

JOURNAL of MODERN SLAVERY

A Multidisciplinary Exploration of Human Trafficking Solutions

Volume 8, Issue 2, 2023

Special Supplemental Edition

Delta 8.7 Policy Guides in Action

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Journal of Modern Slavery Special Supplement: Delta 8.7 Policy Guide Introduction

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Introduction

In 2015, 193 Member States pledged their commitment to Target 8.7 of the SDGs. Target 8.7 commits Member States to: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms. Yet knowing exactly what constitutes ‘effective’ measures to end these practices remains ambiguous and presents itself as one of the critical challenges of responding to modern slavery. Although efforts to produce reliable data on antislavery interventions, as well as work to improve access to data, have increased in recent years, the need for a more robust understanding of the current evidence base on ‘what works’ remains. The 2016 Global Estimates of Modern Slavery reported that on any given day 40.3 million people lived in conditions of modern slavery; in September 2022 new estimates were released stating that on any given day in 2021, some 50 million people lived in modern slavery. This increase underlines the need for policymakers and other stakeholders to act quickly to address this crisis.

It is only on the basis of rigorous research and sound evidence that policymakers can formulate more targeted and effective public policies. Delta 8.7, the Knowledge Platform for the Alliance 8.7, seeks to address the knowledge gap through identifying “what works” to achieve SDG Target 8.7. Our work identifies effective measures through collaborative research: with academics, front-line responders and advocates in civil society, policy makers and implementors, and survivor experts and leaders. This supplemental edition for the Journal of Modern Slavery discusses one such collaborative research project: the creation of the Delta 8.7 Policy Guides.

Challenges in data collection

Limited access to data has historically been a challenge for the anti-slavery field. Globally monitoring and evaluation assessments remain limited, though recent evidence suggests marked improvement in their implementation.¹ For instance, the new iteration of the Walk Free’s

¹ Walk Free Foundation. 2021. “What Works? Five Years of Lessons Learned from the Promising Practices Database.” (The Minderoo Foundation: Melbourne).

Promising Practices Database which collates impact and program evaluations of anti-slavery and counter trafficking interventions highlighted an overall improvement in the specificity and reliability of evaluations assessed.² However, as Katharine Bryant and Todd Landman recently illustrated, challenges still remain in their execution.³ These include limited resources, lack of resources, lack of training on data collection and analysis, short-term project timelines and the invisibility and complexity of human trafficking which can make it difficult to establish such baselines and limits their efficacy.

In addition to the challenges involved in monitoring and evaluation, challenges also arise on the issue of publicly available data; a topic of concern during the Markets Policy Working Group discussions. In their consultations they questioned whether there was indeed a scarcity of data: instead, they pointed out that this may not actually be the case within the business landscape. Business in fact often have a wealth of data and information that could be of valuable use to researchers and civil society operating in this space. It is, however, often difficult to obtain as it sits behind proprietary barriers, making it inaccessible to the public. For instance, as Eleanor Harry notes, there is a wealth of reports resulting from audits that companies undergo to meet compliance requirements that are only provided to the factory or the organization funding the audit. This results in a large amount of data that is rarely analyzed or used, preventing access to real-life and timely impact data.⁴

A wave of new mandatory human rights and due diligence (mHRDD) disclosures may offer a solution, as it brings with it not just an unprecedented level of scrutiny but also an opportunity for increased data collection and sharing. The increase of available corporate statements resulting from this legislation - whilst welcome - presents its own challenge for organizations wishing to analyze the available data. Reportedly one document can take up to one hour to properly assess. In response to this challenge, Project AIMS (AI against Modern Slavery) was created. The platform uses data science and Artificial Intelligence (AI) methods such as Natural Language Processing (NLP) to analyze all the available UK modern slavery statements. The platform seeks to “to provide a scalable, open-source tool for analyzing statements, boosting compliance and helping to eradicate modern slavery, while being aligned with the best practices in terms of ethics-by-design.” With mHRDD taking shape across the globe, more of these reports will be produced and made publicly available, and Project AIMS software could be used by antislavery actors to understand the action taken by businesses and help them identify potential areas of alignment and collaboration.

² Walk Free Foundation. 2021. “What Works? Five Years of Lessons Learned from the Promising Practices Database.” (The Minderoo Foundation: Melbourne).

³ Bryant, Katherine & Landman, Todd. 2020. Combatting Human Trafficking since Palermo: What Do We Know about What Works?, *Journal of Human Trafficking*, 6:2, 119-140. <https://doi.org/10.1080/23322705.2020.1690097>.

⁴ Harry, Eleanor. 2021. “Delta 8.7 Policy Guides and Data Patterns.” *Delta 8.7*, April 30, 2021. Available at <https://delta87.org/2021/04/delta87-policy-guides-and-data-patterns/>.

Offering a possible solution: Delta 8.7 Policy Guides

Between April 2020 and March 2021, Delta 8.7 convened global expert Working Groups to produce three Policy Guides to address “what works” to achieve Target 8.7 in three broad domains: Justice, Crisis and Markets. The purpose of these Policy Guides is to provide a highly credible and current articulation of what we know about the global and national policies needed to accelerate progress towards Target 8.7 in a format that is useful for policy actors. They provide a snapshot of “what works” to achieve Target 8.7. The specific audience for these Guides is multilateral and national-level policymakers. The Guides do not seek to dictate to policymakers how they should organize to achieve Target 8.7 — because that requires an understanding of the specific challenges in each country, including available resources and other contextual factors. Instead, they aim to provide an evidence-based policy resource that is useful across contexts and to policy actors around the world, including those thinking about multilateral policy frameworks. The Policy Guides prioritize scientifically rigorous information regarding what works. As a result, the guidance offered is neither comprehensive nor definitive. It is thorough and deep in areas where evidence is comprehensive and robust, while in other cases it is patchier and more speculative. This will, however, help to highlight areas where evidence is strong and areas where it is lacking. The deliberative process by which the Policy Guides were formulated was designed to be replicable. The aim was to capture the current state of knowledge on what works and allow future editions of these Policy Guides to reflect changes in the underlying state of knowledge.

The policy guide process took inspiration from and drew on best practice in assessing evidence in policy domains. Our first level of enquiry took us to the Intergovernmental Panel on Climate Change (IPPC). The IPPC is the United Nations body for assessing the science related to climate change. It was established to create a scientific process to provide a review of the state of the evidence around climate change to inform the international policy making process. As defined by the IPPC its role is to:

“Identify where there is agreement in the scientific community on topics related to climate change, and where further research is needed. The reports are drafted and reviewed in several stages, thus guaranteeing objectivity and transparency. The IPCC does not conduct its own research. IPCC reports are neutral, policy-relevant but not policy-prescriptive. The assessment reports are a key input into the international negotiations to tackle climate change.”

In designing the Policy Guide process, we hoped to replicate the key features of the IPPC assessments: 1) a focus on rigorous evidence; 2) an open transparent and objective process; and, 3) a collaborative multi-stakeholder initiative. Fundamentally however the Policy Guide process could not replicate the IPPC model. As previously discussed, access to limited data has historically been a challenge. As a relatively nascent field of academic investigation the same breadth of scientific and peer-review journals is not as available to the anti-slavery community as to the field of climate change science. Instead, significant research has been conducted by governments, multilateral organisations, and civil society. In their assessments, IPPC working group members are able to assess for and provide calibrated language for ‘likelihood’- quantified

uncertainty, to express a probabilistic estimate of the occurrence of a single event or of an outcome (Figure One). This is an exercise we knew we would not be able to replicate in this field.

Recognising that the current state and nature of anti-slavery research and evidence differs greatly from the evidence available to the scientific community, we looked elsewhere for best practice in assessing evidence in policy domains. Our search took us to the United Kingdom's Department for International Development 'How to Note: Assessing the Strength of Evidence', a document that aims to help staff use evidence more judiciously for the benefit of designing and implementing effective policy and programmes. The document introduces a) the appraisal of the quality of individual studies, and b) the assessment of the strength of bodies of evidence. We referred closely to this document when designing our methodology, in particular its recommendations on how to assess the strength of evidence. The next section of this introductory article discusses this methodology in depth.

Policy Guide Methodology

Research Inputs

Assembling the evidence

Between July and September 2020, Delta 8.7 assembled a database of evidence on what works to achieve Target 8.7. This was achieved through two processes: a public submission of evidence, and a non-comprehensive evidence review carried out by Rights Lab, University of Nottingham. Both processes sought to identify sources and bodies of evidence that are based on rigorous scientific methods and/or have been tested through government implementation. For each piece of evidence entered through the public submission process or identified in the Rights Lab evidence reviews, information on over 20 different data points was collected, creating a database of evidence in each domain area. This database enabled the Working Group to map the contours of bodies of evidence relating to specific thematic areas and specific hypotheses about what works to achieve Target 8.7.

The three Rights Lab evidence reviews sought to examine what is known about effective policy to achieve SDG Target 8.7 in the context of Crisis, Markets and Justice, by 1) collecting and collating existing evidence on what works; 2) identifying the range of claims and hypotheses captured in academic and grey literature, and the evidentiary foundations of these hypotheses; and 3) conducting mixed methods analysis of strengths, weakness and trends in the evidence base. As such, the overarching research question for the studies was: "What is known about works at the State and multinational policy level to address modern slavery in the context of [markets, crisis or justice]."

Mapping the bodies of evidence

The database was mapped in two ways: qualitatively and quantitatively. Both approaches offered assessments of the strength of evidence associated with specific themes and, where

possible, specific hypotheses. The quantitative strength of evidence was broken into three components and scored as follows:

1. Diversity of evidence indicating the variety of type, methods and design of the evidence associated with different themes and hypotheses. This data allowed each Working Group to distinguish themes and hypotheses that have been explored through a variety of research and implementation approaches from those that are backed by less diverse evidence. For the quantitative analysis, we calculated the distribution of scores for each factor for any given theme or hypothesis pertaining to the body of evidence for the variables of type, method and design. Interpretation of this score is as follows: the greater the deviation, the greater the variety of research and implementation approaches supporting the hypothesis. (Figure Two).
2. Size of the body of evidence quantifying the size, scale and geographic reach of evidence associated with a theme or hypothesis. This helped the Working Group identify themes and hypotheses that have been more extensively tested. In order to calculate the scale, Delta 8.7 assigned an ordinal value to a given range. The higher the value, the greater the range. Delta 8.7, then calculated the average of each categorization of size, scale and geographic reach of evidence. The higher the average, the more extensively a hypothesis had been tested. (Figure three).
3. Technical quality of evidence deriving from data provided by submitters related to “Evidentiary Quality”. In order to calculate the scale, Delta 8.7 assigned an ordinal value to a given variable perceived to be of greater quality⁵, detailed in the Table One. We then calculated the average score for each variable. The higher the average, the greater quality of evidence to support a hypothesis. (Figure Four)

This Delta 8.7 quantitative assessment of the strength of evidence underlying each hypothesis formed another resource for the Working Groups.

The Working Groups

Members were selected following an open call for nominations, with members appointed to bring together a diverse group with reference to gender, region, age, sector, stakeholder group and discipline. The process included survivor and lived experience expertise in each Working Group consultation process, both through survivor membership in the Working Groups themselves, and through bespoke consultations on the draft Policy Guide documents. Working Group members were assigned to subgroups based on their expertise and asked to assess the two research inputs for the hypotheses linked to their respective “sub-theme”. The Working Groups considered these background documents — Rights Lab’s non-comprehensive evidence review, the underlying database and the Delta 8.7 quantitative assessment — and reworked them using a

⁵ UK DfID, *Assessing the Strength of Evidence*, How to Note, March 2014.

shared template into a Policy Guide aimed at providing a snapshot of evidence on what may work to achieve Target 8.7. Some of their duties included:

1. Identifying evidentiary sources that were missing and needed to be incorporated.
2. Discussing the strength of evidence associated with each theme and/or hypothesis.
3. Identifying other interventions or hypotheses that were not reflected in evidence but may be promising.
4. Assigning a confidence score to each hypothesis.

Understanding and interpreting confidence scores

Delta 8.7's confidence ranking approach to these claims is based on the system pioneered by the Intergovernmental Panel on Climate Change (IPCC) and draws on guidance on evidence assessment from the UK Department for International Development. It aims to provide a systematic and transparent method to identify, select, and assess synthesized research evidence. Following the IPCC model, the Working Groups were asked to use a single scale of precisely defined, calibrated “uncertainty language” to express a level of confidence in findings based on 1) the strength of the scientific and technical evidence, 2) the level of agreement in the literature relevant to this domain, and 3) on the experience of Working Group members.

The Confidence Score created a metric for the Working Group to discuss, consider and validate the three primary research inputs into the Policy Guides: Rights Lab evidence review, the Delta 8.7 Quantitative Score and the database of evidence. The evaluation to obtain a confidence score acted as an additional quality check, allowing the Working Group to assess bodies of evidence that the research inputs may have struggled to recognize or map. For instance, there were interventions such as the Brazilian labour inspections system that governments have tried and tested but which are not well documented in scientific literature. Another example might be one effective study with little supporting evidence which would suggest a very strong lead for a promising practice or intervention: it would not rate highly on size or diversity, but would receive a high score for evidentiary quality, so the working group may assign it a higher confidence score than it would otherwise get. In the Policy Guide documents, the degree of certainty is expressed by the Working Groups as a qualitative level of confidence from “very low” to “very high”.

In its original conception, the third component - the experience of working group members - was not included. Following Working Group discussions, however, it became clear that there were discrepancies between the classification of the strength of evidence and practitioners' own experiences of what they knew to be true.

As a result, the strategy of assigning a confidence score was refined for a more inclusive and shared collection of knowledge that was based on the available evidence examined but also — and very importantly — on a synthesis with the diverse personal, research and practical experience of the Working Group's members. The evidence base was therefore not used as the sole indicator of the strength of a hypothesis but a starting point in a multi-stage, “adaptive” process towards setting and refining policy parameters.

Limitations

It is important here to note the limitations of the Policy Guide Process. The evidence reviews considered records available in English published or completed in the period from 01 January 2010 to 01 July 2020. It excluded records not accessible online to the research team. This had the impact of excluding the majority of full-length monographs and edited volumes. Future iterations of the Policy Guide Process should therefore consider records published prior to 2010, and in other languages, and to capture records that were inaccessible to the research team at the time of the study. Additionally, although the NuSearch database, used by the Rights Lab, provided access to a range of databases hosting grey literature, the majority of results collected were academic sources. This was also supplemented by a complete manual review of all sources included in the Walk Free Foundation's 'Promising Practice Database', which captures 179 evaluations relevant to modern slavery. Future studies might therefore usefully undertake further manual searching of a wider range of non-governmental, governmental, and inter-governmental organizations, as well as broader web-based searches, to capture a wider range of grey literature – particularly the period from 2017 onwards to capture evaluations published since the Promising Practices Database was compiled.

Time constraints and resources.

Additionally, a key limitation of the study was the resource and time constraints that precluded analysis of the full body of potentially relevant records. The evidence reviews conducted by the Rights Lab noted a prioritization process that excluded a significant number of potentially relevant studies in each domain: 152 studies each in the Justice and Crisis domains, and 135 in the domain area of Markets. Fuller analysis of these remaining studies is therefore needed to fully understand the existing evidence base on what works to address modern slavery. The time constraints also necessitated records being analyzed and coded by a single research team member, rather than the double-blind coding that would have provided the most solid foundation to support conclusions drawn from the evidence. Given the subjective nature of the process of constructing claims from records, as well as decisions on the relevant data extracted from these records, this creates risk of analysis and findings being skewed on the basis of differences between reviewers. To mitigate these issues, clear guidelines on coding for each metric were provided at the outset, random quality assurance was conducted by the project managers on 20% of entries, and further guidance was provided to team members as required throughout the process.

As noted in the Rights Lab report:

“Without in-depth consideration of the paradigms in which the different research outputs considered were produced, the underpinning assumptions about theory, legitimate objects of study, legitimate research questions, and what constitutes a finding remain largely unexplored. Greenhaigh (et al) highlight the challenges of synthesizing evidence from across a wide range of disciplines with a variety of study designs, noting that ‘an

empirical discovery made using one set of concepts, theories, methods and instruments cannot be satisfactorily explained through a different paradigmatic lens.;’ Given the constraints and parameters of this review, the interrogation of underlying paradigms and assumptions of the evidence base and development of ‘meta-narratives’ was not possible. Further research considering the different underpinning assumptions and biases of different disciplines and fields is therefore required to understand these nuances.”

Implementation notes

Delta 8.7 assembled these Working Groups to include practitioners and policy actors precisely because it aims to bridge the research-to-policy divides. With this in mind, Working Groups were able to include an “implementation note” in cases where a hypothesis may seem to have contradicted their own experience of practice/ policy implementation, or if they felt it necessary to include a comment that provides additional nuance or shading to a conclusion. The decision to incorporate these notes proved critical in two ways. First, through their ability to plug data gaps; in writing these notes members were able to highlight where there were discrepancies between the evidence and their experience. Second, it reinforced the importance of collaboration; bringing together stakeholders from different disciplines created a space in which constructive disagreement and agreement could be reached. The implementation notes served as a useful space to air these discussions.

