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## **Summary of the Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences on the nexus between displacement and contemporary forms of slavery**

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Special Rapporteur on contemporary forms  
of slavery, including its causes and consequence

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# **Summary of the Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences on the Nexus Between Displacement and Contemporary Forms of Slavery - A/HRC/48/58 (2021)**

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## **Introduction**

At the 48<sup>th</sup> Session of the Human Rights Council, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, presented his thematic report on the nexus between displacement and contemporary forms of slavery (A/HRC/48/52). The present submission provides a summary of its main findings and recommendations. Readers are referred to the report itself for detailed references and evidence used.

## **Vulnerabilities of displaced persons to contemporary forms of slavery**

Displaced persons are vulnerable to contemporary forms of slavery as a result of personal, situational and structural factors. For instance, poverty levels among displaced populations are known to be high. As members of populations often discriminated against within their own communities and countries, many displaced persons do not have sufficient means of subsistence. Even where they do, their assets are often stolen or taken away or they need to leave them behind when fleeing their home.

Discrimination on the basis of age, gender, race, nationality, ethnicity, sexual orientation, migration status, religion, class and disability, among other categories, is another root cause of contemporary forms of slavery, including for displaced persons. Structural discrimination may be facilitated by States, employers or society as a whole, limiting access to decent work, education and other opportunities.

Among others, displaced persons with an irregular or uncertain migration status are particularly vulnerable to contemporary forms of slavery. As many of them are unable to register as asylum seekers or when their asylum claim remains pending for a long time, they may feel compelled to accept exploitative work due to a lack of alternatives.

In addition, informality of employment increases the vulnerability of displaced persons to contemporary forms of slavery. Employment in the informal sector is often characterized by low wages, exploitative working conditions, and a lack of job security. Also, the bargaining power of displaced persons is often limited because they do not feel empowered to mobilize or unionize and, being displaced, are located in areas that are not their habitual residence or communities.

Because of a lack of freedom of movement and poor security, displaced persons are vulnerable to violence, exploitation and abuse in camp settings. The risk is particularly high in informal camps and settlements where there are no basic protection and humanitarian structures or land tenure, including for internally displaced persons.

Finally, exposure to criminal groups and traffickers/smugglers is a pressing problem. Displaced persons often have no choice but to rely on them to escape as regular channels for migration are very limited or non-existent. The interaction with these individuals and groups may transform into a longer-term exploitative relationship, for example, in bonded labour when displaced persons need to pay their fees and debts for migration. In conflict-induced displacements, it has further been found that parties to the conflicts, such as non-State armed groups and security forces, are overwhelmingly the perpetrators of conflict-related forms of contemporary slavery.

## **Manifestations of Contemporary Forms of Slavery Affecting Displaced Persons**

### **1. Forced Labour**

Forced labour among displaced persons is a major concern. The industries in which displaced persons regularly face exploitation include agriculture, construction, catering and hospitality, cleaning, domestic and household work, care services, street vending and the general service industry. The casualization and informality of the workforce in these industries explain the higher number of displaced persons engaged in those sectors and the greater extent of the exploitation.

In India, for example, there are between 5,000 and 6,000 internally displaced workers in bonded labour in the tea gardens of Bihar and Rajasthan. Instances of forced labour have also been identified among displaced populations in Mexico, primarily in the agriculture sector, which is controlled by drug cartels.

### **2. Domestic Servitude**

Domestic servitude among displaced persons has been identified in a variety of States, including Egypt, Libya, Malta and the Sudan. There is a strong gender dimension to this form of exploitation, as mainly women and girls are affected by it. It has also been reported that Venezuelan women and girls in Colombia, Ecuador and Peru often do not have proper

identification documents and are subjected to domestic servitude. Such women often suffer sexual harassment and/or abuse at the hands of their employers.

### **3. Forced Marriage**

Examples of displaced persons being subjected to forced marriage have been reported in various States. In Iraq, for example, women risked being abducted for the purposes of forced marriage when Islamic State in Iraq and the Levant controlled significant parts of the territory. This has been a driver of displacement for women and girls from Yazidi and other ethnic minority communities in recent years. In Ethiopia and Uganda, forced marriage affects displaced women both within and outside camps and it has also increased among Syrian refugees in Lebanon.

