

**Human Rights Council****Forty-fifth session**

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Impact of the coronavirus disease pandemic on  
contemporary forms of slavery and slavery-like practices****Report of the Special Rapporteur on contemporary forms of slavery,  
including its causes and consequences\****Summary*

Tomoya Obokata was appointed as Special Rapporteur on contemporary forms of slavery, including its causes and consequences, by the Human Rights Council in March 2020. He assumed his functions on 1 May 2020. The present report is his first report to the Council.

The present report contains reflections on and analysis of the impact that coronavirus disease (COVID-19) has had on contemporary forms of slavery and slavery-like practices, and recommendations on how various stakeholders could mitigate the impact of the pandemic. It also contains an overview of the methods of work that the new Special Rapporteur on contemporary forms of slavery, including its causes and consequences, intends to implement and promote during his tenure.

\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



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## I. Introduction

1. In March 2020, the Human Rights Council appointed Tomoya Obokata from Japan as the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; he assumed his tenure on 1 May 2020. The Special Rapporteur gratefully acknowledges the trust that the Council has placed in him by appointing him as mandate holder. The present report is submitted pursuant to Council resolution 42/10, in which the Council renewed the mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.

2. In light of the global health, social and economic challenges posed by the outbreak of coronavirus disease (COVID-19), the Special Rapporteur examines in the present report how this crisis exacerbates existing vulnerabilities to contemporary forms of slavery. He also identifies the new risks it brings, and outlines the impacts on the estimated 40.3 million people who were trapped in situations of modern-day slavery before the outbreak.<sup>1</sup> In addition, the report contains a brief section outlining the methods of work of the newly appointed Special Rapporteur.

3. The Special Rapporteur wishes to express his deep appreciation and admiration to his predecessor for her important work in combating slavery and slavery-like practices during her two terms as mandate holder between 2014 and 2020. Through her thematic work, for example on bonded labour, the Sustainable Development Goals, domestic servitude, slavery in supply chains, child slavery and the gendered dimensions of contemporary forms of slavery, the former mandate holder consistently advocated for ending all forms of slavery by 2030. Through her country-specific work and 10 official country visits, she not only provided valuable analysis and insight into country situations and drew attention to the concerns and issues surrounding slavery and slavery-like practices therein, but also made constructive and action-oriented recommendations.

## II. Activities relating to the mandate

4. The activities carried out by the Special Rapporteur, including the activities of the previous mandate holder, Urmila Bhoola, from the time of the submission of her last report to the Human Rights Council at its forty-second session until June 2020, are outlined in the forthcoming report to the General Assembly.

5. During that time frame, the Special Rapporteur transmitted 11 communications jointly with other mandates on behalf of individuals exposed to contemporary forms of slavery.

## III. Approach and methods of work of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences

6. In accordance with Human Rights Council resolution 42/10, the Special Rapporteur will continue to examine and report on all contemporary forms of slavery and slavery-like practices, but in particular those defined in the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and all other issues covered previously by the Working Group on Contemporary Forms of Slavery.

7. The Special Rapporteur will explore different manifestations of contemporary forms of slavery by building on the work of his predecessors and by addressing new and emerging issues.

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<sup>1</sup> International Labour Organization, Walk Free Foundation and International Organization for Migration (IOM), *Global estimates of modern slavery: forced labour and forced marriage* (Geneva, International Labour Office, 2017).

8. In his work, the Special Rapporteur will adopt a victim/survivor-centred and age- and gender-sensitive approaches. In this regard, he will be guided by General Assembly resolution 70/1 on transforming our world: the 2030 Agenda for Sustainable Development, in which the Assembly identified groups of people who are vulnerable and must be empowered. In facilitating a victim-centred approach, the Special Rapporteur will also communicate and coordinate closely with other mandate holders and with the human rights treaty bodies with a view to promoting a coordinated and unified approach to eradicating contemporary forms of slavery.

9. Through his country visits and thematic reports, the Special Rapporteur intends to place the focus of the mandate on groups who are at particular risk of being exposed to contemporary forms of slavery and require increased attention and protection. They include, but are not limited to, people on the move, including labour migrants, refugees and internally displaced persons; stateless persons; minorities and indigenous peoples; persons with disabilities; older persons; and persons who are homeless, including children living on the street. The first report of the Special Rapporteur to the General Assembly will provide an overview of the focus which will be placed on these specific groups.

10. Furthermore, as mandated by the Human Rights Council, the Special Rapporteur will undertake thematic research on the effective implementation of Goal 8 of the 2030 Agenda, with a particular focus on target 8.7, which includes taking immediate and effective measures to eradicate forced labour and to end modern slavery and human trafficking.

11. The Special Rapporteur will proactively seek constructive and fruitful cooperation with diverse governmental, intergovernmental, civil society, academic and private stakeholders in all regions of the world. Effective collaboration among these stakeholders is more relevant than ever in the context of the unfolding socioeconomic crisis caused by COVID-19.

## **IV. Preliminary analysis of the impact of coronavirus disease on contemporary forms of slavery**

### **A. Objective and methodology**

12. The unprecedented crisis caused by COVID-19 has affected all segments of the population on a global scale, but the social and economic consequences of the outbreak have been particularly detrimental to those who were already in vulnerable situations before the crisis. This includes people trapped in slavery-like situations, as well as those subjected to different human rights violations, discrimination, marginalization, social and economic inequalities and limited or no social and labour protection.

13. Based on emerging evidence, the Special Rapporteur assessed the main issues of concern and trends relating to his mandate, complemented by a set of recommendations developed with a view to assisting States and other stakeholders in developing their responses.<sup>2</sup> It is important to emphasize that, as the situation rapidly changes and the full magnitude of the pandemic's impacts remains unclear, the present report does not provide a comprehensive overview of the problem. The Special Rapporteur is committed to monitoring the situation and developing relevant recommendations throughout his tenure.

14. To inform his research, the Special Rapporteur issued a call for input to a wide range of stakeholders, including Member States, national human rights institutions, civil society organizations, United Nations agencies and regional organizations. He has also drawn on information gathered from a literature review and multiple consultations held with various

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<sup>2</sup> See statement by the President on the human rights implications of the COVID-19 pandemic (PRST 43/1).

actors. The Special Rapporteur wishes to thank all of the stakeholders who responded to his call for submissions and welcomes the engagement demonstrated in this process.<sup>3</sup>

## **B. Impacts of coronavirus disease on contemporary forms of slavery**

### **1. Multifaceted social and economic impacts of the pandemic**

15. The COVID-19 pandemic and the measures adopted to contain the spread of the disease through quarantines, travel restrictions and lockdowns have had a sweeping impact on the economy. This has resulted in the reduction of economic growth,<sup>4</sup> a global recession,<sup>5</sup> and historical levels of unemployment, which will likely have long-term consequences.

16. Labour markets have dramatically worsened and will take years to recover because the reopening of economies is likely to remain tentative. Around 38 per cent of the global workforce are employed in manufacturing, hospitality, tourism, trade and transportation and other service sectors that are facing a collapse in demand, a sharp fall in revenue and potential bankruptcies.<sup>6</sup>

17. The International Labour Organization (ILO) estimates that, relative to the situation in 2019, 4.8 per cent of working hours were lost globally during the first quarter of 2020 (equivalent to approximately 135 million full-time jobs) and in the second quarter, that number increased to 10.7 per cent (equivalent to 305 million full-time jobs).<sup>7</sup> The harmful effects of this pandemic have not been distributed equally.

18. The massive losses of employment and income due to the crisis will exacerbate global poverty and inequality, disproportionately hurting those with no adequate social protection coverage, especially in the poorest countries and in the poorest neighbourhoods.<sup>8</sup> Globally, only 20 per cent of unemployed people are covered by unemployment benefits, which leaves at least 152 million unemployed workers without income security during the pandemic.<sup>9</sup> These make people more vulnerable to coercion into exploitative employment, particularly in informal or even illegal economies.

