).

Musto and Boyd (2014) conclude that “technology creates new forms of visibility, surveillance, exclusion, and expertise” (Musto & Boyd, 2014, p. 466)

## **2.4 Forced labour and technology as an economic problem**

Historical-structuralists argue that there is a global imbalance of economic and political power, which is additionally reinforced by migration (Castles et al., 2014, p. 32). This implies a negative interpretation of migration which is understood “as a way of mobilising cheap labour for capital, which primarily serves to boost profits and deprives origin areas of valuable labour and skills” (ibid).

However, globalisation cannot be limited to economics (ibid, p. 33). It also represents both a shift in values towards democratic beliefs and a political shift that foregrounds the interests of the Northern states and their multinational collaborations (ibid). This further results in a process at the societal level, as the labour market and social inequality are linked (ibid). International labour migration is primarily an option for those with sufficient financial and social capital to build a new life in a foreign country (ibid, p. 34). Castles et al. (2014), therefore, describe migration as selective (ibid, p. 34f). Migration regimes promote the immigration of high-skilled workers, while low-skilled workers are disadvantaged and do not obtain the same rights (Castles et al., 2014, p. 35). The result is that low-skilled workers are more vulnerable to labour exploitation and forced labour (ibid).

Further, the irregular migration rate rises (ibid). Following Castles et al. (2014), control and exploitation of labour by states and companies are essential for the persistence of capitalism (ibid). Capitalist structures can be found in the hierarchy of supply chains; at the top are supermarkets that are setting the prices and changing product providers through which they cause international competition (Rye & Scott, 2018, p. 930).

Following the segmented (or dual) labour market theory, the structural demands of capitalist economies lead to migration (ibid). High-skilled workers access the primary sector because of human capital, belonging to the ethnic majority, male gender, and regular migrant status (ibid, p. 36). In the secondary sector, low-skilled workers' employment is determined by their social identity and origin (Rye & Scott, 2018, p. 934). They are disadvantaged by lack of education, female gender, race, religion, belonging to the ethnic minority, and irregular migrant status (Castles et al., 2014, p. 36; Rye & Scott, 2018, p. 935).

Not all work can be outsourced to cheap labour, but companies are trying to do so in the production and service sectors (ibid). Workers in the European agricultural industry face low wages and poor and insecure working conditions, which can cause psychological and physical harm (Rye & Scott, 2018, p. 930. 936). These conditions lead domestic wage workers to favour other jobs and migrant workers complementing the labour market needs (Kasimis, 2009, p. 94). Third-country nationals that are working in the informal sector, on the other hand, experience intensified structural disempowerment through insufficient language skills and confined union activity (Rye & Scott, 2018, p. 931)

Garrapa (2017) and Rye and Scott (2018) point out that employers looking for a cheap, flexible, and efficient workforce benefit from irregular workers who, compared to domestic workers, are submissive and vulnerable (ibid; Garrapa 2017; Rye & Scott, 2018, p. 931). In their study, Urzi and Williams (2017) also showed a relationship between residence permits and the extent of exploitation. Rye & Scott (2018) refer to this development as a "race to the bottom" (Rye & Scott, 2018, p. 936). Castles et al. (2014) conclude, therefore, restrictive immigration policies "facilitate and legitimise the exploitation of migrants on the labour market by depriving them of their basic rights" (Castles et al., 2014, p. 36).

Despite EU enlargements in 2004 and 2007 and guest worker schemes<sup>13</sup>, irregular labour migration continues (Rye & Scott, 2018, p. 933). According to Castles et al.

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<sup>13</sup> The EU *Directive employers of illegally staying third-country nationals 2009/52/EC* and the EU *Seasonal Workers Directive 2014/36/EU* combine labour and migration law and regulate labour migration.

(2014), “the growth of the secondary sector has been reinforced through neoliberal reforms and the concomitant deregulation of labour markets” (Castles et al., 2014, p. 36). Following Rye and Scott (2018), guest worker schemes illustrate the meaning of the state in regulating labour migration in the secondary labour sector. Opinions differ on the usefulness of guest worker programmes. Proponents of these schemes see them as beneficial for sending and receiving economies and migrant workers. In accordance with Rye and Scott (2018), I criticise that the EU mainly uses guest worker schemes to make economic gains. The losers are low-skilled workers from third countries, both on the family and social levels. Also, the legal status of migrant workers is inadequate and uncertain. National legislation consolidates the power imbalance between the domestic economy and the vulnerable position of migrant workers from other EU countries (Avallone, 2017, p. 224; Rye and Scott, 2018, p. 933).

Policies have not only met the demand for labour but have also opened up a market of compliant labour for producers (Rye & Scott, 2018, p. 933). Labour market policy, economic policy and migration policy merge (ibid). Castles states: “EU and its Member States seem still to be trying to import labour but not people” (Castles, 2006, p.760).

To find jobs abroad, migrants search the internet. Traffickers increasingly use job portals, online advertisements, online recruitment agencies and social media to recruit victims through fake job ads (Kara, 2017, P. 161; Raets & Janssens, 2021, p. 222).

Following the UN (2021), the internet not only gives traffickers the opportunity to simultaneously reach countless victims and customers regardless of geographical distance with little effort, but it also enables traffickers to acquire personal information that was previously difficult to access. Social media platforms secure traffickers’ anonymity, while communication applications with end-to-end encryption secure confidentiality when traffickers message victims. Switching between ICTs further reduces the risk of committing forced labour (UN, 2021, p. 4f).

The UN (2021) differentiates between “hunting” and “fishing” strategies regarding fake online advertisements published by traffickers. The former describes perpetrators that actively search for potential victims online. Social media platforms allow traffickers to gain comprehensive information about potential victims (their

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International conventions are the ILO Migration for Employment Convention and the ILO Migrant Workers Convention.

location, family, friends, work, habits, and vulnerabilities). Especially dating apps and websites disclose the geolocation of potential victims (UN, 2021, p. 4f).

Traffickers contact selected vulnerable persons with the help of fake profiles and identities. This method is mainly used to recruit victims of sex trafficking and child sexual exploitation (UN ICAT, 2019, p. 1; UN, 2021, p. 6).

“Fishing” describes more passive strategies where traffickers wait for victims to react to their posted online ads. Fishing strategies are used to deceive victims through false job advertisements on social media platforms or trusted employment portals, social networks and job applications. In some cases, traffickers set up fake employment agencies and fake free-standing websites that partly offer live chat with a ‘recruiting manager’. If potential victims are convinced to send documents with personal data (certificates, passport details) or a fee to secure the job, their vulnerability and the power of criminals increase. This method is often used to recruit victims of forced labour, who usually take a more active role (UN, 2021, p. 5f).

Due to the mass of advertisements, the authorities’ work is often limited to platforms known to them and, therefore, “visible and accessible” (Raets & Janssens, 2021, p. 229). It is also challenging for the operators of official job portals to identify dubious, often vague ones among several thousand job offers (Kara, 2017, p. 162; Raets & Janssens, 2021, p. 222). Many operators, therefore, warn on their websites about the risks of forced labour and exorbitant fees and provide contact information for help (ibid). However, Kara (2017) doubts that this will deter vulnerable people in need of work (ibid). Instead, their decision to migrate for work would be guided by a lack of alternatives and the hope of finding a job (ibid, p. 163).

For Kara (2017), isolation facilitates labour exploitation of migrants, displaced people, and refugees (ibid, p. 161. 167). He argues that migrant workers’ access to technological tools that ensure connectivity is essential and “most effective” in preventing or ending exploitation early (ibid, p. 161. 164). With the help of technological tools, migrant workers can get in contact with sources of information and assistance (like authorities, NGOs, and networks for migrant workers) during the whole migration process (ibid, p. 164). Milivojevic et al. (2020) and Raets and Janssens (2021) add that worker feedback tools and social media help support migrant workers and detect forced labour (Milivojevic et al., 2020, p. 28; Raets & Janssens, 2021, p. 226).

Kara (2017) notes obstacles migrants face that isolate them from help (ibid, p. 164). First, migrants need to have access to digital devices in the first place (which is not



granted in disadvantaged regions) and know how to find help (ibid, p. 165; Raets & Janssens, 2021, p. 222). Then they need sufficient knowledge about these devices, such as that sim cards may no longer work abroad and the device becomes useless, to contact help (Kara, 2017, p. 165). Needless to say that they also need sufficient local currency to buy a new sim card in case of emergency (ibid). Furthermore, many migrant workers hand over their mobile phones to the employer, fearing they could lose the job offer (and be left with horrendous debts for migration) if they do not obey. (Kara, 2017, p. 164) Having basic access to the internet or a mobile phone is, Kara (2017) acknowledges, “much easier said than done” (Kara, 2017, p. 167).

Kara (2017) further points to using blockchain to protect victims from forced labour and prosecute crimes (ibid, p. 168). Organisations could use blockchain technology to create digital birth certificates, and blockchain IDs and track movements, among other things, to make vulnerable individuals visible (ibid, pp. 168f.). Further, blockchain for traceability and provenance helps companies monitor global supply chains to reduce the hazard from forced labour and increase transparency and intervention of LEAs (UN ICAT, 2019, p. 4; UN, 2021, p. 9).

Moreover, Kara (2017) refers to technological tools to monitor forced labour in global supply chains as “one of the true bright spots in contemporary antislavery efforts” (ibid, pp. 171f.). The author expects to “see a plethora of groundbreaking solutions in the coming years, but activists must never lose sight of the fact that exploiters will seek to circumvent these new tools. Ongoing monitoring and assessment of these applications will be crucial to their effectiveness” (Kara, 2017, p. 172).

I believe the blockchain-based identity documents Kara (2017) listed should be viewed critically, as they only help if state authorities recognise them. Especially the tracking of movement can easily be misused to monitor individuals. Moreover, I see the danger that the collection of data can lead to the marginalisation of migrants and increase their vulnerability. Instead, I believe that establishing tangible due diligence obligations should be pursued, and the economic profiteers should be held more accountable.

In contrast, Taylor and Shih (2019) remark that companies have “rarely identified” forced labour as part of their due diligence on transparency in their supply chains because of a lack of trust in the tools and willingness among workers and employers to expose labour exploitation (Taylor & Shih, 2019, p. 131). Milivojevic et al. (2020) draw a sobering conclusion: technology-based risk assessment, big data, and artificial

intelligence can help uncover hazards and violations, but they do not help end forced labour (Milivojevic et al., 2020, p. 28).

### 3 Theoretical Framework

It made sense to choose CDA for this thesis because CDA analyses power relations and takes the side of those who are socially discriminated against. By taking the side of forced labourers, I can highlight how power relations are maintained and reproduced. In contrast to social science research, CDA takes, as a critical theory, a critical approach in its political argumentation on social problems and aims to reveal hidden power relations. CDA sees discourse as historically anchored and includes the context of a discourse in its analysis. Wodak's understanding of history enriches both my literature review and my analysis. Therefore, I decided to integrate Wodak into my theoretical framework.

Moreover, CDA is interdisciplinary and includes political, ideological and socio-psychological aspects. This allows me to examine how discourses have developed more closely and how power imbalances have manifested themselves. I elaborated on Fairclough's understanding of manipulation because it highlights the relationship between language and power, which is seen as mediating in CDA (Meyer, 2001, pp. 15f.). Fairclough and Wodak advocate for a problem-based, pragmatic approach (Meyer, 2001, p. 28). Following Wodak (2001a), the concepts of power, history and ideology are essential to present the discourse critically and therefore form the theoretical basis of this thesis (Wodak, 2001a, p. 3). This chapter introduces the three concepts and then explains *manipulation* as understood by Fairclough and Fairclough (2012).

#### 3.1 Power

The legitimation of (social) power is effected through language, which is why CDA is interested in their relationship (Wodak, 2001a, p. 2; Habermas, 1977, p. 259).

CDA assumes that texts are shaped by discourses and existing power imbalances and are, therefore, not an individual's product (Wodak, 2001a, p. 11). The struggle for power and control and the discourses and ideologies behind them are often fought out in texts (Wodak, 2001a, p. 11). CDA focuses on the consequences of dominance on power imbalances in social structures (Wodak, 2001a, p. 11). Recontextualisation and intertextuality of other discourses are also considered in the analysis (Wodak, 2001a, p. 11).

According to Wodak (2001a), power is communicated and influenced in many ways with the help of language, which affects its (social) distribution (Wodak, 2001a, p.

11). CDA focuses on the methods with which modes of expression and manipulation are implemented linguistically (Wodak, 2001a, p. 11). Both grammar and genre (ways of (inter-) acting) of a text are essential. Using genre, power over a social situation is controlled or questioned (Fairclough & Fairclough, 2012, p. 83; Wodak, 2001a, p. 11). Political power (or status function) is deontic and associated with rights and duties, but also tasks and prohibitions for individuals (e.g. citizens and elected politicians) in institutional reality (Searle, 2010, p. 164). It is granted collectively (Searle, 2010, p. 164). Political conflicts involve allocating social goods and deontic power, that is, the right to decide (Searle, 2010, p. 164). Institutions create and regulate power relations and regulate human possibilities of action (Searle, 2010, p. 164).

*Deontic power*, however, also manifests itself in the possibility of enforcing a weak argument and overriding a better argument that criticises the weak one (Fairclough & Fairclough, 2013, p. 337). Deontic power does not have to be linked to violence (Fairclough & Fairclough, 2012, p. 114). Fairclough and Fairclough (2012) note that decisions cannot be deterministically derived from power. Still, the maintenance of power can be a reason for decisions, in other words, an argument for decisions (Fairclough & Fairclough, 2012, p. 14). Thus, power is a reason for action within the deliberative process that can outweigh other reasons (Fairclough & Fairclough, 2013, p. 338). If deontic power is collectively recognised, it can serve as a (desire-independent) basis for human action that is free of desires and inclinations (Fairclough & Fairclough, 2012, p. 72)

*Performative power* describes the collective recognition of an imaginary as an (institutional) fact. Performative power influences laws, discourses and regulations (Fairclough & Fairclough, 2012, p. 108). Whether an imaginary is collectively recognised depends on whether it can convince in terms of content and quality (Fairclough & Fairclough, 2012, p. 108). The decisive factor is whether powerful groups with decision-making power recognise and enforce the imaginary (Fairclough & Fairclough, 2012, p. 108). Orders of discourse exist because of unequal power relations and are maintained or changed through the exercise of power (Fairclough & Fairclough, 2012, p. 113). Fairclough (1989) speaks here of *power behind discourse*. Powerful groups can thus influence the priority given to combating forced labour and the extent to which technologies should be used.

*Power in discourse* means that a powerful group has power over others in the discourse. It determines the topics that are included or excluded from the discourse. Its control over the contributions of less powerful groups and the representation of the

discourse ultimately influences how the audience perceives the discourse. (Fairclough & Fairclough, 2012, p. 113)

*Power over* illustrates an asymmetrical power imbalance in which a powerful group restricts, controls or exerts coercion on weaker groups (Fairclough & Fairclough, 2012, p. 113). According to Searle (2010), coercion can also consist of the fact that the more powerful group restricts options for action, and the weaker group is unaware of alternatives for action (Searle, 2010, p. 146f). For the person(s) over whom power is exercised, it results in new reasons for their actions - either to avoid violence or to recognise institutional power (Fairclough & Fairclough, 2012, p. 115).