### **4. Sexual Slavery**

Sexual exploitation that may amount to sexual slavery particularly affects displaced women and girls. There have been disturbing reports of displaced women in Nigeria being forced to work in “baby factories”, where they become sex slaves and bear children without medical assistance. Conflict-related sexual violence that may amount to sexual slavery has also been used systematically against women and girls in Tigray, Ethiopia, and similar instances have been reported in other regions, including in Latin American countries.

## **Manifestations of Contemporary Forms of Slavery Affecting Displaced Children**

As 2021 marks the International Year for the Elimination of Child Labour, the Special Rapporteur decided to examine contemporary forms of slavery affecting displaced children.

### **1. Worst Forms of Child Labour**

According to ILO Convention 182, the worst forms of child labour are considered a contemporary form of slavery.

There is clear evidence of displaced children experiencing the worst forms of child labour. In Lebanon, for example, 75 per cent of the Syrian refugee children working in the Bekaa Valley are exploited in agriculture. Displaced children are more vulnerable to child labour because of legal restrictions on access to work for adult Syrian refugees, as many of them are in an irregular situation.

Risks are even higher for stateless children, as well as displaced children who may not have access to birth registration. Having no identity documents makes official confirmation of age, for example for the purposes of marriage, not possible. This means that child labour, child marriage and similar practices are more difficult to identify and prevent.

## **2. Child Marriage**

Child marriage amounts to slavery where control tantamount to possession exists. It tends to be exacerbated by the social and economic insecurity triggered by displacement, particularly in the context of emergency situations, such as armed conflicts and disasters. For some Syrian families displaced in Egypt, for example, challenges related to displacement, such as disruptions in girls' education, protection gaps and livelihood uncertainty, exacerbated the vulnerability of girls to child marriage, and a similar trend has been observed among displaced Rohingya communities. The COVID-19 pandemic has increased instances of marriage of displaced girls in some regions of the world, including Asia and Africa. Many parents view child marriage as a way to cope with economic hardship and to ensure the safety and security of girls.

## **3. Forced Recruitment**

Forced recruitment of displaced children into criminal groups, including armed and terrorist groups, remains a critical concern. In African countries, including the Central African Republic, the Democratic Republic of the Congo, Mali, Mozambique, Nigeria and Somalia, many children, including displaced children, are recruited and forced to join the ranks of armed groups. Recruitment of adolescents into criminal groups or gangs has also been evidenced in Colombia, Ecuador and Peru. The limited protection in refugee settlements and camps, coupled with poverty, insecurity, a lack of access to education and training, and other challenges leave displaced children in such settings particularly vulnerable to forced recruitment.

### **Good Practice**

The Special Rapporteur acknowledges that States, civil society organizations, intergovernmental organizations and other stakeholders have been playing an important role in preventing displaced persons from being subjected to contemporary forms of slavery. Some examples of good practice are highlighted in the present report.

Access to legal and formal work is provided to displaced persons by a number of States. For example, refugees in many States in Latin America are allowed to work legally. In Asia, the Temporary Relocation Programme of Malaysia grants Syrian refugees access to employment, including jobs in the formal sector (for example, in information technology, engineering, medicine and architecture), and refugees and stateless persons in the Philippines have full access to employment without a need for work permits.

Others have promoted employment opportunities for displaced persons in conjunction with non-State partners. The Government of Sweden, in cooperation with trade unions and employer associations, has introduced a fast-track initiative whereby refugees with qualifications and experience are integrated into the labour market, in professions such as medicine, health and

social care and teaching. In the Middle East, the Government of Jordan promoted access to livelihoods and self-reliance opportunities for both Syrian refugees and host communities as a result of the 2016 Jordan Compact.

The Special Rapporteur also notes that employment opportunities have been extended to displaced persons in the context of the COVID-19 pandemic. In Latin America (Argentina, Chile, Colombia, Cuba, Mexico and Peru) and Europe (Austria, Denmark, France, Germany, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland), as well as in Canada and the United States, refugees with medical qualifications have been allowed to join medical personnel in host States to fight the pandemic. Refugees in some African States (Cameroon, the Democratic Republic of the Congo, Egypt, Kenya, Malawi, Mozambique, the Niger, Zambia and Zimbabwe), including those residing in camps run by UNHCR, have been making medical masks.