19. The World Bank estimates that the impacts of the pandemic could push up to 60 million people into extreme poverty in 2020 alone,<sup>10</sup> causing the first increase in global poverty since 1998. Globally, acute hunger could double in 2020, affecting more than 260 million people.<sup>11</sup> The rise in extreme poverty and inequality is likely to reinforce disparities, magnify social and economic tensions and generate more migration flows.<sup>12</sup> These are well-known factors which increase peoples' vulnerability to slavery, including trafficking in persons, debt bondage, forced labour, worst forms of child labour, forced marriage and other contemporary forms of slavery (A/HRC/42/44, para. 10).

### **2. Exacerbated risks of slavery and impacts on specific groups**

20. The Special Rapporteur has received multiple submissions raising concerns about the worsening situation of people who were already in situations of or at risk of

<sup>3</sup> For both the call for submissions and the submissions themselves, see [www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/callCovid19.aspx](http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/callCovid19.aspx).

<sup>4</sup> World Bank, *Global Economic Prospects, June 2020* (Washington, D.C, World Bank, 2020), p. 6.

<sup>5</sup> International Monetary Fund, "World economic outlook update, June 2020", p. 2.

<sup>6</sup> United Nations, "World economic situation and prospects as of mid-2020", June 2020, p. 6.

<sup>7</sup> ILO, "ILO monitor: COVID-19 and the world of work. Fourth edition: Updated estimates and analysis", 27 May 2020, pp. 1 and 4.

<sup>8</sup> UN News, "COVID-19: impact could cause equivalent of 195 million job losses, says ILO chief", press release, 8 April 2020.

<sup>9</sup> ILO, "Social protection responses to the COVID-19 pandemic in developing countries: strengthening resilience by building universal social protection", Social Protection Spotlight, May 2020, p. 8.

<sup>10</sup> World Bank, "100 countries get support in response to COVID-19", press release, 19 May 2020.

<sup>11</sup> World Food Programme, "COVID-19 will double number of people facing food crises unless swift action is taken", press release, 21 April 2020.

<sup>12</sup> World Bank, *Global Economic Prospects, June 2020*, p. 144.

contemporary forms of slavery before the outbreak. The experiences outlined below do not represent the full spectrum of the existing and evolving risks in the context of COVID-19. However, they provide information about trends that can inform further data-collection strategies and policy responses.

### 3. Informal workers

21. The socioeconomic impact of the outbreak will be much harsher for the 2 billion people in the informal economy, constituting 62 per cent of the global workforce.<sup>13</sup> Their employment relationships are more easily broken and the safety nets available to them are fewer and weaker than those available to people in the formal economy. Informal workers have no access to paid or sick leave entitlements, and are less protected by conventional social protection mechanisms and other forms of income support. This concerns day labourers and temporary, non-contracted and own-account workers, including those in the so-called gig economy, promoted by digital labour platforms which employ, for example, taxi drivers and delivery workers.

22. Based on estimates by ILO, almost 1.6 billion informal economy workers have suffered massive damage to their capacity to earn a living due to lockdown measures and/or because they work in the hardest-hit sectors.<sup>14</sup> Furthermore, it is estimated that around 70 per cent of gig workers, many of whom quit their jobs due to a lack of demand or to protect their own safety, now have no income.<sup>15</sup>

23. In the absence of alternative choices, informal economy workers are more likely than before the outbreak to accept abusive and exploitative employment and may become tricked into forced labour. Those living in low-income and middle-income countries will be particularly affected, as informal employment represents 90 per cent of total employment in low-income countries and 67 per cent of total employment in middle-income countries.<sup>16</sup> More workers will incur debts in order to survive, a trend already observed among informal workers in India<sup>17</sup> and employees of brick kiln factories in Pakistan.<sup>18</sup> As a consequence, the risk of becoming trapped in debt bondage increases.

24. As more workers are likely to enter the informal economy due to loss of formal employment,<sup>19</sup> these additional workers may compete for a shrinking piece of the informal economy with those already working there. Consequently, incomes and working conditions will gradually deteriorate.

### 4. Women

25. Experiences from previous pandemics show that women often encounter the effects of such crises in different, more negative ways than men.<sup>20</sup> They tend to be overrepresented in low-paid jobs and the sectors most affected by the crisis. They include those employed in the garment industry, where large numbers from low- and middle-income countries are employed.<sup>21</sup> In light of the massive layoffs and lack of access to social protection mechanisms, they are in an extremely vulnerable situation.<sup>22</sup>

<sup>13</sup> ILO, "COVID-19 crisis and the informal economy: immediate responses and policy challenges", ILO brief, May 2020, p. 1.

<sup>14</sup> ILO, "As job losses escalate, nearly half of global workforce at risk of losing livelihoods", press release, 29 April 2020.

<sup>15</sup> Josephine Moulds, "Gig workers among the hardest hit by coronavirus pandemic", World Economic Forum, 21 April 2020.

<sup>16</sup> ILO, "COVID-19 crisis and the informal economy", p. 1.

<sup>17</sup> Freedom United, "Exposing the hidden victims of COVID-19: demanding better protections for victims and communities vulnerable to modern slavery", May 2020, p. 12.

<sup>18</sup> Submission from Labour Education Foundation, Pakistan.

<sup>19</sup> ILO, "COVID-19 crisis and the informal economy", p. 3.

<sup>20</sup> World Bank, "Gender dimensions of the COVID-19 pandemic", policy note, 16 April 2020, p. 1.

<sup>21</sup> ILO, "The COVID-19 response: getting gender equality right for a better future for women at work", ILO brief, May 2020, p. 7.

<sup>22</sup> Submission from the Cambodian Centre for Human Rights.

26. While informal work is a greater source of employment for men, women are more often exposed to vulnerable categories of work, such as domestic work, where they face low wages, excessively long hours, risk of physical, mental and sexual abuse or restrictions on freedom of movement and other exploitation.<sup>23</sup> These risks are further amplified by COVID-19. For example, before the pandemic, migrant women employed as domestic workers in Lebanon were largely excluded from adequate protection under domestic labour law and were exposed to exploitative and abusive working conditions (CCPR/C/LBN/CO/3, paras. 39–40). Emerging accounts suggest further deterioration of their situation, with more cases of sexual exploitation by their employers.<sup>24</sup> In the United Kingdom of Great Britain and Northern Ireland, domestic workers are reportedly experiencing increasing pressure to comply with demands by their employers, fearing that their contracts might be terminated.<sup>25</sup> Indeed, ILO estimates that nearly three quarters of domestic workers around the world, predominantly women, are at risk of losing their jobs.<sup>26</sup> Many have no access to social security or other safety nets. Rising demands by employers to maintain hygiene and cleanliness in order to prevent the spread of the virus have been reported, leading to an increase of workload for domestic workers without compensation of overtime.<sup>27</sup>

27. In addition to bearing the brunt of massive job losses,<sup>28</sup> women have been increasingly subjected to intimate partner violence and gender-based violence as a result of the lockdown measures.<sup>29</sup> Domestic violence may also become a push factor, increasing the vulnerability of victims to trafficking in persons and sexual exploitation.

28. Gender inequalities, discrimination based on race, caste group or other category and stereotypes about suitable forms of employment for women, combined with lack of labour protection laws and policies, perpetuate conditions leading to their exploitation.<sup>30</sup> Furthermore, older women are less likely than men to receive a pension.

29. Women living in places affected by humanitarian crises are even more vulnerable to exploitation and abuse, including sexual exploitation and forced labour. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that more women in Central America are coerced to engage in sex work, which also increases risks both in terms of health and exploitation by criminal groups.<sup>31</sup>

## 5. Children and young people

30. Young people aged between 15 and 24 years old will be among the most affected by the longer-term impact of the global recession and unemployment.<sup>32</sup> More than three quarters of young workers in 2019 were in informal jobs (most notably in Africa and South Asia), which render them vulnerable to economic crises and shocks. In addition to unprecedented job losses, the crisis has disrupted their education and training.