Definitions

In most cases, ‘modern slavery’ is conceived as an umbrella term capturing a range of specific practices within its remit. The International Labour Organisation and Walk Free, for instance, include forced labour and forced marriage in their global estimates of ‘modern slavery.’ The UK’s Modern Slavery Act (2015) includes slavery, servitude, forced labour, and trafficking in persons. Australia’s Modern Slavery Act encompasses slavery, servitude, forced labour, deceptive recruitment for labour or services, forced marriage, trafficking in persons, debt bondage, and the worst forms of child labour. The US Department of State adopts a slightly different approach suggesting that trafficking in persons and modern slavery are interchangeable umbrella terms for the same basic practices (in this case presented as sex trafficking and compelled labour/labour trafficking). However, the US Office to Monitor and Combat Trafficking in Persons also indicates that bonded labour, domestic servitude and unlawful recruitment and use of child soldiers fall within the remit of forced labour.

While use as an umbrella term is the most commonly adopted approach internationally some commentators understood ‘modern slavery’ to be a singular and holistic concept – a coherent conceptual category of experience rather than a set. This definition might still encompass a range of different practices; however, ‘modern slavery’ itself is determined by a set of benchmarks specific to the concept, rather than by a finding of another form of exploitation such as forced labour. Kevin Bales, for instance presents [modern] slavery as defined by a set of core attributes: ‘the state of control exercised over the slave based on violence or its threat, a lack of any payment beyond subsistence, and the theft of the labor or other qualities of the slave for

economic gain. The definition of slavery is therefore presented as a ‘state marked by the loss of free will in which a person is forced through violence to give up the ability to sell freely his or her own labour power’.

For the purpose of the policy guide process and for the research inputs, it was not necessary to establish a decisive definition of the concept of ‘modern slavery.’ Rather, parameters had to be set as to which evidence would be included as relevant to ‘modern slavery’, and which would be excluded. The research team adopted a broad approach, considering a range of practices associated with modern slavery, as well as sources speaking specifically of ‘modern slavery’ or ‘contemporary slavery’.

Supplemental Edition: What actually works to end modern slavery?

As previously mentioned, the purpose of these Policy Guides is to provide a highly credible and current articulation of what we know about the global and national policies needed to accelerate progress towards Target 8.7 in a format that is useful for policy actors. They provide a snapshot of “what works” to achieve Target 8.7. The following articles contained within this supplemental edition explore this snapshot in detail, each discuss initial findings, key lessons learnt and recommendations for exploring this question further.

Ruth Juliet Nyambura Gachanja and Peter Williams, in their article: ‘The Justice Policy Guide – Exploring What Works to End Modern Slavery: A Survivor-Centric Approach to Justice,’ identify a pervasive theme running through Justice Guide - the importance of survivor⁶ well-being in the application of justice policies and interventions. Their paper examines this theme within each of the five justice dimensions explored in the guide - criminal justice, civil justice, international justice, survivor engagement and support, and health policy and practice. They note the strong evidence base that supports the hypothesis that keeping survivors at the center of interventions leads to better outcomes. Whether addressing identification, the creation and application of laws, the training of officials, coordination and collaboration within and between governments, engagement with community groups and civil society, the application of trauma-informed practices or the provision of social services, survivor well-being is primary. Policies targeted towards flexible, survivor-centered and/or child-centric models of support will lead to better recovery and reintegration, more effective prosecutions and perpetrator accountability, and enhanced prevention efforts. Throughout their discussion the authors consider the potential uses of the Guide within justice responses to modern slavery and how emphasis on the survivor can be maintained as the best approaches and policies are put into practice. Their paper seeks to answer what works to end modern slavery through justice systems and aims to show that having survivor-centric mechanisms in justice interventions contributes effectively to combating modern slavery.

Hannah Thinayne, Leanne Melnyk and Michael Gallo take a novel approach to their exploration of the Markets Policy Guide. Situating their article and the guide within the context of the United Nations Guiding Principles on Business and Human Rights (UNGPs), the authors

⁶ The authors have chosen to use “survivor” to describe a person who has had a past experience of modern slavery, and “victim” to describe a person still experiencing modern slavery.

present a case study on using the Policy Guide's hypotheses alongside the UNGPs to evaluate the mechanisms that supported the International Transport Workers' Federation's (ITF) successful efforts to ensure decent work for seafarers.

Katharine Bryant and Katarina Schwarz in their article: 'What works to eradicate modern slavery in crisis settings? Lessons from the evidence' highlight the Guide's role in revealing important gaps that should be the subject of future systematic reviews. Three of these fissures are explored in depth: first, the gaps in understanding the links between modern slavery and crisis settings; second, gaps in the overall understanding of what works to eradicate modern slavery; and third, gaps in literature on effective interventions in crisis settings. They note that in order to plug these gaps, more investment is needed to evaluate the impact of modern slavery interventions in crisis settings, including tackling the exploitation of women and girls in crisis settings, addressing with the intersection of climate change and modern slavery, and examining the role of technology.

Future Policy Guides and next steps

The deliberative process by which the Policy Guides are formulated is designed to be replicable. The aim is to capture the current state of knowledge on what works and allow future editions of these Policy Guides to reflect changes in the underlying state of knowledge. As the COVID-19 pandemic deepens vulnerabilities to modern slavery and decreases the available resources to address it, targeted research is needed to prioritize effective anti-slavery investments. The Delta 8.7 Policy Guide method is one collaborative way in which research can be assessed, interventions identified and effective measures collated. In the future we hope to produce a Social Protection Policy Guide, covering a wide range of mechanisms including cash transfers, and access to healthcare, food assistance, education and other services, as a preventative measure or means to build resilience in vulnerable communities. In addition, we hope in the future to adapt the Policy Guide process to a national context and work with individual States so that they can understand 'what works' in their own context. We expect such research to have particular relevance as states and the international system "build back better" following the pandemic. Our intent, which is shared among all stakeholders, is that we learn from the challenges we now face in order to build a more effective and resilient anti-trafficking system.

Appendix

Figure One

Likelihood Scale	
Term*	Likelihood of the Outcome
Virtually Certain	99-100% probability
Very Likely	90-100% probability
Likely	66-100% probability
About as likely as not	33-66% probability
Unlikely	0-33% probability
Very Unlikely	0-10% probability
Exceptionally Unlikely	0-1% probability

Table One - Datapoints

Diversity of Evidence		Type of Evidence	Strength of Evidence
Type	A Project Evaluation	Scale	Is the study published?
	A Primary Study	Geography	Is the study grounded in a clear research framework (i.e it acknowledges existing research, constructs a conceptual framework, poses a clear research question, states a clear hypothesis)?
	A Secondary Study		Is the study transparent (i.e it shares underlying data, declares funding sources)?
	A Theoretical or Conceptual Study		Is the study context-appropriate (i.e it explains why a certain design or method were used, consider cultural or other factors that may influence the analysis, handles human subjects appropriately)?
Method	Experimental		Are the measurements valid (i.e indicators measure the concept in question, study is replicable, study accounts for endogeneity.)?
	Quasi-experimental		Is the analysis reliable (i.e consistency in how data is gathered; measurement methods likely to gather data needed for indicator; findings seem unlikely to be influenced by analytical techniques applied to data gathered)?
	Observational		Is the analysis cogent (i.e conclusions recognize limitations of design and methods; study considers alternative interpretations; conclusions map to study results)?
	Systematic review		
	Non-systematic review		
	Not applicable		
Scale	How many cases, instances or subjects are covered by the research		
Geography	Indicate all countries the research addressees and, if applicable, the region addressed		

Figure Two: diversity

Ordinal Value	Published	Clear Research Framework	Transparent	Context-Appropriate	Valid	Reliable	Cogent
3	Yes - in peer-reviewed journal	Yes	Yes	Yes	Yes	Yes	Yes
2	Yes - in non-peer reviewed setting	Somewhat	Somewhat	Somewhat	Somewhat	Somewhat	Somewhat
1	No	No	No	No	No	No	No
0	Don't Know	Don't Know	Don't Know	Don't Know	Don't Know	Don't Know	Don't Know

Figure Three: scale

Ordinal Value	Communities	Individuals	Organizations	Other	Geographic Reach of Evidence/ Countries
1	1	1	1	1	1 country
2	2 to 6	2 to 6	2 to 6	2 to 6	2 to 6 countries
3	7 to 20	7 to 20	7 to 20	7 to 20	7 to 20 countries
4	21 to 500	21 to 500	21 to 500	21 to 500	20 to 40 countries
5	>500	>500	>500	>500	Global

Figure Four – technical quality

Numerical Code	Type	Design	Method
1	Primary Study	Qualitative	Experimental
2	Project Evaluation	Quantitative	Quasi-experimental
3	Secondary Study	Mixed Methods	Observational
4	Theoretical or Conceptual Source	Non- empirical	Systematic Review
5	Mixed		

The Justice Policy Guide – Exploring What Works to End Modern Slavery: A Survivor-Centric Approach to Justice

Ruth Juliet Nyambura Gachanja

Advocate of the High Court of Kenya

Peter Williams

Principal Advisor on Modern Slavery for International Justice Mission (IJM)

INTRODUCTION

The Justice Policy Guide produced by Delta 8.7 (“the Guide”) is designed to identify for decision makers and leaders the most effective approaches and interventions to identify and restore victims and deter the crime of trafficking. . The Guide puts forth three dozen of Hypotheses, encompassing criminal justice, civil justice, international justice, survivor engagement and support, and health policy and practice. Each Hypothesis is supported with studies from around the world.

“Justice” in this context is understood as encompassing criminal justice, civil justice, international justice, survivor engagement and support, and health policy and practice. Readers of the Guide will note a strong theme throughout each of these dimensions of justice: the importance of survivor¹ well-being in the application of justice policies and interventions. Our paper examines this theme within each of these five justice dimensions.

The Guide highlights strong evidence that keeping survivors at the center of interventions leads to better outcomes.. The evidence includes such studies as an independent, external evaluation of IJM’s anti-trafficking program in Cambodia, which states: “90.9% of respondents thought the quality and range of services provided to child sex trafficking victims supported victim rehabilitation and recovery and reduced victim’s risk of being re-trafficked.” The Guide’s insistence on evidence for this and dozens of other anti-trafficking interventions should encourage governments and donors to invest in them.

Throughout the discussion below the authors consider the potential uses of the Guide within justice responses to modern slavery and how a survivor centric lens to policy implementation can be maintained as the best approaches and policies are put into practice. This paper will seek to answer what works to end modern slavery through justice systems and will aim to show that having survivor-centric mechanisms in justice interventions contributes effectively to combating modern slavery. It draws upon and sites the studies contributed by Members of the Justice Policy Working group for the Delta 8.7 Justice Policy Guide.⁷

⁷ Delta 8.7 Justice Policy Guide, UN University, Centre for Policy Research. http://collections.unu.edu/eserv/UNU:8067/Delta87_JusticePolicyGuide.pdf

CRIMINAL AND CIVIL JUSTICE

PETER WILLIAMS

Criminal and civil justice policy makers and those leading modern-slavery programs can draw very specific principles and approaches from the Justice Guide’s hypotheses. The Guide will be extremely relevant when policy makers are drafting new laws or amending old ones, developing or revising National Action Plans, designing Standard Operating Procedures to bring practical meaning to legislation, agreements, and plans, and when officials are implementing all these laws, procedures, and policies in real cases with real consequences for the individuals involved.

Given the excellent body of standards and training materials already available, why might Government authorities in slavery-burdened countries adopt and implement these latest additions? The answer is that there is compelling evidence that the Guide’s recommendations are achievable, and that they work. They are based on the actual experience of government and civil society in combatting trafficking and modern slavery. In other words, the hard work of trial and error has – regarding many interventions and ideas – already been done. The gift of this Guide is in its gathering of collective wisdom and evidence in a comprehensive manner. Questions remain unanswered but the Guide is the best of what currently exists in the fight to end modern slavery. The introduction to the Justice Policy Guide notes that “effective measures in the context of justice require serious consideration of **how** interventions are delivered, and **not only what** measures are adopted.”⁸ For example, the Guide cites numerous “very high confidence” studies to support its first hypothesis: “Legal and policy frameworks and practice that ensure survivors are not criminalized for offences committed in connection to their experiences of modern slavery are critical to effective victim identification, survivor participation and well-being, and the prosecution of offenders.”

Our thesis in this paper is that the “how” must promote **survivor wellbeing** – the implementation of any policy must uphold the best interests of survivors of modern slavery. An examination of the body of modern slavery research in the civil and criminal justice fields reveals a clear link between the extent to which an intervention prioritizes the needs of survivors and its ultimate efficacy.

The *willing participation* of survivors of modern slavery in the criminal justice process is essential if the processes is to produce optimal outcomes for both perpetrator accountability and survivor access to justice in the form of remedy. Justice system responses that are designed to secure that willing participation end up with far better case outcomes for both the survivor themselves and the community at large. The Justice Guide provides clear evidence supporting numerous practices and policies centered around improving the survivor’s experience of the justice system. An illustration is the evidence in the Guide that supports its Hypothesis 5 (“Ensuring survivors receive appropriate support and criminal justice processes are victim-centred increase victim cooperation with investigations and prosecutions, improving the likelihood of success”) with an evidence base of 13 separate studies. The evidence includes data

⁸ Justice Guide, introduction, p. 1

from such varied slavery cases as European sex trafficking cases, forced laborers from Thailand and Cambodia, and child victimized by on-line sexual exploitation in the Philippines.

Specifically, the evidence contained in the Guide should prompt justice policy-makers to apply modern slavery interventions that support survivors by: targeting first-responder capacity and lowering barriers to entry at the identification stage (Hypotheses 1 and 2, supported by more than 15 studies); simplifying and clarifying modern slavery definitions and processes (Hypotheses 4 and 6, supported by more than 20 studies); providing focused and targeted training to both specialized and non-specialized teams and departments (Hypothesis 2, supported by 16 studies); enhancing coordination between social service and criminal justice professionals (Hypothesis 3, supported by 16 studies); and mitigating rather than exacerbating the effects of trauma (Hypothesis 5, supported by 13 studies).

Access to justice: the crucial first response

The most devastating “barrier to entry” often occurs when a victim of modern slavery first engages a government official. In my own experience having pursued hundreds of modern slavery cases, I’ve found this first engagement with a justice system to be highly determinative of long-term outcomes. If a survivor finds receptivity from officials along with support and substantial action in their favor, their ongoing and willing participation in the justice process is far more likely. Likewise, their own recovery is set on the right track from an early stage. Unfortunately, the opposite is equally, and frequently, true as well.

The studies in the Guide support the experience of anti-slavery practitioners: three of the Guide’s 12 criminal justice hypotheses confirm the importance of victim-centered justice services, including access to interpreters, specialized screening, and victim support throughout trauma-informed justice processes.

Given the circumstances often surrounding modern slavery (such as irregular migration and illicit industries), a survivor of modern slavery can easily be mistaken for a criminal offender by officials. Ensuring a person who needs care and support because of their experience of modern slavery is not treated as a criminal seems like a very low bar to set. I have, however, witnessed the opposite many times. In one egregious example I witnessed in Southeast Asia, a 14-year-old girl was detained in adult prison for several months on immigration charges, when in fact she had been trafficked and was entitled to non-prosecution protections (not to mention aid and support as a victim of trafficking) under the country’s trafficking law. Unfortunately, such fundamental and harmful errors are common worldwide. A recent case in which UK authorities arrested, detained, and convicted two Vietnamese migrants on drug charges after failing to identify them as victims of trafficking was taken to the European Court of Human Rights. The ECHR found that UK authorities had failed to properly apply the elements of trafficking to the circumstances, that the migrants should have been – as victims of trafficking – entitled to the non-prosecution protections contained in UK trafficking law and awarded damages in their favour.⁹

⁹ *V.C.L. and A.N. v. The United Kingdom* (applications nos. 77587/12 and 74603/12), ECLI:CE:ECHR:2021:0216JUD007758712, Council of Europe: European Court of Human Rights, 16 February 2021

As the Guide demonstrates in its first Hypothesis – law and practice must not criminalize victims of slavery - and these examples bear out, a justice systems’ failure at first instance is most often caused by overly narrow or strict interpretations of trafficking and other modern slavery definitions,¹⁰ and exacerbated by unreasonably high evidentiary burdens/standards of proof at the identification stage¹¹ and/or a lack of training for first-responding officials.¹²

Regardless of the legislative framework, whenever officials presume that survivors are criminals, the onus falls on the survivor to rebut that presumption. For someone who finds themselves in a threatening situation facing loss of liberty at the hands of the government, who is still likely suffering trauma from their experience, and who is most often alone and lacking any resources, this is entirely unreasonable.

For true access to justice to occur, first-responder officials must apply a basic presumption in exactly the opposite direction: that a person who makes a credible claim to have experienced modern slavery *has* experienced modern slavery.¹³ The official must then use that presumption in their decision-making. Officials should consider whether there is a ‘reasonable possibility’ (or some other low standard of proof) that the person before them has experienced modern slavery, and if so, trigger whatever state mechanisms exist to protect that person. Those protections should remain in place unless and until there is evidence to rebut the presumption that the person was a victim of modern slavery.

These are not unrealistic standards for government duty-bearers when dealing with modern slavery cases. Consider the example of “release certificates” used by the government of India in bonded labor cases. In South Asia, bonded labour, though illegal, remains widespread. Twenty years ago, examples of effective government intervention in bonded labor cases were few and far between, and bonded laborers had little reason to turn to the justice system for help. But local officials in the Indian states of Tamil Nadu and Karnataka began to engage the problem, one case at a time.

One of their first innovations was creating an official “Release Certificate”. Now recognised under Indian law and procedure, a Release Certificate identifies a person as having been a bonded labourer, prevents the ‘owner’ from enforcing any illegal bonded debt against the

¹⁰ Justice Guide, hypothesis 6, p. 19 (e.g. Katherine Solits and Rebecca Walters, “‘What’s in a Name?’: Mislabelling, misidentification, and the US government’s failure to protect human trafficking survivors in the Central American refugee crisis,” *Anti-Trafficking Review* 11 (2018). .

