



# Understanding Severe Exploitation Requires a Human Rights and Gender-Sensitive Intersectional Approach

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This paper discusses the notion of severe exploitation in relation to production and social reproduction, and argues that the existence of huge “edge populations” subject to severe exploitation, mainly involving migrants, is a structural component of global economies, and thus requires primarily not a criminal law but rather a human rights and social justice response. “Edge populations” are targeted for severe exploitation because of intersectional vulnerabilities. A gender perspective implies an analysis of how intersectional factors impact differently women’s, men’s and LGBTIQ+ lives; this study is however mostly based on women’s experiences of severe exploitation and related vulnerabilities. Three sectors prone to severe exploitation have been analyzed, in which weak regulations, and deprivation of rights expose migrants, especially migrants in irregular situations including migrant women, to various forms of severe exploitation. Through an analysis of domestic work, agriculture and the sex industry, this paper highlights that, although in different degrees, a combination of vulnerability and agency, of coercion and negotiation, exists in most cases of severe exploitation. The study suggests that a notion of “gender intersectional exploitation” should be further explored.

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## INTRODUCTION

The notion of exploitation is not defined by any international instrument. Only a few national laws contain such a definition. However, identifying and defining exploitation is not primarily a legal issue. Undoubtedly, some forms of severe exploitation especially involving migrant populations and migrant women among them, are today one of the worst aspects of social injustice. When discussing how to tackle this global problem, social justice approaches based on distribution and recognition, although essential, are not sufficient. The renewed interest and ongoing discussion on capitalism has the merit to focus on the structural conditions in which such global injustice originates.

It is not my intention to go deeper into this analysis, as feminist scholars such as Nancy Fraser and Silvia Federici have already done it with much greater competence. As a starting point I will assume, following Karl Marx’s approach, that exploitation is inherent to capitalism, implying the appropriation of surplus value produced through surplus labor. I will follow Nancy Fraser’s approach to exploitation, capitalism and redistribution (Fraser and Honneth, 2003), and consider her approach as complementary rather than contradictory with liberal social justice approaches

focused on redistribution (Rawls, 1971; Nussbaum, 1999; Sen, 2009). However, such approaches do not explain the existence, persistence and even growth of severe exploitation on a massive scale, implying that large populations of exploited people are deprived of essential means of survival and of any kind of social protection, and thus are excluded from social redistribution. Fraser's emphasis on capitalism (Fraser and Jaeggi, 2018) helps understanding the systemic and structural character of severe exploitation and the need to tackle not only the way the wealth is distributed but also how the wealth is produced. Especially in developed countries, and particularly in Europe, exploitation is today coupled with a certain degree of redistribution and social protection measures. However, in Europe and everywhere globally, a broad area of severe exploitation is simultaneously present, involving vulnerable people such as migrants, asylum seekers and refugees.

For the sake of clarity, and given the fact that exploitation is a *continuum* (Skrivankova, 2010), implying increasing levels of unfair treatment and deprivation of rights, in the following paragraphs I will consider "severe exploitation" as including various forms of serious exploitation, not necessarily amounting to a crime, characterized alternatively or cumulatively by harsh or even degrading working and living conditions, low wages, insufficient safety measures, and lack of basic social protections, especially involving migrant women workers. Of course, other serious forms of exploitation exist, especially linked with precariousness, gig economy, constant technological control of performances, exploitation linked with workers' need to take multiple jobs to achieve a sufficient salary, and other forms of exploitation also exacerbated by the COVID/19 pandemic. However, I will limit my analysis to forms of severe exploitation especially linked with social vulnerabilities of migrant populations, often involving dehumanizing practices.

The term "vulnerability" (Giolo and Pastore, 2018) will be used in a meaning that refers to the impact of intersectional factors causing an exposure to the risk of severe exploitation. Therefore, "vulnerability" shall not be considered—according to an outdated essentialist approach—as a "natural" condition of women. Rather, a notion of "situational vulnerability" will be adopted, highlighting social, economic, and legal factors causing exposure to human rights violations (Giammarinaro and Palumbo, 2021).

## DISCUSSING THE NOTION OF SEVERE EXPLOITATION

Severe exploitation implies gross human rights violations. The worst forms of exploitation amounting to slavery, forced labor and trafficking, violate art. 4 of the European Convention of Human Rights (ECHR) as it has been stated by the European Court of Human Rights (ECtHR) (Giammarinaro and Palumbo, 2021). In the European Union (EU) context, severe exploitation in all its forms implies the violation of Article 1 of the EU Charter of Fundamental Rights stating the inviolability of human dignity, and of Article 5 providing for the prohibition of slavery and forced labor; in addition, it implies deprivation of rights

enshrined in Article 31 on fair and just working conditions. However, the European Union institutions, although they have put in place legislation and funded projects aimed at combatting trafficking in human beings, have not so far taken appropriate action to deal with a broader area of severe exploitation, existing within the EU countries and in the supply chains of companies whose headquarters are placed in EU countries.