31. It is estimated that between 42 and 66 million children could fall into extreme poverty, adding to the 386 million children who were already in extreme poverty in 2019.<sup>33</sup> Temporary school closures, combined with pressure from the sudden loss of livelihoods,

<sup>23</sup> ILO, “Empowering women working in the informal economy”, issue brief No. 4 prepared for the second meeting of the Global Commission on the Future of Work, 15–17 February 2018, p. 1.

<sup>24</sup> Walk Free, “Protecting people in a pandemic”, April 2020, p. 7.

<sup>25</sup> Submission from Kalayaan.

<sup>26</sup> Information received from ILO.

<sup>27</sup> International Domestic Workers Federation, “Statement on protecting domestic workers’ rights and fighting the coronavirus pandemic”, 18 March 2020.

<sup>28</sup> Organization for Economic Cooperation and Development, “Women at the core of the fight against COVID-19 crisis”, 1 April 2020, p. 6.

<sup>29</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), “COVID-19 and ending violence against women and girls”, April 2020.

<sup>30</sup> Ibid.

<sup>31</sup> UNHCR, “Coronavirus lockdowns in Central America, exploited by criminal gangs”, UN News press release, 15 May 2020.

<sup>32</sup> ILO, “ILO monitor: COVID-19 and the world of work. Fourth edition”, p. 2.

<sup>33</sup> United Nations, “Policy brief: the impact of COVID-19 on children”, 15 April 2020, p. 2.

food shortages and breakdown of community safety nets, may result in a permanent end to education for many children and a rise in child labour, including the worst forms of child labour.<sup>34</sup>

32. Currently, there are 152 million children in work, 72 million of whom are in hazardous work.<sup>35</sup> ILO and the United Nations Children’s Fund (UNICEF) have warned that the crisis is expected to push millions more into child labour.<sup>36</sup> Indeed, an increasing number of children are reportedly working on farms and/or selling vegetables or fruit in the streets.<sup>37</sup> Once they enter the workforce, it becomes difficult to incentivize them and their parents to return when schools reopen.

33. Civil society organizations and United Nations agencies in Africa,<sup>38</sup> the Middle East<sup>39</sup> and South Asia<sup>40</sup> have reported a spike in sexual violence against children,<sup>41</sup> including a significant increase in the number of girls married off before the age of 18, and in unplanned teenage pregnancies.<sup>42</sup> The United Nations Population Fund (UNFPA) reported that the growing economic hardship and disrupted education caused by the pandemic could result in an estimated 13 million more child marriages over the next 10 years, further exacerbating existing levels of gender discrimination and gender inequality.<sup>43</sup> Girls are also increasingly exposed to domestic servitude and subjected to sexual exploitation in exchange for food and other essential items.<sup>44</sup>

34. The rising number of children in street situations is yet another reflection of the pandemic.<sup>45</sup> Reports from some countries indicate their increasing engagement in street begging due to loss of livelihoods, family violence or sexual exploitation. As a result, they are also at higher risk of being exposed to trafficking in persons.<sup>46</sup> In Ghana and Nigeria, more children are seen in street situations and used in criminal activities, such as theft.<sup>47</sup>

35. Furthermore, the Special Rapporteur is concerned about anecdotal information from Burkina Faso, Mali, Mozambique and the Niger suggesting that the combination of severe economic shocks, food shortages, school closures and deteriorating security situations creates fertile ground for the forced recruitment of children by armed groups.<sup>48</sup>

36. Children from marginalized minority groups, child migrants, children with disabilities, children who are homeless or from single or child-headed households or disaster-affected areas are more at risk of child labour and other forms of exploitation and abuse.<sup>49</sup>

<sup>34</sup> Shelby Carvalho and Susannah Hares, “More from our database on school closures: new education policies may be increasing educational inequality, Center for Global Development, 30 March 2020.

<sup>35</sup> ILO, *Global estimates of child labour: Results and trends, 2012–2016* (Geneva, ILO, 2017), p. 5.

<sup>36</sup> ILO and UNICEF, “Covid-19 and child labour: a time of crisis, a time to act”, June 2020, p. 23.

<sup>37</sup> Terre des Hommes, “Terre des Hommes warns of a dramatic increase in child labour as a result of the corona pandemic” press release, 12 June 2020.

<sup>38</sup> Information provided by civil society organization, Creuset, Togo.

<sup>39</sup> Global Protection Cluster, “Iraq: COVID-19 protection situation report as of 06 May 2020”.

<sup>40</sup> UNICEF, “Urgent action need to safeguard futures of nearly 600 million South Asian children threatened by COVID-19”, press release, 24 June 2020.

<sup>41</sup> Save the Children, “Spike in violence against Venezuelan children as COVID-19 deepens crisis”, press release, 24 June 2020.

<sup>42</sup> Plan International, “COVID-19: lockdown linked to high number of unintended teen pregnancies in Kenya”, press release, 25 June 2020.

<sup>43</sup> UNFPA, “Millions more cases of violence, child marriage, female genital mutilation, unintended pregnancy expected due to the COVID-19 pandemic”, press release, 28 April 2020.

<sup>44</sup> Information provided by civil society organization, Life Bloom Services International, Kenya.

<sup>45</sup> Submission from Commonwealth Human Rights Initiative.

<sup>46</sup> Information received from Life Bloom Services International, Kenya, and Centre d’Etudes sur le Leadership et la promotion des Droits Humains, Democratic Republic of the Congo.

<sup>47</sup> Submission from Commonwealth Human Rights Initiative, p. 3.

<sup>48</sup> Global Protection Cluster, “The coping crisis: the rise of adverse survival strategies”, COVID-19 protection risks and responses: situation report 6, 30 June 2020.

<sup>49</sup> Submission from United Nations country team, Lao People’s Democratic Republic, p. 10.



## 6. Minority groups, indigenous peoples and people affected by caste-based discrimination

37. Ethnic, racial, religious and linguistic minorities are particularly vulnerable to contemporary forms of slavery due to discrimination, marginalization, economic inequalities and poverty, lack of access to social protection and obstacles in accessing justice. Although data about the impact of COVID-19 on these groups is limited at this stage, there is emerging evidence of increased risks.<sup>50</sup>

38. In many countries, people from marginalized racial and ethnic minority groups are employed in high numbers in transport, health and cleaning sectors that carry an increased risk of contracting COVID-19, particularly when employers fail to provide protective equipment or introduce adequate safety measures.<sup>51</sup>

39. Some countries have witnessed an increase in discrimination and violence against minority groups, such as Roma communities in Europe<sup>52</sup> and Dalits in Nepal.<sup>53</sup> In India, COVID-19 measures forced more than 100 million internal migrant workers, many of whom belong to minorities and certain castes, to travel long distances home.<sup>54</sup> In addition to being exposed to economic deprivation and indebtedness, many were reportedly subjected to police brutality and stigmatized as virus “carriers”.<sup>55</sup>

40. Elsewhere, individuals trapped in situations of contemporary forms of slavery, who are economically dependent on their exploiters, are at risk of being “let go” as there is less need for their work during lockdowns. While this may provide an opportunity for victims to leave situations of slavery, it also puts them at risk of extreme poverty, starvation and illness.<sup>56</sup> This is a particular concern in States where survivors of contemporary forms of slavery have limited or no access to justice and remedies, including rehabilitation services. For example, in considering the situation in Mauritania, the ILO Committee of Experts on the Application of Conventions and Recommendations noted that the International Trade Union Confederation had observed that “persons considered as belonging to the slave caste, but who no longer live in slavery, are victims of stigmatization and discrimination and are marginalized both economically and politically”.<sup>57</sup> Without proper victim assistance and rehabilitation support, those phenomena are likely to lead to significant long-term consequences for the individuals left behind.