### 3.2 Ideology

To Fairclough and Fairclough (2012), “power manifests itself as ideology” (Fairclough & Fairclough, 2012, p. 116). To Howarth and Griggs (2012), ideology is the “discursive naturalization of contingently constructed meanings and identities” (Howarth & Griggs, 2012, p. 332). In other words, ideology is “looking for unrealized possibilities for transforming the way social life is currently organized” (Howarth and Griggs, 2012, p. 332). According to Fairclough (1989), the success of ideologies is determined by their *naturalisation*. This means that ideologies are not identified as such but are valued as ‘common sense’ by an adequate number of people (Fairclough & Fairclough, 2012, p. 100f). As a result, dominated groups may accept the concerns of the powerful group as the general interest (Fairclough & Fairclough, 2012, p. 100). Thus, ideologies contribute to powerful groups gaining and maintaining their dominance or the latter, the reflexive character of social life becomes apparent as people can try to influence others’ beliefs (Fairclough & Fairclough, 2012, p. 100). Discourses do not have to be ideological (Fairclough & Fairclough, 2012, p. 100). However, it is important to highlight whether an ideology and its impact on social life is conscious to the actor and is consciously used in discourses or whether this ideology has been naturalised and is unconsciously represented (Fairclough & Fairclough, 2012, p. 101).

The *legitimation* of an action can be justified by relying on norms and values or power (Fairclough & Fairclough, 2012, p. 109). Only a reason that is based on a reason itself (e.g. a law or the overall value for a politician to act fairly) can be truly legitimised and not only justified (Fairclough & Fairclough, 2012, p. 115). Politicians can thus give the impression that they comply with their status requirements (Fairclough & Fairclough,

2012, p. 115). According to Habermas, legitimacy also means recognising a political order (Habermas, 1996, p. 248). For Searle (2010), this is based not only on values, norms and power but also on rights and duties. The public relations of government, institutions and companies strive to influence public opinion and gain support for their political projects to ultimately legitimise their status (Fairclough & Fairclough, 2012, p. 115).

Following Howarth and Griggs (2012), *hegemony* can be understood as a type of rule and a practice of politics, which is *hegemonic struggle* (Howarth & Griggs, 2012, p. pp. 317f.). Fairclough (2001) and Howarth and Griggs (2012) agree that hegemony is established and challenged in the context of the hegemonic struggle in politics. (Fairclough, 2001, p. 124; Howarth & Griggs, 2012, p. 317).

A social order describes the way social practices are networked. Order of discourse refers to the semiotic aspect of a social order and “the way in which diverse genres and discourses are networked together” (Fairclough, 2001, p. 124). According to Fairclough (2001), the notion of hegemony helps in the analysis of orders of discourse because they are characterised by dominance. (Fairclough, 2001, p. 124). If ideologies sustain power imbalances and are understood and legitimised as common sense, they become hegemonic. (Fairclough, 2001, p. 124) For this reason, discourse positions tend to be homogeneous in a hegemonic discourse, which, according to Jäger (2001), reflects the impact of the hegemonic discourse itself. (Jäger, 2001, p. 50) The discursive features of capitalist social relations and the structural features are reciprocally linked in the production of hegemony.

### **3.3 History and CDA**

In CDA, discourses are seen as flowing and language and text are located in space and time. (Wodak, 2001a, p. 3; Jäger, 1993, p. 6) Accordingly, discourses are interconnected and must be understood against their historical background. (Jäger, 1993, p. 6) Even more, they are historically produced. (Wodak, 2001a, p. 3) Actors are seen as social-historical subjects who create meaning through their interaction with texts. (Wodak, 2001a, p. 9).

To understand discourses as historical means not viewing them in isolation from their *context* but including society, ideology and culture in their analysis. CDA not only follows an interdisciplinary approach (in which ideological, political and socio-psychological aspects are taken into account), but it also considers intertextuality and

interdiscursivity. Thus, not only discourses are considered in context, but also the texts themselves. (Meyer, 2001, p. 15)

The texts are therefore examined for similar arguments, (macro-) topics, genres and fields of action (Wodak, 2001b, p. 93).

### **3.4 Manipulation**

Audi (2006) identifies rationalisation, i.e. a sham argument, as a form of manipulation. Here, the actor presents supposed arguments that support his claim but is convinced of his claim because of other arguments (Fairclough & Fairclough, 2012, p. 96). Rationalisations can appear convincing to the audience and seem derivable from the premises (Fairclough & Fairclough, 2012, p. 96). For the actor, on the other hand, it is clear that the assertion cannot be derived from the given premises (Fairclough & Fairclough, 2012, p. 96). In addition to arguments, explanations (of a state of affairs) can constitute rationalisations (Fairclough & Fairclough, 2012, p. 96).

Normative criticism questions the actors' sincerity and examines the text for the use of loaded terms, metaphors, framing, and persuasive definitions (Fairclough & Fairclough, 2012, p. 97. 116). They are considered as serving the argument and, therefore, rhetorically placed and should be questioned by the audience (Fairclough & Fairclough, 2012, p. 93. 116). With loaded terms, a distinction must be made as to whether they are used to defend a belief or to mislead the audience (Fairclough & Fairclough, 2012, p. 93). The former allows for questioning the argument, but the latter does not allow for a different belief (Fairclough & Fairclough, 2012, p. 93).

## 4 Methodology

This chapter will expound on the methodology of CDA (4.1). For this reason, I explained the meaning of practical argumentation (4.1.2) and dialectical reasonableness (4.1.3) and introduced the analytical framework of CDA (4.1.3). This is followed by ethical considerations and my positionality (4.2); then, the sample is presented (4.3). Firstly, I clarified how I compiled the sample for the analysis. Then, I introduced the authors and their texts in different subchapters, namely Europol (4.3.1), the European Commission (4.3.2), the Organization for Security and Co-operation in Europe (4.3.3), and the Council of Europe GRETA (4.3.4). The last part of my sample is statements on the World Day against Trafficking in Persons on 30 July 2022 by the CoE and the EC, which I present in 4.3.5. Finally, I point to the limitations of this work (4.4).

### 4.1 CDA

I chose CDA as a methodological approach because it allows me to understand the argumentation of the texts under analysis. I am interested in revealing power imbalances, why certain courses of actions are preferred over others, and how the powerful group maintains its dominance. Power is communicated with the help of written and oral language (Wodak, 2001a, p. 11). The texts under analysis thus represent the data of this Master's thesis, with the help of which power imbalances are investigated. CDA helps me identify and critically evaluate the texts' practical arguments by taking the dominated group's perspective.

By breaking down the acronym CDA (Critical Discourse Analysis), I further justify in the following section why I chose CDA as the methodological basis of my thesis and situate the methodology ontologically and epistemologically.

#### 4.1.1 Epistemological and ontological foundation

*Critical* means an investigation of texts that includes their creation and thus social structures and processes and is based on the concepts of power, history, and ideology (Fairclough, 1993, p. 2ff.; Wodak, 2001, p. 3). As a researcher, 'critical' means "having a distance to the data, embedding the data in the social, taking a political stance explicitly, and focusing on self-reflection" (see also 4.2). (Wodak, 2001a, p.9)



Ontology refers to the nature of social reality and the question if we can or cannot influence it (Bryman, 2012, p. 6). In line with Charmaz (2000), I understand CDA's ontological position as constructivist and recognise social reality (social phenomena and their meanings) as interrelated to social actors and thus continuously changing (Charmaz, 2000, p. 521). Discourses are constructed and maintained according to this understanding (Bryman, 2012, p. 537).

From the viewpoint of those who are dominated, the responsibility and interests of powerful groups with the resources to deal with (social) problems are examined (van Dijk, 1986, p. 4). Ideologies of those in power legitimise structures of domination that are not questioned (Fairclough, 1993, pp. 4ff). Critical theories aim to expose this domination and its intentions (Wodak, 2001a, p. 9).

In other words, the question of what and *why* are of interest (Sayer, 2011, p. 220ff). Accordingly, the epistemological<sup>14</sup> position of CDA is interpretivism which is, following Weber's approach of 'Verstehen', "the interpretive understanding of social action" (Weber, 1947, p. 88; Bryman, 2012, p. 28. 712). Interpretivism challenges me as a researcher to understand the subjective meaning of social action (Bryman, 2012, p. 712). By revealing power relations, practice-oriented findings can be inferred (Meyer, 2001, p. 2). In CDA, results are open-ended (Meyer, 2001, p. 4; Bryman, 2012, p. 33). According to Wodak (2001a), scholars take a political stance and are self-reflected (Wodak, 2001a, p. 9).

*Discourse* anchors in history. Consequently, context, society, culture and ideology must be considered in the analysis (Fairclough, 1993, p. 4ff; Meyer, 2001, p. 15). The approach is, therefore, not deterministic but interdisciplinary and hermeneutic (Meyer, 2001, p. 2f). There is a reciprocal relationship between analysis and data collection (Meyer, 2001, p. 16). Hence, CDA belongs to Grounded Theory, characterised by its iterative approach to analysing qualitative data (Bryman, 2012, p. 571. 712; Meyer, 2001, p. 18).

The *analysis* of CDA deals with "structural relations of dominance, discrimination, power and control" and their appearance in the language (Wodak, 2001a, p. 2). Following van Dijk (2001), I understand dominance as an abuse of power and as a "violation of norms and human and social rights", whose discursive dimensions are

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<sup>14</sup> Epistemology refers to the assumptions about acceptable knowledge and how the social world can be studied (Bryman, 2012, p. 6. 19).

examined under CDA (Van Dijk, 2001, p. 119). Social inequality communicated and legitimised in discourse and language is critically examined (Wodak, 2001a, p. 2). In addition, it can explain what impact discourses have on hegemonic struggle and social change (Fairclough, 2013, p. 192).

#### 4.1.2 Practical argumentation

Human action is shaped by argumentation (Fairclough & Fairclough, 2013, p. 337). According to Fairclough and Fairclough (2012), political discourse is to be understood as *practical argumentation* that can defend decisions for or against courses of action (Fairclough & Fairclough, 2012, p. 1). Without presenting arguments and defending its point of view against critical voices, the government of a modern democratic state cannot simply impose its policies (Fairclough & Fairclough, 2013, p. 340). Political arguments can be based on the audience's beliefs and values (Fairclough & Fairclough, 2013, p. 343). An argument's logic, rhetoric and dialectics ensure it can resist a critical audience (Fairclough & Fairclough, 2013, p. 343). Nevertheless, decisions can be shaped by emotion rather than reason (Fairclough & Fairclough, 2012, p. 15).

The authors advocate for analysing political discourse mainly by analysing the practical argumentation (Fairclough & Fairclough, 2012, p. 1). Aristotle refers to practical argumentation as deliberation (Fairclough & Fairclough, 2012, p. 1).

*Deliberation* should be a component of an approach to political argumentation (Fairclough & Fairclough, 2012, p. 11). Deliberation involves making a counter-argument, pointing out negative consequences and alternative courses of action (e.g. if the actor disregards fundamental values or goals they are obliged to follow). It aims to reach a balanced judgement through reflection and reconsideration (Fairclough & Fairclough, 2012, p. 11f). Practical arguments are evaluated by critically questioning the claim, premises, and their relations (Fairclough & Fairclough, 2012, p. 11). In other words, through deliberation, the reason(s) for (not) carrying out specific courses of action is pointed out to come to a reasonable decision (Fairclough & Fairclough, 2012, p. 14. 63).

Deliberation or practical argumentation is a fundamental aspect of the reactions of (political) actors (Fairclough & Fairclough, 2012, p. 3). Therefore, texts have to be considered as part of practical arguments (that influence decision) and thus “as premises in arguments for action” (Fairclough & Fairclough, 2012, p. 3).

According to Fairclough and Fairclough (2012), genres and discourses must be equally examined in analysing a political discourse (Fairclough & Fairclough, 2012, p. 4). The way actors present an issue and what actors do should both be considered (Fairclough & Fairclough, 2012, p. 4). A practical consideration does not necessarily lead to action; this lies in the decision of the actors (Fairclough & Fairclough, 2012, p. 5)

*Practical reasoning* can be used to coherently and holistically examine the relationship between problem and solution (Fairclough, 2013, p. 183). Fairclough (2013) states that practical arguments have *five premises* (Fairclough, 2013, p. 183).

First is the *circumstantial premise*, in which a state of affairs is explained and problematised (Fairclough, 2013, p. 183). This premise relates to problematizations and considers social, natural and institutional facts (Fairclough and Fairclough, 2012, p. 45; Fairclough, 2013, p. 183).

Second, the *value premise* contains fundamental concerns and values (Fairclough, 2013, p. 183).

Third, the *goal premise* is formulated considering the circumstantial and the value premises (Fairclough, 2013, p. 183). These considerations are essential in understanding the formulation and acceptance of a solution over other solutions but also in evaluating a situation as problematic (Fairclough, 2013, p. 183f). The goal premise contains desirable future states of affairs, so-called “imaginaries” that can be described as goals or solutions (Fairclough, 2013, p. 183f).

Developing solutions is complex, as seen in the fourth premise (Fairclough, 2013, p. 183). The *means-goal premise*, starting from the circumstantial premise and considering the value premise, conditionally derives a course of action to achieve *the goal premise* (Fairclough, 2013, p. 183). Means help to (presumably) realise a goal and are part of the solution (Fairclough, 2013, p. 184). The realisation of a (partial) goal, in turn, can serve as a means for the realisation of further (more comprehensive) goals (Fairclough, 2013, p. 184).

The course of action is supported by the fifth premise, *the claim* which presents reasons or actions that are seen as responsible for the circumstances or current situation (Fairclough, 2013, p. 183).

Considering these factors, some options for action are dropped, while others are implemented preferentially (Fairclough and Fairclough, 2012, p. 44). A plan of action that considers the factors can be called a strategy (Fairclough, 2013, p. 184). For example,

an arguer may draw on the audience's values to reinforce their argument (Fairclough and Fairclough, 2012, p. 46).

#### 4.1.3 Dialectical reasonableness

Fairclough and Fairclough (2012) state that questions of argument reasonableness are related to questions of hegemony, ideology, and power and advocate for a dialectical approach to evaluate practical arguments (Fairclough & Fairclough, 2013, p. 340). They distinguish three ways to criticise practical arguments (Fairclough & Fairclough, 2012, p. 63). First, one questions premises and their rationality and validity. Second, one questions the argument to invalidate the connection between the premise(s) and the claim. Third, one presents a counter-argument to refute a claim. The latter is the most substantial way to criticise since a claim can be true or false regardless of the quality of the argument. Asking about the negative consequences of actions that might undermine the (or further) goal premise(s) can refute the claim and validity of an argument and is, therefore, authoritative for Fairclough and Fairclough (Fairclough & Fairclough, 2012, pp. 63f.). Goal premises should withstand the question if they are reasonable and worthwhile – not for the actor individually but for the community (Fairclough & Fairclough, 2012, p. 68). On the other hand, if the goals (superordinate and established duties, norms, concerns, etc.) are not to be endangered, it may be more rational to reject an action (Fairclough & Fairclough, 2012, p. 66).

