

EPISODE 14: Tomoya Obokata Interviewed by Dr. Tina Davis

TINA:

It is a great pleasure to welcome the new UN Special Rapporteur on contemporary forms of slavery, Mr. Tomoya Obokata and today we will discuss the global COVID-19 pandemic and how this impacts the area of modern slavery. Welcome, Mr. Obokata.

TOMOYA:

Thank you.

TINA:

Mr. Obokata. Could you please share a little bit about the Special Rapporteur mandate? What areas does it include and what does the role entail?

TOMOYA:

Sure, this mandate has been extended last year by Council Resolution 4210 and has been a case previously. My task is to examine and report on all contemporary forms of slavery and slavery practices. So our scope is quite wide. I am able to examine different forms of exploitation, sexual and labor exploitation, as well as the causes and consequences. If I as Special Rapporteur determines as his or her priorities, then I'm able to examine those provided that they relate to, obviously, contemporary forms of slavery.

TINA:

You are entering this role at extraordinary time when there is not only a health crisis due to COVID-19. But also, this situation has triggered already existing socio-economic, democratic challenges that we see in forms of social unrest, neglect, oppression that's happening in many parts of the world right now. Can you please comment on the current COVID-19 pandemic and how you see this also related to your mandate?

TOMOYA:

Sure, there's no doubt that the COVID-19 has posed unprecedented challenges to protection and promotion of human rights and within my mandate, contemporary form of slavery, it has been causing a negative impact in the sense that it is leading perhaps to different forms of



exploitation, particularly exploitation of vulnerable groups. So, at this stage, the evidence and facts are still emerging. So I cannot exactly say, what is going on. But I mean, there are certain things which are becoming quite obvious at this stage. So yes, so it has had an particular acute impact in the issues that I deal with.

TINA:

There are so many workers who were already in precarious employment across the world in jobs without contract, seasonal work, informal sectors who are not able to maybe bargain for their situation. And, you know, people who don't have social protections, or any safety net. How can the pandemic affect the situation and heightened risks right now for millions of workers who are already stuck in precarious circumstances?

TOMOYA:

Yes, I think you raised a very good point there. Because as you say, these people that you've just mentioned, are already vulnerable. So one of the worries that I have, but you start because of the COVID-19, in that has resulted perhaps in unemployment, which is a fact and that can push these individuals farther to exploited practices. They're forced to work in informal or even illegal economies in order to sustain themselves. I think that picture is the emerging different parts of the world in this regard, already. And in addition to the categories of people that you mentioned, there are others, for example, women and children and young people, migrant workers, peoples with disabilities, indigenous peoples and refugees as long as so there are other a number of vulnerable people who have been affected by COVID-19 as well.

TINA:

We know that there is already a large group who has become unemployed just in the last couple of months and who have been thrown out of work. How do you see the large increase of potentially vulnerable people now being affected by the situation when it comes to potentially ending up in exploitation in modern slavery?

TOMOYA:

Yes, I think that is a very high probability there. You know, if they do not obviously have a job, then you know, they have to find other means to sustain themselves. And that's when it's difficult if there are not jobs, and then as I said, they can push that to more farther into informal illegal economies where the states or governments do not provide sufficient protection. Can you imagine other sectors or businesses which actually have seen a surge in demand, for example, food production, production of medicine, medical equipments, and so on. And then perhaps that those people who have lost their jobs may take up these opportunities but there is also an increased incentives for these existing employers to exploit workers. So there may be cases of

forced labor or even child labor. So these are the kinds of things that I see as a result of this pandemic.

TINA:

Because we know that the situation will also of course, affect businesses, business owners, small, medium, large business owners, we have already seen them so economic pressures in the supply chain will also put pressures on employers at this time, who may also be facing the situation of whether they can continue existing or not?

TOMOYA:

Absolutely. So I've been reading a news, for example of Southeast Asia garment industry in in the West and the North have canceled the clothing orders because I mean, their priorities not all this clothing and so on. So but that has resulted perhaps in a closure of businesses in Southeast Asia and that again, will effectively start unemployment? So, okay, the workers fine, but also yes, you're right, all these businesses are closing down. And that, again, it creates a lot of bad problems from the point of view of contemporary forms of slavery.

TINA:

You mentioned other groups such as women, children, indigenous people, disabled people. These are different people, you know, in different situations. But for instance, we know that disabled people are often used into force begging, and we know that women are at higher risk of being exploited and are at higher risk of being trapped in, in forced situations. How do you think it will affect?

TOMOYA:

Absolutely, I think what you highlighted is absolutely right. Another worry of all of this is the involvement of criminal entities such as transnational organized criminal groups. Now, these groups are known to exploit these public emergencies and humanitarian situations. So if you recall, for example, tsunami, and earthquakes and so on that organized criminal groups went in and started, for example, trafficking unaccompanied minors, to the rest of the world, and so on. So there is that danger, or, for example, human traffickers and exploiters, taking advantage of the situation and put these vulnerable groups such as women and girls into sexual exploitation, or other forms of criminal exploitation, such as you mentioned, forced begging, so long, but I mean, it's not just limited to criminals. So there may be other employers in formal economy, who may exploit these already vulnerable groups such as women, children, and older workers, and so on, so there is a real danger there as well.