¹¹ Justice Guide, hypothesis 1, p. 6 (e.g. Lorena Arocha, *Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons* (London: Anti-Trafficking Monitoring Group and Anti- Slavery International, 2010). .

¹² Justice Guide, hypothesis 2, p. 8 (e.g. Claire M. Renzetti, Amy Bush, Marissa Castellanos and Gretchen Hunt, “Does training make a difference? An evaluation of a specialized human trafficking training module for law enforcement officers,” *Journal of Crime and Justice* 38, 3 (2015).

¹³ Above n.3 (VCL & AN v The UK); Carolina Villacampa and Núria Torres, “Human Trafficking for Criminal Exploitation: The Failure to Identify Victim,” *European Journal on Criminal Policy and Research* 23 (2017): 393-408. FLEX (2015); PRO-ACT: Identification and Support for Victims of Trafficking for Labour Exploitation in The Netherlands, the UK and Romania. Focus on Labour Exploitation (FLEX). <http://www.labourexploitation.org/sites/default/files/publications/ProAct%20Research%20Report.pdf>; Lorena Arocha, *Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons* (London: Anti-Trafficking Monitoring Group and Anti-Slavery International, 2010).

identified victim, entitles the victim to state-sponsored rehabilitation funds, and opens the door to various social welfare schemes such as ration cards and land allotments. Release Certificates are an outcome of initial identification. In other words, this process occurred at the very beginning of a case and was often a bonded laborer's first experience of government action.

More important than the “what” of this approach is the “how”. Intervening officials were empowered to issue Release Certificates to bonded labor victims following a *basic and rapid inquiry* of the laborers with a *low standard of proof* (without the need, for instance, to interview suspected perpetrators) and a *presumption* that a person claiming to have been bonded had, in fact, been bonded.¹⁴

The Guide affirms the concept, noting: “Similarly, creating too onerous a standard of proof at the identification stage (e.g., using small inconsistencies in the victim's account to question the credibility of the whole account, or rejecting claims because of a lack of corroborative evidence) can open the door to victim criminalization.”¹⁵

Those first releases and survivors' access to protection and services created something of a virtuous flywheel. As they returned to their home communities by the dozens, hundreds, and eventually by the thousands, the released labourers were a living testament to the legitimacy of the state to enforce the law, and the benefits of reporting bonded labour. Former bonded workers became leaders in their own communities, advocating for benefits and advising against accepting loans that are the engine for debt bondage and labour exploitation throughout South Asia. For the prosecutors reading this, it will not be surprising to know that these leaders were also far more willing to participate in bonded labor trials and testify against their exploiters than those who did not receive Release Certificates at the outset of their case.

It has taken decades for authorities in southern India to develop models and tools for identification and release of survivors, provision of Release Certificates and access to services. But their hard-won experience is available to duty bearers around the world. Others need not re-invent the process, re-create trainings and tools, or repeat setbacks and mistakes.¹⁶

Holistic and integrated interventions

The Guide points to the need to ensure that the provision of services to survivors runs in parallel to, and is not contingent upon, a survivor's participation in the criminal justice process.¹⁷

¹⁴ See the Bonded Labour System (Abolition) Act, 1976 (India), s.15: “**Burden of Proof.**—Whenever any debt is claimed by a bonded labourer to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor.”; In the Supreme Court of India case *Bandhua Mukti Morcha v. Union of India A.I.R. 1984 S.C. 802*, His Honor Justice Bhagwati held: “The State Government cannot be permitted to repudiate its obligation to identify, release and rehabilitate the bonded labourers on the plea that they must show in an appropriate proceeding conducted or adversary system of justice that they are bonded labourers.”

¹⁵ Delta 8.7 Justice Policy Guide at p. 7.

¹⁶ See, for example, the Release Certificate template at p.7 of the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016: https://labour.gov.in/sites/default/files/OM_CSS_Rehab_BL_2016_1.pdf

¹⁷ Justice Guide, hypothesis 5, p. 17 and evidence cited therein including: Iffat Idris, Interventions to Support Victims of Modern Slavery. Knowledge, Evidence and Learning for Developments (Brighton, UK: Institute of Development Studies, 2017).

These are two distinct (but related) streams of government action and response: social services and criminal justice. Both have the same origin – the identification of an instance of modern slavery involving at least one victim and at least one perpetrator. Thus, the various interventions flowing from that single origin ought to be well integrated and coordinated.

Unfortunately, the ideal of integration is often twisted into manipulation.¹⁸ Participation in criminal proceedings should never be a gateway through which a person must pass to receive the social protections and benefits to which they are entitled, but regrettably this is still common practice in many jurisdictions. A number of studies cited in the Guide support the de-linking of services from victim cooperation with law enforcement. One study of cross-border trafficking into the Thai Fishing industry, notes: “Guideline 6 of the OHCHR Guidelines specifies that the provision of shelter “should not be made contingent on the willingness of the victims to give evidence in criminal proceedings”. However, according to informants, in Thailand, the granting of the official status of “victim of trafficking” and its associated benefits is contingent upon cooperation with law enforcement.”¹⁹

Some countries even *detain* survivors until their participation in criminal proceedings is completed (often a years-long process). Unsurprisingly, the quality of evidence obtained from survivors in detention is low, and convictions of perpetrators are rare.

In the best responses I have seen, survivor recovery *and* perpetrator accountability flow from identification in an integrated way. Social workers and case managers have strong working relationships with police and prosecutors and understand the criminal procedures, helping survivors navigate them. Conversely, police and prosecutors include social service providers in decision-making and seek their involvement throughout investigation and trial.

This is a holistic approach to justice in individual cases, and the evidence compiled in the Guide bears out its efficacy.²⁰ This approach reaches into the non-criminal sphere as well. There are often numerous avenues for survivor remedy and protection outside of the criminal justice system, such as through the implementation of labor rights and immigration protections.²¹

Governments can most effectively integrate these mechanisms through the creation of inter-ministerial bodies designed to coordinate and align legislation, policy, and implementation within a larger modern slavery framework. I have seen these bodies create a more holistic response in countries from Southeast and South Asia, and IJM projects in Africa and Eastern Europe attest to the effectiveness of centralized coordination for this purpose.

¹⁸ Anette Brunovskis and May-Len Skilbrei, "Two Birds with One Stone? Implications of Conditional Assistance in Victim Protection and Prosecution of Traffickers," *Anti-Trafficking Review* 6 (2016).

¹⁹David Rousseau, *Review of Models of Care for Trafficking Survivors in Thailand* (Washington DC: Winrock International, 2019).

²⁰ Justice Guide, hypothesis 7, p. 21 (and evidence cited therein, for example: Abigail Swenstein and Kate Mogulescu, "Resisting the Carceral: The need to align anti-trafficking efforts with movements for criminal justice reform," *Anti-Trafficking Review* 6 (2016): 118-122). and hypothesis 10, p. 26 (including studies such as: Peter Williams, *Labor Trafficking in Cambodia: A Review of the Public Justice System's Response* (Washington DC: International Justice Mission, 2016) and Victor Boutros and John Cotton Richmond, "Investments in Human Trafficking Prosecutions are Indispensable," *Anti-Trafficking Review* 6 (2016): 107-110.

²¹ Justice Guide, hypothesis 16, p. 34.

An example of a holistic response is the use of wage repayments in labor legislation alongside the aforementioned government rehabilitation funds for bonded labor survivors in India. The administration of *both* sources of economic recovery enables survivors (often with support from social workers using community-based treatment plans) to find economic stability outside the bonded labor system. Their engagement with criminal justice proceedings and their ability to recover from trauma and productively re-enter their communities can then occur from a stable economic base, and the risk of them re-entering bonded labor situations dramatically reduces.

Skills, knowledge, and specialization

As a modern slavery case continues its journey through a justice system, the need for specialized skill and knowledge grows. To effectively support survivors through the criminal justice process, social service practitioners (government and non-government) need to understand the criminal justice system. Likewise, law enforcement and legal professionals must be equipped with knowledge of trauma-informed practices and be able to combat common myths and assumptions about the experience of modern slavery as they investigate, build evidence, and prosecute at trial.

This is where IJM has seen the great efficacy of training and capacity-building efforts – both for specialised teams and for non-specialised justice system actors. In the Philippines, for instance, IJM’s long-term partnership with anti-trafficking teams within the police, prosecutorial and social service arms of government have led to a more survivor-centered and holistic response. Consistently classified a Tier 1 country by the US Department of State in their annual Trafficking in Persons Report,²² the Philippines has ensured its front-line officials are trained in trauma-informed practices when working with survivors of trafficking.²³ This has led to increased confidence in, and reliance upon, the justice system within vulnerable populations. In turn this has led to higher arrest and conviction rates and declining prevalence of trafficking in the country, particularly trafficking of children for sexual exploitation.²⁴ The same is true of similar efforts in Cambodia.²⁵

In IJM’s experience, specialization and designated law enforcement units is an effective anti-trafficking approach because the smaller number of officers in units allow for concentrated training and deployment and 1-1 mentoring and oversight that contribute to early successes in identifying victims and arresting perpetrators. Corrupt or complicit officers are easier to identify and isolate in a smaller unit, and unit cohesion is greatly enhanced. Creation and deployment of

²² US Department of State, *Trafficking in Persons Report*, June 2021, pp. 454-457.

²³ For example: “Seven regional task force victim-witness coordinators provided trauma-informed support and assistance, including by providing continuous support throughout the criminal justice process, to 130 victims.” (US Department of State, *Trafficking in Persons Report*, June 2021, p. 456)

²⁴ Robin Haarr, *Evaluation of the Program to Combat Sex Trafficking of Children in the Philippines: 2003-2015* (Washington DC: International Justice Mission, 2017)

²⁵ Robin Haarr, *External Evaluation of IJM’s Program to Combat Sex Trafficking of Children in Cambodia, 2004-2014* (Washington DC: International Justice Mission, 2015).

designated anti-trafficking law enforcement units, while highly recommended, should always be combined with basic training for all criminal justice duty bearers in anti-trafficking law and proper treatment of survivors, witnesses, and suspects.

Specialized policies and procedures can also support more effective and healthier survivor engagement in justice processes. Thailand, for instance, implemented a policy that allowed migrant trafficking survivors to return to their home country after giving their initial statements to law enforcement rather than having to wait to testify at trial.²⁶ Similarly, IJM teams in Romania and the UK are working with authorities to implement video-link testimony procedures to allow survivors to give evidence from their home country rather than having to return to the place they were exploited to testify.

System-wide trauma-informed practices

The Guide's compilation of evidence shows that **trauma-informed** justice processes and restoration services offer many benefits to survivors, to their case, and to their community. Fortunately, there is much evidence in literature and practice of the importance and efficacy of a trauma-informed approach.²⁷ The Guide emphasises the need for trauma-informed practices not just within social service provision but for law enforcement officials, prosecutors, judges, and first-responders.

In Cambodia, trauma-informed practices began in the mid 2000's with survivor shelter facilities, where practitioners were working directly on trauma recovery with children who had experienced commercial sexual exploitation. With the support of civil society partners and NGOs, the Cambodian justice system expanded trauma-informed practices beyond the shelters into police and courtroom procedure, and into labour trafficking cases involving children and adults, men, and women.²⁸ I recall a case in 2016 involving a large group of Cambodian men who had been trafficked in the Thai fishing industry. On their return to Cambodia the men were promptly provided psychological debriefing in coordination with the Cambodian Ministry for Social Affairs and the International Organisation for Migration (IOM). The Police interviews took place after several days (allowing the men time to reorient and rest) in a neutral location (not a police station) and police wore plain clothes. NGO social workers were permitted to be present before and after the interviews. As a result, the men not only had a great start to long-term recovery but provided much more detailed statements to police than they had provided to authorities in other countries before their repatriation.

²⁶ US Department of State *Trafficking in Persons Report* June 2021, p. 545.

²⁷ See Hypothesis 2: "Providing modern slavery and human trafficking training to law enforcement and criminal justice actors improves identification, investigation and prosecution of modern slavery offences." and evidence cited therein, such as: Katarina Schwarz and Jing Geng, "Reasserting Agency: Procedural Justice, Victim-Centricity, and the Right to Remedy for Survivors of Slavery and Related Exploitation," *Journal of Modern Slavery* 4, 2 (2018): 93-120 and Anita Franklin and Lisa Doyle, *Still at risk: A review of support for trafficked children* (London: The Children's Society and The Refugee Council, 2013).

²⁸ Peter Williams, *Labor Trafficking in Cambodia: A Review of the Public Justice System's Response* (Washington DC: International Justice Mission, 2016) at P. 26.

Trauma-informed systems help to increase accuracy of referrals, engagement in mental health services and reduce dropout rates from supportive services.²⁹ Trauma-informed systems increase collaboration among service providers and reduces bias in order to provide higher levels of care for the survivor and stronger participation in prosecutions. And peer support built into trauma-informed systems contributes to survivor agency and hope. At IJM, we have seen that the research bears out: When survivors have positive, trauma-informed interactions with justice officers of good will, are given choices and can collaborate with service providers about care options, the likelihood of survivors' full restoration and recovery increases.

²⁹ Iffat Idris, *Interventions to Support Victims of Modern Slavery* (Brighton, UK: Institute of Development Studies, 2017); Katarina Schwarz and Jing Geng, "Reasserting Agency: Procedural Justice, Victim-Centricity, and the Right to Remedy for Survivors of Slavery and Related Exploitation," *Journal of Modern Slavery* 4, 2 (2018): 93-120.

What Works To Eradicate Modern Slavery in Crisis Settings? Lessons From the Evidence

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Abstract

Our understanding of what works to eradicate modern slavery is limited, and particularly so in crisis settings. During 2020 and 2021, Delta 8.7 convened an expert working group to synthesise the evidence on combating modern slavery in crisis settings, including conflict, humanitarian crisis response, and forced migration. The resultant policy guide was released in March 2021 and includes eight hypotheses identifying the mix of multilateral and national policies necessary to accelerate progress towards UN Sustainable Development Goal Target 8.7. While these hypotheses point to some potential lessons learnt, the process revealed important gaps that should be the subject of future systematic reviews related to climate change, women and girls, and the role of technology. Since the policy guide was published, our understanding of the relationship between modern slavery and crisis has grown and become more nuanced, however there is a lag between an understanding of this intersectionality and what works to respond. In order to plug these gaps, more investment is needed to evaluate the impact of modern slavery interventions in crisis settings. This paper surveys the main findings from the Delta 8.7 Crisis Policy Guide process and posits important areas where resources can be better targeted to further develop our understanding of what works.

Keywords: Crisis, Conflict, Humanitarian, Migration, Target 8.7

Introduction

How do we eradicate modern slavery during crisis? Between April 2020 and March 2021, Delta 8.7 convened an expert working group to address the question of “what works” to achieve Target 8.7 of the United Nations Sustainable Development Goals in crisis settings.³⁰ The guide

³⁰ Delta 8.7, “Crisis Policy Guide,” Delta 8.7 Policy Guides (2021). Available from: http://collections.unu.edu/eserv/UNU:8065/Delta87_CrisisPolicyGuide.pdf

was one of three produced, with the other two focusing on tackling modern slavery in the context of justice³¹ and markets.³²

Target 8.7 commits UN member states to:

“Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.”³³

The purpose of the guides was to articulate current understanding of what works to eradicate modern slavery for multilateral and national policymakers. Partnering with the Rights Lab at the University of Nottingham, Delta 8.7 assembled a database of evidence on what works to achieve Target 8.7. Over the course of 11 months, a working group of 25 experts, including humanitarians, academics, policy experts, and those with lived experience reviewed this evidence base, and drew upon their own experience, to determine a series of hypotheses for tackling modern slavery in times of crisis. From a total of 24 hypotheses on “what works” in crisis settings extracted from existing evidence, eight hypotheses were chosen for inclusion in the final crisis policy guide. These ranged from providing support services to people on the move as a result of crisis settings, through to preventative measures such as access to economic and livelihood opportunities to reduce vulnerability to exploitation.

Perhaps more so than the justice and markets domains, there is limited data to understand “what works” to eradicate modern slavery in crisis settings. While our understanding of the links between crisis and modern slavery is growing, our overall understanding of effective responses in these contexts is still nascent. This can be partially explained by the difficulties in conducting research in crisis settings without impeding humanitarian assistance, however, given the risks that modern slavery presents in these settings, a failure to respond is a failure of protection.

Important gaps remain, highlighting areas for future systematic reviews and making the case for greater investment in assessing the impact of policy interventions during times of crisis. These areas for future research include: the specific vulnerabilities of women and girls in crisis settings; the intersection between climate change and modern slavery; and the role of technology. Repeated systematic reviews are essential to refine these gaps and further develop our understanding of “what works”.

³¹ Delta 8.7, “Justice Policy Guide,” Delta 8.7 Policy Guides (2021). Available from: http://collections.unu.edu/eserv/UNU:8067/Delta87_JusticePolicyGuide.pdf

³² Delta 8.7, “Markets Policy Guide,” Delta 8.7 Policy Guides (2021). Available from: http://collections.unu.edu/eserv/UNU:8066/Delta87_MarketsPolicyGuide.pdf

³³ Sustainable Development Solutions Network, “Indicators and a Monitoring Framework,” (2015). Available from: <https://indicators.report/targets/8-7/>

Modern slavery in crisis settings

The number of people affected by crisis continues to increase. In 2021, the year the policy guide was published, an estimated 235 million people needed humanitarian assistance and protection at a cost of USD35.1 billion.³⁴ That the COVID-19 pandemic and its effects compounded multiple crises is well documented,³⁵ while economic downturn and conflict in Afghanistan, Central African Republic, Democratic Republic of the Congo, Mali, Somalia, Syria, Ukraine, and Yemen, among other countries has led to food insecurity, and setbacks to education, health, and gender equality. The climate crisis also continues to create, and exacerbate existing, vulnerabilities across the globe.