Therefore, Fairclough and Fairclough (2012) developed four critical questions aiming at the circumstances of an action (Fairclough & Fairclough, 2012, p. 67):

1. Definition of Circumstances Question: Is the situation described in a rationally acceptable way?
2. Acceptable Value Question: Are the values that underlie the action rationally acceptable?
3. Other Values Question: Should the agent consider other values?
4. Agent's Multiple Values Question: Do the stated values conflict with other values of the agent?

These questions help to examine a text critically. Any rational decision should be made with these (or similar) questions in mind, considering moral, rational, and institutional reasons (Fairclough & Fairclough, 2012, pp. 67f.).

#### 4.1.4 The analytical framework of CDA

Fairclough advocates for a middle-range theory position. The focus is on a social conflict of which he intends to elaborate linguistic manifestations, especially those of power (Meyer, 2001, p. 22). The analytical framework described by Fairclough (2001) includes five stages and incorporates relational and dialectical elements of negative and positive critique, i.e. the diagnosis of the problem and a list of unrealised possibilities for overcoming the problem (Fairclough, 2001, p. 125).

- 1) Focus on a social problem which has a semiotic aspect.
- 2) Identify obstacles to it being tackled.
- 3) Consider whether the social order, in a sense, *needs* the problem.
- 4) Identify possible ways past the obstacles.
- 5) Reflect critically on the analysis.

Stage 1 refers to CDA as a problem-oriented approach. The critical approach is further demonstrated by the fact that CDA not only identifies the specific problem of social life but also, through its emancipatory objectives, identifies the people who suffer from it. By asking the question, “A problem for whom?” Fairclough identifies those affected by social exclusion or discrimination, i.e. the *losers* of the problem. By focusing on social problems (which are usually contentious), CDA is involved in social controversy. (Fairclough, 2001, p. 125)

Stage 2 highlights how social practices are linked, how discourse is linked to other aspects of social practice, and the discourse’s characteristics. The question raised in this stage is, “What are the obstacles to tackling the problem?”. These obstacles can be related to the social structuring of semiotic differences in orders of discourse examined in the structural analysis. But they can also be related to dominant forms of interaction (such as the use of language). Interactions here include written and oral texts. The interactional analysis consists of interdiscursive analysis on the one hand and linguistic analysis of a text on the other. The former examines a text regarding discourse, styles, and genres. The linguistic analysis elaborates on the social functions of language, which makes it possible to establish connections between the categories of this analysis and those of the social analysis. (Fairclough, 2001, pp. 125f)

Stage 3 questions “Does the social order *need* the problem?”. This question refers to the is-ought problem. According to this, “a prescriptive (normative) statement cannot be derived from a descriptive one”. By ignoring the differences between normative and

descriptive statements, the is-ought problem can be solved. Consequently, facts are full of normative content, and normative statements (statements about values) are based on facts about people. CDA critically questions arguments and, thus, the underlying values and goals, contexts of action, and value-laden descriptions. In addition, arguments are examined for their meaningfulness regarding human well-being. (Fairclough & Fairclough, 2012, p. 75)

In this stage, the social order is questioned through negative criticism. If these problems are necessary to maintain a social order, the discourse is ideological and fundamental social change is needed. (Fairclough, 2001, p. 126)

Stage 4 deals with positive criticism and highlights “difference and resistance” and “contradictions or gaps or failures within the domination in the social order”. The aim is to change existing (power) relations by pointing out unrealised possibilities for overcoming the problem. (Fairclough, 2001, pp. 126f)

Stage 5 has a reflexive character and asks, “How effective is this analysis as critique?”. It questions the extent to which the analysis has been affected by one’s positioning and examines its contribution to social emancipation. (Fairclough, 2001, p. 127)

## **4.2 Ethical Considerations and Positionality**

Taking sides in sociology is prevalent (Bryman, 2012, p. 150). Qualitative research is in danger of being too subjective and unstructured as the researcher decides what is valuable and significant (Bryman, 2012, p. 405). Therefore, it is important that I am aware of my positionality.

Following the constructivist approach, I acknowledge that my ethics and previous knowledge influence how I understand and value data, categories, and concepts and thus show “a specific version of social reality” (Bryman, 2012, p. 33; Charmaz, 2000, p. 522). Being aware of this, I intend to achieve “empathetic neutrality”, as presented by Ormston et al. (Ormston et al., 2014). I aim to avoid bias in data collection, interpretation, and presentation (ibid).

I am a mixed-race woman of African-European origin living in Germany. My studies of Christian Theology, Social Sciences, and Human Rights and Multiculturalism shape my positionality. Since my bachelor’s thesis, I have been dealing with the different facets of human trafficking. However, I have not been in danger of becoming a victim of forced

labour nor been in contact with any victims, which could have shaped my view on the use of technology. I acknowledge the privilege that I have been able to access specific resources. I am aware of my biases and constantly reflect on them during the work process. Thus, I agree with Bryman (2014) that “‘knowledge’ from a reflexive position is always a reflection of a researcher’s location in time and social space” (Bryman, 2014, p. 393). In accordance with Holmes (2020), I understand reflexivity as “an essential process for informing, developing, and shaping positionality” (Holmes, 2020, p. 2).

Since the documents are publicly accessible, obtaining the consent of the institutions or their representatives is unnecessary. I understand the ethical clearance of my thesis as decisive for its quality. To ensure this, I align with the University’s guidelines for research ethics and its Open Access policy (USN, 2021; USN, 2018, p. 1). Further, I follow the FAIR Data Principle, which requires the data to be findable, accessible, interoperable, and reusable (USN, 2018, p. 1). It is a matter of course for me to clearly label the sources used and present the research process comprehensibly. By following Fairclough’s CDA, I have analysed the research texts in a structured way to ensure transparency and a better understanding of how the analysis was conducted, thereby enabling a higher degree of replicability.

### **4.3 Sample**

The sampling method used in this work is purposive sampling, a non-probability form of sampling (Bryman, 2012, p. 418). Thus, I did not choose the texts in this analysis randomly but deliberately and strategically to answer the research questions. Following Bryman (2012), it is an a priori sample in which the criteria are set relatively at the beginning and unchanged (Bryman, 2012, p. 418). As it was impossible to find documents that focus solely on forced labour and technology, I decided to look for documents related to THB but explicitly include forced labour and technology. I found that many documents focus exclusively on online sexual exploitation of children or of children and women, and it was difficult to find texts that fit my criteria. Criteria for the selection of texts are their origin, pan-European organisations and EU institutions, and relevance, texts that include information on technologies used to combat forced labour or give insight about the EU strategy to combat forced labour in the next years. I intended to include strategic papers by the EU and EU agencies to see if the EU institutions adopt their course of action as stated in other documents. In general, I did not limit the time period in which the

publications were published for admission to the sample. The oldest document in this sample dates from 2014, and the most recent is from 2022.

To find relevant documents, I searched the European Commission and Europol websites for relevant publications. I decided to skim publications that were related to THB to see if they were relevant to answering the research questions. That way, I found out about the cooperation between EC and OSCE and found on their website relevant publications, too. Because ten EU agencies signed a joint agreement in 2018 to collaborate in anti-trafficking, I also decided to search their websites for relevant articles and reports. Unfortunately, the documents I found focused only on THB for the purpose of online sexual exploitation and online child sexual exploitation.

By searching the EC's website, I found the EC news article giving a statement on the World Day against Trafficking in Persons 2022 that ran under the theme "use and abuse of technology". I, therefore, decided to search for statements about the event by other international organisations and found two statements by the CoE. I found an additional publication on their website that I could include in the sample.

One characteristic of grounded theory that CDA also belongs to is theoretical sampling (Meyer, 2001, p. 4). Theoretical sampling views "the process of data collection for generating theory" (Glaser and Strauss, 1967, p. 45) in which data are collected, coded, and analysed.

According to Strauss and Corbin (1998), the aim is to "discover variations among concepts and to densify categories in terms of their properties and dimensions" (Strauss and Corbin, 1998, p. 201). New data are added to the sample until theoretical saturation is reached. Theoretical saturation means that new data do not bring new insights (Strauss and Corbin, 1998, p. 212).

For this reason, some online news articles were not included in the analysis. I could see that they were in line with other publications under analysis and did not entail novel information. I did not include the CoE's 11th General Report on GRETA's Activities either because it summarised their report on "Online and technology-facilitated trafficking in human beings" that was included in the sample. As described by Strauss and Corbin (1998, p. 212), I also found that the categories and their relationships to each other are well-developed and validated. For this reason, I completed the sampling process in August 2022.

I coded the chosen texts manually in terms of the five premises of practical arguments (Fairclough (2013) and Fairclough & Fairclough (2012) to explore evaluative



attitudes towards using technology to combat forced labour in the EU. Further, I checked the texts for loaded words, dichotomy, and metaphors as well as active and passive voice and positive and negative expressions.

### 4.3.1 Europol

The EU Agency Europol investigates crime trends and supports investigations by Member States (MSs) that require transnational cooperation. According to its statement, the agency has “excellent cooperative arrangements with law enforcement partners in Europe and beyond” (Europol, 2023b). Europol is accountable to the Council of Ministers of Justice and Home Affairs, which manages Europol and approves its budget. (Europol, 2023b)

#### *4.3.1.1 Intelligence Notification: Trafficking in human beings and the internet*

The Analysis Project Phoenix, which focuses on developments in human trafficking, is part of Europol’s Strategic Analysis Team and the author of the publication. The task of the Strategic Analysis Team is to process information. It addressed this Intelligence Notification to the public in October 2014. (Europol, 2021a). I chose this document because it is the earliest publication, already describing a “shift to internet-facilitated THB” (Europol, 2014, p. 3), which includes new modi operandi by traffickers and difficulties for LEAs.

#### *4.3.1.2 The challenges of countering human trafficking in the digital era*

The Europol Operations Directorate, which includes, among others, the European Serious Organised Crime Centre (ESOCC), and the European Cyber Crime Centre (EC3), published the document in October 2020 (Europol, 2023b). I chose this document because it highlights the background and challenges of technology-facilitated THB in just a few pages while at the same time making demands that are underpinned by quotations.

#### *4.3.1.3 Europol’s Programming Document 2020-2022 and Europol’s Draft Programming Document 2023-2025*

I chose these documents because they present Europol’s focal points and strategies in 2020-2022 and 2023-2025, which gives insights into the prioritisation of forced labour and the use of technology. The documents published in 2020 and 2022 are divided into three parties: policies that might affect Europol’s work in the years addressed, strategic

planning, including a financial and human resource outlook, and the agency's various measures and activities. Based on Article 32 of the Financial Regulation applicable to Europol, the programming documents must be sent to the Council, the Commission, and the Parliament. (Europol, 2020a, p. 4; Europol, 2022a, p. 4)

### 4.3.2 European Commission

The EC is responsible for the EU's policy direction and overall strategy. It formulates legislative proposals and helps MSs implement EU legislation. Further, it manages the EU budget and decides on the distribution of funds. The EC also represents the EU externally together with the European External Action Service. (EC, 2023d).

#### *4.3.2.1 Third report on the progress made in the fight against trafficking in human beings*

In accordance with Article 20 of Directive 2011/36/EU, this report was communicated to the Parliament and the Council in October 2020. I chose this report because it contains information from Parliament and Council as well as from regional and international organisations on the effectiveness of anti-trafficking measures. (EC, 2020a, p. 2)

#### *4.3.2.2 EU Strategy to tackle Organised Crime 2021-2025 and EU Strategy on Combatting Trafficking in Human Beings 2021- 2025*

The strategies were published in 2020 and communicated to the Parliament, the Council, the European Committee of the Regions (CoR), and the European Economic and Social Committee (EESC). These documents give insight into the EC's prioritisation of combatting technology-facilitated forced labour and the recommended use of technologies.

As THB is a form of OC, the strategy to combat THB must be understood against the background of the EU Strategy to tackle Organised Crime. The priorities and actions for combating organised crime also apply to THB. However, in contrast to the latter, the measures of the EU Strategy in Combatting Trafficking in Human Beings are focused on this crime. For this reason, I decided to include both documents in the analysis (EC, 2021a, p. 2; EC, 2021b, p. 2).

### 4.3.3 Organization for Security and Co-operation in Europe

The OSCE has 57 State Parties and is, in its own words, “a pan-European security body” dealing with “the human, the politico-military and the economic/environmental” security and adopting a holistic and cooperative approach (OSCE OSR/CTHB, 2022, p. 2). All EU MSs are State Parties of the OSCE (OSCE OSR/CTHB, 2022, p. 2).

#### 4.3.3.1 *Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools*

The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and Tech Against Trafficking published this document in 2020. I chose this document because it is addressed to the stakeholders fighting human trafficking and aims at closing the information gap regarding the use of technology in the European area. (OSCE OSR/CTHB, 2020, p. 7)

#### 4.3.3.2 *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons*

This handbook was published by the OSCE and the ODIHR in 2022 and is intended for states. I chose this document because NRMs aim to assist states in establishing adequate protection mechanisms for victims of trafficking. This manual contains concepts and recommendations that states can transfer to their national policies and measures (OSCE ODIHR, 2022, p. 10).

### 4.3.4 Council of Europe GRETA

The Council of Europe describes itself as “the continent’s leading human rights organization” and drafts international conventions. It makes recommendations and monitors the progress of the 46 State Parties (of which 27 are EU MSs). The Group of Experts on Action against Trafficking in Human Beings (GRETA) monitors the implementation of the Convention on Action against Trafficking in Human Beings. (CoE, 2023c)

#### 4.3.4.1 *Online and technology-facilitated trafficking in human beings*

This document was published in March 2022 and is aimed at GRETA and other stakeholders to help them assess the current situation and trends in human trafficking. I

chose this document because it is a study that has comprehensively collected data from States Parties, Non-governmental organisations (NGOs) and technology companies on technology-based trafficking in human beings and its response. (CoE, 2022a, p. 9)

#### 4.3.5 Statements on the World Day against Trafficking in Persons on 30 July 2022

The European Commission, the Council of Europe, and their group of experts, GRETA, used the occasion of the World Day against Trafficking in Persons on 30 July 2022 to publish statements on THB addressed to the public on their official websites. As the World Day against Trafficking in Persons 2022 ran under the theme: ‘use and abuse of technology’, I decided to include the statements in the analysis. Even though the statements are concise compared to released reports and other documents that are part of this analysis, they highlight the emphasis set by the different parties and their approaches. The EC Directorate-General for Migration and Home Affairs published the news article on 29 July 2022, “World Day against Trafficking in Persons: UNODC and The European Union call for more use of technology to combat trafficking in persons”. CoE GRETA issued the news article “Greta calls on states, civil society and tech companies to counter the use of technology to recruit and control victims of human trafficking” on 30 July 2022 (CoE, 2022c). Dunja Mijatović, the CoE Commissioner for Human Rights, released a broadly formulated statement titled “In times of crises, states should step up their efforts to prevent human trafficking and protect victims” on 29 July 2022 (CoE, 2022b). Besides addressing the World Day against Trafficking in Persons, she refers to the Covid-19 pandemic, the war in Ukraine and migration and their impact on THB.