TINA:

We also know that children now in many places will have been taken out of school. They also may be in families where the parents will be in much stronger need of finances. These are also factors that can drive children or push children into child labor. How do you think this situation will affect the area of child labor?

TOMOYA:

That is another concern, because as you rightly highlighted many children are out of school at this stage, and that increases an opportunities for them to be exploited in different sectors, particularly in developing countries where many children are also expected to work and support their families. And so that can lead to farther exploitation of children, which is of a particular concern, as well.

TINA:

Another group is the young population we see in many places such as Africa, where there's a large population of young people and other places across the world where unemployment and lack of opportunity is a big challenge already. And where many people are relying on the informal economy and the gig economy. How do you think this pandemic can possibly increase the risk for young people to become vulnerable or more vulnerable to exploitation and forced labor?

TOMOYA:

Again, I think it's similar to children, they can be pushed farther into that type of exploitative practices. And that is not just in Africa, and I'm sure that may happen in western countries such as UK and rest of the world. So that is a worry there, if there are no jobs in a formal economy, and that means that they have to find alternative means so they naturally start looking into informal and illegal economies. Gig economy is not necessarily illegal. But one of the core characteristics of jobs in informal economy is that sufficient protection is not provided by states. And that can lead to certain conditions such as long hours of work, low pay, no job security. And all of these combined may, under certain circumstances, amount to forced labor and slave-like conditions. And that I'm sure is on the rise in Africa, Asia and the rest of the world.

TINA:

How do you see government's being equipped to tackle this situation?

TOMOYA:

I think it's important to acknowledge that there are challenges so many states have shifted their resources and focus on fighting COVID-19 so that potentially means that there may be less resources to tackle modern slavery at this stage. So this will be problematic for those who are already in this situation. So who's been caught up in contemporary forms of slavery, who are going to prosecute and punish criminals and also to protect victims. So I think there is worry there - states paying enough attention to these things. And I argue that states are under a clear obligation to continue their law enforcement efforts to prevent and suppress slavery and also to protect victims that's, that comes under the prohibition of slavery and forced labor established in different human rights instruments already.

TINA:

So with this situation that we see at the moment, which is shifting and it is, some places very chaotic and it's hard to foresight, exactly what's going to happen at the moment. How will the pandemic effect? Do you think that identification of survivors?

TOMOYA:

Absolutely so so that is a key and that may become a problematic for, for those like Western, for example developed countries with sufficient resources, they may be able to continue their efforts in identifying and protecting the victims of human trafficking and also contemporary forms of slavery. But that's not always the case particularly for the developing poor countries suffering from economic hardship already and COVID-19 has exacerbated that particular situation. So, under international human rights law, states are obliged to cooperate. So particularly those in a position to be able to provide further assistance should be assisting other countries so that they can maintain the effort in prosecuting and punishing as well as protecting the victims.

TINA:

COVID-19, as you said, has had a major impact on governments who have in many places stepped up their efforts to protect the citizens in different ways. Businesses, and so forth. And in this particular area, how do you think the situation will disrupt response efforts? A lot of the service providers in these areas will be nonprofit organizations, community organizations, migrant organizations and so on. Had you see them being able to survive and keep doing their work in this time when their work will probably be more necessary, more urgent than before?

TOMOYA:

Absolutely these frontline individuals and organizations are the ones who are providing protection to victims and their efforts must be supported at all cost by the governments. And there's no question about that. But that how do you go about I mean, it's easy to say that but if you're talking about countries without sufficient economic resources and then what can be done. I argue that one of the best way is to strengthen an effort for the confiscation of criminal proceeds and fight against money laundering. Again, this is a 150 billion dollars industry, the criminals do make that amount of money each year, and if that pot of money, if confiscated effectively, can be channeled through domestic and international effort to tackle slavery as well as protect victims. But again, I mean, that also depends on the infrastructure, that initiative frameworks or so on on confiscating criminal proceeds and using that to provide protection or provide funding to these important organizations so that they can do their important work in protecting victims. And that, in a sense, is also I believe it's a human rights obligation as well.

TINA:

On the policy level, how would you like to see governments respond to the challenges that the pandemic has caused?

TOMOYA:

First and foremost, there are several, I suppose, obligations, or what the states should be doing first and foremost, as I said they should continue their law enforcement efforts against contemporary forms of slavery. So that means they need to investigate, prosecute and punish these practices. In addition to that the states are under obligation, I think, to protect victims. So these are going to immediate measures that they should do, but there are others in terms of COVID-19, then something like addressing unemployment, because that leads to contemporary forms of slavery. So something like most of the countries now are providing support to businesses, and also workers, such as income support, and so on. So these efforts have to continue. In my view, businesses do not have to fire workers and workers incomes, protected, that has to happen, I think. In the wider picture from now on, I mean, all of these efforts should continue. And that also, again raises an important issues about wider dimensions of COVID-19. But from my point of view, then there are other causes like poverty, lack of education, and so on. All of these must be addressed in order to eliminate these practices.