41. Concerns have also been raised about the precarious situation of indigenous peoples and people of African descent in Latin America. In Mexico, members of Afro-Mexican communities and indigenous groups were facing discrimination, marginalization and forced labour before the outbreak (CERD/C/MEX/CO/18-21, para. 16). Currently, they are exposed to food shortages and further deprivation.<sup>58</sup> In Ecuador, reports indicate worsening living and working conditions for many members of Afro-Ecuadorian communities, employed in farms run by the Furukawa company, which produces abaca fibre. Those

<sup>50</sup> Information received from civil society organization, Umeed Partnership, Pakistan. See also European Union Agency for Fundamental Rights, *Coronavirus pandemic in the EU – fundamental rights implications: with a focus on contact-tracing apps*, bulletin # 2 (Luxembourg: Publications Office of the European Union, 2020), p. 37.

<sup>51</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), “Disproportionate impact of COVID-19 on racial and ethnic minorities needs to be urgently addressed – Bachelet”, press release, 2 June 2020; and submission from Nagorik Uddyok Citizen’s Initiative, Bangladesh.

<sup>52</sup> European Union Fundamental Rights Agency, “Persistent Roma inequality increases COVID-19 risk, human rights heads say”, press release, 7 April 2020.

<sup>53</sup> OHCHR, “Nepal: Bachelet condemns Dalit killings, calls for independent investigation”, press release, 29 May 2020.

<sup>54</sup> OHCHR, “COVID-19: urgent help for India’s forgotten migrant workers must follow Supreme Court ruling, say UN experts”, press release, 4 June 2020.

<sup>55</sup> Submission from Anti-Slavery International, p. 5.

<sup>56</sup> *Ibid.*, p. 4.

<sup>57</sup> Observation (CEACR) – adopted in 2017, published at 107th ILC session (2018), Forced Labour Convention, 1930 (No. 29) – Mauritania.

<sup>58</sup> Submission from Instituto Nacional de los Pueblos Indígenas, Mexico, p. 3.

workers were allegedly subjected to exploitative working conditions, including child labour, before the pandemic.<sup>59</sup>

## 7. Refugees, asylum seekers and internally displaced persons

42. The socioeconomic crisis emanating from COVID-19 has been disproportionately affecting people on the move, including migrants, refugees, asylum seekers and internally displaced persons.<sup>60</sup>

43. While the pandemic has immobilized large parts of the world, armed conflicts and human rights violations have continued and those in need of protection have been affected by stricter border management imposed to contain the spread of the virus. In April 2020, UNHCR reported that at least 57 States had closed their borders with no exception for those seeking asylum.<sup>61</sup>

44. In 2019, there were 79.5 million forcibly displaced individuals globally, the majority of whom were hosted in developing countries<sup>62</sup> with already weak economic and health systems and restricted access to formal labour markets and services.<sup>63</sup> Sudden loss of livelihoods and limited access to humanitarian assistance are driving many refugees, asylum seekers and internally displaced persons even further to the margins of society and deeper into poverty.

45. The current crisis reinforced the vulnerabilities of those suffering the consequences of protracted humanitarian crises. For example, internally displaced persons and returnees in Afghanistan have been exposed to harmful traditional practices and coping strategies such as early and forced marriages, indebtedness, child labour and forced begging.<sup>64</sup> In the Middle East, many are increasingly going into debt, as they are struggling due to rising food costs, an inability to pay rent, and forced evictions.<sup>65</sup> Humanitarian agencies have warned that refugees and internally displaced persons may increasingly resort to negative coping mechanisms, such as child labour, child marriage and transactional sex.<sup>66</sup>

## 8. Migrant workers

46. Migrant workers, representing 4.7 per cent of the global labour pool (164 million workers, nearly half of whom are women) have been especially vulnerable to the socioeconomic impacts of COVID-19.<sup>67</sup> The majority of them work in the informal economy, predominantly in jobs characterized by low wages and a lack of social protection.

47. Employers may pressure migrant workers to work despite health risks, impose longer working days, and refuse to pay their wages or cease employment without any compensation or notice. For example, in Spain, the situation of women migrants from

<sup>59</sup> Information received from civil society organization Comité de Solidaridad Furukawa Nunca Más. See also [www.furukawanuncamas.org/post/covid-19-exigimos-atenci%C3%B3n-urgente-a-trabajadores-y-extrabajadores-de-furukawa-y-sus-familias](http://www.furukawanuncamas.org/post/covid-19-exigimos-atenci%C3%B3n-urgente-a-trabajadores-y-extrabajadores-de-furukawa-y-sus-familias).

<sup>60</sup> See, for example, Natalie Shobana Ambrose, “Malaysia’s marginalized and Covid-19”, The Asia Foundation, 13 May 2020.

<sup>61</sup> UNHCR, “Beware long-term damage to human rights and refugee rights from the coronavirus pandemic: UNHCR”, 22 April 2020.

<sup>62</sup> UNHCR, *Global Trends: Forced Displacement in 2019* (June 2020), pp. 2 and 22.

<sup>63</sup> Filippo Grandi, United Nations High Commissioner for Refugees, Briefing to the United Nations Security Council, 18 June 2020. Available at [www.unhcr.org/admin/hcspeeches/5eebac3a4/briefing-United-Nations-Security-Council](http://www.unhcr.org/admin/hcspeeches/5eebac3a4/briefing-United-Nations-Security-Council).

<sup>64</sup> See [www.humanitarianresponse.info/en/operations/afghanistan/document/afghanistan-humanitarian-response-plan-2018-2021-june-2020-revision](http://www.humanitarianresponse.info/en/operations/afghanistan/document/afghanistan-humanitarian-response-plan-2018-2021-june-2020-revision).

<sup>65</sup> UNHCR, “Syrian refugees profoundly hit by COVID-19 economic downturn”, press release, 16 June 2020. See also Global Protection Cluster, “Iraq: COVID-19 protection situation report as of 06 May 2020”.

<sup>66</sup> United Nations Office for the Coordination of Humanitarian Affairs, *Global Humanitarian Response Plan Covid-19: United Nations Coordinated Appeal April–December 2020* (May 2020), p. 13.

<sup>67</sup> Information received from ILO.

Morocco employed in the agricultural sector, who were reportedly subjected to abusive and exploitative labour practices before the outbreak, has deteriorated.<sup>68</sup>

48. Other migrant workers may be forced to quarantine in crowded accommodation or workspaces, resulting in high levels of COVID-19 infection among them. This has reportedly been the case for some factory workers in Singapore, many of whom are from South Asian countries.<sup>69</sup>

49. For some migrants, loss of employment has led to the expiration of their visas or work permits, leaving them undocumented. Thousands of migrants worldwide have been stranded because of border closures, often in crowded transit centres.<sup>70</sup> Many have been deported or have had to return home after they lost their jobs. This includes hundreds of migrant workers from a number of African and Asian States who worked in different countries in the Middle East.<sup>71</sup> Despite loss of employment and increasing economic constraints and deprivation, these migrant workers have often been excluded from or had limited access to government social protection schemes.<sup>72</sup> Consequently, many migrants have reportedly attempted to resume work abroad, despite travel restrictions. For example, anecdotal information suggests that many Cambodian citizens travelled back to Thailand. With border movement restrictions between both countries, they are vulnerable to trafficking in persons and exploitation by criminal groups.<sup>73</sup>

50. Loss of wages has wider implications for the families of migrants. Decline in migrant remittances, valued at \$109 billion (equivalent to 72 per cent of total official development assistance in 2019) will likely contribute to an increase in poverty, child labour and child marriage.<sup>74</sup>

## 9. Increased susceptibility to criminal organizations

51. In light of these severe social and economic impacts, more people will be compelled to seek protection and/or livelihood opportunities outside of their countries of residence. However, the stricter border regimes imposed by many States create opportunities for human smugglers and traffickers to raise the cost of facilitating irregular migration, using increasingly precarious and dangerous routes.<sup>75</sup> The vulnerability of forcibly displaced individuals and economic migrants to debt bondage and forced labour may also increase in this context.