The dimension of severe exploitation is massive according to recent estimates. **Taking into consideration what can be legally defined as forced labor or slavery, and thus only the worst forms of severe exploitation, the International Labour Organization (ILO) together with Walk Free Foundation, in 2017 issued estimates according to which 24.9 million people globally were victims of forced labor, out of which 16 million in the private economy, and 4.1 million in forced sexual exploitation. Half of these were in debt bondage. Women represented 99% of victims of forced labor in the commercial sex industry, and 57.6% in other sectors. The largest share of adults who were in forced labor were domestic workers (24%), followed by manufacturing (15%), and agriculture and fishing (11%). One in four victims of slavery globally were children (Alliance 8.7, 2017). The methodology used to produce such estimates has been questioned by various scholars. A more reliable, although older reference, is the "minimum estimate" of forced labor issued by ILO in 2005 (Belser et al., 2005), according to which at least 12.3 million people were in forced labor globally (Belser et al., 2005). In 2012 ILO announced that, using a new and improved methodology, a new estimate of forced labor amounted to 20.9 million people globally, out of which 22% in forced sexual exploitation, and 68% in forced labor exploitation in economic activities such as agriculture, construction, domestic work or manufacturing (International Labour Organization, 2012). The more recent ILO-Walk Free 2017 assessment of 24.9 million people mentioned above, although questionable, confirms however that exploitation amounting to forced labor exists on a massive scale globally.**

The persistence of a huge area of severe exploitation suggests that it should not be considered a contingent pathology, but rather a systemic and structural feature of the functioning of capitalism nowadays (Mezzadra and Neilson, 2021). The notion of severe exploitation adopted by the EU Fundamental Rights Agency (FRA) takes into consideration only serious exploitation amounting to a crime, (Fundamental Rights Agency, 2015), which should still be considered a marginal phenomenon at the global level. On the contrary, structural severe exploitation is an integral part of global economies and requires primarily not penal repression but rather social justice responses (Giammarinaro, 2019). Consequently, this study will try to identify essential and common features of severe exploitation, regardless of whether, according to EU and national legislation, they can be legally qualified as crimes.

In recent times the structural nature of severe exploitation has been highlighted by some scholars discussing the idea that primitive accumulation, as identified by Karl Marx, is not limited to the first phase of capitalism, but is rather a permanent component of capitalist development. Some feminist scholars have highlighted that control on women's bodies has

always been an essential component of primitive accumulation (Federici, 2012). Dispossession of essential goods affecting large populations because of post-colonial processes, climate change and desertification, and regional conflicts, produces extreme poverty, migration in unsafe conditions and vulnerability to exploitation at the global level, especially in certain regions of the world. **People involved in such processes, very often choosing migration as the only way out, are deprived of any social protection including the basic protection offered by the family and the community of origin, and thus can easily fall into an area of severe exploitation.** Moreover, the ordinary functioning of capitalism causes differentiation, and constantly pushes certain populations to the edge of social and economic systems. Such people are not recipients of social protection measures, and are placed in a situation of mere survival, for instance in refugee camps or administrative detention facilities, or left to die at any global borders, or targeted for severe exploitation (Bhattacharyya, 2018).

The divide produced by unequal power relationships between the North and the South of the planet is at the core of these perverse dynamic. However, the structural nature of such processes is also linked to migration regulations, exacerbating the effects of the described dispossession of essential goods. In particular, the dramatic restriction of regular channels for migration and restrictive migration policies, which are today prevalent in the entire world, confirm the idea that an “edge population” is instrumental to the functioning of economic systems globally. Of course, such a function of severe exploitation cannot be evaluated in relation to an individual country, but rather needs a global perspective, especially focused on supply chains. In fact, severe exploitation takes place, *inter alia*, in the operations of an enormous number of suppliers, retailers, producers of electronic components—just to mention some—placed in various continents and working for companies whose headquarters are placed in industrialized countries such as EU countries, the US and others.

As a necessary implication, an analysis of severe exploitation, including women’s exploitation, should be conducted according to a macro-social approach. In other words, severe exploitation cannot be understood as exclusively linked with individual contractual relationships. The “consent approach” has been used to disqualify women and LGBTQ+ previously consenting to irregular migration or to be employed in the sex industry, and then falling into a situation of severe exploitation. Moreover, this approach leads to overlook the systemic causes of exploitation. The different assumption proposed in this analysis is that severe exploitation of migrant workers including women and LGBTQ+ is a structural phenomenon, that can be more or less severe depending on economic, social and regulatory factors, and in which—apart from extreme cases—there is always, although in different degrees, a combination of voluntariness and coercion.

“Edge populations” (Mezzadra and Neilson, 2013) are constantly the subject of a process of inferiorization, that can take an overtly racial connotation, as racial and post-colonial studies highlighted, or a more subtle stereotyping based on gender, geographical or national or ethnic origin, or irregular residence status, or other differences instrumentally

used to validate inferiority, such as sexual orientation or gender identity. Moreover, feminist scholars have constantly highlighted that the division between production and social reproduction is still fully shaping economic systems by constantly re-establishing a hierarchy of productive and reproductive labor. To understand severe exploitation, it is necessary to look beyond production, and take into consideration social reproduction, where conditions of life reproduction cross conditions of work (Bhattacharyya, 2018; Rigo, 2022). **Intersectional factors (Crenshaw, 1991; Yuval-Davis, 2006; Degani and De Stefani, 2020) such as gender and race, combined with vulnerabilities deriving from geographical, national, or ethnic origin and migration status, play a major role as driving forces of the above mentioned inferiorization process, aimed at justifying marginalization and exploitation. In the power hierarchy produced by the distinction between productive and reproductive labor, the latter—in which women are over-represented—is placed at the bottom of the social pyramid. It not only provides an ideological justification to exploitation, but also produces a sort of “normalization” of women’s severe exploitation.**

As a matter of fact, women are a significant portion of “edge populations,” because of feminization of poverty and migration. When women are targeted for severe exploitation, they are massively employed in works and services traditionally performed by women and shaped on traditional gender roles related to social reproduction, such as waged domestic work or low skilled jobs in the touristic industry. Therefore, this system produces forms of gender injustice, including deprivation of rights, social marginalization, economic exploitation and restriction of personal autonomy.