It is also encouraging that labour and social protection laws and regulations apply to displaced persons in various States, thereby enhancing the just and favourable conditions of work. In Japan, employers are prohibited from unilaterally terminating the employment of any workers, including refugees. Those eligible for residence or work permits in Malaysia enjoy the same rights, such as paid annual and sick leave, as Malaysian workers. Syrian refugees in Turkey received cash assistance as part of the Emergency Social Safety Net programme, and displaced persons in Uganda have full access to social and health services.

There are also examples of good practice in camp settings. In some camps in Ethiopia and Jordan, refugees have been offered employment opportunities by civil society organizations, international organizations or government agencies, while other entities have promoted income-generating opportunities in farming, livestock and retail commerce. Similar initiatives have been implemented in States such as Kenya, Rwanda, Uganda, the United Republic of Tanzania and Zambia.

Furthermore, education and vocational training for displaced persons are provided in a number of States. Azerbaijan exempts internally displaced persons from payments for education and training, and Germany has been supporting an apprenticeship scheme for asylum seekers as well as those whose asylum applications have been rejected but who are not able to return home for various reasons. Such services are often provided by non-governmental entities such as civil society organizations, for example in India, Indonesia, Japan, Malaysia and Thailand, among other Asian countries.

Finally, some States have taken active measures to ensure access to justice for displaced persons subjected to contemporary forms of slavery. Canada, Malta and Sri Lanka have created mechanisms to support access to justice, including helplines. Labour inspectorates and other bodies, such as ombudsperson offices in some States, have reportedly been playing an important role in identifying, investigating and addressing contemporary forms of slavery involving displaced persons. For example, in Australia, the Fair Work Ombudsman is a mechanism for identifying and tackling exploitation and promoting compliance with workers' rights, especially in respect of migrants and other vulnerable workers. In Namibia, an alternative dispute resolution

mechanism has been established to deliver expedited relief in cases involving violations of labour rights. In other contexts, awareness-raising activities targeting displaced populations and entities supporting them are widely promoted in States such as El Salvador, Malta, Mozambique and Slovenia.

### **Persisting Challenges**

Despite the examples of good practice, there are persisting challenges that must be addressed in order to prevent displaced persons from being subjected to contemporary forms of slavery. For example, effective access by displaced persons to the labour market and decent work is still limited. Of the 146 States that are party to the Convention relating to the Status of Refugees, nearly half have entered declarations or reservations, often comprehensive, with regard to the provisions relating to access to work, giving them discretion not to grant the same rights and entitlements to refugees as to their own nationals.

A total of 47 States Members of the United Nations are not party to the Convention relating to the Status of Refugees, leading to protection gaps. For example, in States that are not party to the Convention, including Bangladesh, Indonesia and Thailand, there is no formal right to work for refugees and asylum seekers. In these and other States that are not party to the Convention, displaced persons are heavily dependent upon humanitarian assistance provided by civil society and other organizations, which is often costly and not adequate. This increases the risk of their exploitation and abuse.

Even where displaced individuals are recognized as refugees, practical hurdles such as the requirement of work or residence permits, the costs of obtaining such permits, and difficulties in opening bank accounts prevent them from gaining access to the formal economy. It has also been reported that recognized refugees are barred from employment in some States, and that work or residence permits do not always allow them to formalize their employment.

The Special Rapporteur also notes that access to work is more challenging for those who are not recognized as refugees. In the European Union, access to the labour market for asylum seekers must be granted no later than nine months after the lodging of the application, although some allow employment earlier. In some States, such as Ireland, Lithuania and Turkey, asylum seekers are prohibited from entering the labour market for the entire duration of the refugee status determination process.

In addition, some States limit employment opportunities for asylum seekers to certain sectors, such as agriculture, cleaning and waste management, hospitality, fisheries and car washing, many of which are in the informal economy, where exploitation is more likely to occur. These concerns also apply to stateless persons and to internally displaced persons.