## 4.4 Limitations

In recent decades, numerous structures and dimensions have been developed that can be taken into account in CDA (van Dijk, 2001, p. 98). However, this also means that this critical discourse analysis is not complete but is open-ended (ibid, p. 99). For example, this work could be expanded by adding other documents. Instead of excluding the chapter from the UNODC Global Report on Trafficking in Persons 2020 because it does not contain any new information (see 4.3), one could argue that this document could be particularly examined for its intertextuality and interdiscursivity. However, since my

focus is on answering the research questions, I have decided to exclude it from the analysis. The same applies to texts I came across during the sampling process that only *mention* technologies in connection with forced labour. They are not relevant to answering the research questions and are, therefore, not part of this work, but they can provide information about how far the discourse topic has penetrated other discourses and how relevant it is perceived to be.

The fact that CDA is open-ended also means that new and relevant texts are published time and again that was not included in this work. For example, in December 2022, the EC published a “Proposal for a Directive amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims”. However, due to the limited scope and time of this Master’s thesis, I have decided not to subsequently include the document after the sampling process was completed in August 2022.

As stated in the introduction, this thesis focuses on the Surface Web. Policing the dark web brings with it further legal issues, which is why extending it to the darknet in the context of this thesis would not do justice to the topic. I have also decided not to include documents from international organisations that go beyond the pan-European region in the analysis. Again, one could criticise that these documents would be relevant for the in-depth analysis of intertextuality and interdiscursivity. Still, due to the scope of the work, I decided to focus on the European region.

Strict objectivity is unobtainable because of positionality, although I continuously reflected on my positionality during the work process (Meyer, 2001, pp. 29f.). Nevertheless, I think my way of working ensures a high degree of objectivity. The literature review reflects different perspectives on the discourse topics of technology and forced labour, thus allowing for a critical analysis of the documents. The theory chosen is well suited to answering the research questions, and this thesis's methodological basis ensures that my positionality is relegated to the background and structures of the discourse and that the authors’ arguments, not my own, are presented.

## 5 Analysis

To analyse the discourse, I evaluate the practical arguments following Fairclough's concept of dialectical reasonableness (Fairclough, 2013; Fairclough & Fairclough, 2012). Before criticising the arguments, I examine the relationship between problem and solution by classifying the five premises of the practical arguments as presented by Fairclough for each subchapter (Fairclough & Fairclough, 2012; Fairclough, 2013).

Chapter 5.1, "The 'novelty' digital era", examines the claim of recent structural changes due to the use of technology in all stages of the crime of forced labour. Traffickers use technological tools in every phase of exploitation (circumstantial premise). The fundamental concern is to 'keep pace' with these changes and traffickers (value premise) to end forced labour with the help of technology (goal premise). The means-goals are to train LEAs and increase technological tools.

Chapter 5.2, "The narrative of 'protecting' and 'identifying'", presents the claim of the 'evil use' of technologies by traffickers. The circumstantial premise is that potential victims are increasingly recruited for forced labour through the internet. The value-premise is the 'good use' of technologies by LEAs. The goal premise is to protect people by establishing cybersecurity is the goal premise. Again, the means-goal is to train LEAs and increase technological tools.

Chapter 5.3, "The Legitimation of monitoring migration with Technology", introduces the claim that irregular migrants are at risk of becoming victims of forced labour. The circumstantial premise is that smuggling and human trafficking are a threat to the EU. The value-premise is to protect migrants from the risk of human trafficking, which legitimates the monitoring of migration through technology-based border control and surveillance tools (means-goal premises). The goals are to secure EU borders and the security state.

Chapter 5.4, "Securing the state", examines the claim that LEAs' work is hampered by the current legal framework. The circumstantial premise is that crimes of technology-facilitated forced labour might involve several jurisdictions. The value-premise is to increase convictions, especially those of principals. The goal premise is to achieve cyber security and, thus, state security through facilitated (international) criminal prosecution and stronger, harmonised legal frameworks (means-goal premise).

Chapter 5.5, "Transnational Cooperation as an all-purpose Solution", presents the claim that knowledge and experience are insufficiently exchanged among stakeholders. The circumstantial premise is that convictions for forced labour remain low while

technology-facilitated forced labour increases. The value premise is to increase convictions and, thus, the security state. The means-goals are establishing harmonised legal frameworks and the exchange of good practices and knowledge regarding technological tools. The goal premise is enhanced cooperation among EU states, as well as with the non-EU states and the private sector.

Finally, Chapter 5.6, “Power imbalances”, explains the power relations maintained and reproduced in the discourse.

## 5.1 The ‘novelty’ digital era

It is worth elaborating that all documents talk about a digital transformation over the last decade and the ability of traffickers to adjust their modus operandi and abuse the opportunities technologies create. As the internet is a public space and accessible and available to everyone, the question arises why LEAs are described as not able to keep pace with traffickers while the latter is described as “savvy” (Europol, 2020b, p. 4), “skilled” (EC, 2020a, p. 7), and “adapted to the new normal” (EC, 2022a). The digital age is foremost depicted as bringing “structural changes” (CoE, 2022a) and “new challenges” (OSCE ODIHR, 2022, p. 10).

The EC (2021b) expresses the need to “keep pace with skills, capabilities and knowledge about available tools, services and technologies” (EC, 2021b, p. 10) and “with the fast developing technologies used by criminals and their cross-border activities” (EC, 2021a, p. 26)<sup>15</sup>. Authorities are confronted with “major challenges keeping pace, including detecting signs of exploitation in the increasing magnitude of online advertisements and obtaining crucial digital evidence” (EC, 2021b, p. 11).

Several times, the CoE speaks of “bottlenecks” that negatively influence the investigation of forced labour and therefore calls for training for authorities at all levels (CoE, 2022a, pp. 15. 24f. 27. 32. 34). The OSCE OSR/CTHB warns that “governments are considerably lagging behind” (OSCE OSR/CTHB, 2020, p. 36)

Moreover, the authors claim that the Covid-19 pandemic and the accompanying economic crisis made more people vulnerable to exploitation, especially children and that recruitment of victims for forced labour is increasingly due to the internet (EC, 2022a;

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<sup>15</sup> The need to ‘keep pace’ is also listed by other authors (OSCE ODIHR, 2022b, p. 50, OSCE OSR/CTHB, 2020, p. 58; CoE, 2022a, p. 18).

Europol, 2020b, p. 6; OSCE OSR/CTHB, 2022, p. 11; CoE, 2022b). The OSCE OSR/CTHB (2022) remarks that the pandemic “has shown that policymakers are generally not prepared to respond quickly to such abrupt shocks and their consequences in society” and therefore calls for “advance planning” (OSCE OSR/CTHB, 2022, p. 16). The war in Ukraine also increases the vulnerability of people fleeing the war (EC, 2022a; CoE, 2022b). Dunja Mijatovic (CoE Commissioner for Human Rights) uses strong words as she “warn(s) about the heightened risks of human trafficking resulting from the massive internal and external displacement of people, mainly women and children, fleeing the conflict” in Ukraine (CoE, 2022b).

It is remarkable that the identifying and securing of digital evidence of exploitation (EC, 2021b, pp. 10f.) is an obstacle Europol acknowledged back in 2014, calling it a “gap between identification and intervention” (Europol, 2014, p. 1). Hence, these challenges did not occur from one day to another, as some documents might give the impression. Considering the information Europol published in its Intelligence Notification 2014, the earliest document of this analysis, the argument of ‘novelty’ does not hold and can be revealed as a sham argument. The argument is rhetorically placed and supported using loaded terms (see above) and the metaphor of ‘race’.

It is worth highlighting that the OSCE OSR/CTHB, the EC and Europol use the metaphor of race when describing the relationship between traffickers and LEAs (EC, 2021b, p. 11; OSCE OSR/CTHB, 2020, p. 58). Europol puts it this way, “the constant development of new technologies and change in business models used by traffickers keeps the race going between traffickers and law enforcement” (Europol, 2020b, p. 5). This gives the impression that the use of technology was a competition in which the authorities could not compete with their rivals even though they were trying hard. Their rivals, individuals and, as the authors point out, organised crime groups, are “more technologically savvy” (Europol, 2020b, p. 4). The metaphor itself gives reason to believe that this competition between ‘good’ (LEAs, authorities, Europol, EC) and ‘evil’ (traffickers, often emphasised as Organised Crime Groups) is not yet over and that it can still be won by the ‘good guys’. The enumeration of technological tools for preventing, protecting, and prosecuting forced labour further underlines this. The authorities are taking up the race.

At the same time, the discourse leaders distinguish between ‘good’ and ‘evil’ use of technology. There is a good, helpful *use* that brings salvation to people - that of the



authorities. And there is a dangerous, punitive *misuse* that turns people into victims - that of the perpetrators.

This ideological bias breaks down the complexity of technology-based tools. According to van Dijk (2001), this is shown in a positive self-presentation emphasising the good actions of the ingroup, and a negative presentation of the other, emphasising the evil actions of the outgroup. Bad actions of the ingroup and good actions of the outgroup in contrary are deemphasised (Van Dijk, 2001, p. 103).

Authorities “use” technologies “to identify victims”; in contrast, technology is “misused” by traffickers or organised crime groups “to exploit THB victims” (OSCE OSR/CTHB, 2020, p. 58; 2022, p. 4). The clear distinction between good and evil manipulates the reader to quickly take sides, not questioning the arguments of the ‘good guys’ any further. The authors use this ideological bias successfully to “whitewash” their use of technology (Milivojevic et al., 2020, p. 20). This leads to the belief that the authorities must keep up with the perpetrator groups and upgrade technologically, according to the motto ‘the more, the merrier’. This, and readers’ ignorance of how long this discourse on the use of technology to combat forced labour has been going on in the EU, makes the sham argument of ‘novelty’ difficult to debunk.

It also raises the question of whether this ‘race’ can be won with the strategy used by the EC, Europol and CoE. UN ICAT (2019) reveals that the “technology development related to human trafficking is relatively new and untested, and thus should be monitored and evaluated for impact” (UN ICAT, 2019, p. 2). This includes the realms of “data privacy, ethics, transparency, accountability and informed consent” (ibid). However, the strategy is not questioned by the CoE, the EC and Europol; it has an implicit meaning. The question arises if it is *rational* that the goal of ending forced labour can be reached by the strategy pursued. The answer is no. The OSCE OSR/CTHB (2020; 2022) warns about seeing technology as the solution and calls practitioners to “temper their expectations” (OSCE OSR/CTHB, 2022, p. 55). The OSCE highlights that technology is “a means to solve a problem” and points to its limits (ibid, 2020, p. 39). It would be important to consider the stakeholders’ needs before developing new tools. The OSCE advocates for a shift from developing new technologies (development phase) to disseminating tools that achieve outcomes (implementation phase) (ibid, 2022, pp. 42. 55; 2020, pp. 37. 39. 53).

In the discourse, authorities are further presented in a passive, inferior role. The perpetrators are skilled; they change their methods dynamically, whereas the authorities

need more resources - in terms of personnel, material, qualifications, and cooperation. The authors concede power to traffickers in the discourse. This reinforces the dichotomy of ‘good’ and ‘evil’ and serves as a means to legitimise their course of action. It is essential to point out that the authorities’ aim is foremost to keep up with traffickers. The aim to be in advantage is not discussed.

Furthermore, unlike the authors who are keen to make it appear traffickers are not responsible for technology-facilitated forced labour generally. Responsibility is readily shifted, and big issues like social justice and fair migration policies are left out of the discourse.

## **5.2 The narrative of ‘protecting’ and ‘identifying.’**

As stated in 5.1, the CoE (2022a) claims that technologies led to “structural changes” in committing the crime of forced labour, which would request states to adjust their criminal justice system and train LEAs (CoE, 2022a, p. 10). According to Milivojevic et al. (2020), this narrative “quickly became mainstream,” and “technology has been identified as a potent counter-trafficking tool” (Milivojevic et al., 2020, p. 21). Even though the CoE admits that “the evidence base on online and technology-facilitated THB remains limited and patchy” (CoE, 2022a, p. 9) as there are only a few reports and interviews, the CoE, Europol, and the EC follow this narrative as well.

Europol (2020b) advocates for the empowerment of LEAs. This includes increased equipment, work forces, and technical knowledge training (data processing, data privacy, decryption capabilities, informed consent, and ethics) (Europol, 2020b, p. 5f). Moreover, officers without specialisation would need to know in principle how digital evidence management works (EC, 2021a, p. 26). Further, the EC (2021a) criticises that a lack of expertise leads to existing open-source tools not being used because either the knowledge needed to use them is lacking, knowledge about the tool’s existence is lacking, or tools are not being further developed (EC, 2021a, p. 27). The CoE (2022a), too, sees a lack of technological development and personnel training (CoE, 2022a, p. 17).

The narrative of technology as a potent counter-trafficking tool is not questioned, nor is technologies’ efficiency in combating forced labour. The argumentation is additionally underpinned by all authors with the guiding principle “to protect” and “to identify” victims. At first glance, this makes sense, but the classification of forced labourers as victims in this discourse leads to their degradation. Milivojevic et al. (2020) state, “The

rhetoric of the benevolent victim-rescue has mass appeal. Yet, such appeal drowns out considered and empirically-based criticism, and perpetuates the denial and silencing of those who experience exploitation (...), concerns about the limits and consequences of such technology are silenced by the overwhelmingly moral imperative to ‘protect and rescue’” (Milivojevic et al., 2020, p. 22).

The guiding principle “to protect” and “to identify” victims is based on the belief that the internet brings the omnipresent danger of becoming a victim of forced labour or other forms of THB. This belief reduces the internet to a source of potential danger and calls for securing the internet and vulnerable individuals. The documents portray victims of forced labour as passive and vulnerable, emphasising their need for rescue. In this context, authorities are portrayed as active, emphasising their need for more resources. The narrative ignores the positive impact the internet could have in combating forced labour for LEAs and especially (potential) victims of forced labour. Labour migrants are not empowered to protect themselves from exploitative working conditions. For example, through the apps and social media proposed by Kara (2017), Milivojevic et al. (2020), and Raets and Janssens (2021) to connect third-country<sup>16</sup> workers and educate and inform them about forced labour and the migration process, as well as worker feedback tools (see chapter 2.4). Guest worker schemes as stated in chapter 2.4 discriminate against low-skilled third-country workers, and the LEAs’ reactive approach to retrofitting technologies lead to a power imbalance between authorities and forced labourers.