The described phenomena were exacerbated in the neoliberal era, when a State-managed capitalism was replaced by a version of financial capitalism based on the predominant role of unregulated free markets. The neoliberal approach validated and further aggravated the consequences of the distinction and hierarchy between production and social reproduction. Based on its ideology, only “the productive worker” has a chance to succeed in an even harder market competition. Consequently, the entire area of social reproduction is tailored to serve productive workers’ interests. The consequent subordination of social reproduction involves the family sphere, where so many women have been obliged to return, and the public sphere, where women must accomplish their subordinate tasks in a way which is compatible with male supremacy even when this implies an apparent parity. It also involves sexuality, as prostitution and the sex industry have been considered by some men instrumental to overcoming stress, avoiding the psychological engagement required by real relationships, and thus instrumental to ensuring good performances at work. Even when women are exploited in works and services pertaining to production such as in the agricultural sector, they bear severe exploitation in ways that are connected with their place in the social reproduction sphere, for their duties of care and family responsibilities produce further vulnerabilities to exploitation.

## ANALYZING SEVERE EXPLOITATION FROM A GENDER PERSPECTIVE

Analyzing severe exploitation from a gender perspective means that different life experiences related to different persons' genders will be considered the main lens to understand exploitation and its various connotations. As a matter of fact, being a woman, a man or an LGBTIQ+ person often implies that working and living conditions, wages, skills and tasks, negotiation margins, and further implications such as violence and abuse, can widely vary.

In the agricultural sector, for instance, tasks of women and men are differentiated according to cultural constructions of masculinity and femininity, often intertwined with a racialised perception of their capacities, leading to mansion segregation and unjustified wages disparity. Men's negotiation opportunities are more significant than those available to women, especially when they bear constraints imposed by the male members of the family in addition to those related to workers' dependence on intermediaries. On the other hand, social constructions of masculinity lead to the false assumption that men bear more easily than women bad accommodation and hygienic conditions. This is one of the reasons why the presence of male workers is predominant in informal settings, the so called "ghettos." Violence borne by women and men is of different nature, for men are beaten or injured when they do not obey intermediaries, while women are routinely subjected to some forms of sexual harassment or violence. In the field of sex work, women, men and LGBTIQ+ persons are subject to exploitation and violence in different contexts. An intersectional approach is thus essential to understand how any person's life, at the crossroad of different identities, is affected by multiple discrimination factors resulting in various forms of severe exploitation.

This study however is mostly based on women's experiences of severe exploitation, firstly because research in this field has never focused on women, among exploited populations, especially concerning labor exploitation. Secondly, women's position in the power hierarchy of a patriarchal society, and their collocation in the historical division of work, bound them to the reproductive sphere and to works linked with social reproduction. Therefore, women's lives offer a paradigm of severe exploitation based on complex intersectional components causing subordination and restriction of personal autonomy. Exploring women's experiences is thus essential to analyze root causes of vulnerabilities to severe exploitation including dispossession of essential goods because of limited access to material and cultural resources, as well as inferiorization processes related to severe exploitation, and various combinations between vulnerability and agency, along the lines of exploitation as a *continuum*.

### Severe Exploitation in Domestic Work and Other Works Linked With Social Reproduction

The paradigmatic form of work and services linked with social reproduction is waged domestic work, sharing with any kind of

domestic work a subordinate position in the patriarchal hierarchy of production and social reproduction.

One of the contradictions of capitalism is its self-destabilizing tendency, as it has been pointed out by Marxist scholars. This trend is at the core of the ecological crisis, for the economic system is consuming its natural conditions of possibility (Fraser and Jaeggi, 2018). Similarly, although capitalism needs social reproduction as an essential condition of its functioning, it constantly tends to destabilize the social reproduction sphere including the conditions of child-rearing, eldercare, households' relations, and community bonds (Fraser and Jaeggi, 2018).

In the early 1990's, the crisis of the welfare state produced a decrease of services available to families, and a destabilization of the historical compromise between capitalist production and social reproduction, and between capitalist production and redistribution, that had been established in Europe by social democrat politics after World War II. This crisis, coupled with the increasing participation of women in the labor market, has constantly broadened the recourse to paid domestic/care work, today mainly performed by migrant women, although an increasing presence of men has been recently highlighted. Waged domestic/care work is an area in which the low level of recognized and enforceable labor rights creates the conditions for severe exploitation. Waged domestic/care work is even more prone to severe exploitation in case of workers' accommodation in the employers' households. In fact, domestic/care workers living with their employers are requested to be constantly at the disposal of the family; they often bear long working hours to take care of the house and simultaneously to look after the children and/or elderly members of the family.

For a long time, waged domestic work has not been considered a "real" work, as it was shaped on natural tasks of women in households. Consequently, neither unpaid housewives' domestic work nor waged domestic work has been a strong foundation for full citizenship (Saraceno, 2009). The International Labour Organization (ILO) campaign "Domestic Work is a Real Work," and the adoption of the 2011 Convention 189 and Recommendation 201 produced a valorization of domestic work and helped codifying the rights of domestic workers including the right to equal treatment with respect to any other workers. However, underlying cultural and normative factors still produce worse working conditions.

Some feminist scholars have constantly underlined the intertwined effect of race and class aspects leading to domestic oppression (Anderson, 2000). This is particularly true for migrant domestic/care workers, often abused through racialized behaviors, considered bad and lazy workers, compelled to bear degrading living conditions such as sleeping on the kitchen floor and eating leftovers, and often sexually harassed, abused or even raped. They do not have regular time to rest and in the worst cases, comparable to slavery, they are deprived of their documents, not allowed to talk to anyone and not allowed to leave the house but for taking children to school. These features of domestic servitude, in extreme cases can be so hard that they cause physical and psychological damages compared to those produced by torture (Organisation for Security Cooperation in Europe, 2013).