52. Rising unemployment, broken safety nets and a lack of access to income security and social protection will likely force more households to turn to predatory lenders for loans, accepting extremely high interest rates.<sup>76</sup> Consequently, they might be forced to work under threat of violence or other forms of coercion to pay the loans off. Many may fall into debt bondage situations, which may trap families in an intergenerational cycle of poverty.

53. Evidence about such practices is still emerging. However, law enforcement agencies reported that criminal groups took advantage of the crisis at the early stages of the outbreak by engaging in loan-sharking, trafficking in persons, including for the purposes of sexual

<sup>68</sup> OHCHR, “Spain: passing the buck on exploited migrant workers must end, says UN expert”, press release, 26 June 2020.

<sup>69</sup> Submission from Transient Workers Count Too, Singapore.

<sup>70</sup> UN News, “Migrants stranded ‘all over the world’ and at risk from coronavirus”, 7 May 2020.

<sup>71</sup> IOM, “IOM Ethiopia assists hundreds of returning COVID-19 affected migrants”, press release, 9 June 2020.

<sup>72</sup> Submission by Australian Catholic Religious Against Trafficking in Humans.

<sup>73</sup> Submission by Cambodian Center for Human Rights.

<sup>74</sup> Dilip Ratha and others, “COVID-19 crisis through a migration lens” (Washington, D.C., World Bank, April 2020).

<sup>75</sup> UN Office on Drugs and Crime (UNODC), “Impact of the COVID-19 pandemic on trafficking in persons: preliminary findings and messaging based on rapid stocktaking”.

<sup>76</sup> Submissions from Anti-Slavery International and from Rights Lab.

exploitation, and recruiting vulnerable individuals in criminal activities.<sup>77</sup> For example, reports from the United Kingdom of Great Britain and Northern Ireland indicate that, during disruptions of provision of services and school closures, criminal groups targeted children who usually rely on the child protection system and used them in criminal activities, such as supplying drugs.<sup>78</sup>

#### **10. Shifts in labour demand and contemporary forms of slavery**

54. In addition to the emerging body of evidence indicating the increasing risks of contemporary forms of slavery for those in the most precarious situations, the pandemic has provided strong incentives for some businesses to exploit workers.<sup>79</sup> The sectors involved include industries that produce, process and provide essential items such as food, medicines and medical equipment, which have seen a sudden surge in the demand for workers as a result of COVID-19. The pressure to ramp up production and restructure supply chains under increased time pressure has adverse impacts on workers.

55. For example, several alleged labour rights violations have been reported in the rubber glove manufacturing sector in Malaysia regarding non-compliance with social distancing, occupational safety and health, excessive overtime with no pay, forced labour, as well as inadequate living conditions.<sup>80</sup> In South Africa, the Government reported that in a factory producing medical masks, workers were prevented from leaving the premises and forced to work to meet the sudden spike in demand.<sup>81</sup>

56. Furthermore, the crisis seems to have adversely affected the ability to ensure due diligence in supply chains. Some Governments have reportedly ordered personal protective equipment produced by companies that are allegedly associated with forced labour.<sup>82</sup> In the United Kingdom of Great Britain and Northern Ireland, the authorities introduced a temporary licence scheme that reportedly simplified the procedures regulating facilitation of the supply of workers for food production. The result was reportedly a risk of insufficient oversight and a lack of due diligence to protect workers against exploitation.<sup>83</sup>

#### **11. Dismantled labour laws and failing reporting and oversight mechanisms**

57. Despite an increasing body of evidence suggesting that the COVID-19 outbreak has resulted in severe, adverse impacts on the health, dignity and rights of workers globally, their ability to report abuse has been limited as mechanisms and legal protections of their rights appear to be increasingly failing.<sup>84</sup>

58. Labour rights and social protection regulations are reportedly being removed or relaxed in some countries, extending the workday or suspending laws that regulate the minimum wage and protect freedom of association. Examples of such policies, risking further erosion of working conditions, were reported in China, India, Saudi Arabia and Viet Nam, as well as some States in Latin America.<sup>85</sup>

59. Furthermore, the capacity of government agencies to monitor and detect violations of labour rights may be impacted by the lockdown measures and diversion of resources. For

<sup>77</sup> Europol, “Beyond the pandemic: how COVID-19 will shape the serious and organised crime landscape in the EU”, 30 April 2020; and INTERPOL, “COVID-19 impact on migrant smuggling and human trafficking”, 11 June 2020.

<sup>78</sup> Submission from Every Child Protected Against Trafficking (ECPAT UK), p. 7.

<sup>79</sup> Angharad Smith and James Cockayne, “The impact of COVID-19 on modern slavery”, Delta 8.7, 27 March 2020.

<sup>80</sup> ILO, “COVID-19: impact on migrant workers and country response in Malaysia”, update 8 May 2020.

<sup>81</sup> See [www.gov.za/speeches/mec-nomusa-dube-ncube-arrest-factory-owner-manufacturing-masks-29-mar-2020-0000](http://www.gov.za/speeches/mec-nomusa-dube-ncube-arrest-factory-owner-manufacturing-masks-29-mar-2020-0000).

<sup>82</sup> Freedom United, “Medical glove shortage sees US lift ban on company accused of forced labour”, 27 March 2020.

<sup>83</sup> Submission from Rights Lab.

<sup>84</sup> Information received from ILO and submission from Rights Lab.

<sup>85</sup> Submission from Anti-Slavery International, p. 7.

example in Brazil, the Special Mobile Inspection Group, which is tasked with investigating allegations of forced labour, has reportedly significantly reduced its operations, while vulnerability to labour exploitation and abuse has been increasing, including for migrant workers employed on coffee farms.<sup>86</sup> Around half of the cases detected by that agency in 2019 involved Venezuelan refugees and migrant workers,<sup>87</sup> who are among those severely affected by the health and economic crisis, not only in their home country but also in Brazil.<sup>88</sup>

## 12. Impact on those in slavery-like situations pre-COVID 19

60. COVID-19 has exposed pre-existing systemic gaps in social protection and justice systems, including with regard to identification and prosecution of contemporary forms of slavery, despite commitments made by States to meet target 8.7 of the Sustainable Development Goals.<sup>89</sup> Many Governments are overwhelmed with responding to the crisis, which may further delay the adoption or implementation of anti-slavery measures. For example, in the United Kingdom of Great Britain and Northern Ireland, the National Referral Mechanism reported a 14 per cent decrease in the number of victims reported between January and March 2020.<sup>90</sup> The Government emphasized that that was the first decrease recorded since 2016 and that it was likely to be a result of the COVID-19 related restrictions. Similar trends were recorded in other countries.<sup>91</sup>

61. Furthermore, reports indicate a wider global trend where the provision of services to survivors of contemporary forms of slavery has been disrupted as a consequence of the pandemic. At the same time, slavery-like practices have continued and the precarious situations of the victims and survivors are further compounded by health risks, deteriorating economic hardship, increasing isolation, adverse impacts on mental health, and the inability to access assistance.<sup>92</sup>

62. Civil society organizations were quick to find creative solutions to reach their beneficiaries, despite the lockdowns. Many switched to online services and remote support, which may have been helpful for some victims and survivors. However, in most countries, many were unable to receive legal advice, psychosocial assistance or continue their education and training owing to insufficient access to technological devices and to the Internet.<sup>93</sup>

63. Repatriations of individuals who have been subjected to trafficking in persons to their countries of origin have also become increasingly challenging owing to obstacles with planning safe routes home for the survivors, in addition to the closure of national borders implemented by a large number of States.<sup>94</sup>

64. While demand for assistance in accessing shelter, psychosocial and medical care and food security has been increasing,<sup>95</sup> civil society organizations, who are the primary providers of these services, are concerned that funding might be diverted elsewhere. As a

<sup>86</sup> Information received from civil society organization ADERE, Brazil; and submission from Global Initiative against Transnational Organized Crime, p. 20.