Crisis increases the prevalence of, and vulnerability of individuals to, modern slavery. The erosion of the rule of law, breakdown in protections, and normalisation of violence makes it easier to exercise coercion. Armed groups take advantage of this situation to exploit children as child soldiers, or force individuals into forced labour as fighters, cooks, porters, or runners.³⁶ Women and girls are particularly vulnerable due to increased incidences of gender-based violence and sexual violence, including forced, child, and early marriage and forced sexual exploitation.³⁷ The disruption that crisis causes leads to risky coping behaviours, including migrating through unsafe routes and increasing the use of migrant smugglers.³⁸ This disruption can also reduce access to education and disrupt family networks, making children more vulnerable to the worst forms of child labour and forced marriage.³⁹

³⁴ "Global Humanitarian Overview 2021", United Nations Office for the Coordination of Humanitarian Affairs (OHCA), accessed February 16, 2021, <https://gho.unocha.org>.

³⁵ Ibid.

³⁶ See for instance Anne T Gallagher, "Trafficking in Persons and Armed Conflict," Selected Works (2015); IOM, "Addressing human trafficking and exploitation in times of crises," (Geneva: IOM, 2015); Lucia Bird and Tuesday Reitano, "Trafficking in persons in conflict contexts: What is a realistic response from Africa?," (The Global Initiative of Transnational Organized Crime, 2019); Mónica Hurtado, Ángela Irazo Dosdad, and Sergio Gómez Hernández, "The relationship between human trafficking and child recruitment in the Colombian Armed Conflict," *Third World Quarterly* 39, 5 (2018): 941-958; Olivier Peyroux, "Trafficking in human beings in conflict and post-conflict situations," (Caritas, 2016).

³⁷ See for instance NRC and IDMC, "Girl, disrupted," Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC) (2014); Sarah Warpinski, "Protecting Women and Girls from Human Trafficking in the Democratic Republic of Congo: Toward Justice for Victims of Gender-Based Violence," *Michigan State University College of Law International Law Review* 21, 1 (2013): 155-194.

³⁸ Julie Opperman, "Conflict and Humanitarian Settings," Delta 8.7, accessed February 2021, <https://delta87.org/resources/thematic-overviews/conflict-humanitarian-settings/#c&hs-why-do-conflict-and-disaster-increase-the-forms-of-exploitation-addressed-by-target-8-7>. See also: Fiona David, Katharine Bryant and Jacqueline Joudo Larsen, "Migrants and their vulnerability to human trafficking, modern slavery and forced labour," (Geneva: International Organization for Migration, 2019), https://publications.iom.int/system/files/pdf/migrants_and_their_vulnerability.pdf.

³⁹ Bhalla, Nita, "First cyclone, then slavery: risks abound for Mozambique children", Reuters, March 17, 2021, <https://www.reuters.com/article/us-mozambique-floods-trafficking/first-cyclone-then-slavery-risks-abound-for-mozambique-children-idUSKCN1R81EF>. See also: UNICEF, "Action to end child sexual abuse and exploitation: A review of the evidence", UNICEF, 2020.

Crisis can lead to migration and displacement, which exacerbates vulnerability to modern slavery. There are currently 89.3 million people forcibly displaced globally, of which 53.2 million are Internally Displaced People (IDPs), 27.1 million are refugees, and 4.6 million are asylum seekers.⁴⁰ During times of crisis, it is highly likely that migration is unplanned and higher risk. Mass movement makes it difficult for protection actors to identify and respond to this risk, and creates circumstances where criminal networks may take advantage.⁴¹ Migrants can be vulnerable in transit, while destination countries can be destabilised by an influx of migrants.⁴²

Drafting the Crisis Policy Guide

Partnering with the Rights Lab at the University of Nottingham, Delta 8.7 assembled a database of evidence on what works to achieve Target 8.7, both through a public submission of evidence and drawing upon an evidence review conducted by the Rights Lab in 2020.⁴³ The evidence base was a mix of academic and grey literature, and included diverse methodologies, including quantitative and quasi-experimental methods as well as more qualitative interviews and case studies. It was of varying quality and covered different geographic locations.⁴⁴

The evidence base was scored by the Delta 8.7 Global Working Group using a quantitative assessment of the strength of the evidence associated with specific themes and hypotheses. These were then used by the working group throughout 2020 and early 2021 to identify gaps in the evidence, to discuss the strength of the evidence supporting each hypothesis, to provide alternative interventions or hypotheses, and to assign a confidence score⁴⁵ and accompanying implementation notes to the final hypotheses.

From a total of 24 hypotheses identified in the evidence review, eight hypotheses were retained in the final policy guide, which was published in March 2021.

⁴⁰ UNHCR, "Figures at a Glance", UNHCR, accessed March 5, 2023, <https://www.unhcr.org/uk/figures-at-a-glance.html>.

⁴¹ See Fiona David, Katharine Bryant, and Jacqueline Larsen, "Migrants and their Vulnerability to Human Trafficking, Modern Slavery and Forced Labour" (Geneva: IOM, 2019), <https://publications.iom.int/books/migrants-and-their-vulnerability-human-trafficking-modern-slavery-and-forced-labour>

⁴² IOM, "Handbook on protection and assistance for migrants vulnerable to violence exploitation and abuse," (Geneva: IOM, 2019), https://publications.iom.int/system/files/pdf/avm_handbook.pdf

⁴³ Data collection was conducted from July–September 2020, with all reporting concluded by December 2020.

⁴⁴ Full methodology for the review, and findings, are presented in Deanna Davy et al, "What Works to End Modern Slavery? A Review of Evidence on Policy and Interventions in the Context of Crisis" Delta 8.7, December 2020, http://collections.unu.edu/eserv/UNU:9069/Delta8.7_CrisisReport.pdf

⁴⁵ Please refer to: http://collections.unu.edu/eserv/UNU:8065/Delta87_CrisisPolicyGuide.pdf for descriptions of the evidence and quantitative and qualitative scoring.

Findings from the Policy Guide

These hypotheses were included in the final policy guide to provide a snapshot of evidence that may work to achieve Target 8.7 in times of crisis.

Hypothesis	Confidence score	Justification for the confidence score
1. Providing support services to people on the move in crisis situations helps to reduce trafficking in persons.	Very high	The studies supporting this hypothesis, though few in number, were persuasive and of relatively high quality. The studies covered a diverse geographical area. The study findings were consistent with the practical experience of the reviewers.
2. Access to economic and livelihood opportunities can reduce vulnerabilities of individuals at risk of human trafficking and modern slavery in crisis situations.	High	The studies supporting this hypothesis, though few in number, were persuasive and of relatively high quality. The study findings were consistent with the practical experience of the reviewers.
3. Dismantling border controls and restrictive migration legislation improves migrant protection, particularly during times of crisis.	High	The evidence supporting this hypothesis was strong, with a significant quantity of relevant data, though no studies used quantitative data. The study findings were consistent with the practical experience of the reviewers.
4. Gender-based approaches to programming in crisis situations prevent gender-based violence and trafficking.	High	A moderate number of studies supported this hypothesis and were variable in quality. However, the practical experience of the reviewers was a strong factor in the confidence expressed in this hypothesis.
5. Addressing the root causes of vulnerability to human trafficking and modern slavery can reduce re-victimisation in crisis situations	High	A large number of studies supported this hypothesis. The studies were of high quality and in most cases used good sample sizes. The studies covered a diverse geographical area. The study findings were consistent with the practical experience of the reviewers.

6. Adopting a human rights-based approach strengthens the prevention of human trafficking during crisis situations and strengthens the protection of vulnerable persons	High	The studies were relatively diverse, and of moderately high quality. The practical experience of the reviewers was a strong factor in the confidence score expressed in this hypothesis.
7. Multi-agency coordination within States and in regional contexts strengthens the response to modern slavery during crisis situations.	High	The studies were diverse, and of moderately high quality. The practical experience of the reviewers was a strong factor in the confidence expressed in this hypothesis.
8. Long-term support for survivors of human trafficking and modern slavery can increase the likelihoods of their effective and sustained recovery.	High	The evidence supporting this hypothesis was relatively strong, with a significant quantity of relevant data and strong geographic reach. The study findings were consistent with the practical experience of the reviewers.

The intersection between modern slavery and crisis settings plays out in the evidence review and subsequent recommended policy interventions. For example, the role of migration in the modern slavery-crisis nexus is reflected in hypotheses one and three, and was found to be the most dominant theme identified in the evidence review.⁴⁶ The evidence showed that people on the move face a range of challenges during their migration, including inability to access health care and decent accommodation. They may face arrest and detention and lack access to psycho-social care. Strengthening existing protection mechanisms, such child protection, during disaster relief efforts was also posited to reduce the vulnerability of those affected and particularly children.⁴⁷ The importance of addressing modern slavery in transit countries was also highlighted, as migrants might face heightened risk of exploitation while on the move.⁴⁸

That is not to ignore increased vulnerabilities while attempting to reach countries of destination. Hypothesis three highlighted the importance of dismantling border controls and restrictive migration legislation to improve migrant protection. Restrictive border controls were shown to lead migrants and asylum seekers to use more risky and expensive routes, which then

⁴⁶ Davy et al, above n 16, p 22.

⁴⁷ Maria Gabriella Boria, "Human Trafficking and Natural Disasters: An Empirical Analysis," Boston College Electronic Thesis (2016).

⁴⁸ Claire Healy, "The Strength to Carry On—Resilience and Vulnerability to Trafficking on Migrations Routes to Europe," ICMPD Policy Brief (2019); Benjamin Perrin, "Just Passing Through? International Legal Obligations and Policies of Transit Countries in Combating Trafficking in Persons," *European Journal of Criminology* 7, 1 (2010): 11-27 (2010).

pushed vulnerable populations into more dangerous and protracted situations⁴⁹ and increased trafficking risks for refugees.⁵⁰ To address this, recommendations included facilitating legal migration, temporary migration status, increased sanctioning of employers, and improved access to information, as well as increasingly open borders for greater migration options.

The importance of longer-term support for survivors of exploitation was highlighted in hypothesis eight. Underpinning studies highlighted the importance of psycho-social support,⁵¹ listening to younger people, and the provision of market-driven vocational training at international quality standards. Humanitarian responses that are informed by those with lived experience,⁵² that emphasise building trust⁵³ and the provision of safe spaces in refugee and IDP camps can act as a preventative measure to reduce risk of modern slavery.⁵⁴ Providing support over a longer period of time was also critical to support survivors to rebuild their lives and to reduce the risk of re-victimisation⁵⁵ and re-traumatisation.

Half of the included hypotheses focused on preventative measures (hypotheses two, four, five, and six). For example, developing economic and livelihood opportunities was suggested as a means by which to reduce vulnerability or to reduce the risk of re-trafficking. These opportunities included livelihood strategies such as cash-for-work skills development and

⁴⁹ Daniel Murphy, "Hidden Chains: Rights Abuses and Forced Labor in Thailand's Fishing Industry," Human Rights Watch (2018); Gabriella Sanchez, "Critical Perspectives on Clandestine Migration Facilitation: An Overview of Migrant Smuggling Research," *Journal of Migration and Human Security* 5, 1: 9-27 (2017); Louise Gomez-Mera, "Regime Complexity and Global Governance: The case of trafficking in Persons," *European Journal of International Relations* 22, 3 (2015): 566-595; Nazli Avdan, "Human trafficking and migration control policy: vicious or virtuous cycle?," *Journal of Public Policy* 32, 3 (2012): 171-205; Tuesday Reitano, "A Perilous but Profitable Crossing: The Changing Nature of Migrant Smuggling through sub-Saharan Africa to Europe and EU Migration Policy (2012-2015)," *The European Review of Organised Crime* 2, 1 (2015): 1-23; Pooja Theresa Stanslas, "Transborder Human Trafficking in Malaysian Waters: Addressing the Root Causes," *Journal of Maritime Law and Commerce* 41, 4 (2010): 595-606; Peter Dwyer, Hannah Lewis, Lisa Scullion and Louise Waite, "Forced labour and UK immigration policy: status matters?," JRF programme paper, (2011); Lenore Lyons and Michele Ford, "Trafficking Versus Smuggling: Malaysia's Anti-Trafficking in Persons Act," *Human Trafficking in Asia: Forcing Issues*, (2014): 35-48.

⁵⁰ Annie Wilson, "Notes from the Field Trafficking Risks for Refugees," *Societies Without Borders* 7, 1 (2012): 100-118.

⁵¹ Joanne Van Selm, "Evaluation of the Effectiveness of Measures for the Integration of Trafficked Persons," *International Organisation for Migration* (2013).

⁵² Susan Rosas, "Sex Trafficking in Cambodia As A Complex Humanitarian Emergency," *Advocates Forum*, (2011): 41-50.

⁵³ Margaret Chambeshi, Amanda Eckhardt, Xinyi Wang, and Chris Muller, "Healthcare Access for Foreign-National Survivors of Trafficking," *Restore NYC* (2019).

⁵⁴ Kay Standing, Sara Parker, and Sapana Bisba, "Grassroots responses to violence against women and girls in post-earthquake Nepal: lessons from the field," *Gender and Development* 24, 2 (2016): 187-204; Alexandra Seltzer, "Human trafficking: the case of Burmese refugees in Thailand," *International Journal of Comparative and Applied Criminal Justice* 37, 4 (2013): 279-293.

⁵⁵ Evelyn Probst, "Victims' protection within the context of trafficking in human beings and European Union standards," *Academy of European Law* (2018); Ifat Idris, "Interventions to Support Victims of Modern Slavery," *Institute of Development Studies* (2017); Joanne Van Selm, "Evaluation of the Effectiveness of Measures for the Integration of Trafficked Persons," *IOM*, (2013).

enterprise development.⁵⁶ Underpinning some of the evidence under this hypothesis was the assumption that a lack of employment opportunities was a push factor for riskier cross-border migration or falling below subsistence levels, both of which increased vulnerability to modern slavery.⁵⁷ These livelihood opportunities were seen as a way to build crisis-resilient communities,⁵⁸ or to reduce vulnerability to modern slavery among communities already impacted by crisis.⁵⁹ Others identified that economic opportunities could also support longer-term protection for victims.⁶⁰

The hypothesis with the most evidence, “Addressing the root causes of vulnerability to human trafficking and modern slavery can reduce re-victimisation in crisis situations” was also argued to prevent exploitation. The studies underpinning this hypothesis were varied, and included tackling domestic violence in order to prevent child trafficking,⁶¹ and strengthening rules, policies and legal frameworks that protect human rights and address root causes of irregular migration reduces the risk of human trafficking.⁶² Another identified formal education, citizenship, maternal education, high caste status, and birth order were protective determinants to mitigate trafficking in Southeast Asia.⁶³ Common to many studies underpinning this hypothesis was the need to strengthen protective factors before disasters occurred to build resilience in the face of crisis.⁶⁴ Addressing ethnic and religious fragmentation,⁶⁵ implementing programs and

⁵⁶ ILO and IOM, "Impact of recovery initiatives on reducing vulnerability to human trafficking and illegal recruitment: Lessons from Typhoon Haiyan," (Geneva: ILO and IOM, 2015).

⁵⁷ Ibid; Olubukola Adesina, "Modern day slavery: poverty and child trafficking in Nigeria," *African Identities* 12, 2 (2014): 165-179; Neil Howard, "Protecting children from trafficking in Benin: in need of politics and participation," *Development in Practice* 22, 4 (2012): 460-472.

⁵⁸ Adesina, *ibid*.

⁵⁹ ILO and IOM, "Impact of recovery initiatives on reducing vulnerability to human trafficking and illegal recruitment: Lessons from Typhoon Haiyan" (Geneva: ILO and IOM, 2015).

⁶⁰ Iffat Idris, "Interventions to Support Victims of Modern Slavery," Institute of Development Studies (2017); Joanne Van Selm, "Evaluation of the Effectiveness of Measures for the Integration of Trafficked Persons," International Organisation for Migration (2013).

⁶¹ Amber Peterman, Alina Potts, Megan O'Donnell, Kelly Thompson, Niyati Shah, Sabine Oertelt-Prigione and Nicole van Gelder, "Pandemics and Violence Against Women and Children," Centre for Global Development Working Paper 528 (2020).

⁶² Christopher Horwood and Tuesday Reitano, "A Perfect Storm? Forces shaping modern migration and displacements," Danish Refugee Council (2016).

⁶³ Kelsey Perry and Lindsay McEwing, "How do social determinants affect human trafficking in southeast asia and what can we do about it: A-systematic-review," *Health and Human Rights* 15, 2 (2013): 138-159.

⁶⁴ Davy, above n 16, pp 28-30.