Domestic servitude also involves people employed by diplomats, taking with them domestic workers recruited in the countries of their previous assignments, when they are posted in countries in which the costs of regular domestic work are much higher. In this case the situations of domestic/care workers—who often do not receive any wages—are aggravated by the fact that diplomats enjoying immunity cannot be brought to justice. Good practices have been developed to prevent this kind of severe exploitation, especially in countries hosting international organizations and thus a large community of diplomats, such as US, Switzerland, Austria and Belgium. Moreover, alternative mediation tools to ensure that domestic workers receive remedies have been established in the same countries (Organisation for Security Cooperation in Europe, 2014).

**Apart from the above-described extreme cases, domestic/care work is largely affected by deprivation of fundamental labor rights, especially when there is an overlapping between domestic work and migration status. In fact, domestic work is one of a few opportunities for migrant women to find a job in the informal economy, even when they do not have a regular residence status.** In the European Union, regular channels of migration for low skilled workers have not been established, despite the increasing demand for migrant women employed in households in bad working conditions, for low wages and with limited labor rights (Anderson and Shutes, 2010). Irregularity of residence leads to irregular work contracts in most EU countries. Even in countries such as Italy (Palumbo, 2016) and Greece, where there is a quota system, criteria to assess the demand are established based on companies' needs, and do not meet the real needs of households' private employers (Garofalo Geymonat et al., 2021). Therefore, specific quotas for domestic/care workers have been systematically underestimated. Italy, Greece and Spain have repeatedly provided for regularization measures for undocumented migrants, which have been mostly beneficial to domestic/care workers, including a recent regularization in 2020 in Italy.

In this context, employers can take advantage of migrant workers' vulnerabilities, including irregular residence status, to establish irregular and exploitative work relationships. Domestic/care workers usually receive salaries that are below the minimum wages established by national laws or collective bargaining; moreover, they have longer working hours compared to those of workers in other sectors, and do not enjoy regularly their weekly and annual periods of rest. In addition, the mere fact that their stay is irregular, and/or their work is irregular, implies that they are also deprived of social protections such as unemployment benefits, maternity and retirement rights. Irregularity of residence status is a main vulnerability factor; however, also migrant women workers in regular situations often bear the same type of exploitation. Even when their work contracts are regular, and they do not live with their employer, the number of hours declared by the employer to social security is usually less than real working hours (Alemani et al., 2016; Marchetti, 2016). The result is a partial or complete deprivation of citizenship rights.

Intersectional factors such as gender, race, geographical or national or ethnic origin, and migration status, are

inextricably intertwined in domestic/care workers' experiences of exploitation. Against this background of complex inequalities, some feminist scholars have highlighted contradictions deriving from power hierarchies between female workers and female employers, at odds with the idea of women as equally committed to the struggle for valorization of the social reproduction sphere. As a matter of fact, domestic workers' movements have rarely engaged with feminist movements. However, recent research focused on domestic workers' organizations and practices highlighted that feminist notions, and in particular the concept of intersectionality, helped such organizations understanding the life experiences of many female domestic workers and organizing a collective practice according to a multiple-axis approach. In fact, they often use feminist patterns—although not always the relevant terminology—by affirming the value of unpaid forms of reproductive labor and simultaneously demanding improvements in their salaries, labor protections and contract rights (Marchetti et al., 2021). Although at the individual level the negotiation margin is very limited, especially in situations of irregular stay, and when workers depend on employers regarding accommodation, experiences of self-organization such as those put in place by Philippine domestic workers show that they can be successful in collective bargaining even in this difficult sector.

Although in different settings, similar patterns of exploitation exist in low skilled jobs of the touristic industry, typically room cleaning in hotels and dish cleaning in restaurants. In these cases, there is a clear correlation between residence or work irregularity and deprivation of rights, especially concerning wages and working hours. In addition, in this sector workers often bear exploitative practices related to the seasonal character of jobs. For instance, the lack of payment of their salaries at the end of the last month of work, followed by the closure of the hotel and the disappearance of its owner, has been routinely reported in Italy by organizations helping workers to obtain compensation for their unpaid salaries. Furthermore, gender inequalities exist within the area of severe exploitation in the touristic industry. In fact, although all the mansions consist of services usually provided by women in households including cooking, only the lowest and least paid jobs are performed by women, whilst, for instance, better positions such as cooks are usually covered by men.

## Severe Exploitation in the Agricultural Sector

Exploitation in agriculture has not been the subject of extensive research focused on gender aspects. Information concerning women's exploitation is therefore fragmented and does not enable researchers to assess the dimension of women's exploitation in this sector. However, there are indications of a significant presence of women severely exploited in the fields of various EU countries.

Agriculture is historically characterized by weak labor regulations. According to the International Labour Organization (International Labour Organization, 2021), this is the sector with the highest share of informal employment, in which a low level of enforcement of labor rights is endemic. The EU

legislation has not significantly changed the landscape. The main EU instrument applicable to agricultural workers is the Seasonal Workers Directive 2014/36/EU, that however attributes broad discretionary powers to member states regarding the implementation of the provisions concerning the rights and protection of seasonal workers. Studies have highlighted that in many EU countries, policies and legislation regarding seasonal workers tend to accentuate workers' dependency on employers (Garofalo Geymonat et al., 2021). Consequently, agriculture remains one of the economic sectors particularly prone to severe exploitation.

In UK an independent Agency, the Gangmasters and Labor Abuse Authority (GLAA) was established in 2005 with the aim to control recruitment and intermediation agencies in agriculture, and was explicitly tasked to protect vulnerable and exploited workers. In Italy, prosecutors have been particularly active in bringing to Courts cases of severe labor exploitation in the agricultural sector. This is also due to the action of trade unions, in particular FLAI-CGIL, organizing agricultural workers and producing every year an important report on criminal intermediation and exploitation in agriculture (FLAI-CGIL, 2020).