<sup>87</sup> UNODC, TRACK4TIP supports Brazil's Special Mobile Inspection Group of the Division of Inspection for the Eradication of Slave Labour (DETRAE) in its celebration of 25 years in the fight against slave labour, 4 June 2020.

<sup>88</sup> UNHCR, "Brazil Operation: COVID-19 response" (May 2020), p. 1. Available at <https://reporting.unhcr.org/sites/default/files/C19%20Brazil%20External%20Updates%20May%2020%20FINAL.pdf>.

<sup>89</sup> Submission from ECPAT UK.

<sup>90</sup> Submission from United Kingdom of Great Britain and Northern Ireland.

<sup>91</sup> Submission from Commonwealth Human Rights Initiative.

<sup>92</sup> Submission from Rights Lab.

<sup>93</sup> Submission from Commonwealth Human Rights Initiative.

<sup>94</sup> Ibid.

<sup>95</sup> Submission from Rights Lab.

result, the victims might be left isolated and unable to leave the exploitative and abusive situations in which they find themselves.<sup>96</sup>

65. In summary, although the situation is still evolving, the multifaceted impacts of the COVID-19 pandemic on contemporary forms of slavery are clear. There is an urgent need to take action to mitigate these impacts by identifying those who are in slavery situations, reaching out to those at risk and providing the survivors with access to justice and remedies.

## C. International standards and emerging good practices

### 1. Access to justice and remedies

66. Access to justice and remedies is a basic right of victims and survivors of contemporary forms of slavery. The responsibilities of States in this regard are outlined in the 2017 thematic report of the Special Rapporteur, along with detailed recommendations (A/HRC/36/43). In light of the increasing risks caused by COVID-19 outlined in the present report, it is essential that States strengthen their efforts to fulfil their international obligations and commitments to ensure that survivors of contemporary forms of slavery can seek justice and effectively obtain remedies.

67. States must continue to investigate, prosecute and punish perpetrators of contemporary forms of slavery with due diligence,<sup>97</sup> including during states of emergency imposed as a result of the COVID-19 pandemic,<sup>98</sup> owing to the non-derogable nature of the prohibition of these practices.<sup>99</sup> In practical terms, States must secure and maintain sufficient financial and human resources to implement their anti-slavery efforts during the pandemic so that the relevant law enforcement and other public authorities are able to bring perpetrators to justice.

68. In this regard, the Special Rapporteur is of a view that financial investigations and criminal asset recovery should be an integral part of the overall law enforcement responses to contemporary forms of slavery. It has been estimated that the total illegal profits from forced labour amount to \$150 billion every year.<sup>100</sup> As noted by other special procedure mandate holders, that money should be channelled effectively by States to progressively realize economic, social and cultural rights (A/HRC/26/28 and Corr.1, para. 27, and A/HRC/28/60 and Corr.1, para. 22). Moreover, the confiscated proceeds can be used to enhance access to justice and remedies for victims of contemporary forms of slavery, to take immediate measures to mitigate the impacts of COVID-19, and to implement wider prevention measures such as awareness-raising among the general public and businesses and tackling impunity.

69. The obligation to ensure protection from contemporary forms of slavery can be established from the duty to secure, ensure or restore rights and to provide remedies.<sup>101</sup> Importantly, the Human Rights Committee noted in its general comment No. 29 (2001) on derogations from provisions of the International Covenant on Civil and Political Rights

<sup>96</sup> Submission from ECPAT UK, p. 6.

<sup>97</sup> European Court of Human Rights, *Siliadin v. France*, application No. 73316/01, judgment of 26 July 2005, paras. 89 and 112; *Rantsev v. Cyprus and Russia*, application No. 25965/04, judgment of 7 January 2010, paras. 285 and 288; *J. and others v. Austria*, application No. 58216/12, judgment of 17 January 2017, para. 107; Inter-American Court of Human Rights, *Hacienda Brasil Verde Workers v. Brazil*, judgment of 20 October 2016, Ser. C, No. 318, para. 319; A/70/260, para. 29; and A/HRC/36/43, para 15.

<sup>98</sup> CCPR/C/128/2.

<sup>99</sup> International Covenant on Civil and Political Rights, art. 4. See also Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), art. 15; and American Convention on Human Rights, art. 27.

<sup>100</sup> ILO, *Profits and poverty: the economics of forced labour* (Geneva, ILO, 2014), p. 13.

<sup>101</sup> International Covenant on Civil and Political Rights, art. 2 (3) (a); Convention on the Rights of the Child, arts. 2–3; European Convention on Human Rights, art. 1 and 13; American Convention on Human Rights, arts. 1–2; and African Charter on Human and Peoples' Rights, art. 1.

during a state of emergency, that article 2 (3) (a), on provision of remedies, should be adhered to even during a state of emergency, as it “constitutes a treaty obligation inherent in the Covenant as a whole” (para. 14).

70. More specifically, the obligation to implement measures to protect the victims of slavery, servitude or forced labour has been recognized as part of the prohibition of these practices,<sup>102</sup> and its non-derogable nature should be interpreted as imposing an additional protection obligation during the COVID-19 crisis. Other instruments, such as the Protocol to the Forced Labour Convention (1930) No. 29, the Convention on the Rights of the Child (arts. 24 and 32) and the Convention on the Rights of Persons with Disabilities (art. 16)<sup>103</sup> strengthen this obligation.

71. The type of protection and other remedies needed are related to the nature and extent of the harm suffered. It is essential that States provide tailored assistance, paying due regard to the specific needs and vulnerabilities of the victims and survivors. That might include equal and effective access to competent and independent judicial authorities, legal services, safe shelter, linguistic support, training and education, as well as adequate reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (A/HRC/36/43, paras. 57–58).<sup>104</sup> It is also important that States continue to provide adequate financial and other support to public and civil society organizations that offer assistance and services to individuals subjected to contemporary forms of slavery. Furthermore, States should extend the visas of, or secure immigration status for, foreign individuals subjected to contemporary forms of slavery, including migrant workers and trafficked persons, particularly when they are not able to return home owing to the imposition of strict travel restrictions. Collective expulsion of such individuals should never be implemented, even during a state of emergency, such as those imposed owing to the COVID-19 pandemic.<sup>105</sup>

72. It also is important to bear in mind that the risk of COVID-19 infection is likely to be very high for those held in contemporary forms of slavery. Older workers and those with pre-existing health conditions and disabilities are particularly vulnerable to contracting the virus. Therefore, the Special Rapporteur is of the view that all victims of contemporary forms of slavery should be granted priority access to testing for COVID-19, and those who test positive should be given free medical treatment.

## 2. Wider measures to mitigate the impact of COVID-19

73. While it is crucial to secure access to justice, protection and other remedies for the victims and survivors of contemporary forms of slavery, it is not sufficient, as relevant measures have not been designed to address the underlying problem of unemployment caused by COVID-19. States should therefore implement additional measures such as provision of financial assistance and incentives for businesses, as well as income support and social security benefits for unemployed workers in order to mitigate the impact of unemployment, which in its worst form includes a risk of falling prey to slavery.

74. This may be regarded as part of the obligation to prevent contemporary forms of slavery by addressing the root causes, including unemployment (A/65/228, para. 65). It is in line with the obligation to promote and protect the right to work under article 6 of the International Covenant on Economic, Social and Cultural Rights, including the need to establish a compensation mechanism in the event of loss of employment.<sup>106</sup> The

<sup>102</sup> European Court of Human Rights, *Rantsev v. Cyprus and Russia*, para. 286.

<sup>103</sup> See also Committee on the Rights of Persons with Disabilities, general comment No. 3 (2016) on women and girls with disabilities.