⁶⁵ Randall Akee, Arnab Basu, Nancy Chau, and Melanie Khamis, "Ethnic Fragmentation, Conflict, Displaced Persons and Human Trafficking: An Empirical Analysis," *Institute for the Study of Labor* 8, 5142 (2010).

policies that address poverty and economic vulnerabilities,⁶⁶ developing community-driven responses,⁶⁷ strengthening protections and labour rights for migrants,⁶⁸ and tackling pre-existing gender inequalities⁶⁹ were all identified as measures by which to build resilience to modern slavery. Learning from the experience of existing crises, such as the COVID-19 pandemic,⁷⁰ conflict in Colombia,⁷¹ and the human rights impacts of climate change⁷² were also identified as ways to reduce vulnerabilities, particularly of women and children, and be better prepared for future crises. Few studies, however, drew the link explicitly between climate change and modern slavery, although one identified that a legal framework to ensure the protections of ecosystems is necessary to decrease displacement.⁷³

Hypothesis seven: “Multi-agency coordination within States and in regional contexts strengthens the response to modern slavery during crisis situations” highlights the importance of coordination. Most of the studies underpinning this hypothesis were quite broad and discussed

⁶⁶ Peter Olayiwola, "Killing the Tree by Cutting the Foliage Instead of Uprooting It?" Rethinking awareness campaigns as a response to trafficking in South-West Nigeria," *Anti-Trafficking Review*, 3 (2019): 50-65; Nlerum Okogbule, "Combating the 'New Slavery' in Nigeria—An Appraisal of Legal and Policy Responses to Human Trafficking," *Journal of African Law* 57, 1 (2013): 57-80; Neil Howard, "Protecting children from trafficking in Benin: in need of politics and participation," *Development in Practice* 22, 4 (2012): 460-472.

⁶⁷ Amber Peterman, Alina Potts, Megan O'Donnell, Kelly Thompson, Niyati Shah, Sabine Oertelt-Prigione and Nicole van Gelder, "Pandemics and Violence Against Women and Children," Centre for Global Development Working Paper 528 (2020); Lester Thompson, Linda Tupe, David Wadley, and Karen Flanagan, "Mobilizing cultural supports against the commercial sexual exploitation of (female) children (CSEC) in Solomon Islands community development," *Community Development* 50, 3 (2019): 315-331.

⁶⁸ Claire Healy, "How to prevent human trafficking among people travelling along migration routes to Europe," *ICMPD* (2019); Thanos Maroukis, "Keeping Up Appearances: The British Public Policy Response to the Trafficking of Domestic Workers in a Changing Regime of Social Protection," *Journal of Immigrant and Refugee Studies* 15, 2 (2017): 155-170; Lucrecia Rubio Grundell, "EU Anti-Trafficking Policies and Crime Control to Prevention and Protection," (Migration Policy Centre, 2015); Lukas Olynk, "Meneshachin Scoping Study-A global synthesis and analysis of responsible recruitment initiatives targeting low-wage, migrant workers," *The Freedom Fund* (2020); Javier Trevino-Rangel, "Magical legalism: human rights practitioners and undocumented migrants in Mexico," *The International Journal of Human Rights* 23, 5 (2019): 843-861; ILO et al., "Employment Practices and Working Conditions in Thailand's Fishing Sector," International Labour Organization, Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University (2014).

⁶⁹ Huong Tu Nguyen, "Gender vulnerabilities in times of natural disasters-Male-to-Female Violence in the Philippines in the Aftermath of Super Typhoon Haiyan" *Violence Against Women* 25, 4 (2018): 421-440.

⁷⁰ UNODC, "Impact of the Covid-19 Pandemic on Trafficking in Persons," (UNODC, 2020).

⁷¹ Mónica Hurtago, Ángela Iranzo Dosdad, and Sergio Gómez Hernández, "The relationship between human trafficking and child recruitment in the Colombian Armed Conflict," *Third World Quarterly* 39, 5 (2018): 941-958.

⁷² Holly Atkinson and Judith Bruce, "Adolescent Girls, Human Rights and the Expanding Climate Emergency," *Annals of Global Health* 81, 3 (2015): 323-330.

⁷³ Michael Gerrard, "Climate Change and Human Trafficking After the Paris Agreement," *University of Miami Law Review* 72, (2018): 345-368.

collaboration as important to coordinating a national response to trafficking,⁷⁴ rather than specific to crisis settings. This was identified as an important evidence gap, largely because the group pointed out that much has been written about humanitarian collaboration and partnership, but little in the context of responding to modern slavery. Additional relevant literature was used to bolster the implementation note in the final policy guide, including research conducted by the Global Protection Cluster pointing to the importance of training and operational tools for humanitarian actors,⁷⁵ a subsequent 'Introductory Guide to Anti-Trafficking Action in Internal Displacement Context' to support the identification of trafficking persons in displacement settings,⁷⁶ as well as a guide produced by UNICEF in 2020 providing recommendations for joined up action to tackle child sexual abuse and exploitation, including in crisis settings.⁷⁷

Despite anecdotal evidence, and the experience of the working group, only two studies included in the review highlighted the vulnerability of women and girls, and not necessarily specific to crisis settings. These studies considered gender-based approaches important to programming across a broad range of contexts,⁷⁸ and referred to the inclusion of women and frontline workers and the importance of gender-sensitive monitoring and referral systems.⁷⁹ Respect for human rights (hypothesis six) was also included in at least ten of the studies in the evidence base. This included restructured migration and labour policies under human rights principles,⁸⁰ centering human rights approaches to providing protection for survivors of

⁷⁴ See, for example, Victoria Rietig, "Prevent, Protect, and Prosecute Human Trafficking in Mexico—Policy and Practical Recommendations," *International Migration* 53, 4 (2014); Palita Thapa, "Human trafficking in Nepal: Changing dimensions," *Asian Journal of Women's Studies* 21, 4 (2015): 450-459; Nur Subono and Meidi Kosandi, "The regionalism paradox in the fight against human trafficking: Indonesia, and the Limits of Regional Cooperation in ASEAN," *Journal of Leadership, Accountability and Human Ethics* 16, 2 (2019): 89-98; Deanna Davy, "Responding to Child Sex Trafficking: Transnational Advocacy Networks in the Greater Mekong Subregion," *Women & Criminal Justice* 23, 4 (2014): 304-325; Cristina Popescu, "Illegal Migration-Conceptual Delimitations," *Challenges of the Knowledge Society* 3 (2013): 605-612; Andreas Schloenhardt and Mark Loong, "Return and Reintegration of Human Trafficking Victims from Australia," *International Journal of Refugee Law* 23, 2 (2011): 143-173.

⁷⁵ Muse Mohammed, "Anti-Trafficking in Humanitarian Responses," (IOM:2018), https://www.globalprotectioncluster.org/_assets/files/anti-trafficking-in-humanitarian-responses.pdf.

⁷⁶ Global Protection Cluster, "An Introductory Guide to Anti-Trafficking Action in Internal Displacement Contexts (Global Protection Cluster: 2020), <https://www.refworld.org/docid/5f8e80b54.html>

⁷⁷ UNICEF, "Action to end child sexual abuse and exploitation: A review of the evidence", 2020.

⁷⁸ Niklas Potrafke, "Policies against Human Trafficking—The Role of Religion and Political Institutions," *CESifo Working Paper* 4278 (2013).

⁷⁹ Kay Standing, Sara Parker, and Sapana Bisba, "Grassroots responses to violence against women and girls in post-earthquake Nepal: lessons from the field," *Gender and Development* 24, 2 (2016): 187-204.

⁸⁰ Beatriz Camargo Magalhães, "Mind the Protection (Policy) Gap: Trafficking and Labor Exploitation in Migrant Domestic Work in Belgium," *Journal of Immigrant and Refugee Studies* 15, 2 (2017): 122-139; Rebecca Miller and Sebastian Baumeister, "Managing Migration: Is border control fundamental to anti-trafficking and anti-smuggling interventions?," *Anti-Trafficking Review*, 2 (2013): 15-32; Tanya Basok and Nicola Piper, "Management Versus Rights: Women's Migration and Global Governance in Latin America and the Caribbean," *Feminist Economics* 18, 2 (2012): 35-61.

exploitation,⁸¹ and shifting the focus of anti-trafficking responses from criminal justice to human rights.⁸² Victim-centred approaches were seen as critical.⁸³ Both these hypotheses were included in the final policy guide based on the experience of the working group, in particular, recognising the disproportionate impact of COVID-19 on women and girls,⁸⁴ that conflict can increase gender-based violence, sexual violence and forced marriage,⁸⁵ and the impact of natural disasters on forced sexual exploitation.⁸⁶

Limitations

Despite identifying these potential lessons learnt, there remain gaps in the evidence that can inform future systematic reviews. The limitations and scope of the evidence review—a rapid quasi-systematic review conducted according to pre-defined parameters—meant that not all relevant evidence was captured and assessed within the process. For instance, the inclusion of migration as a required theme at the outset significantly expanded the body of evidence to be considered in the review, including a body of material not considered directly relevant to crisis settings by the working group. Even within the body of literature more directly connected to crisis contexts, hypotheses not directly tied to these settings were common in the review. While relevant, many of the hypotheses and underpinning evidence were not specific to crisis settings. The importance of a human rights approach, addressing root causes, building economic and livelihood opportunities, and the importance of longer-term support for victims of modern slavery, for example, should apply to any modern slavery situation.

There were further gaps in the review, which were surprising to the working group. For example, there was limited evidence and no hypotheses specific to addressing the exploitation of children, and child soldiers in particular. This was connected to child soldiers not being included in review term harvesting, based on initial scope requirements, and indicated that earlier

⁸¹ Evelyn Probst, "Victims' protection within the context of trafficking in human beings and European Union standards," *Academy of European Law* (2018); Letizia Palumbo, "Protection of trafficked people in Italy: policies, limits and challenges," *Journal of Money Laundering Control* 18, 1 (2015): 52-65.

⁸² Louise Gomez-Mera, "Regime Complexity and Global Governance: The case of trafficking in Persons," *European Journal of International Relations* 22, 3 (2015): 566-595; Stephanie Nawyn, Nur Kavakli, Tuba Demirci-Yılmaz, and Vanja Oflazoglu, "Human trafficking and Migration Management in the Global South," *International Journal of Sociology* 46, 3 (2016): 189-204. Stephanie Nawyn and Nur Banu Birdal, "Counter-Trafficking Policy and Immigrant Rights in Turkey," *Insight Turkey* 16, 4 (2014): 77-85.

⁸³ Sarah Warpinski, "Protecting Women and Girls from Human Trafficking in the Democratic Republic of Congo: Toward Justice for Victims of Gender-Based Violence," *Michigan State University College of Law International Law Review* 21, 1 (2013): 155-194.

⁸⁴ OSCE, "Addressing vulnerabilities of women and girls to trafficking in persons: Side event during the 66th Session of the Commission on the Status of Women", last modified March 16, 2022. <https://www.osce.org/odihr/511777>

⁸⁵ "Women's human rights and gender concerns in situations of conflict and instability," United Nations Human Rights Office of the High Commissioner, accessed March 16, 2023, <https://www.ohchr.org/en/women/womens-human-rights-and-gender-related-concerns-situations-conflict-and-instability>.

⁸⁶ Mondira Dutta, "Natural Disaster and Vulnerability to Trafficking of Women and Girls in India," *European Scientific Journal* (2017), <https://core.ac.uk/download/236411044.pdf>

consultation with the working group over the scope of the review, key concepts, and search strategies could have increased synergies between the review and subsequent working group activities. In drafting the policy guide, the authors conducted additional searches of Walk Free's Promising Practices Database to identify additional studies that may make recommendations related to exploitation of child soldiers. The five studies identified revealed the importance of longer-term support, but also highlighted the importance of community-based interventions, non-formal education and apprenticeships, in addition to traditional disarmament, demobilisation, and reintegration programs.⁸⁷

Similarly, important grey literature, such as UNICEF's 2020 evidence review of addressing child sexual abuse and exploitation and the work of the Global Protection Cluster were missing from the evidence review and call for evidence. This meant that important lessons from humanitarian responses were missing from the evidence base assessed. A systematic review of humanitarian literature and areas related to modern slavery, such as humanitarian responses that aim to prevent gender-based violence, or exploitation of vulnerable groups by non-state actors, would be fundamental to building out the evidence base.

In some ways, the gaps in the literature were baked into the evidence review process. Time and resource constraints meant that a full systematic review was not possible, particularly with the broad parameters of the inquiry. Further, search strings were constructed based on prescribed sub-themes defining the crisis theme: migration, humanitarian, displacement, and conflict. Because of the overlap between these terms, and because they were not necessarily focused on the working group's understanding of the theme—search terms related to migration, for example, provided literature which touched on labour migration unrelated to crisis settings—this led to a very broad literature base. Without a full systematic review, the evidence assessed was necessarily only a cross-section of literature across these broad sub-themes.

Crisis does not have a universally accepted definition.⁸⁸ Based on relevant humanitarian literature reviewed in drafting the policy guide and the post evidence review, the working group developed the following operational definition:

"Crisis represents a critical threat to basic human rights of a community or other large group of people, usually over a wide area. It requires a unified response from multiple actors, which may involve an international or cross-border response. It can include conflict and natural disasters (including pandemics)."

This definition was then applied retrospectively to the hypotheses. Without additional time, it was not possible to update review searches using this updated definition. Instead, a decision tree was used to screen out those hypotheses which were based on literature that was not

⁸⁷ Delta 8.7, "Crisis Policy Guide," Delta 8.7 Policy Guides (2021). Available from: http://collections.unu.edu/eserv/UNU:8065/Delta87_CrisisPolicyGuide.pdf

⁸⁸ See for example, "What is a Humanitarian Emergency?" Humanitarian Coalition, accessed January 17, 2021, <https://www.humanitariancoalition.ca/info-portal/factsheets/what-is-a-humanitarian-crisis>; "Institutional Responsibilities", UNICEF, accessed January 12, 2021, <https://www.corecommitments.unicef.org/ccc-1-4>; Interagency Group, "Definition of complex emergencies," https://interagencystandingcommittee.org/system/files/legacy_files/WG16_4.pdf

relevant to crisis settings, or where the working group could not express sufficiently high confidence in the evidence or hypotheses presented to warrant their inclusion. This largely explains the reduction of hypotheses from 24 to eight. Finally, the nature of the expertise of the working group meant that many working group members were called away during the drafting of the document.

Potential subjects for future systematic reviews

The evidence gaps point to potential areas that could be subject to future systemic reviews and policy guides. The below list is by no means exhaustive, rather it points to some interesting areas that could be explored in future iterations:

- 1) The specific vulnerabilities of women and girls in crisis settings. That there were only two studies within the review focused on addressing exploitation of women and girls was surprising to the working group. This is despite the known increased vulnerability of females to exploitation, and in crisis settings in particular.
- 2) The intersection between climate change and modern slavery. This is a growing body of work, and the work of Rights Lab and Anti-Slavery International is important here. However, there is limited evidence assessing the impact of the various policy recommendations that exist; it will be essential to measure impact of modern slavery interventions in climate change settings.
- 3) The role of technology. One hypothesis considered for inclusion, was, “capitalising on the use of technology during disasters improves the coordination of crisis relief efforts and the protection of vulnerable persons”. While it was not retained in the final Policy Guide because it had only one supporting source, the working group were interested in delving into the role of technology to coordinate responses and potentially improve support for victims.

Towards a more nuanced understanding: gaps in the evidence?

Beyond the limits of the evidence review, the crisis group was hindered by significant gaps in the “what works”? literature. The intersection between modern slavery and crisis settings is widely established. In 2016, the United Nations held its first thematic debate on human trafficking, including trafficking in persons in areas affected by armed conflict.⁸⁹ The following year, Resolution 2388, highlighted the specific vulnerabilities of women and children to exploitation during conflict and post-conflict situations.⁹⁰ Subsequently, the intersection between modern slavery and conflict has been subject of many Resolutions and UN and civil society

⁸⁹ “Security Council SC/12165, 7584th Meeting - Security Council Presidential Statement Says Human Trafficking Might Constitute War Crimes, as Members consider Issue for First Time,” United Nations Meetings Coverage and Press Release, last modified December 16, 2016, <https://www.un.org/press/en/2015/sc12165.doc.html>.

⁹⁰ “Security Council Reiterates its Condemnation of Trafficking in Persons, Unanimously Adopting Resolution 2388 (2017),” United Nations Meetings Coverage and Press Release, last modified November 21, 2017, <https://www.un.org/press/en/2017/sc13081.doc.html>.

reports,⁹¹ as well as academic attention.⁹² Yet, evidence specifically evaluating “what works” remains both scarce and narrow in scope.

Since the guide was published in March 2021, the understanding of the intersection of modern slavery and crisis has become more nuanced, recognising the complex interaction between these factors. A Supplemental edition of the *Journal of Modern Slavery* released in the same year, “Slavery and Humanitarian Response,” explores these themes. In some ways it reinforces the findings of the policy guide: Viktoria Curbelo, for example, only found five studies between November 2020 and December 2020 that were peer-reviewed, explored the connection between humanitarian disasters and human trafficking, were based on primary analysis of data, and were written in English.⁹³ The Supplemental edition further advanced understanding of the crisis-modern slavery nexus, with implications for programming and interventions. Curbelo’s study found that natural disasters and outbreaks were predictive of increased human trafficking, with the exception of one study which identified an inverse relationship between conflict and human trafficking.⁹⁴ Bales observes that natural disasters disrupt pre-existing modern slavery dynamics, bringing existing criminal patterns to an end, followed by an onset of extreme vulnerability, exploited by adaptive criminals to produce new perpetration dynamics.⁹⁵ Van Doore and Hoque both highlight how the shape of humanitarian responses can increase risks of trafficking (addressing orphanages in post-disaster contexts and Rohingya refugee communities in Cox’s Bazaar, Bangladesh respectively).⁹⁶

We can see these trends playing out in recent crises — COVID-19, climate change and the conflict in Ukraine — and potential policy responses. Pandemics, climate change and conflict are cited as drivers of modern slavery, however effective policy responses were limited in the

⁹¹ Although by no means exhaustive, see, for example: United Nations Security Council, “2016 Resolution 2331 Adopted by the Security Council on 20th December 2016, 7847th meeting”, S/RES.2331, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/resolution/resolution-2331-2016/Resolution-2331-2016-en.pdf>; United Nations Security Council, “2015 Resolution 2242 Adopted by the Security Council. 7533rd meeting,” S/RES/2242, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2242.pdf; United Nations Security Council, “Report of the Secretary General on trafficking in persons in armed conflict pursuant to Security Council resolution 2388,” <https://digitallibrary.un.org/record/1653945?ln=en>; IOM, “Addressing human trafficking and exploitation in times of crisis,” (Geneva: IOM, 2015), <https://publications.iom.int/books/addressing-human-trafficking-and-exploitation-times-crisis-evidence-and-recommendations-0>; UNODC, “Trafficking in Persons in the context of armed conflict,” (Vienna: UNODC, 2018), https://www.unodc.org/documents/data-and-analysis/glotip/2018/GloTIP2018_BOOKLET_2_Conflict.pdf.