Research carried out in Germany, the Netherlands and Sweden shows that severe exploitation in the agricultural sector is not limited to Southern European countries (Palumbo and Corrado, 2020). Opportunities for regular entry, for seasonal and even more for non-seasonal workers, are very limited and have proven ineffective. Most low-skilled workers are obliged to enter the country irregularly, and stay even for many years in irregular situations, which increases their vulnerabilities to severe exploitation. The need for a gender approach has been only recently highlighted (Palumbo and Sciarba, 2018) as an essential perspective on the phenomenon of severe exploitation in agriculture. In this sector skills and tasks are highly gendered, according to stereotyped and sometimes racialized perceptions of women's abilities (Piro, 2021). Cultural constructions about masculinity, implying that "dirty" and "heavy" mansions are appropriate for men, lead to women's segregation in mansions such as harvesting and packaging.

Recent research conducted in Italy (FLAI-CGIL, 2020) shows that women represent a significant portion of the exploited agricultural population. Taking into account that women amount to 32% of agricultural workers, it is possible to assume that, out of an estimated number of 180,000 people subject to severe exploitation in agriculture, women are at least 50,000 (Giammarinaro, 2021). Among them, there is a significant percentage of migrant women migrating from non-EU countries, mostly in an irregular residence situation. The presence of migrant women coming from EU eastern countries is also well-documented. Sometimes women migrate with the whole family, sometimes they leave behind their husbands and children. In the last case the survival of the entire family depends on their ability to get a salary and to send money home. The enormous pressure deriving from such a responsibility can induce them to accept heavily exploitative situations.

According to stereotyped assumptions, migrant women are employed only in harvesting and packaging, often implying lower

salaries. Their working and living conditions depend on the will and/or negotiating abilities of intermediaries, usually of the same nationalities. Migrants coming from Sub-Saharan regions of Africa bear a worse treatment compared to workers of different origins. Women coming from the same regions are at the bottom of exploitation hierarchies because of widespread wage inequality between women and men. In addition, women workers are constantly subject to sexual harassment by their intermediaries or employers, especially when they reclaim their wages (Hellio, 2016).

A few migrant women employed in agriculture live in informal settings, the so called "ghettos." They usually live in small apartments with the whole families or in groups of women of the same nationalities if they migrated alone. In some cases, women's living conditions depend on intermediaries, called in Italy "caporali," placing migrant workers in abandoned and isolated rural constructions; in this way they get additional money from workers, for transportation, water and food. Living conditions are often dehumanizing, because of lack of running water, toilets and heating. Yet, in these degrading situations, women must clean and ensure a minimum of hygiene. These tasks have become even more essential and heavy because of the pandemic COVID-19.

Women migrating with their children, due to their long working hours, are compelled to use informal care services such as those offered by neighbors, whose costs further reduce their meager wages. The lack of appropriate time to give to their children is a source of constant stress, that coupled with fatigue and lack of proper rests, makes the lives of exploited women even more painful. Furthermore, care responsibilities can increase migrant women's dependency from their employers, especially when they provide women with accommodation in their facilities or near fields or greenhouses. Sexual blackmail borne by migrant women living with their children within the farm and working in greenhouses have been well-documented in the area of Ragusa in Italy (Giammarinaro and Palumbo, 2020).

On the other hand, care responsibilities have been a driving factor of personal growth, as migrant women have often found motivations to improve their working and living conditions, and eventually denounce their exploitative situations, when they have considered such an option as a better opportunity for their children (Giammarinaro, 2021). Women's agency is also linked—especially when they migrate alone or with their children but not in a traditional family situation—with a sense of achievement, for they become the only source of income and wellbeing of their children and/or enlarged families at home. This sense of self-realization is probably very significant in the life experience of many migrant women. It is a strong motivation for resilience, at least when, despite exploitation, they can achieve their objectives even partially; on the other hand, it is a strong motivation to leave their exploitative situations when their life projects have been disrupted.

Women's negotiation opportunities are extremely restricted in the agricultural sector, for wages and working conditions depend on intermediaries' negotiation abilities. Women's severe exploitation in agriculture is however less visible than severe exploitation borne by men, due to women's heavier dependence

not only on intermediaries but also on male members of their families. Fathers or husbands often impose them to be silent and even accept lower salaries to preserve the jobs of the whole family components. Ironically, from the point of view of their capacity to react to exploitation, migrant women's vulnerabilities are greater when they migrate with the whole family—a situation that is supposed to imply better protection but on the contrary often causes worse subordination. Recent action carried out in Southern Regions of Italy shows that however, there is a great potential for collective organization (ACTIONAID BRIGHT, 2020) to obtain better working conditions and to access justice and remedies (Giammarinaro, 2020).

## Severe Sexual Exploitation

Sexual exploitation is the most investigated area of women's and LGBTIQ+ exploitation. I will not even try to summarize or discuss all its aspects, but I will describe some features of severe sexual exploitation which are relevant for this study. According to the above-mentioned ILO-WALK FREE estimates (Alliance 8.7, 2017), women and girls are 99% of people exploited in the sex industry. A widespread presence of women is also confirmed by official statistics, deriving from government and judicial national authorities, and thus related only to identified victims. The 2020 UNODC Global Report indicate that women are 46% and girls 19% of victims of trafficking for any illicit purposes; concerning trafficking for sexual exploitation, women represent 67% and girls 25% of all victims, therefore 92% in total (United Nations Office on Drugs Crime, 2020). Trafficking in persons causes one of the worst forms of sexual exploitation, including severe exploitation in prostitution or severe exploitation in other activities in the sex industry. Estimates and statistics concur to indicate that the presence of women is absolutely prevalent among victims of human trafficking. Such predominance can thus be considered relevant for the whole area of severe sexual exploitation.