Within camp settings, many displaced persons still face restrictions on their freedom of movement. Consequently, access to services and assistance is tied to a particular place of residence, making it difficult for them to find employment. The situation is worse when camps and settlements are far from markets and services, as displaced persons remain dependent on

humanitarian assistance to survive. This creates a vicious cycle, further increasing their vulnerability to exploitation and abuse.

All of these factors may force displaced persons to take on exploitative work which - in its worst form - amounts to contemporary forms of slavery, as has been evidenced in States such as Bangladesh, India, Indonesia, Jordan and Lebanon.

## **Conclusions**

Displaced persons are not a homogeneous group. Some remain within their country while others flee across international borders. Some are stateless. People become displaced for a large variety of reasons, but generally all experience loss of livelihood. Depending on their age, gender, ethnicity, socioeconomic status and migration status and the local context, their vulnerability and exposure to contemporary forms of slavery are different. Also, the specific manifestation of contemporary forms of slavery may vary, as displaced persons may be subjected to forced and bonded labour, servitude, forced marriage, child labour, including in its worst forms, and other slavery-like practices before, during and after displacement. Slavery-like practices are part of multiple human rights violations suffered by displaced persons and do not happen in isolation.

The Special Rapporteur is encouraged by a number of good practices in preventing displaced persons from being victimized in contemporary forms of slavery, but there is an urgent need to step up efforts in this regard, particularly in emergency settings. The persisting protection gaps left by States have only partially been addressed by civil society, humanitarian and other actors, including regional and international organizations. Among other factors, this is due to the fact that contemporary forms of slavery continue to be a blind spot in humanitarian and development responses. This requires dedicated attention and an increase in the understanding of the nexus between displacement and contemporary forms of slavery.

Inadequate responses to displacement, including restrictions on the freedom of movement and the right to work, result in further marginalization and a lack of agency of persons who are already in a vulnerable situation. The protection, inclusion and empowerment of displaced persons must be ensured; this will help decrease their vulnerability to contemporary forms of slavery and their dependency on humanitarian assistance, and will strengthen their self-reliance and dignity.

Securing durable solutions through access to livelihoods is essential for the prevention of and the response to protection concerns, including contemporary forms of slavery. This is in the interest of States, as keeping displaced persons in limbo for years or even decades entails risks not only for the persons affected but also for the stability of host States and communities.

A shift in the mindset of States and other actors is needed in order to see displaced persons not primarily as a burden but as rights holders with potential. They can actively contribute to the economy of the host community and must not face discrimination in how they



are treated. Also, their access to labour and social protection must be enhanced, as people with a safety net face a smaller risk of being subjected to contemporary forms of slavery.

## **Recommendations**

### **States should:**

(a) Withdraw reservations to work-related provisions in the Convention relating to the Status of Refugees and the Convention relating to the Status of Stateless Persons. States who are not yet party should ratify and implement those and other relevant instruments, such as the International Covenant on Economic, Social and Cultural Rights and relevant ILO conventions, in order to enhance labour and social protections for displaced persons and prevent them from being subjected to contemporary forms of slavery;

(b) More effectively implement the human rights obligations contained in the Guiding Principles on Internal Displacement related to the prohibition of slavery, particularly principle 11 (2) (b);

(c) Strengthen efforts to provide durable solutions for displaced persons. In this regard, States should ensure that displaced persons are able to contribute to the local and national economies by protecting such persons through domestic labour laws and by facilitating access to decent work, particularly in the formal economy, without discrimination. To this end, States should facilitate displaced persons' access to education, language training and skills development, as well as accreditation of previous skills and qualifications. States should also ensure the safety and security of displaced persons and an adequate standard of living;

(d) Decrease the vulnerability of displaced persons to a wide range of human rights violations, including contemporary forms of slavery, by facilitating their access to civil and identity documentation in host States and communities without discrimination;

(e) Ensure access to justice and remedies for displaced persons who have been subjected to contemporary forms of slavery. To this end, States should establish confidential, accessible, child-friendly and gender-sensitive complaint and referral systems to address all forms of violence, abuse and exploitation, and ensure that such persons, and their families and communities, are adequately informed about those mechanisms. All victims should be granted temporary residence and work permits while their cases are pending;