⁹² See for instance the Special Issue of the *Journal of Modern Slavery* on Slavery and Humanitarian Response (Volume 6, Issue 3, 2021), <https://slavefreetoday.org/slavery-and-humanitarian-response-supplemental-journal-of-modern-slavery-volume-6-issue-3-2021-2/>, published after the evidence review and Policy Guides considered in this paper were produced.

⁹³ Viktoria Curbelo, “Exploring the relationship between humanitarian emergencies and human trafficking: A narrative review””. *Journal of Modern Slavery, Slavery and Humanitarian Response Supplemental*, 63 (2021).

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Kathryn E. van Doore, “Providing protection or enabling exploitation? Orphanages and modern slavery in post-conflict contexts.” *Journal of Modern Slavery, Slavery and Humanitarian Response Supplemental*, 6 3 (2021); Mahmudul Hoque, “Forced labour and access to education of Rohingya refugee children in Bangladesh: Beyond a humanitarian crisis.” *Journal of Modern Slavery, Slavery and Humanitarian Response Supplemental*, 6 3 (2021).

evidence review. In terms of COVID-19, the evidence review was conducted early in the pandemic and therefore evidence that has emerged in recent months was not yet available. Recent research highlights potential effective responses including placing human rights at the centre of the response, continuing to resource and implement existing anti-slavery responses, ensuring businesses and employers respect and protect human rights, coordinating with civil society and trade unions, and coordinating at the international level to respond to similar emergencies.⁹⁷

Recognised interconnections between modern slavery, environmental degradation and climate change further emphasise the need for integrated approaches and strengthening existing anti-slavery responses to be resilient to external shocks. Sparks et al discuss three patterns to this nexus: labourers subjected to modern slavery are forced to participate in environmental criminal activities; environmental degradation and unsustainable extraction pulls vulnerable workers into conditions of modern slavery by creating a demand for cheap labour; while thirdly, environmental degradation and/or climate change drives modern slavery.⁹⁸ A 2021 report by Anti-Slavery International also highlights how climate change and modern slavery are a “vicious cycle” where the climate crisis forces people into work that actively contributes to environmental harm.⁹⁹ The report recommends an integrated social, economic and environmental response to build resilience, while a recent roundtable hosted by Rights Lab identified that strengthening due diligence, developing preventative-focused measures, targeting the development and finance community in policy changes, and centering worker voices, by implementing worker-driven approaches, and engaging local communities was critical for policy makers.¹⁰⁰

In Ukraine, an existing anti-slavery response may point to a strengthened response in times of crisis. There were concerns that the risk of trafficking would dramatically increase in the immediate aftermath of the invasion of Ukraine by Russia in February 2022.¹⁰¹ As the war has continued and more people are fleeing the conflict, with limited economic opportunities, an

⁹⁷ Tomoya Obokata, Forough Ramezankhah, Rasha Al Saba, Samrawit Gougisa, “Good practice in protecting people from modern slavery during the Covid-19 pandemic: Research Summary”, (Modern Slavery Evidence and Policy Centre., 2021), <https://modernslaverypec.org/assets/downloads/Best-practice-summary.pdf>

⁹⁸ Jessica L. Decker Sparks, Doreen S. Boyd, Bethany Jackson, Christopher D. Ives, Kevin Bales, “Growing evidence of the interconnections between modern slavery, environmental degradation, and climate change”, *One Earth*, 4, 2 (2021): 181-191, <https://www.sciencedirect.com/science/article/abs/pii/S2590332221000610?via%3Dihub>.

⁹⁹ Anti-Slavery International, “Climate change and modern slavery: a vicious circle”, (ASL, 2021). Available from: <https://www.antislavery.org/climate-change-modern-slavery/>.

¹⁰⁰ Rights Lab, “Modern slavery, environmental degradation and climate change: Pathways for addressing the nexus”, (University of Nottingham, 2021). Available from: <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2021/august/pathways-for-addressing-the-nexus-between-modern-slavery-environmental-degradation-and-climate-change.pdf>

¹⁰¹ See for example, European Parliament, “Russia’s war on Ukraine: The risk of trafficking of human beings”, accessed March 5, 2023, [https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA\(2022\)729410](https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA(2022)729410); Ella Cockbain and Aiden Sidebottom, “The war in Ukraine and associated risks of human trafficking and exploitation. Insights from an evidence gathering roundtable”, (UK Independent Anti-Slavery Commissioner, 2022), <https://www.antislaverycommissioner.co.uk/media/1801/ucl-iasc-2022-roundtable-report-the-war-in-ukraine-human-trafficking-and-exploitation.pdf>

increase in human trafficking has been observed.¹⁰² A rapid assessment post invasion of Ukraine, for example, found that as it was possible to track the increase of modern slavery because certain mechanisms — a hotline, national referral mechanisms, trained potential first responders — existed in neighbouring countries. Gaps in protections were identified for those who were already discriminated against and marginalised, who did not have existing documents, or where they were unable to access EU temporary protection schemes.¹⁰³

There is also a need for better coordination among humanitarian actors, those working in protection, and the anti-slavery sector. As the anti-slavery sector, we need to get better at talking to these different stakeholders and understanding that the intersection between these issues requires an intersectional response. Tackling modern slavery needs to be embedded in humanitarian responses, particularly in protracted or chronic settings, while disaster planning should include a modern slavery response.

These findings provide some direction for subsequent policy responses to modern slavery in times of crisis. In each case, the literature has implications for policy and programming. For instance, McQuade suggests that consideration of modern slavery may not need to be an operational priority for humanitarian professionals in the acute phases of emergencies. However, as crises become more chronic, then modern slavery prevention and protection should be prioritised.¹⁰⁴ Wieltchnig, Muraszkievicz, and Fenton likewise suggest that security actors should work with humanitarian actors to deepen understanding of potential (preventative) anti-trafficking responses within a broader human security framework.¹⁰⁵ However, this emerging body of literature does not substantially tackle the key concern of this review and Policy Guide —namely what works to address modern slavery in these crisis settings. To understand how the recommendations made can be translated operationally, and the extent to which they “work” in practice (the intention of this review and Policy Guide), further research, monitoring, and evaluation aligned with developing programming will be required.

¹⁰² See for example, United Nations Meetings Coverage and Press Release, "Renewed Efforts Critical to Ending Humanitarian Catastrophe in Ukraine, Emergency Relief Coordinator Calls Tells Security Council," February 6, 2023, <https://press.un.org/en/2023/sc15192.doc.htm>; Walk Free, "The Global Slavery Index 2023", (Minderoo Foundation, 2023), www.walkfree.org.

¹⁰³ Suzanne Hoff & Eefje de Volder, "Preventing human trafficking of refugees from Ukraine: A rapid assessment of risks and gaps in the anti-trafficking response", (Freedom Fund, 2022), https://freedomfund.org/wp-content/uploads/UkraineAntiTraffickingReport_2022_05_10.pdf

¹⁰⁴ Aidan McQuade, "Older than Troy: slavery as a consequence of human catastrophe." *Journal of Modern Slavery, Slavery and Humanitarian Response Supplemental* 6 3 (2021).

¹⁰⁵ Peter Wieltchnig, Julia Muraszkievicz, Toby Fenton, "Without data we are fighting blind: the need for human security data in defence sector responses to human trafficking". *Journal of Modern Slavery, Slavery and Humanitarian Response Supplemental* 6 3 (2021).

Conclusion

Repeated systematic reviews are essential to further our understanding of “what works”. The initial Policy Guides developed by Delta 8.7 are important steps in this process.

Collating and synthesising the evidence and providing actionable recommendations for national and multi-lateral policy makers is critical. Despite these, gaps in understanding what works to combat modern slavery are common to the sector. A systematic review of programmatic responses to modern slavery, the Promising Practices Database, highlights that while there is more evidence being produced by monitoring and evaluation reports in recent years, we are still a long way off understanding exactly “what works”.¹⁰⁶ Sources assessed in the evidence review for the Crisis Policy Guide also demonstrated this gap, with few evaluation and impact assessment reports identified in an evidence base dominated by more general research reports. Working out “what works” in crisis settings is fraught with evidence gaps, ethical concerns, and limited data.¹⁰⁷ However, this is common across all three Policy Guide themes, rather than being limited to the crisis theme. Without a strong evidence base of evaluations and impact assessments, it is difficult to determine which interventions are working, where, and why.

It is important that as our understanding of the intersection between crisis and modern slavery improves, that we are also investing to better understand policy responses and solutions. Sharing information with the humanitarian sector, and advocating for the inclusion of modern slavery in disaster planning and providing training to humanitarian actors are critical to reducing the vulnerability of modern slavery in crisis settings. Drawing on good practice from related sectors and resourcing and conducting systematic reviews of known gaps are essential if we are to eradicate modern slavery and achieve SDG Target 8.7 by 2030.

¹⁰⁶ Walk Free, Promising Practices Database, (Minderoo Foundation, 2021). Available from: <https://www.walkfree.org/projects/promising-practices/>

¹⁰⁷ JJyotsna Puri, Anastasia Aladysheva, Vegard Iversen, Yashodhan Ghorpade, Tilman Brück, “What Methods May Be Used in Impact Evaluations of Humanitarian Assistance?” (Institute for Study of Labour, 2015), <https://ftp.iza.org/dp8755.pdf>; Charles-Antoinne Hofmann et al, "Measuring the impact of humanitarian aid. A review of current practice", *HPG Research briefing*15, (June 2004).

The Smart Mix of Measures in Markets: A Review of What Works, and More Importantly, Why

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Abstract

The Delta 8.7 Markets Policy Guide is a novel assemblage of evidence on ‘what works’ to achieve SDG Target 8.7, the eradication of modern slavery, in the context of markets. The United Nations Guiding Principles on Business and Human Rights (UNGPs) has recommended a combination of measures for businesses and States to ensure labour protections and access to remedy throughout global supply chains. In this article, we present a case study of using the Policy Guide’s hypotheses alongside the UNGPs to evaluate the mechanisms that supported the International Transport Workers’ Federation’s (ITF) successful efforts to ensure decent work for seafarers.

Keywords: realist evaluation, UNGP, Target 8.7, markets

1 Introduction

In 2011, after six years of multi-stakeholder consultation, the United Nations (UN) released a new global normative framework called the UN Guiding Principles on Business and Human Rights (UNGPs).¹⁰⁸ This landmark set of recommendations, containing both foundational and operational principles, acknowledged that business activities may negatively impact human rights and it further delineated the duties and responsibilities of States and businesses to identify and provide redress for such harms. The Late Professor John Ruggie was entrusted with the mandate of UN Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises and developed the three-pillared ‘Protect, Respect, and Remedy’ framework that subsequently became the backbone of the UNGPs, now widely referred to as the ‘Ruggie Framework’. The first pillar outlined that the State has the duty to protect workers against abuse by third parties (including business) through appropriate policies and regulation. The second pillar states that businesses have the responsibility to respect human rights, addressing their direct

¹⁰⁸ Beyond CSR: The Story of the UN Guiding Principles on Business and Human Rights. https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/files/CRI_AWP_71.pdf

impact as well as any impact incurred because of their business relationships with other parties. Lastly, the third pillar was based on the premise that victims need to be provided with greater access to effective remedy for the abuses they have faced.

The UNGPs clarified that although States and businesses have different roles to play in terms of their human rights obligations, they should drive practical, effective implementation of the foundational principles through distinct yet complementary operational approaches. To address this discrepancy between the duties of stakeholders and to comprehensively account for variations between specific contexts, Ruggie suggested a “smart mix of measures – national and international, mandatory and voluntary – to foster business respect for human rights”.¹⁰⁹ This suggestion has since been widely endorsed and echoed to leverage the responsibilities and roles of various social and institutional actors to prevent businesses from engaging in or causing human rights violations in the first place and to remediate them if/when they do occur. A truly ‘smart mix’ integrates all four of these aspects and necessarily involves legislative and regulatory actions alongside businesses proactively integrating human rights due diligence into their operations (Figure 1).

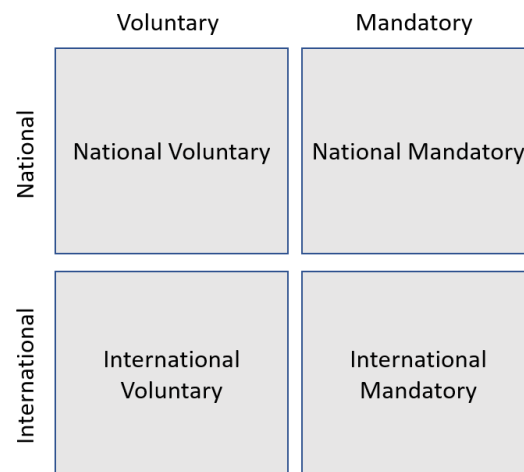


Figure 1. A Smart Mix of Measures

Following the unanimous adoption of the UNGPs by the UN Commission on Human Rights, broad cross sections of stakeholders such as governments, trade unions, and leading firms have since been exploring what this ‘smart mix of measures’ looks like in practice. Some examples include creating national action plans to tailor measures to a specific State’s context; drafting and passing new human rights due diligence and transparency legislation to fill gaps in existing regulations; creating joint action platforms between business and civil society stakeholders; worker organizations signing legally binding agreements directly with corporations, and developing technical guidelines and quantitative tools towards assessing progress through monitoring and accountability such as benchmarks, databases, and indexes. However, despite the flurry of activity and interest surrounding the intersection of business and human rights over the past decade, the identification and dissemination of evidence-based best

¹⁰⁹ OHCHR, “UN Guiding Principles on Business and Human Rights,” 2011, 5, https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf.

practices related to the UNGPs is limited. This hinders the ability of policymakers to extrapolate findings and objectively assess whether to fund specific programs or pass legislation that has worked in other contexts.

2 Markets Policy Guide Process and Main Findings

Between April 2020 and March 2021, Delta 8.7 convened a global working group of international experts to assemble a body of evidence and produce a guide targeting national and multilateral policymakers that provides a snapshot of global and national strategies that could work to achieve SDG Target 8.7¹¹⁰ in the context of ‘markets’. The working definition of markets was chosen to be deliberately broad and encompassed economic, trade, financial and development policies, as well as global supply chains. Evidence was assembled through two modalities; public submissions and a parallel systematic literature review conducted by the University of Nottingham Rights Lab.¹¹¹ The evidence submitted to and reviewed by the expert working group included publications in both peer reviewed and non-peer reviewed settings that analyzed collaborative actions, policy interventions, and innovative programs that present emerging practices holding potential for replication and scale across contexts. Numerous hypotheses were then drafted and negotiated to decide on how to best interrogate streams of ‘what works’ in addressing modern slavery in the context of markets, before ultimately being narrowed down and finalized to fit the contours of this evidence base. Drawing from the experts’ collective insights, gaps that exist within the current state of knowledge in this relatively new field were identified as well. Table 1 presents the Markets Policy Guide’s ten hypotheses as well as their respective confidence score, which was determined by the evidentiary quality underpinning support for each individual claim’s validity.

¹¹⁰ SDG Target 8.7 - “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.”

¹¹¹ The Delta 8.7 Policy Guide Process [Technical Note](#) provides a detailed description of the methodology used for submission and evidence evaluation.

Hypothesis	Confidence Score
Hypothesis 1: Collaboration amongst civil society organizations that work with the private sector to raise awareness and offer effective remedies can help to address forced labour and human trafficking in business operations	High Confidence
Hypothesis 2: Collaboration between brands, buyers and suppliers improves the effectiveness of efforts to reduce forced labour and human trafficking in supply chains	High Confidence
Hypothesis 3: Government legislation that enforces mandatory corporate reporting on modern slavery offers transparency that helps to reduce forced labour	High Confidence
Hypothesis 4: If forced labour, human trafficking and child labour are treated as an issue in silo there can be unintended socioeconomic consequences that prevent their eradication.	High Confidence
Hypothesis 5: In the formal economy, well-designed State regulation of the labour market would help mitigate forced labour and human trafficking.	High Confidence
Hypothesis 6: Firms that operate towards the consumption end of a supply chain taking responsibility for the recruitment practices within their produce/services/ supply chains would help to reduce risks of forced labour and human trafficking.	High Confidence
Hypothesis 7: Effective grievance mechanisms and remediation initiatives support holistic efforts to address forced labour and human trafficking in the workplace	High Confidence
Hypothesis 8: In the formal sector, increased focus on worker voice mechanisms, including union/worker associations, result in better identification and prevention of forced labour and human trafficking in the workplace.	Medium Confidence
Hypothesis 9: Mandatory corporate disclosure and supply chain management requirements increase private sector responses and engagement to tackling modern slavery, however their effectiveness is still yet to be tested.	Medium Confidence
Hypothesis 10: For private sector's engagement in anti-slavery activity to be meaningful, increased corporate liability provisions and/or financial penalties or incentives are required.	Low to Medium Confidence

The evidence underpinning each hypothesis had varying degrees of diversity, size, and technical quality. Even though a majority (7/10) were given a 'high confidence score', the Markets Policy Guide notes that this was primarily based on theoretical discussions, proxy measures, and anecdotal evidence, while quantifiable evidence of direct impact was repeatedly found to be either limited or non-existent. This was a major gap that was identified, and the rigorous standards employed for determining research quality revealed that there is a dearth of studies which hold up to sufficient methodological scrutiny upon closer examination. Although presented as distinct lines of inquiry for the purpose of evidence mapping, many of the hypotheses in the Markets Policy Guide have significant overlap with one another, and a single study was often included as part of the evidence base across multiple hypotheses. The evidence gathering process compiled 53 distinctive pieces of evidence and of these, 26 were linked with one hypothesis, 17 were linked to two hypotheses, 5 were linked to 3 hypotheses, and 5 were linked to four hypotheses. This not only demonstrates the deep interconnections between the different angles through which to address modern slavery from a markets lens, but also points to

the potential of interventions which are able to cut across multiple dimensions as being particularly promising.