Sexually exploited people are mostly migrants from Latin America, Africa, and South Asia, and from EU countries such as Romania and Bulgaria, arriving in the EU and working in prostitution or in the sex industry. Only in a few EU countries sex work is recognized as a work. Therefore, irregularity is widespread and produces further vulnerabilities. Even in countries in which prostitution is legal, for instance in Austria, the access to a residence permit is difficult and such a permit is valid only for short periods. In the Netherlands, where prostitution is also legal, there are no provisions regarding the granting of residence permits to sex workers (Garofalo Geymonat et al., 2021).

Research indicates that prostitution is increasingly moving indoor, and that such a trend has been recently amplified by the pandemic COVID-19. This situation implies further isolation, dependence from exploiters, and greater difficulties in the outreach activities of NGOs. Another relatively recent tendency is the use of Internet not only by traffickers as a means of recruitment but also by exploited persons to advertise sexual services, or to perform them online. Technicalities and complex codes governing communication in this area suggest that advertisers (persons advertising their sexual performances)

are most probably connected with an exploitative organization managing their presence online (Carchedi, 2021).

The use and abuse of women's bodies and sexuality is a consequence of patriarchal social norms. Regardless of whether prostitution or other kinds of sex work can be considered a “work as any other work”—debate that has biased the whole discussion on sexual exploitation for decades—it is unquestionable that from the point of view of exploited women, LGBTIQ+ and men, work performances in slavery-like conditions in the sexual business have the same impact as any other slavery-like practices. In fact, the International Labour Organization includes forced commercial sexual exploitation within the notion of forced labor.

Severe sexual exploitation remains one of the worst forms of exploitation, for exploiters exercise their control not only on women's workforce, but also on their bodies and sexuality. Therefore, sexual exploitation often implies a high level of coercion, although not exercised by extreme violence but rather by subtle means of coercion. Moreover, sexually exploited women—as well as LGBTIQ+ and men—are routinely subject to sexual violence.

In many situations, apart from extreme forms of sexual exploitation, in which the person is completely deprived of any personal freedom and self-determination, a certain kind of negotiation is a recurrent feature, although its margin is significantly restricted due to the debt contracted during the journey or at destination, or to other social and/or personal vulnerabilities. Such aspects have been neglected for a long time, for different reasons. First, the so called “abolitionist” approach assumes that prostitution cannot be voluntary, implying a violation of human dignity that would not be accepted by the persons concerned, if the decision were voluntarily made. *A fortiori*, a person in prostitution should not have any negotiation margin, for she/he would be in principle subject to absolute coercion. This approach however is affected by an ideological bias and overlooks real experiences of sex workers and people exploited in prostitution or otherwise in the sex industry.

Secondly, the stereotype of the “perfect victim” adopted by investigative and judicial authorities at the beginning of the anti-trafficking struggle—almost exclusively targeting sexual exploitation—implied that an exploited person should appear as someone completely deprived of any self-determination. This characterization marked the division between deserving and undeserving victims, the first allowed to stay in the country at least during criminal proceedings, the second equalized to irregular migrants and sent back to their countries of origin or expelled and thus pushed into an area of illegality. In fact, exploited women were obliged to hide their agency to qualify as “real” victims. The described stereotypization was particularly developed in cases of trafficking for sexual exploitation, that have been investigated since the early 2000's. In such cases, any admission of having negotiated with exploiters some aspects of their obligations implied that the woman concerned was considered a consenting prostitute and—without any further investigation—not a victim of trafficking.

The stereotype of the “perfect victim” was also used to overcome the negative perception and social stigmatization of prostitution by investigative authorities interested in carrying out

successful judicial cases. Therefore, all real aspects of sex work have been systematically overlooked for decades. However, in the meantime negotiation—although in restricted terms—between exploited women and their exploiters has increasingly become the “new normal” of sexual exploitation, even in cases that can be legally qualified as trafficking cases, for final exploiters tend to prevent rebellions and consequent disruption of their business.

For all these reasons, the existence of a certain bargaining margin does not exclude severe exploitation. Negotiation and coercion, victimization and agency, combined in various ways along the lines of different degrees of exploitation, are an integral part of sexual exploitation as of any other forms of exploitation. In fact, the same features have been found in the field of labor exploitation, where women’s agency is often overlooked, and where agency and coercion are also combined.

Women are the vast majority of sexually exploited persons; in recent times however attention to men’s and boys’ sexual exploitation is growing. Victimization of men and boys has systematically been underreported due to stereotypes implying that men are not vulnerable, and especially are not vulnerable to sexual exploitation. For this reason, men bear strong social stigmatization for being associated with prostitution, and for failing their migration project, and thus tend to hide their exploitative situations. However, according to available sources, cases have been reported in Kenya, Southeast Asia, Spain and the United States (CDeBaca and Sigmon, 2014).

Severe sexual exploitation affects disproportionately LGBTIQ+ individuals. Especially LGBTIQ+ youth are at high risk of human trafficking, which is however vastly underreported. Vulnerabilities to severe sexual exploitation derive primarily from social stigma and repressive laws such as those incriminating same-sex relationships, both producing social exclusion. In fact, LGBTIQ+ young individuals are overrepresented among homeless persons. **The combination of negative factors such as poverty, previous experiences of sexual abuse, and lack of access to mental health services cause their frequent recourse to “transactional sex” in exchange for money, shelter, food and other necessities, which increases the vulnerability of youth to human trafficking, particularly for sexual exploitation (United Nations Office on Drugs Crime, 2020).**

According to available sources, LGBTIQ+ migrants falling prey to trafficking and severe sexual exploitation include Caribbean and Latin American individuals traveling to Western Europe, and African persons ending up as sex slaves in United Arab Emirates, Qatar, and Saudi Arabia (CDeBaca and Sigmon, 2014). The presence of transgender individuals among sexually exploited persons is well-documented in Italy, including LGBTIQ+ persons coming from Latin America, and especially from Brazil, subjected to the control of so called “caffettine” who are in fact their exploiters.