TINA:

You mentioned the importance of law enforcement in terms of being one obligation of aids. I'm wondering whether focusing on improving law enforcement or stepping up law enforcement in this area where we have seen a lack of prosecutions and sentencing, which also has affected the risk level if you want to perpetrate the risk isn't too big. This can give you an opportunity.

TOMOYA:

Again, any enhancement of the law enforcement against contemporary forms of slavery is certainly to be welcomed, but there are at the same time danger or excessive, for example, enforcement as something like especially investigative techniques such as surveillance, interception, communication, on so on, are encouraged by the UN Convention against Transnational Organized crimes, but these measures do have human rights implications in terms of right to privacy and other rights. So, yes, I think the states should step up their efforts in enforcement. But any measure has to be taken must conform to the existing human rights norms and principles and striking that balance is going to become quite important and challenging, I think, in the future.

TINA:

To what extent do you think we may see the efforts made by private sector so far in upholding decent work and human rights standards, that they may be disrupted going forward due to the financial challenges business will be facing right now. Do you think that we may see a shift away from maintaining good due diligence practices and so on?

TOMOYA:

That is quite difficult to say on a temporary basis, something like COVID-19 may lead to further exploitation. That means business may be engaged in these kind of practices. But if that happens, they could be just a temporary phenomenon. That is an important point. So, that means that human rights bodies and governments and so on have to make sure that businesses are upholding these relevant principles that you mentioned, I think there may be a possibility, but I'm not sure if it is going to lead to kind of a long long term deviation from the existing norms and principles.

TINA:

Does this COVID-19 situation present us with any opportunities when it comes to protecting workers, or the population at large against modern slavery that can benefit us, so learnings that can benefit us going forward.

TOMOYA:

Well certainly has posed challenges. But I think something like this could give us an opportunity to kind of consider what has been done so far and what needs to be done, I mean, something like this can happen again in the future. So, in a sense, we can learn from this experience and kind of consider what needs to be done in the state of public emergency in order to make sure that we do not make the same mistake again, if something like this happens in the

future. But again, protection is turning out to be quite a challenge, even at this stage, but the states hopefully do learn from it. And there are other important organizations such as civil society organizations who are also being victimized, because of lack of funding and so on, they may not be able to provide protection. So there are lessons to be learned from this, I think.

TINA:

What role do you think partnerships and networks alliances. global, regional, national, what role can they play now to try and protect that this situation does not become, how can I say uncontrollable or short, it will escalate with when it comes to the area of exploitation and slavery.

TOMOYA:

To begin with states have the primary responsibility to address contemporary forms of slavery, but global partnerships and other stakeholders to exchange information and good practices where we can learn from each other with a view to preventing and suppressing contemporary forms of slavery as well as to protect victims. And so I think it is going to be even more important in facilitating constructive dialogues with states and international organizations and civil society in order to kind of come up with a multi-agency, multilateral framework and action against contemporary forms of slavery and certainly protection of victims.

TINA:

We have a framework in place with the UN Sustainable Development Goals agenda and the timeframe which is 2030. We also have Alliance 8.7 connected to the SDG 8.7, which is to eradicate all forms of modern slavery, forced labor, human trafficking, child labor. What enhanced role do you think Alliance 8.7 can play now in this current situation?

TOMOYA:

Absolutely. So something like that, I mean, working with closely with the governments at state level in each country, in terms of knowledge exchange, capacity building, and so on, so that the states can adequately deal with the different forms of exploitation and so on visa view to in achieving this status. Stainable Development Goal, particularly eight and target 8.7. So yes, I mean, these alliances are quite important in my view in terms of like facilitating constructive dialogues, exchange of knowledge and expertise, and strategize, in a way come up with solutions together in a more cooperative environment. So I think they play a key role in facilitating that type of cooperation and dialogue among different stakeholders.

TINA:

Before we finish, Mr. Obokata, would you like to share a last comment?

TOMOYA:

In terms of COVID-19 I think there's a long way to go. And in my capacity as a Special Rapporteur, I would like to continue to monitor the situation and provide further information and guidance to you know, different stakeholders. So that's what I will be doing. But again COVID-19 affects the different sets of life. So I also intend to work with other first of all relevant stakeholders, governmental, inter-governmental and civil society organizations, individuals, as well as other we have other human rights bodies. So I hope to be able to work with everyone involved with a view to eliminating contemporary forms of slavery in the future.

TINA:

Mr. Obokata, thank you so much, and I think very much wish you all the best as you embark on your new mandate. Thank you.

TOMOYA:

Thank you very much for that. Thank you.