The Markets Policy Guide concluded that “in the context of markets, most of the main focuses were private sector supply chains, corporate responsibility and corporate engagement in Target 8.7 of the SDGs”.¹¹² This makes the UNGPs a suitable conceptual backdrop from which to assess the output of the Delta 8.7 Markets Policy Working Group. Ruggie’s ‘smart mix’ of policy instruments to foster business’ respect for human rights calls for measures that are national and international, mandatory and voluntary; and this diversity of approaches can be seen represented both individually and collectively across the Policy Guide’s 10 Hypotheses. Likewise, the three pillars of the UNGPs, the State’s Duty to Protect, Corporate Responsibility to Respect, and Access to Remedy can also be clearly seen. For example, voluntary collaboration by the private sector between civil society organizations (Hypothesis 1) and between brands, buyers, and suppliers (Hypothesis 2) were explored as ways to raise awareness and reduce forced labour and human trafficking within supply chains. The UNGPs called on States to go beyond simply enforcing laws that already exist, but also to periodically assess the adequacy of such laws and address any gaps considering changing circumstances. This responsibility of States was studied by examining evidence related to well-designed regulation of the labour market (Hypothesis 5) and mandatory corporate reporting on modern slavery (Hypothesis 3). Hypotheses 7 and 8 emphasized the effectiveness of grievance mechanisms and remediation, particularly that of worker voice tools, to address forced labour and human trafficking in the workplace, which are linked to Pillar 3 of the UNGPs – Access to Remedy. Additionally, June 2021 marked the 10-year anniversary of the adoption of the UNGPs and as such, accelerating efforts over the coming years firstly requires taking stock of the past decade’s implementation progress, gaps, challenges, obstacles, and opportunities to drive more effective changes going forward.

3 Analytical approach

The Markets Policy Guide provides an accessible, pragmatic snapshot of the current state of robust evidence on “what works” to achieve Target 8.7 in the context of markets. However, beyond the scope of this exercise was further discerning the context in which the positively assessed programs or interventions were embedded, and the extent to which these contextual factors would support or discourage replication and scaling. Therefore, when analyzing emerging best practices contained within Markets Policy Guide, it is crucial to assess not only what worked, but also the circumstances related to how and perhaps most importantly, why they worked. With this deeper level of understanding, policy actors will be equipped to make better decisions about which interventions or projects to undertake, how to refine existing policies to improve their effectiveness, and how to appropriately adapt successful programs to different contexts.

¹¹² Delta 8.7, “Markets Policy Guide” (New York, USA: UNU CPR, 2021), 1, <https://delta87.org/resources/policy-guides/policy-guide-working-groups/markets/>.

One approach that has previously been used to assess anti-trafficking interventions is that of realist evaluations.¹¹³ Realist evaluations are premised on the central assumption that projects, programmes, and policy interventions work under a set of certain conditions and are heavily influenced by the way that different stakeholders respond to them.¹¹⁴ This means that no intervention will work the same way each time it is employed, but will have different effects on different populations, and in different contexts.¹¹⁵ Using a realist evaluation lens, the focus is on understanding how contextual factors (cultural norms, power, or political structures) shape and influence the outcome of programmes.¹¹⁶

Within realist evaluations, the core analytical building blocks are context-mechanism-outcome (CMO),¹¹⁷ or context-intervention-mechanism-outcome (CIMO)¹¹⁸ configurations. A CMO building block can be understood as a hypothesis that “the programme works (O) because of the action of some underlying mechanisms (M), which only comes into operation in particular contexts (C)”.¹¹⁹ CIMO extends this, by separating the intervention specific effects (I) from any other effects or results of the intervention.

The remainder of this article is centered around applying such a realist evaluation lens to a case study of the International Transport Workers’ Federation’s (ITF) efforts to ensure decent work for seafarers. By deliberately choosing a case study that was not captured within the Markets Policy Guide, we demonstrate an example of how the guide and the hypotheses it contains can support the evaluation of new evidence as it continuously emerges within this growing field of research. Furthermore, by linking the case study to Ruggie’s ‘smart mix of measures’, we provide support to the theory that the most successful interventions cut across different dimensions and use a combination of actions – national and international, mandatory and voluntary – to most effectively ensure the rights of workers and prevent exploitation.

¹¹³ Ligia Kiss et al., “The Use of Bayesian Networks for Realist Evaluation of Complex Interventions: Evidence for Prevention of Human Trafficking,” *Journal of Computational Social Science* 4, no. 1 (May 1, 2021): 25–48, <https://doi.org/10.1007/s42001-020-00067-8>.

¹¹⁴ Ray Pawson, *The Science of Evaluation: A Realist Manifesto* (SAGE Publications, 2013), <https://dx.doi.org/10.4135/9781473913820>.

¹¹⁵ Geoff Wong et al., “RAMESES II Reporting Standards for Realist Evaluations,” *BMC Medicine* 14, no. 1 (June 24, 2016): 96, <https://doi.org/10.1186/s12916-016-0643-1>.

¹¹⁶ Ray Pawson, “Evidence-Based Policy: A Realist Perspective,” in *Making Realism Work: Realist Social Theory and Empirical Research*, ed. Bob Carter and Caroline New (Oxford, UK: Routledge, 2004), 28, <https://us.sagepub.com/en-us/nam/evidence-based-policy/book227875>.

¹¹⁷ Ray Pawson and Ana Manzano-Santaella, “A Realist Diagnostic Workshop,” *Evaluation* 18, no. 2 (April 1, 2012): 176–91, <https://doi.org/10.1177/1356389012440912>.

¹¹⁸ Wong, Geoff, Gill Westhorp, Ana Manzano, Joanne Greenhalgh, Justin Jagosh, and Trish Greenhalgh. “RAMESES II Reporting Standards for Realist Evaluations.” *BMC Medicine* 14, no. 1 (June 24, 2016): 96. <https://doi.org/10.1186/s12916-016-0643-1>.

¹¹⁹ Pawson and Manzano-Santaella, “A Realist Diagnostic Workshop,” 184.

4 Case study

This case study used the CIMO analytical building block introduced in the previous section to first describe the context and two specific interventions and observed outcomes undertaken within the ITF case study. It then unpacks the underlying mechanisms that enabled the observed effects to occur.

4.1 Context

An estimated 90 per cent of global trade passes through maritime or river transport.¹²⁰ From food and medical supplies to clothing and computers, over one million seafarers are essential to the smooth and continuing operation of global supply chains. Shipping is arguably the most globalized of all industries as well as the one which has benefited from the most global union strategy coordination.¹²¹ However, despite the value they add and the presence of global unions, all too often these workers are subject to the worst forms of labour exploitation including forced labour.

This case study outlines how the ITF and its 670 unions (including maritime affiliate unions) have worked together with shipping companies, employer federations and port authorities around the globe to provide an international safety net and decent work for seafarers. The ITF's maritime intervention is made up of "smart mix of measures" including international and national normative frameworks, strategic enforcement action and strong grievance mechanisms, supporting at least four of the ten hypotheses set out in the Delta 8.7 Markets Policy Guide, namely:

- *Hypothesis 1*: Collaboration amongst civil society organizations that work with the private sector to raise awareness and offer effective remedies can help to address forced labour and human trafficking in business operations.
- *Hypothesis 2*: Collaboration between brands, buyers and suppliers improves the effectiveness of efforts to reduce forced labour and human trafficking in supply chains.
- *Hypothesis 5*: In the formal economy, well-designed State regulation of the labour market would help mitigate forced labour and human trafficking.
- *Hypothesis 7*: Effective grievance mechanisms and remediation initiatives support holistic efforts to address forced labour and human trafficking in the workplace.

Furthermore, it seeks to identify why the ITF's framework is effective at identifying and preventing situations of forced labor along with any contextual factors that may influence its replicability.

¹²⁰ ILO, "International Labour Standards on Seafarers," 2021, <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/seafarers/lang--en/index.htm>.

¹²¹ Nathan Lillie, "Union Networks and Global Unionism in Maritime Shipping", *Relations Industrielles / Industrial Relations*, Vol. 60, No. 1 (2005 WINTER), pp. 88-111

As outlined above, oceans, like global supply chains are the concern of every nation but with no clear line of responsibility. Consequently, the maritime sector is well known for its fragmentation of regulatory oversight and practical limitations on effective enforcement of labor rights and working conditions on board vessels.¹²² These structural and contextual factors make seafarers susceptible to a long line of abuses including deceptive and coercive recruitment practices, forced overtime, withholding of wages and identity documents and abandonment. COVID-19 and its resulting restrictions on crew changes have further exacerbated the sector's vulnerabilities with over 300,000 seafarers stranded at sea, some for two years or more.¹²³

The regulatory lacuna and resulting forced labor risks are deeply tied to the Flag of Convenience (FoC) system, a rule that allows ships to fly the flag of a country other than its country of ownership. FOCs are attractive for shipowners because they offer lower running costs by keeping taxes, fees, and regulatory burdens light. The system opened the way for shipowners to recruit the lowest cost labor through "manning agents" and lowered the overall conditions in the sector. According to UNCTAD, almost 73% of the world fleet is flagged in a country other than that of the vessels' beneficial ownership.¹²⁴ Bahamas, Liberia, Cyprus, and Malta are the most prevalent FOC countries although there are 42 currently classified as such by ITF's Fair Practices Committee.¹²⁵ Recent literature on the "demand-side" of forced labour has highlighted the importance of concentrated corporate power and ownership, out-sourcing (along both product and labor supply chains), irresponsible sourcing practices, and governance gaps as key factors that create a stable and predictable business demand for forced labor across many supply chains, including shipping.¹²⁶ These factors entrench exploitative practices into the very nature of certain business models, which rely on cost minimization through evading legal minimums in order to maintain profitability.

The case of the bulker vessel *Fortune Genius* (IMO 9221877) provides a powerful illustration of how the FoC system creates forced labor-related vulnerabilities and risks in the maritime sector. In 2019, the Panama-flagged and Chinese-owned *Fortune Genius* was chartered by South Korean company Five Ocean Corporation to transport coal from Gladstone, Australia, to Taean, South Korea. ITF inspected the *Fortune Genius* when it entered Australian waters because the operating company previously had been found to be in breach of the Maritime Labour Convention. During the inspection, the Burmese crew of the *Fortune Genius* reported that they had been "bullied and forced into working excessive hours for which they weren't paid." The crew told the ITF that they needed help to leave the vessel and go home to Myanmar. ITF undertook a joint inspection with the Australian Maritime Safety Authority (AMSA), which

¹²² ITF, "ITF Agreements," ITF Seafarers, 2021, <https://www.itfseafarers.org/en/your-rights/itf-agreements>.

¹²³ ILO, OHCHR, and UNGC, "Maritime Transport and the COVID-19 Crew Change Crisis: A Tool to Support Human Rights Due Diligence" (UN Global Compact, 2021), <https://unglobalcompact.org/library/5886>.

¹²⁴ NGO Shipbreaking Platform, "Flags of Convenience," NGO Shipbreaking Platform, 2021, <https://shipbreakingplatform.org/issues-of-interest/focs/>.

¹²⁵ ITF, "Fair Practices Committee," 2021, <https://www.itfglobal.org/en/sector/seafarers/fair-practices-committee>.

¹²⁶ LeBaron, G. The Role of Supply Chains in the Global Business of Forced Labour *Journal of Supply Chain Management* 57(2), January 2021

led to the ship being banned from Australian waters for 12 months. ITF also helped ensure the crew was paid their owed wages and repatriated back to Myanmar.¹²⁷

4.2 Intervention and Outcome – Hypotheses Two and Five

ITF counters the FOC system, which creates situations of exploitation like that which was found on the *Fortune Genius*, through a smart mix of measures of international and national law, strategic enforcement action (with port authorities, other affiliated unions, and international shipping companies) and effective grievance channels for seafarers. This system has detected thousands of cases of labour abuses and led to positive outcomes for hundreds of victims of forced labor across the globe. This section begins by describing the normative framework, which provides shared terms and conditions of employment and entitlements through international conventions, such as the Maritime Labor Convention and ITF Agreements and then explain its link with the ITF inspectorate system and specialized grievance channels.

Owing to its role as one of the first globalized sectors, international law has played a key role in promoting decent work within the Maritime Sector. The Maritime Labour Convention, 2006 (MLC, 2006) is an International Labour Convention adopted by the International Labour Organization (ILO). Widely known as the “seafarers’ bill of rights,” the MLC, 2006 provides minimum standards for a diverse range of risk areas, including accommodation, minimum age for seafarers, recruitment and placement services, repatriation, occupational safety, and social security.¹²⁸ The MLC, 2006 also gave rise to stronger inspection powers by the Port State Control (PSC) – allowing them to inspect any ship in case they suspect sub-standard working and living conditions, or they receive a complaint from a seafarer. Where serious infringements are found, PSC inspectors may order the ship arrested until problems are solved. Before the adoption of the MLC, 2006, the PSC authorities were only allowed to check working conditions on board after they gave notice to the Flag State (and the ILO).¹²⁹ The ability to undertake strategic and “unannounced” inspections is critical to the identification of forced labour cases as it encourages seafarers to report issues and helps prevent against the destruction of evidence and intimidation of potential victims. At last count, the Convention has been ratified by 101 countries, representing more than 91 per cent of the world merchant shipping fleet, making it a powerful instrument with significant coverage of the world’s seafarers.¹³⁰

¹²⁷ Jim Wilson, “Forcing Crew into ‘Slave’ Labor Gets Ships Banned from Australia - FreightWaves,” Freight Waves, September 16, 2019, <https://www.freightwaves.com/news/forcing-crew-into-slave-labor-gets-ships-banned-from-australia>.

¹²⁸ ILO, “Maritime Labour Convention,” 2006, https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/normativeinstrument/wcms_090250.pdf.

¹²⁹ Sanna Saksela-Bergholm, Juan Arasan Díaz, and Barbara Surdykowska, “A Comparison of a Transnational Union Enforcement Action in Finland, Poland and Spain SPLIN Synthesis Report,” 2020, https://www.researchgate.net/publication/349686212_A_comparison_of_a_transnational_union_enforcement_action_in_Finland_Poland_and_Spain_SPLIN_Synthesis_Report.

¹³⁰ ILO, Ratifications of MLC, 2006 - Maritime Labour Convention, 2006 (MLC, 2006) https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO::P11300_INSTRUMENT_ID:312331

The ITF also negotiates agreements at the global, national, and individual level with key stakeholders including maritime employers and manning agencies, to secure minimum standards (in line with the MLC) for larger groups of seafarers. There are three main categories of ITF agreements: first, the ITF Total Crew Cost Agreements is most common type of ITF Agreement as its used by affiliated unions. The standards and conditions set out in the ITF Total Crew Cost Agreements are largely the same - with slight variations to adapt to national legislation; Second, the International Bargaining Forum (IBF) Agreement is available to ship owners that are members of one of the employer associations that participate in the Joint Negotiating Group (JNG). Members of the JNG sit with ITF in a formal framework set up to negotiate collective bargaining agreements (CBA). Third, the ITF Standard Agreement is normally signed because of industrial action or if a company is found to have broken a previous agreement. The Standard Agreement is the costliest agreement for the ship owners.¹³¹

Each ITF agreement-type then includes three types of contracts, which create a link between ITF, the employer and seafarer with provisions set out in the CBA. The three types are (i) the Special Agreement approved by ITF legally enforcing the relationship between employer and the CBA (ii) the CBA itself including terms of working conditions; and (iii) the individual Employment Contracts that bind an individual crew member to the CBA and the ITF Special Agreement.¹³²

The shared terms and conditions of employment, which are enshrined in this tightly woven framework of international and national law, cross-border social dialogue, collective bargaining, and agreements and contracts include provisions which help protect workers against the risk of forced labor. These include (*inter alia*):

- Seafarers access to telephone and email, ensuring they can continue to communicate with friends and family
- Provision of social security covering the seafarer and their family
- Limitations on working time and standard rates of pay
- Recruitment Fees and Costs: Company must pay all fees and visa costs prior to employment.

Finally, ITF has also engaged with strategic multinational companies outside of the JNG. This has helped to extend coverage of the ITF Agreement to a much broader group of seafarers and creates further leverage to ensure adherence to its provisions. For example, as thousands of ITF transport workers are employed either directly or indirectly by Maersk (the parent company of Maersk Line, Safmarine and MCC Transport), ITF set up the Maersk network, a network of seafarer and docker unions, to identify priority areas of work and to give the ITF negotiating strength with the company. In April 2016 the network achieved one of its main objectives by

¹³¹ ITF, "ITF Agreements." ITF Seafarers, 2021. <https://www.itfseafarers.org/en/your-rights/itf-agreements>.