The OSCE criticises that financial investigations are “underutilized” and furthermore refers to the usefulness of blockchain for work contracts and information tools allowing facilitated and safer labour migration (OSCE ODIHR, 2022, p. 65; OSCE OSR/CTHB, 2020, p. 42. 43). In its analysis of technology tools, the OSCE (2020) further proposes different tools during the exploitation process for companies and victims. Corporate transparency tools, supplier management tools, educational tools, worker engagement tools, and platforms could help prevent forced labour. Remittance and supplier management tools, red flags identification and auditing tools, and victim assistance tools could help identify the crime and its victims. Further, operational and remediation tools, victim case management or assistance tools as well as educational apps for access to compensation could be helpful after the exploitation phase (OSCE OSR/CTHB, 2020, pp. 37f.).

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<sup>16</sup> Third countries are states that are neither member states of the European Union nor part of the Schengen area.

The mention of technologies for identifying ads that indicate forced labour recurs. On the other hand, the need for technologies that monitor supply chains is only mentioned in passing by the EC. The EC (2020a) refers to civil society organisations that point out that “labour inspections and the monitoring of employment standards still need to be improved, especially in sectors such as agriculture, construction, catering, cleaning, hospitality (e.g. hotels) and care (e.g. nail bars)” as well as “the importance of increasing transparency in the product supply chains, where human trafficking in human beings often occurs, as well as introducing due diligence requirements” (EC, 2020a, pp. 5f.). The EC (2020a) plans that the European Labour Authority “will cooperate with EU agencies” but does not specify strategies to implement the comments of civil society organisations (EC, 2020a, p. 5). The OSCE remarks that information about forced labour is used by companies to “manage reputational risks” and urges them to “behave ethically” (OSCE OSR/CTHB, 2020, p. 51).

The lack of transparency of supply chains and their thematisation ensures the exclusion of these forced labourers in the discourse. Following Mendel and Sharapov (2016), “This separation also allows ignorance about these practices, and their impact on the ‘Other’, to be maintained” (Mendel & Sharapov, 2016, p. 13). Thus, there is a differentiation between potential victims of forced labour that are EU citizens and forced labourers that are non-European nationals. In both cases, the authorities focus on individuals. States shirk their responsibility and equally fail to hold companies accountable to uncover and remedy grievances. Furthermore, it would also need to be discussed whether technologies used by authorities to combat forced labour were produced under fair labour conditions and without coercion.

### **5.3 The legitimization of monitoring migration with technology**

Van Dijk (2001) points out that discourse topics “play a fundamental role in communication and interaction” (Van Dijk, 2001, p. 101). In the discourse of forced labour, I repeatedly noticed a shift to the discourse topic of smuggling and border migration, shaped by the two macro-topics migration and terrorism. According to Van Dijk (2001), the social relevance of topics (in social structure, discourse, and interaction) determines how groups handle them in further discourses (Van Dijk, 2001, p. 102).

Policymaking related to the use of technologies to ensure both border security and protection of (potential) victims of forced labour is legitimised by referring to, in Dunja

Mijatovic's (CoE, 2022b) words, "the clear link between border and migration management and the risk of human trafficking". However, a clarification of the 'clear' connection between the topics is not given in any of the texts under analysis. EC (2020, p. 8; 2021a, pp. 17-19), CoE (CoE, 2022b) and Europol (2020a, p. 16) link the smuggling and THB without giving sound reasons. Instead, this link is naturalised and presented as common sense.

The EU Anti-Trafficking Coordinator, Diane Schmitt, states, "New threats in the online space and the solutions offered by technology do not stop at the border" (EC, 2022a), giving the impression that forced labour developed its international character recently. But forced labour did never stop at the border. The EC (2021b) refers to policies on external security and strategies on migration, asylum and smuggling<sup>17</sup> due to "traffickers abusing asylum procedures, including by legalising their status and that of their victims" (EC, 2021b, pp. 17f). At this point, the EC does not refer to any statistics to support their argument. It is based on the belief that an external threat could jeopardise EU security. The fact that it is additionally a sham argument through which the EU enforces its ideology will be explained in more detail below.

Following Milivojevic et al. (2020), technology could increase "state control over human mobility" (Milivojevic et al., 2020, p. 27). The humanitarian argument of 'protecting vulnerable persons' is used to monitor migration flows and regulate immigration with the help of technology to keep irregular, unwanted migrants out of the EU.

In its Programming Document 2020-2022, Europol states that the Malta Declaration "re-confirmed and escalated" the importance of the European Migrant Smuggling Centre (EMSC) to combat forced labour (Europol, 2020a, p. 11). However, the lack of transparency regarding the Declarations' positive outcomes concerning forced labour calls into question the accuracy of the statement, especially considering that the Malta Declaration thematises smuggling but not human trafficking. The content of the Declaration is known by the EC, and so is the differentiation between smuggling and human trafficking. This differentiation is essential as it defines two different crimes with different purposes and their victims, who are entitled to different rights. Further, the approach and argumentation by Europol underline the hierarchy between irregular

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<sup>17</sup> Namely the Pact on Migration and Asylum, including the EU Action Plan against Migrant Smuggling, and the Common Security and Defence Policy and the Common Foreign and Security Policy.

migrants, including victims of forced labour and victims within the EU or victims of trafficking for sexual exploitation that was presented in chapter 2.3. There is no equality between victims of technology-facilitated forced labour and those of online sexual exploitation. This includes gender inequality and the distinction between male forced labourers as irregular migrants and female forced prostitutes as victims of trafficking. Rationally, this valuation is unacceptable. Forced labour is the second most common form of trafficking in the EU (see chapter 1.1). This stereotypical problem leads to a focus on technologies to identify victims of sexual exploitation online. Moreover, this value-laden argument contradicts another value: the prohibition of discrimination in Article 14 of the European Convention on Human Rights. The argument is, therefore, not only rationally but also ethically unacceptable.

Potential victims of forced labour among irregular migrants are classified as a potential threat to EU security – without strong and valid justification. Migrants are kept from entering EU territory and obtaining their rights as victims of forced labour by perceiving them as irregular migrants. The claim that irregular migrants pose a threat should be strongly questioned at this point but needs to be further explored in other research. It reveals a dichotomy between EU nationals (ingroup) and third-country nationals (outgroup). It must be noted that human rights activists have repeatedly criticised the migration policy addressing the Mediterranean and EU-led SARs and questioned compliance with EU law and human rights. Following Lyon (2003), Milivojevic et al. (2020) summarise: “Surveillance was and always will be used for social sorting, for the taxonomy of populations as a foundation for differential treatment” (Milivojevic et al., 2020, p. 27). Third-country nationals are objectified, and their freedom of action is restricted for the sake of the security state (Milivojevic, 2020, p. 31).

This ideology that mixes the concepts of smuggling in persons and THB leads to further harm to vulnerable individuals, regardless of whether they are (potential) victims of forced labour, for two reasons.

Firstly, the sobering result of this interdiscursivity is the reduction of technological tools that focus explicitly on forced labour to the surveillance of border migration and the ‘prevention’ of forced labour. It has to be noticed that there is a general lack of technological tools that explicitly focus on combatting forced labour. The texts talk about technologies to prevent and prosecute crimes of online sexual exploitation or use the umbrella term THB, including sexual exploitation and forced labour. Further, the

analysis of this discourse has shown a lack of technological tools that identify victims of forced labour during their exploitation (see Chapter 5.2).

Secondly, the EU (2021a) and Europol (2020a) use the argument to legitimise the Schengen Information System (SIS). According to the EC (2021a) and Europol (2020a), the SIS is a shared database that allows frontline officers to promptly react to suspicious objects or persons involved in organised crime. The shared database includes biometric data and DNA profiles and “alters on persons at risk of abduction or trafficking in human beings” and suspicious persons, e.g. related to terrorism. The “EU Regulation 2018/1861 on establishing, operating and using the Schengen Information System (SIS) in border checks” would grant Europol extended access rights for forced labour cases. The SIS would facilitate international information exchange between authorities. (EC, 2021a, p. 3; Europol, 2020a, p. 16)

Thus, this ideology needs the interdiscursivity of border migration, smuggling and forced labour to legitimise the argumentation within the different discourses, close the circle, and validate the EU system. Dunja Mijatovic (CoE, 2022b) warns, “it is crucial that member states expand safe legal migration routes to reduce the risks of human trafficking” (CoE, 2022b). But since the argumentative framework would collapse, the applied measures are not critically evaluated. Policymakers do neither question the alleged positive outcomes nor the negative consequences for the individuals. Statistics on the successful use of technological tools at the EU’s external borders to identify victims of forced labour are in vain<sup>18</sup>. The racist argument that third-country migrants are a potential threat to EU security (relating border security not only to THB but also to terrorism) results in their rights to privacy and equal treatment being left out of the discourse. Rights that are strictly protected for EU citizens. This points to the hierarchy between third-country nationals (outgroup) and EU nationals (ingroup) and the discrimination of the former and, thus, the violation of Articles 1 and 7 of the UDHR.

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<sup>18</sup> During the EMPACT Joint Action Days in October 2022, authorities intensified their checks at the external European borders in the Balkans and Southeast Europe. In total, 74,924 persons have been checked, of whom 382 have been arrested, 2 for crimes related to THB (Europol, 2022b). Even if these data are too small to be representative, the suspicion that the EC is using a sham argument is growing stronger.

## 5.4 Securing the state

The EC (2021a) highlights that technology is shifting evidence from the physical to the digital space. However, not all tools were adapted to digital evidence collection, which means that slow data transmission affects police investigations and prosecutions. Since more than 80 per cent of crimes today have a digital component, the EC (2021a) claims in the EU Strategy to tackle Organised Crime 2021-2025 that the capacities of law enforcement agencies need to be adapted to this. In fact, LEAs would need access to electronic communications data and associated metadata to prove a link between perpetrators, victims, and the crime. Without this data, often only henchmen who were physically present when crimes were committed or in the words of the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE ODIHR) “a *cog in the wheel*” could be brought to trial, but not the principals themselves (EC, 2021a, p. 23. 26; OSCE ODIHR, 2022, p. 58).

The OSCE criticises an “insufficient understanding of evolving challenges” and “legislative loopholes and gaps” due to legal provisions that do not cover novel technologies (OSCE OSR/CTHB, 2022, p. 17). Valiant Richey, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, calls for state-led policies, pointing to the “clear limitations of the traditional self-regulation approach founded on voluntary action”, where companies take responsibility for limiting forced labour on their platforms (OSCR OSR/CTHB, 2022, p. 5). In the CoE report (2022a), several states remark that policy formulation for the internet is “very resource intensive and subject to legal restrictions” and express the need for a common legal framework comprising data retention and transfer, which replaces bilateral agreements for improved exchange of digital evidence (CoE, 2022a, pp. 14. 17).

Following the EC (2021a), data retention frameworks aim to ensure access to digital evidence by legally obliging communication technology providers to store metadata for a certain period. The EC (2021a) justifies this by the slowness of official investigations due to the complexity of forced labour, which often would only yield new suspects gradually. According to the EC (2021a), the aim is to enable the uncovering of more crimes, secure evidence, and identify victims (EC, 2021a, pp. 23f).

The shift from the self-regulation approach to a state-regulated approach was shown in Chapter 1.2. As most of the laws have not yet entered into force, it remains to be seen whether this change will achieve the outcome envisaged by the CoE. Valiant Richey’s call underlines that the institutions are interested in taking on responsibility – *if*



it is related to power. Ultimately, stronger legal frameworks not only support the prosecution, they also allow for cybersecurity and increased surveillance of digital public space.

The EC (2021a) refers to its Draft e-Evidence Directive of 2018, which is intended to facilitate LEAs' expeditious access to digital evidence stored outside their jurisdiction. As of December 2022, this regulation is not yet in force. The e-Commerce Directive and the Digital Services Act generally oblige online platforms and Internet Service Providers (ISPs) to delete illegal content. (EC, 2021b, p. 11).

The e-Evidence Digital Exchange System (eEDES) is a decentralised system for data and information exchange and enables national authorities to digitalise justice and law enforcement. According to the EC (2021a), participation in this and further international negotiations are desirable to secure corresponding regulations for access to digital evidence. (EC, 2021a, p. 24). Europol (2020b) adds that the e-evidence package (Directive and Regulation) is at the same time aiming at compliance with individuals' fundamental rights (Europol, 2020b, p. 14).

In contrast, in the CoE report (2022a), NGOs point to "the potential risks and harm generated by large-scale data collection and tech tools" and advocate for compliance with data protection and control mechanisms (CoE, 2022a, p. 30). Further, the report indicates that "inadequate data retention obligations" are challenging (CoE, 2022a, p. 16). Unfortunately, the CoE gives no further explanation about what they mean by "inadequate" (CoE, 2022a, p. 16). Helga Gayer, President of GRETA, too, stresses the need for policies that include the technology aspect of THB and consider human rights, i.e. freedom of expression, freedom from discrimination, and the right to privacy (CoE, 2022c). Referring to the Trafficking Convention and the Human Rights Convention in her statement, Dunja Mijatović (CoE, 2022b) highlights, "It is time to make full use of these instruments" (CoE, 2022b).

What is lacking in the discourse is an approach (course of action) that presents *how* both fundamental rights and 'appropriate' legal frameworks can be ensured in practice. The institutions may be interested in preserving data security and the right to privacy, but the primary goal remains to achieve state security. Once again, the narrative of 'identifying and protecting' supports their argumentation, in this case, the claim for stronger, harmonised legal frameworks. As shown in 5.2, the narrative leads to the exclusion of other courses of action. The ideological bias of 'good' and 'evil' also help in the question of stronger legal frameworks that the demand of the 'good guys' is not

questioned. After all, according to the assumption of the ideological bias, the ‘good guys’ would never violate fundamental rights but protect them.

The EC (2021a) is also developing an approach for handling encrypted information, including end-to-end encryption, that respects privacy and security of communication and fundamental rights. Since 2020, Europol’s decryption tool has helped identify traffickers who use encryption to hide their identity and communications without, according to the EC, violating the rights of suspects.

UN ICAT (2019) remarks that any conflicts of interest between ensuring confidentiality and anonymity and ensuring support mechanisms for victims must be considered when using technologies. In addition, information gained from vulnerable persons must be used to support and protect them, not to pursue business interests. Consent protocols must consider age and gender. Informed consent would be especially important when using AI (UN ICAT, 2019, p. 2). Further, shared information between LEAs would need to comply with national and international law and respect “privacy and confidentiality standards” (UN ICAT, 2019, p. 5; UN, 2021, p. 14).

Authorities decide which technologies are used, when, where and for whom. In this discourse, these Wh-questions remain mostly unclear. For example, although the documents indicate for which purpose technologies will be used, mainly to identify victims and perpetrators and false job offers online, background knowledge is needed to understand to what extent AI or machine learning is needed for the respective tasks. Only the OSCE ODIHR (2022) gives an overview of which technologies are used for audio surveillance, visual surveillance, tracking, data surveillance, and human surveillance and therefore allows for better comprehension (OSCE ODIHR, 2022, p. 61).