<sup>104</sup> See also Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

<sup>105</sup> Human Rights Committee, general comments No. 15 (1986) on the position of aliens under the Covenant, para 10, and No. 29, para. 13.

<sup>106</sup> Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005) on the right to work, para. 26.

Employment Promotion and Protection against Unemployment Convention 1988 (No. 168) complements the Covenant, as it provides detailed guidance on a wider range of measures to be taken by States parties to tackle unemployment. Other relevant instruments include the Convention on the Elimination of All Forms of Discrimination against Women (art. 11), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (art. 54) and the Convention on the Rights of Persons with Disabilities (art. 27).

75. In devising a strategy or policy on unemployment, the principle of non-discrimination must be respected. In practical terms, States must ensure that mechanisms such as income support, tax credit, debts relief and social security benefits can be accessed by all workers, regardless of their status.

76. Not all States are able to provide such assistance, given the complex economic challenges and uncertain future they face. Nevertheless, the progressive realization of economic and social rights, including the right to work, is recognized in article 2 of the International Covenant on Economic, Social and Cultural Rights. States parties therefore have an obligation to take steps<sup>107</sup> to fully realize the right to work, which includes taking measures to combat unemployment caused by the COVID-19 pandemic. Such steps should be “deliberate, concrete and targeted as clearly as possible”.<sup>108</sup> As noted above, one way to address States’ lack of resources to take appropriate measures to mitigate the impacts of COVID-19 is to make proactive use of the criminal assets confiscated from individuals and legal persons prosecuted for crimes related to contemporary forms of slavery.

77. For those businesses which are still operating during COVID-19, States should secure equal access to employment opportunities. They should also ensure that employers pay fair wages for the work rendered, in accordance with relevant international and regional instruments. In addition, just and favourable conditions of work,<sup>109</sup> including measures to protect workers from exposure to COVID-19, rest, leisure and paid holidays, should be implemented without discrimination. Imposing dissuasive penalties for breaching criminal and labour legislation, and self-reporting by businesses, particularly those in the same supply chains, of steps being taken to tackle contemporary forms of slavery,<sup>110</sup> are useful ways to discourage businesses and employers from violating labour laws and standards and engaging in practices that could amount to contemporary forms of slavery.

78. It is encouraging that some good practices are emerging globally at the national level. As at June 2020, 190 States and territories had planned, introduced or adopted 937 protection measures in response to COVID-19.<sup>111</sup> In Europe, among those brought to the attention of the Special Rapporteur were steps taken by Italy and Portugal, as well as other European Union States, to regularize the situation of non-residents and provide access to health services, social security and stability in employment and housing.<sup>112</sup> In Africa, Cabo Verde and Togo reportedly granted financial assistance to informal workers,<sup>113</sup> and in Senegal, civil society organizations collaborated with the Government to ensure that the needs of talibe subjected to forced child begging were included in national response programmes to COVID-19.<sup>114</sup> In Latin America, Mexico is developing a strategy to offer support to small business owners and the most marginalized individuals living in poverty,<sup>115</sup> and Peru has created a bond to protect 3 million vulnerable families and is advancing

<sup>107</sup> Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties’ obligations, para. 2.

<sup>108</sup> Ibid.

<sup>109</sup> International Covenant on Economic, Social and Cultural Rights, art. 7.

<sup>110</sup> Guiding Principles on Business and Human Rights, principles 1 and 3.

<sup>111</sup> Information received from ILO.

<sup>112</sup> European Union, COVID-19’s impact on migrant communities, 24 June 2020. Available at <https://ec.europa.eu/migrant-integration/news/covid-19s-impact-on-migrant-communities>.

<sup>113</sup> ILO, “Social protection responses to COVID-19 crisis around the world”. Available at [www.social-protection.org/gimi/ShowWiki.action?id=3417](http://www.social-protection.org/gimi/ShowWiki.action?id=3417).

<sup>114</sup> Submission from Anti-Slavery International.

<sup>115</sup> Submission from Mexico.



pension payments for senior citizens.<sup>116</sup> In Asia, the Philippines has established a COVID-19 package, which includes financial support for those held in quarantine,<sup>117</sup> and Japan has made one-off payments to both domestic and migrant workers who have become unemployed.<sup>118</sup> In the Middle East, Qatar and Saudi Arabia are providing free medical testing and quarantine services for their citizens and for migrant workers.<sup>119</sup>

79. These and other measures should be widely recognized, as they can mitigate people's level of precariousness and hence their vulnerability to contemporary forms of slavery. However, the appropriateness and effectiveness of such measures in addressing the impacts of COVID-19 and protecting workers remain to be seen. The Special Rapporteur will therefore continue to analyse State responses to the pandemic during his tenure with a view to identifying best practices and providing guidance, as may be helpful.

80. While States are primarily responsible for ensuring that businesses comply with international standards, the private sector should abide by the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. This is particularly the case when ensuring human rights due diligence and ensuring that contemporary forms of slavery are not part of their supply chains and recruitment practices.<sup>120</sup>

81. A number of companies have endorsed the ILO Call to Action in the garment industry.<sup>121</sup> Some companies have supported suppliers to access finance, providing early payments to vulnerable small and medium-sized suppliers to help with financial liquidity and offering cash flow relief.<sup>122</sup> It is also worth noting that some workers, through workers union associations, have successfully negotiated protection schemes directly with businesses. For example, the IndustriALL Global Union affiliate, the Southern African Clothing and Textile Workers' Union, reached an agreement with employers to guarantee six weeks of full pay for 80,000 workers as the country was preparing for lockdown.<sup>123</sup> While these and other initiatives by businesses and employers are to be welcomed, their appropriateness and effectiveness must be carefully analysed.

### 3. International solidarity and cooperation

82. The *erga omnes* nature of protection from slavery<sup>124</sup> enhances the obligation to cooperate, which is stipulated, particularly in article 2 of the International Covenant on Economic, Social and Cultural Rights. In addition to direct financial assistance, technical and medical assistance, such as provision of medicines and vaccines, ventilators and personal protection equipment can free up resources to support businesses and workers domestically.

83. It is also desirable that economic sanctions and other coercive measures imposed on some States are temporarily relaxed during the pandemic. Such measures often have negative impacts on the protection and promotion of human rights,<sup>125</sup> including the right to

<sup>116</sup> Maximo Torero Cullen, "COVID-19 and the risk to food supply chains: how to respond?", Food and Agricultural Organization of the United Nations, 29 March 2020.

<sup>117</sup> ILO, "Social protection responses to the COVID-19 pandemic in developing countries", p. 4.

<sup>118</sup> ILO, "Social protection responses to the COVID-19 crisis: country responses and policy considerations", Social Protection Spotlight, 23 April 2020, p. 4.

<sup>119</sup> ILO, "Social protection for migrant workers: a necessary response to the COVID-19 crisis", Social Protection Spotlight, 23 June 2020, p. 5.

<sup>120</sup> For further discussion, see A/HRC/30/35 and A/HRC/35/37.

<sup>121</sup> See [www.ilo.org/global/topics/coronavirus/sectoral/WCMS\\_744285/lang--en/index.htm](http://www.ilo.org/global/topics/coronavirus/sectoral/WCMS_744285/lang--en/index.htm).

<sup>122</sup> Submission from Anti-Slavery International, p. 11.

<sup>123</sup> IndustriALL Global Union, "South African textile union wins full pay guarantee during coronavirus lockdown", press release, 26 March 2020.

<sup>124</sup> *Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain)*, Judgment, I.C.J. Reports 1970, p. 3 (paras. 33–34).