Sexual exploitation, depending on its degrees and modalities, implies the use and abuse of exploited persons’ bodies and sexuality as its inherent character. It can have a destructive impact on women’s, men’s and LGBTIQ+ individuals’ lives, as a consequence of serious physical and psychological damages. However, sex work, even in situations of severe exploitation,

cannot be considered an area in which women’s and other exploited persons’ agency and negotiating abilities are excluded. Some life stories of Brazilian LGBTIQ+ persons interviewed in the Lazio Region of Italy, show that also in these cases exploited persons, lured into prostitution through debt bondage, have a certain margin of negotiation at least regarding the timing of its restitution (Carchedi, 2020).

A debate is underway on the impact of laws on prostitution on trafficking for sexual exploitation. Several European countries adopted the so called “Nordic model” criminalizing users of sexual services. I will not discuss extensively this issue. I just point out that such a legislation causes stigmatization not only of clients but inevitably also of sex workers. In addition, by pushing sex work into an area of illegality, exploited persons’ rights are undermined. On the contrary, all behaviors not amounting to exploitation should be decriminalized, including the crime of favoring prostitution, which often implies criminalization of exploited persons’ cooperative behaviors. Consequently, sexually exploited women, LGBTIQ+ individuals and men, should be free from stigmatization and treated as any other exploited persons, regardless of whether they have entered voluntarily an exploitation work relationship, meaning, inter alia, that their rights to access remedies should be fully recognized including the right to compensation.

## Sexual Violence and Harassment Linked With Severe Exploitation

Violence and various forms of coercion are always connected with severe exploitation and are highly gendered. Men are usually beaten when they refuse a certain work performance, and they bear even more severe forms of psycho-physical violence when they try to leave against the will of recruiters or employers. Women are routinely subjected to some forms of sexual harassment or violence. This frequently happens at the time of their recruitment, and when they wait for receiving their salaries. However, such forms of sexual abuse are also perpetrated during the whole work relationships, when women are routinely threatened with dismissal if they do not accept sexual requests by employers or surveillants.

The recurrent sexual blackmail in exchange of the placement in a job—usually an exploitative job—or in exchange of the due payment of wages has been reported in agriculture and other economic sectors such as the touristic industry, restaurants, and cleaning services. Very often women are threatened to be fired or reported to the police or immigration authorities, and thus are obliged to accept employers’ and/or recruiters/intermediaries’ requests. Sexual harassment or sexual violence connected with domestic/care work have been widely reported. Sexual violence routinely perpetrated against migrant women during their journey, no matter whether they will be bound to sexual exploitation or to exploitative jobs, shows that cultural underlying factors lead to exploiters’ pretension to use and abuse women’s bodies. Cases of women reporting domestic violence, and subsequently found in situations of severe exploitation at work have been also highlighted. This shows that



various forms of violence are entrenched in the life experience of many migrant women.

Against the described factual background, it is possible to argue that sexual harassment and sexual violence are structural components of women's exploitation. A thorough analysis from a gender perspective is needed in order to draw a truthful and exhaustive picture of severe exploitation. The few codified definitions of exploitation—including the yet innovative definition included in Article 603-bis of the Italian Penal Code—overlook this essential feature of women's exploitation, which also vastly affects LGBTIQ+ people. A gender perspective is thus necessary to analyze more accurately the notion of severe exploitation and connected vulnerabilities.

### Transits Between Different Forms of Exploitation and Multiple Exploitation

Migrant women, especially those coming from the Sub-Saharan region and trying to reach Europe, are often at the mercy of their traffickers or smugglers asking for more money and artificially creating a debt to exploit them or selling them to final exploiters. In these situations, traffickers can decide women's destiny, and in particular the kind of exploitation and the country in which they will be exploited. For example, women can be bound to sexual exploitation in Europe, or sent to one of the Gulf countries to perform domestic work in slavery-like conditions. For the same reasons, depending on the interests of traffickers, it is possible that women are moved from a type of exploitation to another. African women coming from the same regions can be subjected to sexual exploitation for a while in transit countries, and then sent to Gulf countries to be exploited in agriculture in Europe. Nigerian women are usually selected for sexual exploitation. However, criminal networks managing their debts can eventually decide to use them differently, and to exploit them in the agricultural sector (Giammarinaro, 2021).

Even when there is no trafficking chain, and women start and complete their journey autonomously, other mechanisms can lead to their severe exploitation. In the Veneto Region (Italy) the presence of Moldovan and Rumanian women previously employed in domestic care and cleaning, and then exploited in agriculture, have been detected by support services. In this case it is probable that other domestic workers had called them to ensure a replacement to their employers during summer holidays, in exchange of a percentage of their salaries. At the end of such a replacement period, they had been recruited to work in agriculture in exploitative conditions (Giammarinaro, 2021).

In some situations, migrant women bear simultaneously different forms of exploitation. For instance, in Italy Bulgarian women of Rom origin, sexually exploited, have been found in another Italian region working in agriculture during harvesting seasons. In various regions Nigerian women sexually exploited in informal settings and ghettos, under the control of their "maman," work in the harvesting or packaging of agricultural products during the day to earn more money and repay their debt more quickly. However, they end up in a multiple form of severe exploitation, which makes difficult for them to achieve the expected results (Giammarinaro, 2021).

Both transit from a kind to another kind of exploitation, and multiple exploitation, are managed by exploiters according to their own interests. Cases of women working in the fields, and simultaneously as waitresses or cooks in informal settings, or in sex work, in conditions of severe exploitation, have also been reported (Peano, 2017). Information about multiple exploitation is however insufficient. The issue needs further research, as it appears to validate the suggested approach to severe exploitation as a highly gendered phenomenon.