In the EC’s argumentation, human rights are primarily mentioned in connection with their violation by traffickers (EC, 2020a, p. 2). Although the EC (EC, 2021a) asserts that the relevant regulations respect data protection, it does not go into further detail on the extent to which rights are taken into account. Statements about the importance of human rights when using technological tools to combat forced labour by the CoE and EC give the impression that the rights of the individual, victims and internet users were considered. However, the statements remain general and do not allow conclusions to be drawn about the various technological tools and concerns about fundamental rights and data protection. The discourse is non-transparent. Once again, this shows the ideological bias of ‘good’ and ‘evil’ and deemphasised (potential) evil actions of the ingroup. Not the rights of individuals and human security but the security of the state is the value that is

being pursued here. This chapter has shown in addition to border security (see chapter 5.3), the EC also targets cybersecurity.

## **5.5 Transnational cooperation as an all-purpose solution**

In 2014, Europol criticised limited legal frameworks regarding online investigations, which complicate the work of LEAs and thematises the permanent need for training for experts who face challenges such as encrypted mail and mobile devices (Europol, 2014, p. 3). Six years later, Europol (2020b) still advocates for the legally permissible use of digital footprints to allow access to datasets and faster responses. The EU agency emphasises, “the next years will be critical in terms of identifying and agreeing on the legal and technical frameworks that can be implemented to act effectively against trafficking in human beings in the digital age” (Europol, 2020b, p. 7). Improving the legal conditions for collecting digital evidence online, especially on social media, would be “crucial” as victims of trafficking rarely report crimes online. Europol also calls for laws to hold internet providers and social media operators more accountable (Europol, 2020b, pp. 5f). The same year, the EC (2020a) registered a higher number of suspects and prosecutions and a lower number of convicted persons than in the prior reporting period and concluded that it is still difficult to bring sufficient evidence to prove the crime, resources (human and material) for carrying out financial investigations, and transnational cooperation (EC, 2020a, p. 11).

Looking at the time span of 6 years between the publication of the documents not only debunks the sham argument of novelty (see chapter 5.1). It also shows that there is a strong discrepancy between what the EC and Europol demand and what they actually implement. There is a lack of urgency that shows that the EC and Europol readily pass on responsibility. According to the EC news article (EC, 2022a), success in combating forced labour depends on transnational cooperation and the inclusion of technology in short and long-term strategies. In this context, the joint initiative GLO.ACT by EU and UNODC was highlighted. In its report, the EC (2020a) further emphasises the need for a “strong criminal justice response” and calls “for a new strategic approach” aiming at making forced labour a “high-risk low-profit crime” (EC, 2020a, p. 11. 17).

“A new strategic approach” would indeed be desirable. The question to ask is if and in how far the EU pursues its formulated goals. To answer this question a deeper insight into Europol’s Programming Documents for 2020-2022 and 2023-2025 is

required. If one regards the activity “A.3. Combating Serious and Organised Crime” in Europol’s Draft Programming Document, one can identify a clear focus on the European Serious and Organised Crime Centre’s (ESOCC) actions, operations on drug trafficking, and the European Migrant Smuggling’s (EMSC) actions. The EMSC is part of the ESOCC and assures the mitigation of organised crime in the area of migrant smuggling (Europol, 2020a, p. 43). The ESOCC supports MS authorities in targeting priority cases concerning serious and organised crime and ensures compliance with EU Policy Cycle priorities to warrant security by enhanced cooperation among EU authorities (Europol, 2020a, p. 44).

The expected results of the objectives and actions regarding THB in Europol’s programming document 2020-2022 are that “MS’s investigations receive quality analytical and operational support related to THB. High-value targets are arrested and criminal networks are affected” (Europol, 2020a, p. 49). These are the standard outcomes for the other four programme actions in the field of “A.3. Combating Serious and Organised Crime”, namely Operations on Weapons and Explosives, Operations on High Risk and Cross Border Organised Crime Groups (OCG), Operations on Property Crime, and Operations on Environmental crime. In Europol’s Draft Programming Document 2023-2025, the expected results only changed in the *wording* of the second sentence to “Arrests of High-Value Targets, identification and seizures of criminal assets, and disruption/dismantling of criminal networks” in the same five programme actions as before (Europol, 2022a, p. 56). These goals can, therefore, probably also be described as placeholders, as they are neither precisely formulated nor adjusted over the years and are valid for all five less prioritised programme actions.

Another indication that the EC and Europol do not implement the fight against forced labour with the necessary urgency and like to shift responsibility is the results of the OSCE’s study. The OSCE OSR/CTHB points out that states are only responsible for 9 per cent of identified tech tools and calls this finding “not expected” pointing to their “main obligation to fight human trafficking” (OSCE OSR/CTHB, 2020, p. 27). In contrast, NGOs and the private sector are responsible for 73 per cent of anti-trafficking tools (ibid, p. 28). Thus, the OSCE OSR/CTHB (2020) notes that cooperation between states and other stakeholders allows the former to use the stakeholders’ “cutting-edge” instruments and to benefit from them “with minimal investments” (ibid, p. 53). This conclusion makes it easy for the states as it does not hold them firmly accountable. It also explains why all authors emphasise the need for cooperation throughout the documents.

Following the EC (2021b), Europol and Eurojust aim to strengthen transnational cooperation to enhance LEAs' responses (EC, 2021b, p. 4). Olivier Onidi, at that time in the office of the EU Anti-Trafficking Coordinator, calls for a framework adapted to the digital age for facilitated cooperation between public authorities, the private sector and civil society (Europol, 2020b, p. 6). The EC (2021a) advocates for “coordinated and well-targeted actions to develop capabilities and competencies” with the help of EU agencies and mechanisms, as a lack of coordination, would lead to initiatives being carried out repeatedly (EC, 2021a, p. 27). Thus, the EC calls for an exchange of knowledge and experience (tools, training etc.) across borders. This would be the only way to cover the different areas of digital evidence (EC, 2021a, p. 26). Further, the EC (2021b) calls for MSs to foster cooperation between stakeholders, particularly with Europol, the European Labour Authority, and its European Platform tackling undeclared work. However, the EC remains superficial in its demands and neglects the digital field entirely at this point (EC, 2021b, p. 7).

The CoE (2022a) highlights the “importance of enhancing cross-border cooperation” and remarks that cooperation with non-European LEAs is especially time-consuming, which is criticised with the words “unpredictability”, “lack of harmonisation”, and “inconsistency” (CoE, 2022a, p. 17. 20). The CoE (2022a) further criticises that knowledge is not shared among stakeholders but “often sits in silos” (CoE, 2022a, p. 18).

As the results of the OSCE OSR/CTHB (2020) study have just shown, the narrative of technology as a potent counter-trafficking tool attributes a significant role to the private sector. Following Musto and Boyd (2014), “it remains to be seen whether such an underlying ethos of competition can be temporarily bracketed and ‘closed circles’ of technological knowledge opened to address trafficking” (Musto & Boyd, 2014, p. 475). However, this risk of an “ethos of competition” is not addressed in the documents. Instead, states have indicated in the CoE report (2022a) that companies are willing to cooperate, but in their view, there would be a lack of a clear legal basis, timely response, knowledge, and contacts (CoE, 2022a, pp. 17f).

Europol (2014), CoE (2022c), and EC (2021a) point out the key role of the private sector, especially the cybersecurity community, and the usefulness of data-sharing practices and cooperation protocols to facilitate the transmission of evidence and deletion of content connected to forced labour (Europol, 2014, p. 3; CoE 2022c; EC, 2021a, p. 24). Therefore, the EC (2021b) wants to work with internet and technology companies as

well as internet service providers to develop technology-based solutions. It thereby hopes to limit the use of online platforms for forced labour and other forms of THB (EC, 2021b, p. 11).

The OSCE OSR/CTHB (2020) considers awareness about the available technological tools among stakeholders as “extremely important (...) to avoid duplication of efforts” (OSCE OSR/CTHB, 2020, p. 7. 42). Following the OSCE, between 2015 and 2018, there have been 40 anti-trafficking technological tools published annually (ibid, p. 23). In total, the OSCE registered 305 anti-trafficking technological tools in its analysis (ibid, p. 37). It is true, of course, that cooperation helps to save resources, share information and knowledge, and thus facilitates law enforcement. But if cooperation leads to the EC shifting its responsibility to the private sector and fails to implement its strategies in a timely manner, then the underlying value is not to increase the number of convictions, at least not only. The fact that states are cleverly shifting their responsibility shows again that responsibility is only in the interest of the EC if it is linked to power. Thus, transnational cooperation can be seen as an all-purpose solution.

## **5.6 Power imbalances**

Power manifests itself in many ways in the discourse. If one looks at the intertextuality of the texts, it becomes apparent that, for instance, the EC refers to the UNODC several times (EC, 2021b; 2022a; EC, 2020a). The EC relies on the UN agencies UNODC and ICAT as partners for international cooperation and envisages “working closely” with CoE and its expert group GRETA to implement its EU Anti-Trafficking Strategy 2021-2025 (EC, 2021b, p. 18). The EC (2021a, p. 24) refers to the Second Additional Protocol to the CoE Convention on Cybercrime. While the EC relies on CoE’s cooperation, it does not attribute any power to it in the discourse (by referring to its findings and reports, e.g.). The EC, however, does not refer to the OSCE. Europol (2020, p. 25; 2022, p. 93) expresses its general interest in cooperating more with the OSCE, CoE, and UNODC. Generally, the OSCE presents a more critical view that can also be found in academic literature (see Chapter 2). The EC and Europol leave these arguments and critique out of the discourse. Against the background that EU MSs are State Parties of the OSCE, this is remarkable. It underlines the hegemonic struggle that persists in this discourse. The EC maintains its dominant position by ignoring the critique of its argumentation and naturalising its own ideologies, making them hegemonic.

Further, the EC and Europol leave out the argument to focus on technologies to support and empower migrant workers in making better-informed choices. This possibility is mentioned in the CoE's report on "Online and technology-facilitated trafficking in human beings" as a comment by international organisations but does not find further attention in strategic considerations or recommendations by EC or Europol. The extent to which the EC will consider the arguments in the CoE report in the future remains to be seen due to its recent publication (2022). All this shows that the EC and Europol have deontic power.

Human rights are primarily mentioned in connection with data protection. Data protection plays a role, especially when technological tools capture digital public space used by EU citizens, (potential) victims and perpetrators. The lack of transparency and the focus on prosecution calls into question the determination with which these considerations are carried out in practice. However, the importance of data protection is shifted to the background when it comes to protecting state borders. The rights of third-country migrants are thus not protected with the same urgency as those of EU citizens.

Authorities have *power over* forced labourers. They decide which technologies are used, when, where and for whom. 'Which' here includes available technologies and the ethical decision of what kind of technologies to use and how. 'When' describes that authorities often only intervene reactively. 'Where' describes that authorities only investigate the online platforms they are aware of, leaving forced labour that goes outside these grids undetected. 'For whom' indicates that many technology-enabled investigations focus on online sexual exploitation because victims are easier to identify because they leave more digital footprints than forced labourers who are recruited online but exploited in analogue ways.

For example, although the documents indicate where the technologies will be used, mainly to identify victims and perpetrators and false job offers online, background knowledge is needed to understand to what extent AI or machine learning is needed for the respective tasks. The general reference to the importance of respecting human rights creates the impression that these are included in the discourse. However, the lack of transparency about the use of different tools makes it clear that Europol and EC are not *critically* concerned with the respect of rights, possibly resulting in a restriction of certain technological tools. Especially the lack of transparency and the resulting ignorance of outsiders help the EC to maintain its power.

The EC thus has power over pan-European organisations and critical expert voices from academia as well as over the (potential) victims of forced labour themselves.

The data underlying the EC's and Europol's argumentation remain unknown. This lack of transparency leads to ignorance on the part of the readers and is used by the EC to impose its argumentation. Unquestioned facts and lack of transparency, as listed below, prevail in the discourse and guarantee the EC's performative power. For example, the documents state that "many" traffickers "are increasingly using" the internet and social media, which "significantly impacted the way in which organised crime groups involved in international trafficking in human beings (THB) operate" (Europol, 2020b, p. 1). However, statistics with precise data that empirically prove this significance are not to be found in the documents. Yet, at least since 2014, the entire argumentation is based on the significant impact of modern technologies on forced labour. All this shows that the EC has power *in* discourse.

The EC also has power *behind* discourse. This can first be traced back to the EC's remit. Firstly, the EC is the only EU institution that has the right of initiative and can propose draft legislation to the EU Council and the EU Parliament. The discourse is confusing for outsiders, which is due to the fact that valid legislative texts refer either to organised crime in general or artificial intelligence, data protection or explicitly to human trafficking, but then not to technologies. There is a lack of a legal basis that links the two topics of technology and human trafficking or forced labour and creates clear guidelines and protects the human rights to privacy, freedom and equality as well as from discrimination and forced labour. This entails the (potential) danger of deciding for the individual case which laws should apply and thus could lead to discrimination.

Secondly, the EC is responsible for translating laws into policies and priorities. The EC represents the political interests of the EU, which in this discourse are divided into four areas. First, technology-facilitated forced labour as a form of THB. Second, irregular migration as a threat to potential victims of forced labour. Third, artificial intelligence in regulatory use. And fourth, data protection in law enforcement. All areas are characterised, above all, by the maintenance of the security state. In the first two areas, the EC focuses on international cooperation, well-trained LEAs, and sufficient resources to achieve this goal. In the third area of artificial intelligence in law enforcement, the EC is primarily concerned with the external impact of the EU. With the Coordinated Plan on Artificial Intelligence, the EU aims at "creating global leadership in trustworthy AI", which can be related to power (EC, 2023b). Once again, the rights of victims are placed in the background. The fourth area of data protection is regularly addressed in the



discourse. However, the concrete implementation of data protection and its meaning for technology-facilitated forced labour remains unaddressed.

Thirdly, the EC monitors and enforces the implementation of the policies in the EU MSs. The EC is therefore responsible for how and *how well* technology-facilitated forced labour is combated. Yet, the extent to which technology should or may be used to combat forced labour remains unanswered in the discourse. Reference is only made to the observance of human rights and the importance of international cooperation.

Fourthly, budget planning is subject to the EC. However, this remains unaddressed in the discourse, and the EC keeps very quiet about the use of financial resources. In Europol's Draft Programming Document 2023-2025, the proposed revenue for Europol's work in 2023 is 203M, including an estimated expenditure of 77.9M on operational activities (Europol, 2022a, p. 26). Detailed budget planning for combating forced labour, especially technology-facilitated forced labour, remains unclear, and thus also what priority is assigned to combating it and how feasible the strategies and goals of Europol and the EC are. The EC (2022a) speaks of providing "effective financial means" (EC, 2022a, p. 2) to combat organised crime. Thus, the reader trusts that combating technology-facilitated forced labour, as one of Europol's top priorities (namely THB), will be funded accordingly. Against the backdrop of the stereotypical approach and the idea of an ideal victim, it would also be significant how much money is invested into technologies that focus specifically on combating technology-facilitated forced labour versus those of online sexual exploitation. Overall, the discourse remains very opaque.