<sup>125</sup> Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, COVID-19 human rights guidance note (May 2020). Available at [www.ohchr.org/Documents/Issues/UCM/UCMCOVID19GuidanceNote.pdf](http://www.ohchr.org/Documents/Issues/UCM/UCMCOVID19GuidanceNote.pdf).

work,<sup>126</sup> as they can lead, among other things, to the creation of informal and/or illegal economies<sup>127</sup> that are rife with exploitation. Furthermore, as clearly recognized by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, such measures greatly affect international solidarity and cooperation in fighting COVID-19.<sup>128</sup>

84. In addition, multi-stakeholder partnerships such as Alliance 8.7, the specialized agencies associated with the United Nations and international financial institutions have an important role to play in assisting States with the development and implementation of policies focused on the eradication of contemporary forms of slavery, including through data analysis, policy guidance and sharing of good practices and innovative approaches. For example, the United Nations voluntary trust fund on contemporary forms of slavery, which provides assistance, through local civil society actors, to thousands of people who have experienced some form of slavery, has been reaching out to its grantees in Africa, the Americas, Asia and the Pacific and Europe to better understand their needs and operational challenges and anticipate future funding needs.

85. In addition, both the World Bank and the International Monetary Fund (IMF) have been providing financial support to States to tackle COVID-19, bolstering national economies<sup>129</sup> and promoting social programmes targeting the most vulnerable people.<sup>130</sup> As the Committee on Economic, Social and Cultural Rights stressed in its general comment No. 18, these and other financial institutions should ensure that the protection of the right to work and prevention of contemporary forms of slavery are integrated in their lending policies and credit agreements (para. 53). This is particularly crucial during the COVID-19 pandemic.

## V. Conclusions and recommendations

### A. Conclusions

86. **States have been slow in fulfilling their anti-slavery obligations and honouring the global commitments made to meet target 8.7 of the Sustainable Development Goals to end modern slavery and eradicate forced labour by 2030 and to end child labour in all its forms by 2025. COVID-19 is likely to further stall this process and reverse the progress that has already been made, if States fail to take genuine and decisive steps to accelerate their anti-slavery efforts without further delay. The socioeconomic impacts of the pandemic have already exposed the gaps in national responses to contemporary forms of slavery, causing further deterioration of the precarious situations of the victims, survivors and those at risk of being subjected to such practices. Taking no action is not an option.**

87. **The Special Rapporteur recognizes the immense challenges faced by States and the efforts that have been made to respond to the multifaceted and complex impacts of the pandemic. However, there is a close interconnection between the rising levels of**

<sup>126</sup> Committee on Economic, Social and Cultural Rights, general comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights, para. 3.

<sup>127</sup> Ioana Petrescu, “The effect of economic sanctions on the informal economy”, *Management Dynamics in the Knowledge Economy*, vol. 4, No. 4 (December 2016); and Bryan Early and Dursan Peksen, “Searching in the shadows: the impact of economic sanctions on informal economies”, *Political Research Quarterly*, vol. 72, No. 4 (December 2019).

<sup>128</sup> Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, COVID-19 human rights guidance note (May 2020).

<sup>129</sup> World Bank, “World Bank Group launches first operations for COVID-19 (Coronavirus) emergency health support, strengthening developing country responses”, press release, 2 April 2020; and IMF, COVID-19 Financial Assistance and Debt Service Relief. Available at [www.imf.org/en/Topics/imf-and-covid19/COVID-Lending-Tracker](http://www.imf.org/en/Topics/imf-and-covid19/COVID-Lending-Tracker).

<sup>130</sup> Kristalina Georgieva, Managing Director, IMF, “The Great Reset”, remarks to the World Economic Forum 2020, Geneva, 3 June 2020.

poverty, the unprecedented unemployment rates and deepening inequalities and the vulnerability to exploitation and abuse. It is of utmost importance that States put in place adequate measures now to mitigate the increasing risks of contemporary forms of slavery in the longer term.

88. The full impact of COVID-19 has yet to be assessed, in the coming months and years. To that end, there is an urgent need for more evidence-based and victim-centred research, data collection and analysis. The Special Rapporteur will continue to examine and report on the impact of COVID-19 on contemporary forms of slavery with a view to articulating relevant human rights norms and principles and further developing recommendations on necessary measures, informed by the voices of survivors.

## **B. Recommendations**

### **1. Access to justice and remedies**

89. States must urgently intensify their efforts to prevent all forms of slavery and identify and protect the victims, including through the development of national action plans. Furthermore, in spite of limited resources, they must continue to investigate, prosecute and punish those responsible for contemporary forms of slavery during the COVID-19 pandemic.

90. Individuals subjected to contemporary forms of slavery must be provided with equal and effective access to justice and remedies. This includes concrete legal, medical and social assistance and protection measures tailored to address the specific needs of the survivors, with due consideration given to their vulnerabilities and precariousness and without discrimination, including based on immigration status.

91. Given the high risk of infection with COVID-19, all individuals identified as survivors of contemporary forms of slavery should be granted priority access to testing for the disease, and free medical treatment if they are infected.

92. States should also enhance financial investigations and criminal asset recovery as part of the law enforcement responses to contemporary forms of slavery in order to facilitate sufficient access to justice and remedies.

### **2. Increased support for civil society organizations and government service providers**

93. Civil society organizations and first respondents employed within government agencies must be provided with the adequate support and resources to adapt to the quickly shifting operational challenges caused by the pandemic and to respond to the increasing needs of the victims.

94. At the global level, States are strongly urged to continue providing support to anti-slavery initiatives focused on tackling the root causes of these crimes and offering comprehensive assistance to the victims, including by supporting the United Nations voluntary trust fund on contemporary forms of slavery.

### **3. Wider measures to mitigate the impacts of COVID-19**

95. States should provide those at risk of contemporary forms of slavery with tailored support to mitigate the impacts of COVID-19, such as income support, debt relief, tax credits and wider social security benefits.

96. That support must be provided to all workers who have been unemployed as a result of lockdown measures, without discrimination. Particular attention must be paid to specific groups who are at risk, including women, migrant workers, indigenous peoples, minority groups, refugees and asylum seekers, internally displaced or stateless persons, older workers, workers with disabilities, persons working in the informal economy, self-employed persons, and seasonal and temporary workers.

97. Furthermore, migrant workers and other people without regularized residency status must be able to access health care and seek assistance free from the risk of detention or deportation. Collective expulsion should never be implemented.

#### 4. Upholding and enforcing labour laws

98. States should uphold labour laws and ensure their enforcement, including through self-reporting, in order to maintain workers' rights and prevent businesses and employers from exploiting their employees.

99. States must urgently strengthen labour administration and enforcement to ensure that labour inspections at the national level are carried out in a prompt and effective manner. Such inspections should focus on monitoring the situation of workers, including in the sectors most prone to exploitative working conditions.

100. States should ensure the effective implementation of the Guiding Principles on Business and Human Rights. They should also take steps to increase awareness of contemporary forms of slavery among businesses, and engage with them in order to ensure that they assess and respond to risks faced by the vulnerable workers in a genuine and thorough manner, that purchasing practices are part of their due diligence and that recruitment procedures are adequately safeguarded against slavery-like practices.

#### 5. International solidarity and cooperation

101. Following the call of the Secretary-General to rebuild better,<sup>131</sup> States should consider the needs of those individuals who are most affected by and vulnerable to the pandemic and increase the resources available to the developing world, including through the International Monetary Fund, the World Bank Group and other international financial institutions. Addressing the root causes of contemporary forms of slavery should be incorporated in the resulting financing strategies.

102. During the pandemic, States should also relax economic sanctions and other coercive measures imposed upon some States so that victims of contemporary forms of slavery are protected and others are prevented from being exploited using those practices.

103. International cooperation with Alliance 8.7 and other multi-stakeholder partnerships involving States, civil society, international organizations and other stakeholders should be accelerated with a view to agreeing and implementing a common, global anti-slavery strategy.

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<sup>131</sup> United Nations, "COVID-19 must be global wake-up call, Secretary-General tells World Health Assembly, saying virus has 'brought us to our knees'", press release, 18 May 2020.