### CONCLUSION: TOWARD SOCIAL JUSTICE RESPONSES TO "GENDER INTERSECTIONAL EXPLOITATION"

This analysis shows that severe exploitation, along gender and intersectional lines, has a structural and systemic nature. It involves "edge populations," that are pushed to the margins of societies and economic systems and are deprived of any rights and social protections. Such populations are left to their uncertain destiny which includes death, detention and severe exploitation. The latter is characterized by domination relationships between employers/intermediaries and workers, in which there is a high disproportion between heavy work performances, long working hours, bad working and living conditions, and minimal remuneration (Omizzolo, 2020).

Against this background, criminal justice responses such as those established in compliance with the 2000 Palermo Protocol on trafficking in persons (United Nations, 2000) have been ineffective, and impunity remains prevalent. In addition, the criminal justice system contributes to create the false perception that severe exploitation is exceptional and contingent, and linked with backward production systems. On the contrary, severe exploitation is a massive scale phenomenon, existing everywhere, which is instrumental to the functioning of developed economies. Vulnerable people are targeted including migrants, especially those in irregular residence status, asylum seekers and refugees.

This approach requires a thorough revision of the issue of consent in relation to exploitation. Workers' consent to enter or stay in exploitative work relationships does not exclude exploitation. Social vulnerabilities linked with their identities, at the crossroad of multiple intersectional factors, induce them to believe that they have no better alternative. Social justice responses are therefore needed, starting with the establishment of regular, safe and significant channels for migration, and social inclusion policies.

Severe exploitation is always based on intersectional factors such as gender, race, national or ethnic or geographical origin, and/or irregular migration status, among others. Furthermore, it is prevalent in works linked with social reproduction, socially undervalued, and historically characterized by weak regulations and weak recognition of labor rights. In such sectors the presence of women is predominant, although men also perform domestic/care waged work. Women subject to severe labor exploitation routinely bear abuses and mistreatment along racialized lines; they also bear sexual harassment or sexual violence. Rape and other forms of sexual violence

are systematically perpetrated against women and LGBTIQ+ persons in the context of sexual exploitation. Sexual violence against men exists but is underreported, due to cultural constructions of masculinity, stigmatizing men's vulnerabilities to such form of violence. Exploited persons, and particularly women, can transit from a type of exploitation to another, typically from sexual to labor exploitation and vice-versa, or can bear multiple forms of severe exploitation at the same time, according to the interests of intermediaries and exploiters. Care responsibilities are significant vulnerability factors often leading to severe exploitation, as they cause not only additional and heavier work but also workers' exposure to sexual threats and harassment. At the same time, care responsibilities are drivers of resilience, rebellion, self-realization and agency.

All the elements mentioned above, deriving from the impact of combined intersectional factors, should be taken into consideration to identify and define severe exploitation. A notion of "intersectional exploitation" has been suggested at the international level and recently in Italy (Calaf, 2021). Along these lines, taking into account the essential role of a gender perspective in an analysis based on an intersectional approach, I suggest working around the even more complex notion of "gender intersectional exploitation," with a view to carrying out further research on various economic sectors such as the touristic and the textile industries, aimed at eventually validating such a notion.

A false narrative describes exploited persons, especially women, as passive and deprived of autonomy. On the contrary, local studies and exploited persons' stories confirm that even in situations of severe exploitation, vulnerable persons show agency. Measures aimed at recognizing and promoting their rights, are at the core of a human rights-based approach to any forms of severe exploitation (Degani, 2020). Workers' agency, including women's agency, is instrumental to self-organization, be it in the context of trade unions or in the context of NGOs representing workers' interests and promoting, especially among women, forms of relational autonomy (ACTIONAID BRIGHT, 2020).

In conclusion, to prevent and combat severe exploitation, national institutions and international organizations should go beyond a law enforcement approach and promote social justice responses (Giammarinaro, 2019), based on a human rights approach and a gender perspective. Labor rights should be recognized and enforced in all economic activities including the

sex business. The entire area of sex work should be drastically decriminalized, with the only exception of exploitation of prostitution or other forms of sexual exploitation. Consequently, sex workers should be entitled to exercise their rights to remuneration, and to compensation in case of exploitation. Areas of the labor markets and economic sectors that are prone to severe exploitation, in which the rule of law is suspended, should be regarded as areas in which public institutions should invest to promote change regarding ways of production and redistribution measures. Such responses include controlling intermediation agencies and promoting fair recruitment, imposing to companies due diligence obligations and accountability including for operations of their subcontractors, strengthening labor inspections, incentivising businesses complying with social quality standards, to mention only a few preventative policies. As a matter of fact, existing voluntary standards of social compliance adopted by international companies, have not so far modified "business as usual," and have not adequately addressed risks of forced labor in their supply chains. More robust State regulatory interventions are thus needed everywhere. Effective social justice responses include workers' access to remedies through judicial and non-judicial complaint mechanisms, in order to ensure quick settlement procedures of disputes regarding unpaid salaries, and facilitate the reporting of sexual harassment and violence at work (Giammarinaro, 2019). Social justice for migrant vulnerable populations cannot be achieved without substantial changes in migration policies, aimed at establishing regular, safe and consistent migration channels based on a gender-sensitive methodology, reducing residence and contract irregularity, ensuring minimum fair wages, and including migrant populations among the beneficiaries of redistribution measures.

## DATA AVAILABILITY STATEMENT

The original contributions presented in the study are included in the article. Further inquiries can be directed to the corresponding author.

## AUTHOR CONTRIBUTIONS

The author confirms being the sole contributor of this work and has approved it for publication.

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