¹³² Saksela-Bergholm, Arasanz Díaz, and Surdykowska, "A Comparison of a Transnational Union Enforcement Action in Finland, Poland and Spain SPLIN Synthesis Report."

getting agreement from Maersk that it will ensure that any vessel it charters has an ITF or similar agreement covering it, which puts in place protections for crews on FOC ships.¹³³

To date, because of ITF's efforts and the engagement by global shipping lines, shipping owners and employer federations such as Maersk, International Maritime Employers' Council (IMEC), the International Mariners Management Association of Japan (IMMAJ) the Korean Shipowners' Association (KSA), there are a record number of agreements (12,818) covering more than 311,489 seafarers.¹³⁴ This supports the second hypothesis of the Delta 8.7 Markets paper that collaboration between different actors within the supply chain can fundamentally improve the effectiveness of efforts to reduce forced labour and human trafficking in supply chains. Further research is needed on the role the global trade unions could play in creating greater pressure points or incentives for business to facilitate this collaboration.

4.3 Intervention and Outcome – Hypotheses One and Seven

This section explores hypothesis one and seven to identify how collaboration amongst trade unions and the private sector can help to address forced labour and human trafficking in business operations and how effective grievance mechanisms can support holistic efforts to address forced labour and human trafficking. To ensure compliance with the MLC, 2006 and provisions set out in the ITF Agreements, a specialized network was set up by ITF and its affiliate unions to inspect ships. Each year ITF conducts more than 10,000 inspections as a routine procedure or at the request of the crew. At latest count, the system was comprised of 134 coordinators, inspectors, and contacts in 122 ports in 58 different countries. Inspections have a clearly defined priority list. Ships are prioritized for inspection if a seafarer lodges a complaint with ITF, which needs investigation. Second, inspectors aim to inspect each FOC-ship at least once per year. Ships covered by an ITF agreement have a lower priority for inspection because signing unions hold the main responsibility for the supervision and the enforcement of the agreement.

The inspections are very effective at identifying labour issues, including those such as forced labour cases, which may be “hidden” or difficult to spot without a trained inspector. In 2019, ITF undertook over 9700 inspections with serious issues found in around 7600 of them. 3001 issues related to non-compliances with the ITF Agreement, 1611 were breach of contract, 1296 owed wages, 1253 non-compliance with International Standards and 307 related to medical issues.¹³⁵ Problems related to non-compliance with international standards often overlap with the forced labour indicators including exceptionally low wages (below minimum standards), seafarers found without an employment contract and different incidences of substandard living and working conditions (such as the lack of food or water supply). In 2020, through its inspector network ITF recovered over \$44,613,880 USD of seafarers' owed wages across the world. It also helped countless abandoned seafarers return home to their families.

¹³³ ITF, “Maersk Network,” 2018, <https://www.itfglobal.org/en/sector/seafarers/maersk-network>.

¹³⁴ https://www.itfseafarers.org/sites/default/files/node/resources/files/SB2020%20English_1.pdf

¹³⁵ ITF, “Seafarers’ Bulletin 2020,” ITF Seafarers, May 28, 2020, <https://www.itfseafarers.org/en/resources/materials/seafarers-bulletin-2020>.

Grievance channels play a key role in helping ITF inspectors to identify the issues. Seafarers employed on ships covered by an ITF agreement can report complaints or issues through the ITF multilingual app (with an SMS and hotline number), Facebook page and Seafarer centers.¹³⁶ Incoming complaints are handled by a dedicated Seafarers Support Network. Seafarers and their affiliated unions are informed about the channels and encouraged to report non-compliances through regular ITF campaigns and awareness programs. Most recently ITF started a campaign targeting transnational work agencies, which can exploit individuals and communities in grey areas not covered by national and international law. It even developed a dedicated website called “ITFShipBeSure” to provide advice for seafarers on finding a manning agent, avoiding recruitment scams and ensuring they have the right contract. The website also provides seafarers with a secure avenue for reporting unscrupulous recruitment agencies.¹³⁷

4.4 Mechanism

This section delves deeper into why the ITF intervention has been so effective at identifying and preventing situations of forced labor.

Firstly, the case study suggests that effective partnerships to combat forced labor should be tied to a legally binding, normative framework that is harmonized and enforced at the international, national and individual level. This shows why the role of cross-border industrial relations, and the negotiation of global collective bargaining agreements that are tied (either directly or indirectly) to lead companies with large value chains are so critical to tackling forced labour. As stated in one report “the decision-making process for the realization of a co-enforcement action relies heavily on a “formal, consensus-oriented, and deliberative” partnership.¹³⁸ The ITF collective bargaining system effectively set out a global industry-level bargaining framework, of sufficient coverage to influence global wage levels and expectations, including those on ships without ITF agreements.¹³⁹ While not all employers want to participate voluntarily in ITF Agreements, the activities of ITF inspectors and the leverage from lead brands like Maersk help drive positive results.

¹³⁶ ITF, “Seafarers’ Bulletin 2020,” ITF Seafarers, May 28, 2020, <https://www.itfseafarers.org/en/resources/materials/seafarers-bulletin-2020>.

¹³⁷ ITF, “ITFShipBeSure - We Guide You through the Recruitment Process | ITF ShipBeSure,” 2021, <https://www.itfshipbesure.org/itfshipbesure-we-guide-you-through-recruitment-process>.

¹³⁸ Janice Fine, “Enforcing Labor Standards in Partnership with Civil Society: Can Co-Enforcement Succeed Where the State Alone Has Failed?,” *Politics & Society* 45, no. 3 (September 1, 2017): 363, <https://doi.org/10.1177/0032329217702603>.

¹³⁹ Nathan Lillie, “A Global Union for Global Workers: Collective Bargaining and Regulatory Politics in Maritime Shipping,” January 1, 2006, 1–209, <https://doi.org/10.4324/9780203960158>.

Second, the ITF's success can be linked to its ability to carry out strategic enforcement action¹⁴⁰¹⁴¹ in cooperation with different public and private sector parties. The co-enforcement action for example between trade unions, governmental actors and employer signatories to the ITF Agreements has strengthened compliance of legal directives and guidelines within the sector.¹⁴² The cooperation and collaboration between ITF and the PSC are important because they build on each party's strengths and balance out their limitations. ITF inspectors are for example, extremely strong at identifying labour issues and gaining the trust of seafarers as they have a clear priority to represent their member's needs and ensure seafarer wage levels and working standards are in line with collective agreements. Effective verification of workplace compliance with labor standards must be conducted inspectors who operate independently and include in-depth interviews that are carried out under conditions where workers can speak freely. This aspect of gaining trust to identify potential victims of forced labor should not be underestimated, as retaliation and blacklisting is common, and many seafarers are hesitant to share their issues – even outside of the presence of the ship authorities.¹⁴³ Marginalisation of workers, who are most aware of how forced labours manifest on the ground, has been cited as one of the key shortcomings in normal enforcement actions.¹⁴⁴

PSC by contrast have their own slightly different priorities set out in national laws and international agreements and rarely “voluntarily” inspect FOC ships. Yet where problems cannot be solved through the ITF intervention or for cases involving serious infringements of the MLC, 2006 (including the cases of forced labour), the intervention of PSC officials is required to order an arrest of the vessel. PSC inspectors are also in charge of giving approval or disapproval for MLC certificates for FOC ships, an important lever to nudge shipowners into compliance.

In the case of Fortune Genius for instance, strategic enforcement action led to better identification of forced labour and positive outcomes for the affected seafarers. AMSA (the Australian PSC) was able to rely on the ITF's grievance channels and inspectorate system to be alerted to the case of forced labor. Given the reluctance of most PSCs to inspect FoC ships, it is highly unlikely that AMSA would have inspected the Fortune Genius without the tip off from ITF, let alone be able to gain the trust of the crew to speak out against the ship owner. ITF in turn was able to rely on AMSA's power to arrest the vessel and have it banned from entering Australian waters for a set period.

¹⁴⁰ David Weil, “Enforcing Labour Standards in Fissured Workplaces: The US Experience,” *The Economic and Labor Relations Review* 22, no. 2 (2011): 33–54.

¹⁴¹ David Weil, “Creating a Strategic Enforcement Approach to Address Wage Theft: One Academic's Journey in Organizational Change,” *Journal of Industrial Relations* 60 (June 1, 2018): 437–60, <https://doi.org/10.1177/0022185618765551>.

¹⁴² Matthew Amengual and Janice Fine, “Co-Enforcing Labor Standards: The Unique Contributions of State and Worker Organizations in Argentina and the United States,” *Regulation & Governance* 11, no. 2 (2017): 129–42, <https://doi.org/10.1111/rego.12122>.

¹⁴³ Saksela-Bergholm, Arasanz Díaz, and Surdykowska, “A Comparison of a Transnational Union Enforcement Action in Finland, Poland and Spain SPLIN Synthesis Report.”

¹⁴⁴ <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/confronting-root-caus-8/>

In terms of where the current mechanism could be improved, in many instances there is a low level of trust between ITF and PSC inspectors, leading to less joint inspections. As one ITF inspector in Finland noted “if you make a request by e-mail to the Port State Control, well, you cannot expect an answer from them! Yeah, they don’t reply to you! Once an officer called me after the working hours and said that it’s great when someone tries to make an effort, but formally, no! We don’t hear anything from them!”.¹⁴⁵ This suggests that the ITF enforcement mechanism could be made stronger with more cooperation and communication with state inspectors.

The ITF intervention also relies heavily on its other affiliated unions to support each other globally through co-enforcement action. For example, the ITF dockers’ section is made up of 221 affiliated unions, representing 350,000 port workers worldwide who help them deal with uncooperative actors. If for example a ship captain or owner is uncooperative with an ITF request, ITF can call in its affiliate dockers’ union to stop unloading the ship’s cargo.

The structure of the ITF inspector’s network has also played a key role in supporting the inspector’s day-to-day operations as well as ensuring transparency and accountability of outcomes.¹⁴⁶ The inspectors’ cooperation network is for example, usually run by various unions at the sectoral level that are connected to national cross-sectoral umbrella organizations. This mitigates against the risk of excessive fragmentation of trade unions by sharing the common goal of decent work for seafarers while also providing stronger accountability. Findings of inspections are also shared transparently in campaigns and in the ITF Bulletins, along with a review process through annual reporting to both regional and ITF headquarters. This kind of transparent top-down evaluation provides a consistent overview of the ITF enforcement action and types of activities.

National enforcement activities are also guided and supported by the ITF Headquarters in London. This includes the ability of inspectors to participate in international forums run by the ITF with concrete enforcement activities such as on-board inspection tours, negotiation of agreements, signing of agreements by the shipmaster or possible embargo in cooperation with other union members. ITF global campaigns, training courses, conferences, and exchange networks, help to improve co-enforcement.

5 Discussion

Even though the Policy Guide contains many supported hypotheses, and the case study above lends further evidence to support to a few specific hypotheses, we begin this discussion by pointing to the well-established issues inherent in evaluating human trafficking interventions that make generalizability and transferability difficult. Other evidence reviews of anti-trafficking interventions have noted that the “outcomes of reviewed studies alone cannot be used as

¹⁴⁵ Saksela-Bergholm, Arasanz Díaz, and Surdykowska, “A Comparison of a Transnational Union Enforcement Action in Finland, Poland and Spain SPLIN Synthesis Report,” 17.

¹⁴⁶ Saksela-Bergholm, Arasanz Díaz, and Surdykowska, “A Comparison of a Transnational Union Enforcement Action in Finland, Poland and Spain SPLIN Synthesis Report,” 16.

recommendations for policy and practice on anti-trafficking”.¹⁴⁷ Further still, Bryant and Landman note that “the ability to draw concrete conclusions regarding what works to combat human trafficking is hampered by the quality of evaluation of anti-trafficking programing and subsequent evaluation”.¹⁴⁸ The hidden and complex nature of human trafficking makes it difficult to establish baseline data and therefore assess whether an outcome has demonstrated improvements over time.¹⁴⁹ Moreover, the sampling frames for this specific population are almost nonexistent, as most data from survivors is captured through post-trafficking assistance and there is still no comprehensive understanding of the overall trafficked population.¹⁵⁰ This leads to complications for organizations to showcase their success (i.e., the achievement of their outcomes), resulting in many organizations “struggling to demonstrate impact and discern what works to combat human trafficking”.¹⁵¹

The case study above illustrated an example of how trade unions, private sector and public sector collaborated to achieve effective outcomes for seafarers. What is interesting to note is that this case study differs from many of the pieces of evidence submitted for the markets working group, as it highlighted the role of public sector in collaboration with other actors. A few of the hypotheses refer to legislative function of governments but there is a dearth of evidence on impact of specific collaborative activities between public and private sector actors. This is surprising given Ruggie’s emphasis on the breadth of the states role as “taking appropriate steps to prevent, investigate, punish and redress such abuses through effective policies, legislation, regulations and adjudication”.¹⁵² We note that this lack of evidence does not mean that there is a lack of comprehensive and holistic evaluation of interventions, but rather there is a lack of publicly accessible evaluations to the research and policy communities.

When considering other actors that are involved in the markets space, we note an obvious gap in the evidence bank of research involving auditing and certification bodies. These actors are well placed in complex markets ecosystems, in some cases complementing poor public inspectorate capabilities. However due to a lack of oversight of their activities, a number of

¹⁴⁷ Charity Jensen, Nicola Pocock, and Pauline Oosterhoff, “Human Trafficking in South Asia: Assessing the Effectiveness of Interventions” (London: Foreign, Commonwealth and Development Office, 2020), https://assets.publishing.service.gov.uk/media/5f61d9c1e90e072bc30fa04b/REA_-Trafficking_Mar_2020_FINAL.pdf.

¹⁴⁸ Katharine Bryant and Todd Landman, “Combatting Human Trafficking since Palermo: What Do We Know about What Works?,” *Journal of Human Trafficking* 6, no. 2 (March 14, 2020): 119–40, <https://doi.org/10.1080/23322705.2020.1690097>.

¹⁴⁹ Katharine Bryant and Todd Landman, “Combatting Human Trafficking since Palermo: What Do We Know about What Works?,” *Journal of Human Trafficking* 6, no. 2 (March 14, 2020): 119–40, <https://doi.org/10.1080/23322705.2020.1690097>.

¹⁵⁰ Kiss, Ligia, David Fotheringham, Joelle Mak, Alys McAlpine, and Cathy Zimmerman. “The Use of Bayesian Networks for Realist Evaluation of Complex Interventions: Evidence for Prevention of Human Trafficking.” *Journal of Computational Social Science* 4, no. 1 (May 1, 2021): 25–48. <https://doi.org/10.1007/s42001-020-00067-8>.

¹⁵¹ Bryant, Katharine, and Todd Landman. “Combatting Human Trafficking since Palermo: What Do We Know about What Works?” *Journal of Human Trafficking* 6, no. 2 (March 14, 2020): 119–40. <https://doi.org/10.1080/23322705.2020.1690097>.

¹⁵² OHCHR. “UN Guiding Principles on Business and Human Rights,” 2011. https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf, p3.

academics and practitioners have pointed to fundamental failings in auditing, including being used to conceal the extent of labour exploitation and human trafficking within supply chains.¹⁵³ On the one hand and with well intentioned actors, this points to the potential for working with auditors and certification bodies to build the capacity and rigour in the way that they undertake assessments. Alternatively, evaluations could be undertaken to uncover the mechanisms that cause the effects that are observed, in order to inform better oversight and regulation of auditing bodies' activities.

6 Conclusion

This article sought to demonstrate the importance of understanding not just which programmes resulted in successful outcomes, but more importantly, the mechanisms that supported these changes and the context under which they occurred. It argues that with this understanding, policy actors will be better equipped to take appropriate action to develop effective evidence-based policies and practices.

By using a realist evaluation lens, this article presented an analysis of the ITF's successful efforts to ensure decent work for seafarers, highlighting a number of mechanisms that have led to its success. Firstly, the case study suggests that legally binding, normative frameworks that are harmonized and enforced at international, national and individual level led to better outcomes for seafarers. Secondly, the case study highlighted ITF's success being linked to strategic enforcement action that involved public and private sector parties. This collaboration builds on the strengths of both state-based inspectorates and ITF inspectorates, to support decent work for seafarers.

This article closes with a call for closer collaboration between researchers, and public and private sector actors, to understand the role that cross-border social dialogue and strategic enforcement action can play in preventing forced labour in globalized sectors. We note some initial work undertaken by ILO in this field, but suggest this could be expanded to specifically investigate forced labour in globalized sectors and with a broad cross section of stakeholders.

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¹⁵³ Genevieve LeBaron, "Governing Global Supply Chain Sustainability through the Ethical Audit Regime," n.d., 19; Juliane Reinecke and Jimmy Donaghey, "The 'Accord for Fire and Building Safety in Bangladesh' in Response to the Rana Plaza Disaster," in *Global Governance of Labour Rights*, by Axel Marx et al. (Edward Elgar Publishing, 2015), 257–77, <https://doi.org/10.4337/9781784711467.00018>; Javed Siddiqui and Shahzad Uddin, "Human Rights Disasters, Corporate Accountability and the State: Lessons Learned from Rana Plaza," ed. Ken McPhail and John Ferguson, *Accounting, Auditing & Accountability Journal* 29, no. 4 (January 1, 2016): 679–704, <https://doi.org/10.1108/AAAJ-07-2015-2140>.

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