## 6 Conclusion

The research questions of this thesis are:

1. *How do discourses on the use of technologies to combat forced labour come about, and how do power imbalances manifest themselves in and behind this discourse?*
2. *To what extent are hegemonic power relations being maintained and reproduced in this discourse challenging the protection of workers?*

To answer the research questions, I have shown in the literature review that there are very different approaches in the discourse on forced labour and technology. The problem-oriented presentation of the context, inspired by Wodak's understanding of history, introduced forced labour and technology as a security, human rights, stereotypical, and economic problem. This was helpful in conducting a *critical* discourse analysis.

Although the inclusion of technologies to combat forced labour in the EU cannot be traced back to an exact time, there has been a clear increase in demand for these technologies since 2020. The Covid-19 pandemic is presented in the discourse as the reason for a necessary shift. Traffickers 'misuse' the internet and technologies to recruit victims of forced labour, plan the crime, make organisational arrangements, and conduct financial transactions. The EC aims to keep up with these structural changes.

With the help of Fairclough's theory and methodology, the argumentation of EC and Europol was criticised, and power imbalances were identified. It became clear that the ideological bias of 'good' and 'evil' use of technology is deliberately used by the EC and Europol to legitimise their course of action.

First, however, the narrative of 'protecting' and 'identifying' emerged. This showed that the stereotype of an ideal victim prevails. The ideal image of the victim and the moral view of sexual exploitation causes the urgency to save female victims and children from being considered more important. This was already evident in the compilation of the sample, where it proved more difficult to find documents that included forced labour and technologies and were not exclusively limited to online sexual exploitation.

Instead, the narrative of 'protecting' and 'identifying' was also used to legitimise monitoring migration through technology-based border control and surveillance tools. It became apparent that the ideology of a threat invading from outside and endangering the security of the EU uses the interdiscursivity of border migration, smuggling and forced

labour (or rather THB) for the legitimization of technology-based border control and the validation of the EU system. Critique of not only viewing forced labourers as victims but establishing mechanisms to connect and educate them, as expressed by Kara (2017), Milivojevic et al. (2020), and Raets and Janssens (2021) are largely excluded from the political discourse.

Although Directive 2011/36/EU, the core legal instrument, in the words of the EC, has an “integrated, holistic, and human rights approach” (Directive 2011/36/EU, 2011, (7)), the discourse around technology-facilitated forced labour is not victim-centred and follows the human rights-based approach, but is focused on state security and follows the security approach.

The ideological bias of ‘good’ and ‘evil’ thus impacted the EC’s goals. The security state was in the foreground and included the security of the EU borders and cybersecurity.

What is lacking, then, is a close examination of the requirements for technological tools to empower victims during the exploitation phase and to raise awareness, especially among vulnerable groups. In particular, however, there is a lack of engagement with the needs of forced labourers. The discourse completely ignores the needs of victims and vulnerable groups and focuses on criminal prosecution and the associated leitmotif of ‘good’ and ‘evil’ that underlies the argument. The solutions (means-goals) presented by the EC are, at the same time, a demand for more. More technology. More training. More cooperation. More appropriate legislation. It was shown that the EC willingly accepts responsibility if it means more power (as in the case of stronger legal regulations). Cooperation, however, is used by the European Commission to shift responsibility to the private sector.

It became evident that the metaphor of race reinforces the ideological bias. Perpetrators set the pace and direction by finding new ways to abuse technology, as authorities only try to ‘keep up’. In this way, all authors conceded power to perpetrators in the discourse. However, the analysis revealed that the EC has both powers *in* and power *behind* discourse. The EC ignored critical counter-arguments from the OSCE. Non-transparency and ideologies presented as ‘facts’, as common sense, helped the EC to maintain dominant power relations. According to Fairclough (2001, p. 124), these can be classified as hegemonic.

In my view, the opacity that pervades the entire discourse is problematic in many ways. It leads to the fact that while this work criticises the opacity itself, it cannot always criticise the underlying data as such, as it remains hidden. For example, this work was

able to shed light on the lack of data pointing to and questioning the significance of identified victims of forced labour through technology-based surveillance of EU borders. In addition, there was a lack of transparency about which kind of technologies were used for which purposes. It remained unclear which specific human rights are linked to which tools. Further, there was a lack of transparency about the concrete financial budget for the implementation of the strategies, which is why it was only possible to determine that planned measures were not achieving their goal on the basis of the publication years of the documents.

As CDA is interested in hidden power relations, focusing on how the EC strategically uses opacity to maintain hegemonic power relations would be desirable. Future research could be based on Cox's theoretical understanding of hegemony. Since this work has also shown that technologies are not adapted to the needs of forced labourers, and so far, only small-scale studies have covered them; it would be important to explore this in more depth in a representative study. The documents show that empowerment is neglected, and the sense and nonsense of technological tools are discussed without vulnerable groups or victims being included in the discourse. A shift towards human security is necessary.

## 7 References

- Abramson, K. (2003). Beyond Consent, toward safeguarding human rights: Implementing the United Nations Trafficking Protocol. *Harvard International Law Journal*, 44, 473.
- Avallone, G. (2017). The land of informal intermediation: the social regulation of migrant agricultural labour in the Piana del Sele, Italy. In A. Corrado, C. De Castro and D. Perrotta (Ed.), *Migration and agriculture: Mobility and change in the Mediterranean area* (pp. 241-254). Routledge.
- Balarezo, C. A. (2013). *Selling humans: The political economy of contemporary global slavery*. University of North Texas.
- Bryman, A. (2012). *Social research methods* (4th ed). Oxford University Press.
- Castles, S. (2006). Guestworkers in Europe: a resurrection? *International Migration Review*, 40 (4) 741–746.
- Castles, S., de Haas, H., & Miller, M. J. (2014). *The age of migration. International population movements in the modern world* (5th ed.). Palgrave Macmillan.
- Chapkis, W. (2003). Trafficking, migration, and the law: Protecting innocents, punishing immigrants. *Gender & Society* 17(6), 923-937.
- Charmaz, K. (2000). Grounded theory: Objectivist and constructivist methods. In N. K. Denzin and Y. S. Lincoln (Ed.), *Handbook of Qualitative Research*, (2nd ed., pp. 509-535). Thousand Oaks, CA: Sage.
- Council of Europe (CoE). (2022a). *Online and technology-facilitated trafficking in human beings. Summary and Recommendations*. Council of Europe. <https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c>
- Council of Europe (CoE). (2022b). *In times of crises, states should step up their efforts to prevent human trafficking and protect victims*. Council of Europe. <https://www.coe.int/en/web/commissioner/-/in-times-of-crises-states-should-step-up-their-efforts-to-prevent-human-trafficking-and-protect-victims>
- Council of Europe (CoE). (2022c). *GRETA calls on states civil society and tech companies to counter the use of technology to recruit and control victims of human trafficking*. Council of Europe. <https://www.coe.int/en/web/anti-human-trafficking/-/greta-calls-on-states-civil-society-and-tech-companies-to-work-together-to-respect-and-protect-human-rights-and-the-rule-of-law-on-the-internet>

- Council of Europe (CoE). (2023a). *Cybercrime: Key facts*. Council of Europe. [https://www.coe.int/en/web/cybercrime/key-facts#%22105028002%22:\[1\]}](https://www.coe.int/en/web/cybercrime/key-facts#%22105028002%22:[1]})
- Council of Europe (CoE). (2023b). *Second Additional Protocol to the Cybercrime Convention on enhanced cooperation and disclosure of electronic evidence*. Council of Europe. <https://www.coe.int/en/web/cybercrime/second-additional-protocol>.
- Council of Europe (CoE). (2023c). *Who we are*. Council of Europe. <https://www.coe.int/en/web/about-us/who-we-are>.
- Davidson, J.O.C., & Anderson, B. (2006). The trouble with 'trafficking'. In C. van den Anker and J. Doornik (Eds.), *Trafficking and Women's Rights* (pp. 22-23). New York: Palgrave Macmillan.
- Demleitner, N. (2001). The law at a crossroads: The construction of migrant women trafficked into prostitution. In D. Kyle and R. Koslowski (Eds.), *Global human smuggling: Comparative perspectives*. (pp. 257). Johns Hopkins University Press.
- Directive 2011/36/EU. (2011). *Preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*. (5 April 2011). Official Journal of the European Union. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>
- Dixon, M. (2013). *Textbook on international law*. Oxford University Press.
- Doezema, J. (1999). Loose women or lost women? The re-emergence of the myth of white slavery in contemporary discourses of trafficking in women. *Gender Issues*, 18(1), 23–50.
- European Commission (EC). (2020a). *Report from the commission to the European Parliament and the Council. Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0661&rid=4>
- European Commission (EC). (2020b). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Digitalisation of justice in the*

- European Union a toolbox of opportunities.* Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0710>
- European Commission (EC). (2021a). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy to tackle Organised Crime 2021-2025.* European Commission. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0170>
- European Commission (EC). (2021b). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025.* European Commission. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0171>
- European Commission (EC). (2021c). *Proposal for a regulation of the European parliament and of the council laying down harmonised rules on artificial intelligence (artificial intelligence act) and amending certain union legislative acts.* Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021PC0206&from=EN>
- European Commission (EC). (2021d). *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions empty. Fostering a European approach to Artificial Intelligence.* Retrieved from <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM%3A2021%3A205%3AFIN>
- European Commission (EC). (2022a). *World Day Against Trafficking in Persons.* Migration and Home Affairs. [https://home-affairs.ec.europa.eu/news/world-day-against-trafficking-persons-2022-07-29\\_en](https://home-affairs.ec.europa.eu/news/world-day-against-trafficking-persons-2022-07-29_en).
- European Commission (EC). (2022b). *Together against trafficking in human beings.* Migration and Home Affairs. [https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings\\_en](https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings_en).
- European Commission (EC). (2023a). *The EU's work to combat human trafficking.* European Commission. <https://www.consilium.europa.eu/en/eu-against-human-trafficking/>.

- European Commission (EC). (2023b). *Coordinated Plan on Artificial Intelligence*. European Commission. [Coordinated Plan on Artificial Intelligence | Shaping Europe's digital future \(europa.eu\)](https://ec.europa.eu/digital-affairs/en/news/coordinated-plan-artificial-intelligence-shaping-europes-digital-future)
- European Commission (EC). (2023c). *Cybercrime*. European Commission. [https://home-affairs.ec.europa.eu/policies/internal-security/cybercrime\\_en#:~:text=Cybercrime%20Cybercrime%20consists%20of%20criminal%20acts%20committed%20online,supports%20operational%20cooperation%20through%20non-legislative%20actions%20and%20funding](https://home-affairs.ec.europa.eu/policies/internal-security/cybercrime_en#:~:text=Cybercrime%20Cybercrime%20consists%20of%20criminal%20acts%20committed%20online,supports%20operational%20cooperation%20through%20non-legislative%20actions%20and%20funding).
- European Commission (EC). (2023d). *What the European Commission does in strategy and policy*. European Commission. [https://commission.europa.eu/about-european-commission/what-european-commission-does/strategy-and-policy\\_en](https://commission.europa.eu/about-european-commission/what-european-commission-does/strategy-and-policy_en).
- Europol (2014). *Intelligence Notification: Trafficking in human beings and the internet*. [Brochure]. [https://www.europol.europa.eu/sites/default/files/documents/intelligence\\_notification\\_thb\\_internet\\_15\\_2014\\_public.pdf](https://www.europol.europa.eu/sites/default/files/documents/intelligence_notification_thb_internet_15_2014_public.pdf)
- Europol (2020a). *Europol Programming Document 2020-2022*. [Brochure] [https://www.europol.europa.eu/cms/sites/default/files/documents/europol\\_programming\\_document\\_2020-2022.pdf](https://www.europol.europa.eu/cms/sites/default/files/documents/europol_programming_document_2020-2022.pdf)
- Europol (2020b). *The challenges of countering human trafficking in the digital era*. [Brochure]. [https://www.europol.europa.eu/cms/sites/default/files/documents/the\\_challenges\\_of\\_countering\\_human\\_trafficking\\_in\\_the\\_digital\\_era.pdf](https://www.europol.europa.eu/cms/sites/default/files/documents/the_challenges_of_countering_human_trafficking_in_the_digital_era.pdf)
- Europol (2022a). *Europol's draft programming document 2023-2025*. [Brochure]. <https://www.europarl.europa.eu/cmsdata/245194/Europol%20Draft%20Programming%20Document%202023-2025.pdf>.
- Europol. (2021a). *Europol Analysis Projects*. <https://www.europol.europa.eu/operations-services-and-innovation/europol-analysis-projects>.
- Europol. (2022b). *382 arrests during joint actions against traffickers using the Balkan route*. Europol. <https://www.europol.europa.eu/media-press/newsroom/news/382-arrests-during-joint-actions-against-traffickers-using-balkan-route>.
- Europol. (2023a). *Migrant smugglers and human traffickers: more digital and highly adaptable*. Europol. <https://www.europol.europa.eu/media-press/newsroom/news/migrant-smugglers-and-human-traffickers-more-digital-and-highly-adaptable>.



[press/newsroom/news/migrant-smugglers-and-human-traffickers-more-digital-and-highly-adaptable.](#)

- Europol. (2023b). *About Europol*. Europol. <https://www.europol.europa.eu/about-europol>.
- Fairclough, I., & Fairclough, N. (2012). *Political discourse analysis: A method for advanced students*. Routledge.
- Fairclough, I., & Fairclough, N. (2013). Argument, deliberation, dialectic and the nature of the political: A CDA Perspective. *Political Studies Review*, 11(3), 336–344. <https://doi.org/10.1111/1478-9302.12025>.
- Fairclough, N. (1989). *Language and power*. Longman, London.
- Fairclough, N. (1993). Critical discourse analysis and the marketization of public discourse: The universities. *Discourse & Society*, 4(2), 133–168. <https://doi.org/10.1177/0957926593004002002>
- Fairclough, N. (2001). Critical discourse analysis as a method in social scientific research. In R. Wodak and M. Meyer (Ed.), *Methods of Critical Discourse Analysis*. (1st ed. pp. 121-138). Thousand Oaks, CA: Sage.
- Fairclough, N. (2013) Critical discourse analysis and critical policy studies, *Critical Policy Studies*, 7(2), 177-197. <https://doi.org/10.1080/19460171.2013.798239>
- Fairclough, N. (2013). Critical discourse analysis and critical policy studies. *Critical Policy Studies*, 7(2), 177-197. <https://doi.org/10.1080/19460171.2013.798239>
- Friesendorf, C. (2007). Pathologies of security governance: Efforts against human trafficking in Europe. *Security Dialogue*, 38(3), 379–402. <https://doi.org/10.1177/0967010607081518>
- Gallagher, A. T. (2008). Using international human rights law to better protect victims of human trafficking: The Prohibitions on slavery, servitude, forced labor and debt bondage. In S. L. Nadya and S. Michael (Eds.), *The Theory and Practices of International Criminal Law* (pp. 397-430) Brill Nijhoff.
- Gallagher, A. T. (2009). A Response to Jean Allain and Ryszard Piotrowicz. Retrieved from <http://opiniojuris.org/2009/06/08/a-response-to-jean-allain-and-ryszard-piotrowicz/>
- Gallagher, A. T. (2010). *The International Law of Human Trafficking*. Cambridge University Press.