(f) Strengthen labour inspection in the informal sector, where most displaced persons work, with a view to identifying labour exploitation in a timely way and holding perpetrators, including private businesses, accountable while ensuring the protection of workers by avoiding their criminalization;

(g) Ensure that displaced persons participate effectively in decisions affecting them, including in relation to access to education, training and decent work;

(h) Ensure the protection of displaced children and provide equal access to free education, regardless of migration status. Interventions to address child and forced marriage should address gender-based stereotypes and harmful social practices;

(i) Increase resources for and strengthen the programmes of humanitarian and development organizations that play an important role in protecting and assisting displaced persons;

(j) Guarantee trade union rights for all displaced persons, including those with irregular immigration status. Also, States should provide relevant information to such persons so that they can exercise these rights;

(k) Significantly increase efforts to implement the commitments made under the global compact on refugees and the Sustainable Development Goals, in particular target 8.7, which requires States to end slavery, trafficking in persons and child labour, and to leave no one behind.

Businesses should:

(a) Provide employment opportunities without discrimination, bearing in mind the Guiding Principles on Business and Human Rights. In particular, they should facilitate access by displaced persons to employment in the formal sector by recognizing their relevant qualifications and experiences;

(b) Treat displaced persons on an equal footing with other workers in relation to just and favourable conditions of work, including fair wages, reasonable working hours, paid leave and holidays and trade union rights.

Civil society organizations, trade unions, humanitarian actors and members of academia should

(a) Undertake further research on the prevalence of contemporary forms of slavery among displaced populations, including data collection, in order to increase understanding thereof, with a view to better informing legal and policy responses;

(b) Enhance communication and collaboration between organizations working with displaced persons and trade unions, as well as other actors involved in labour standards monitoring and bargaining, to ensure that the human rights concerns of displaced persons are adequately represented;

(c) Adopt or strengthen monitoring mechanisms in displacement settings to ensure that displaced persons are protected from contemporary forms of slavery;

(d) Raise awareness among displaced persons and host communities about their human rights and existing reporting mechanisms in cases of exploitation and abuse. They should also provide information in border locations, in detention centres for migrants, in employment centres and in other locations frequented by displaced persons.

(e) In order to more effectively prevent and address contemporary forms of slavery as affecting displaced persons, humanitarian and development actors need to increase their

understanding of the nexus between displacement and contemporary forms of slavery, with a view to explicitly recognizing the latter as a protection concern and adjusting short and long-term responses accordingly through close cooperation.

### **Commentary**

While the thematic report aimed to shed some light on the nexus between displacement and contemporary forms of slavery, important knowledge gaps still remain. For instance, more systematic research should be conducted on the key causes (structural, personal & situational) which render displaced persons vulnerable to these practices and the nature and extent of their exploitation before, during and after displacement, both in humanitarian and non-humanitarian settings.

In relation to humanitarian settings including armed conflicts, disasters or in a context of public health crises such as the COVID-19 pandemic, the Special Rapporteur considers that anti-slavery strategy and actions must be effectively incorporated into humanitarian intervention and protection, including management of camps and settlements, in order to prevent displaced persons from being victimised in contemporary forms of slavery. However, the extent to which this is promoted and implemented by States, humanitarian actors as well as the international community is not clear, and there is scope for further research in this area. Also, there continues to be a lack of understanding of contemporary forms of slavery as a crime and human rights violation, as well as its specific manifestations. Therefore, awareness raising among key actors continues to be needed.

Furthermore, it is crucial that humanitarian and development actors strengthen their cooperation alongside States in order to jointly address contemporary forms of slavery in displacement contexts. This is particularly important in light of the protracted nature of most displacements which last between 10 and 26 years on average.

In non-humanitarian settings, equal access to decent work and wider labour/social protection for displaced persons is essential. It is important to acknowledge here that they make equally important contributions to local and national economies, and States should treat them without discrimination. While the Special Rapporteur has been able to identify some examples of good practice, further identification and analysis could enhance our knowledge on how best to protect displaced persons from contemporary forms of slavery. In addition to States, the respective roles to be played by businesses and employers, trade unions and civil society actors also merit further examination.