- Garrapa, A.M. (2017). The citrus fruit crisis: Value chains and “just in time” migrants in Rosarno (Italy) and Valencia (Spain). In A. Corrado, C. De Castro and D. Perotta (Eds), *Migration and agriculture: mobility and change in the Mediterranean area* (pp. 135-151). Routledge.
- Glaser, B. G., and Strauss, A. L. (1967). *The Discovery of Grounded Theory: Strategies for qualitative research*. Chicago, IL, Aldine publishing.
- Government Accountability Office (GAO). (2006). *Human trafficking: Better data, strategy, and reporting needed to enhance U.S. antitrafficking efforts abroad*. [Brochure]. <https://www.gao.gov/assets/gao-06-825.pdf>
- Gozdziak, E. M., & Collett, E. A. (2005). Research on human trafficking in North America: A review of literature, special issue on human trafficking. *International Migration* 43, 99–128.
- Holmes, A. G. D. (2020). Researcher positionality--a consideration of its influence and place in qualitative research--a new researcher guide. *Shanlax International Journal of Education*, 8(4), 1-10.
- Howarth, D. & Griggs, S. (2012). 10. Poststructuralist policy analysis: Discourse, hegemony, and critical explanation. In F. Fischer & H. Gottweis (Ed.), *The argumentative turn revisited: Public policy as communicative practice* (pp. 305-342). New York, USA: Duke University Press. <https://doi.org/10.1515/9780822395362-011>
- International Labour Organization (ILO), Walk Free, International Organization for Migration (IOM). (2022). *Global Estimates of Modern Slavery. Forced Labour and Forced Marriage*. [Brochure]. [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf)
- International Labour Organization (ILO). (2023a). *Co29 – Forced Labour Convention, 1930* (No. 29). Retrieved from [https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CO\\_DE:C029](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CO_DE:C029).
- International Labour Organization (ILO). (2023b). *What is forced labour, modern slavery and human trafficking*. International Labour Organization. <https://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm#:~:text=Forced%20labour%20can%20be%20understood%20as%20work%20that,papers%20or%20threats%20of%20denunciation%20to%20immigration%20authorities>.

- Jäger, S. (1993). *Kritische Diskursanalyse (KDA). Eine Einführung*. Duisburg: *DISS*.
- Jäger, S. (2001). Discourse and knowledge: Theoretical and methodological aspects of a critical discourse and dispositive analysis. In R. Wodak and M. Meyer (Eds.), *Methods of Critical Discourse Analysis*. (1st ed., pp. 32–62). Thousand Oaks, CA: Sage.
- Jordan, A. D. (2002). *The annotated guide to the complete UN trafficking protocol*. [Brochure].  
[https://documentation.lastradainternational.org/Isidocs/UN%20Trafficking%20Protocol\\_Ann%20Jordan.pdf](https://documentation.lastradainternational.org/Isidocs/UN%20Trafficking%20Protocol_Ann%20Jordan.pdf)
- Kara, S. (2017). *Modern Slavery: A global perspective*. Columbia University Press.
- Kasimis, C. (2009). From enthusiasm to perplexity and scepticism: International migrants in the rural regions of Greece and Southern Europe. In B. Jentsch and M. Simard (Eds.), *International migration and rural areas* (pp. 75–98). Farnham: Ashgate.
- Krahmann, E. (2005). *New threats and new actors in international security*. New York: Palgrave.
- Lackes, R. (2018a). *Künstliche Intelligenz*. Springer Gabler.  
<https://wirtschaftslexikon.gabler.de/definition/kuenstliche-intelligenz-ki-40285/version-263673>
- Lackes, R. (2018b). *Data mining*. Springer Gabler.  
<https://wirtschaftslexikon.gabler.de/definition/data-mining-28709/version-252334>
- Latonero, M. (2011). *Human trafficking online. The role of social networking sites and online classifieds*. University of Southern California: USC Annenberg Center on Communication. <http://dx.doi.org/10.2139/ssrn.2045851>
- Latonero, M., Musto, J., Boyd, Z., Boyle, E., Bissel, A., Gibson, K., & Kim, J. (2012). *The rise of mobile and the diffusion of technology-facilitated trafficking*. Los Angeles: University of Southern California, Center on Communication Leadership & Policy.
- Lobasz, J. K. (2009). Beyond border security: Feminist approaches to human trafficking. *Security Studies*, 18(2), 319–344.  
<https://doi.org/10.1080/09636410902900020>
- Lyon, D. (2003). Surveillance as social sorting: Computer codes and mobile bodies. In D. Lyon (Ed.), *Surveillance as Social Sorting: Privacy, risk and digital discrimination*, (pp. 13–30).

- Lyon, D. (2010). Liquid surveillance: The contribution of Zygmunt Bauman to surveillance studies. *International Political Sociology*, 4 (4): 325–38.
- Mendel, J., & Sharapov, K. (2016). Human trafficking and online networks: policy, analysis and ignorance. *Antipode*, 48(3), 665-684. <https://doi.org/10.1111/anti.12213>.
- Meyer, M. (2001). Between theory, method, and politics: positioning of the approaches to CDA. In R. Wodak and M. Meyer (Eds.), *Methods of critical discourse analysis*. (pp. 14-31). Thousand Oaks, CA: Sage.
- Milivojevic, S., Moore, h., & Segrave, M. (2020). Freeing the modern slaves, one click at a time: Theorising human trafficking, modern slavery, and technology. *Anti-Trafficking Review*, 14, 16-32. <https://doi.org/10.14197/atr.201220142>.
- Mitschele, A. (2018). *Blockchain*. Retrieved from <https://wirtschaftslexikon.gabler.de/definition/blockchain-54161>
- Musto, J. L., & Boyd, D. (2014). The trafficking-technology nexus. *Social Politics*, 21(3), 461-483.
- Noll, G. (2007). The Insecurity of trafficking in international law. Bruylant, Organisation for Security and Co-operation for Europe (OSCE). (2023). *Technology*. OSCE. <https://www.osce.org/cthb/technology>.
- Organization for Security and Co-operation in Europe (OSCE OSR/CTHB). (2020). *Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools*. [Brochure]. [https://www.osce.org/files/f/documents/9/6/455206\\_1.pdf](https://www.osce.org/files/f/documents/9/6/455206_1.pdf)
- Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE ODIHR). (2022). *National referral mechanisms joining efforts to protect the rights of trafficked persons*. [Brochure]. [https://www.kok-gegen-menschenhandel.de/fileadmin/user\\_upload/medien/Downloads/OSCE ODIHR Handbook NRM 2nd Edition.pdf](https://www.kok-gegen-menschenhandel.de/fileadmin/user_upload/medien/Downloads/OSCE_ODIHR_Handbook_NRM_2nd_Edition.pdf)
- Organization for Security and Co-operation in Europe Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSCE OSR/CTHB). (2022). *Policy responses to technology-facilitated trafficking in human beings: Analysis of current approaches and considerations for moving forward*. [Brochure]. <https://www.osce.org/files/f/documents/0/d/514141.pdf>

- Ormston, R., Spencer, L., Barnard, M., & Snape, D. (2014). The foundations of qualitative research. *Qualitative research practice: A guide for social science students and researchers*, 2(7), 52-55.
- Papadouka, M. E., Nicholas, E., & Ignatow, G. (2016). Agenda setting and active audiences in online coverage of human trafficking. *Information, Communication & Society*, 19(5), 655-672. <https://doi.org/10.1080/1369118X.2016.1139615>
- Piotrowicz, R. (2005). Victims of people trafficking and entitlement to international protection. *Australian Year Book International Law*, 24, 161.
- Quirk, J. (2007). Trafficked into slavery. *Journal of Human Rights* 6(2), 181–207.
- Raab, J., & Milward, H.B. (2003). Dark networks as problems. *Journal of Public Administration Research and Theory*, 13(4), 413–439. <https://doi.org/10.1093/jpart/mug029>
- Raets, S., & Janssens, J. (2021). Trafficking and technology: Exploring the role of digital communication technologies in the Belgian human trafficking business. *European Journal on Criminal Policy and Research*, 27, 215–238. <https://doi.org/10.1007/s10610-019-09429-z>
- Rye, J. F. & Scott, S. (2018). International labour migration and food production in rural europe: A review of the evidence. *Sociologia Ruralis*, 58(4), 928-952.
- Sayer, A. (2011). *Why things matter to people: Social science, values and ethical life*. Cambridge University Press.
- Scully, E. (2011). *Pre-cold war traffic in sexual labor and its foes. Global human smuggling: Comparative perspectives* (2nd ed.) Johns Hopkins University Press.
- Searle, J. (2010). *Making the social world: The structure of human civilization*. Oxford University Press.
- Strauss, A., & Corbin, J. M. (1998). *Basics of qualitative research: Techniques and procedures for developing grounded theory*. Thousand Oaks, CA: Sage.
- Taylor, R. L. & Shih, E. (2019). Worker feedback technologies and combatting modern slavery in global supply chains: Examining the effectiveness of remediation-oriented and due-diligence-oriented technologies in identifying and addressing forced labour and human trafficking. *Journal of the British Academy*, 7(1), pp. 131–165. <https://doi.org/10.5871/jba/007s1.131>.
- United Nations (UN). (2004). *Guiding Principles on Internal Displacement*. [Brochure]. <https://www.internal->

[displacement.org/sites/default/files/publications/documents/199808-training-OCHA-guiding-principles-Eng2.pdf](https://displacement.org/sites/default/files/publications/documents/199808-training-OCHA-guiding-principles-Eng2.pdf).

United Nations (UN). (2021). *Successful for addressing the use of technology to facilitate trafficking in persons and to prevent and investigate trafficking in persons*. United Nations.

[https://www.unodc.org/documents/treaties/WG\\_TiP\\_2021/CTOC\\_COP\\_WG.4\\_2021\\_2/ctoc\\_cop\\_wg.4\\_2021\\_2\\_E.pdf](https://www.unodc.org/documents/treaties/WG_TiP_2021/CTOC_COP_WG.4_2021_2/ctoc_cop_wg.4_2021_2_E.pdf)

United Nations (UN). (2022a). *Universal Declaration of Human Rights*. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

United Nations (UN). (2022b). *Using the power of technology to help victims of human trafficking*. Retrieved from

<https://www.unodc.org/unodc/en/frontpage/2022/July/using-the-power-of-technology-to-help-victims-of-human-trafficking.html>.

United Nations (UN). (2023). *About us*. United Nations. <https://www.un.org/en/about-us>.

United Nations Development Program (UNDP). (1994). *Human Development Report*. New York: Oxford University Press.

United Nations Human Rights Office of the High Commissioner (OHCHR). (2014). *Human Rights and Human Trafficking. Fact Sheet No. 36*. [Brochure].

[https://www.ohchr.org/sites/default/files/Documents/Publications/FS36\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS36_en.pdf)

United Nations Inter-agency Coordination Group Against Trafficking in Persons (UN ICAT). (2019). *Human Trafficking and Technology: Trends, Challenges and Opportunities*. Issue brief (7). UN ICAT.

[https://icat.un.org/sites/g/files/tmzbd1461/files/human\\_trafficking\\_and\\_technology\\_trends\\_challenges\\_and\\_opportunities\\_web.pdf](https://icat.un.org/sites/g/files/tmzbd1461/files/human_trafficking_and_technology_trends_challenges_and_opportunities_web.pdf)

United Nations Office on Drugs and Crime (UNODC). (2004). *United Nations convention against transnational organized crime and the protocols thereto*.

Retrieved from

[https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED\\_NATIONS\\_CONVENTION\\_AGAINST\\_TRANSNATIONAL\\_ORGANIZED\\_CRIME\\_AND\\_THE\\_PROTOCOLS\\_THERETO.pdf](https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf)

United Nations Office on Drugs and Crime (UNODC). (2022). *The crime*. UNODC.

<https://www.unodc.org/unodc/en/human-trafficking/crime.html>

- United Nations Treaty Collection (UNTC). (2022). 12. a Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the united nations convention against transnational organized crime. Retrieved from [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12-a&chapter=18](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18)
- University of South-Eastern Norway (USN). (2018). *Guidelines for the management of research data at University of South-Eastern Norway*. [Brochure]. [https://www.usn.no/getfile.php/13569508-1557212300/usn.no/om\\_USN/Regelverk/Guidelines%20for%20the%20management%20of%20research%20data%20at%20University%20of%20South-Eastern%20Norway.pdf](https://www.usn.no/getfile.php/13569508-1557212300/usn.no/om_USN/Regelverk/Guidelines%20for%20the%20management%20of%20research%20data%20at%20University%20of%20South-Eastern%20Norway.pdf)
- University of South-Eastern Norway (USN). (2021). *European charter for researchers and code of conduct for the recruitment of researchers: GAP analysis*. [Brochure]. <https://www.usn.no/getfile.php/13579656-1571039295/usn.no/en/Research/Charter%20and%20code/GAP%20Analysis.pdf>
- Urzi, D., & Williams, C. (2017). Beyond post-national citizenship: An evaluation of the experiences of Tunisian and Romanian migrants working in the agricultural sector in Sicily. *Citizenship Studies*, 21(1), 136–150.
- Uzun, E. D. (2019). Rethinking the place of human trafficking in international law in consideration of crime against humanity. *Galatasaray Üniversitesi Hukuk Fakültesi Dergisi*, 1, 57-112.
- Van Dijk, J. (1986). *Migratie en arbeidsmarkt*. Assen: Van Gorcum.
- Van Dijk, T. A. (2001). Multidisciplinary CDA: A plea for diversity. In R. Wodak and M. Meyer (Eds.), *Methods of Critical Discourse Analysis*. (1st ed., pp. 95-120). Thousand Oaks, CA: Sage.
- Weber, M. (1947). *The Theory of economic and social organization*. Trans. AM Henderson and Talcott Parsons. New York: Oxford University Press.
- Wodak, R. (2001a). What CDA is about – a summary of its history, important concepts and its developments. In R. Wodak and M. Meyer (Eds.), *Methods of Critical Discourse Analysis*. (1st ed., pp. 1-13). Thousand Oaks, CA: Sage.

Wodak, R. (2001b). The discourse-historical approach. In R. Wodak and M. Meyer (Eds.), *Methods of Critical Discourse Analysis*. (1st ed., pp. 63-94). Thousand Oaks, CA: Sage.