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ABSTRACT

COVID-19's Impact on Anti-Trafficking Efforts: What do we know?

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Early analysis indicates that the COVID-19 pandemic and accompanying emergency measures have not only increased individual vulnerability to human trafficking¹, but have severely disrupted victim access to, and state provisions of, protection services. It is therefore as urgent as ever that state anti-trafficking efforts are interrogated, evaluated and held to account.

This submission endeavours to analyse the impact of COVID-19 on the development and implementation of national anti-trafficking laws and policies. The aims of the submission are twofold. Firstly, it will take stock of the impact that the pandemic and accompanying measures have had on anti-trafficking efforts; this will include examining gaps both created and exacerbated in anti-trafficking law and policy. Secondly, in light of these findings, it will analyse existing international legal and institutional anti-trafficking frameworks to examine whether they are fit for purpose to deal with sudden onset crises, including public health crises.

The impact of COVID-19 and corresponding measures will be analysed in the short- and the long-term. This will allow the research to firstly capture their immediate impact on the implementation of anti-trafficking efforts (e.g. restrictions on services due to social distancing requirements). Secondly, it will examine the longer-term obstacles and difficulties, including the direct consequences of resource reallocation and the shifting of political and policy priorities, and the indirect impact of the prolonged economic downturn. It will question whether the current international legal frameworks are adequate to deal with sudden crises, and

¹ Global Protection Cluster: Anti-Trafficking Task Team, 'COVID-19 Pandemic Trafficking in Persons (TIP) Considerations in Internal Displacement Contexts' (Global Protection Cluster 2020) <https://www.globalprotectioncluster.org/wp-content/uploads/GPC-Task-Team-on-Anti-Trafficking_COVID-guidance_final_SM.pdf> accessed 16 September 2020; OSCE, ODIHR, UN Women, 'Guidance: Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic' (OSCE, ODIHR, UN Women 2020) <https://www.osce.org/files/f/documents/2/a/458434_1.pdf> accessed 16 September 2020; United Nations Office on Drugs and Crime, 'Impact of the COVID-19 Pandemic on Trafficking in Persons' (United Nations Office on Drugs and Crime 2020) <https://www.unodc.org/documents/Advocacy-Section/HTMSS_Thematic_Brief_on_COVID-19.pdf> accessed 16 September 2020.

explore routes to strengthen existing frameworks to mitigate the impact of COVID-19 and future emergencies.

Discussions with leading anti-trafficking experts, [through our webinar and summarised in our blog](#), indicate that in the short-term, the pandemic and corresponding restrictions have exacerbated individual vulnerabilities to trafficking; increasing poverty levels and decreasing employment opportunities risk pushing workers into illegal economies with a higher risk of exploitation and trafficking. The pandemic is economically affecting 'low-skilled workers, undocumented migrant workers and workers in the informal economies', rendering them more vulnerable to exploitation and trafficking.² The experts emphasised that traffickers are quick to adapt, shifting to online exploitation and exploiting particular vulnerabilities. The agility of traffickers is yet to be matched by governments.³ The discussion further highlighted the disruption to accessing protection from state and non-state actors and limited assistance provisions for those in trafficking situations. Meanwhile, processes for monitoring state efforts and their compliance with international obligations have also been hampered.

The grey literature reviewed thus far echoes the insights of our webinar. Research reveals the difficulties that social distancing requirements and mobility restrictions have imposed on protection service providers, resulting in shelter closures and NGO advice only being available by phone.⁴ A survey conducted by UN Women, OSCE and ODIHR reveals the negative impact on governments' capacities to combat trafficking, particularly affecting the functioning of NRM systems, 'identification procedures, sheltered accommodation and social services'.⁵ Border closures may also be negatively affecting international cooperation and communication.⁶ More broadly, the pandemic has shone light on and exacerbated

² Livia Wagner and Thi Hoang, 'Aggravating Circumstances: How Coronavirus Impacts Human Trafficking' (Global Initiative Against Transnational Organised Crime 2020) Policy Brief 1 <<https://globalinitiative.net/wp-content/uploads/2020/06/Aggravating-circumstances-How-coronavirus-impacts-human-trafficking-GITOC-1.pdf>> accessed 16 September 2020.

³ OSCE, ODIHR, UN Women (n 1) 24.

⁴ Group of Experts on Action and against Trafficking in Human Beings, 'In Time of Emergency the Rights and Safety of Trafficking Victims Must Be Respected and Protected' (Council of Europe 2020) <<https://rm.coe.int/greta-statement-covid19-en/16809e126a>> accessed 16 September 2020; see also OSCE, ODIHR, UN Women (n 1) 25; Inter-Agency Coordination Group against Trafficking in Persons (ICAT), 'COVID-19 Pandemic and Its Impact for Victims and Survivors of Trafficking in Persons' (Inter-Agency Coordination Group against Trafficking in Persons (ICAT)) 1 <https://icat.network/sites/default/files/publications/documents/28%20April_COVID%20ICAT%20webstory%20and%20list%20of%20resources%20%283%29.pdf> accessed 16 September 2020.

⁵ OSCE, ODIHR, UN Women (n 1) 22.

⁶ United Nations Office on Drugs and Crime (n 1) 3.

existing gaps in governments' protection systems, including health provisions for trafficked persons.⁷

In the longer-term, research underscores that COVID-19 has forced governments to re-consider their priorities and divert resources to address the pandemic. This has resulted in reduced capacity for anti-trafficking efforts by law enforcement, justice systems and service providers.⁸ The UNODC highlights that 'there is a looming danger that investigating trafficking in persons will become a lower priority and that proactive inspections of suspect sites and cases are reduced', which may impact 'arrests, investigations, prosecutions and convictions, leading to a climate of practical impunity'.⁹ Moreover, there is concern that the economic downturn and the urgency of public health measures will have a prolonged impact on governments' abilities to mobilise sufficient resources to redress the negative impacts of the pandemic thus far, to adapt to the changing nature of trafficking, and to prepare for a sudden onset of future crises.

Whilst there are examples of good practice¹⁰, the question remains as to whether these policies are reaching those in most need of protection. Respondents to the UN Women, OSCE, ODIHR survey emphasise the need for more efforts 'to mitigate the consequences of the pandemic on at-risk groups vulnerable to THB... and those whose vulnerability has been exacerbated due to the subsequent economic downturn'.¹¹ They notably express a 'strong interest' in developing a national protocol on prevention and protection 'during states of emergency, including pandemics'.¹²

With regard to the question of whether the current legal and institutional frameworks are fit for purpose, our webinar discussion emphasised the need to ensure that crises cannot be used as an excuse for neglecting non-derogable obligations, a view echoed by GRETA.¹³ The creation of a more resilient protection system that is not vulnerable to funding cuts and that adopts a broad rights-based approach to address systemic inequalities was urged. Our research (through methods outlined below) endeavours to analyse the impact of the

⁷ Wagner and Hoang (n 2) 21.

⁸ United Nations Office on Drugs and Crime (n 1); Group of Experts on Action and against Trafficking in Human Beings (n 4).

⁹ United Nations Office on Drugs and Crime (n 1) 3.

¹⁰ Wagner and Hoang (n 2) 22. See also [our webinar and blog](#).

¹¹ OSCE, ODIHR, UN Women (n 1) 26.

¹² OSCE, ODIHR, UN Women (n 1) 27.

¹³ Group of Experts on Action and against Trafficking in Human Beings (n 4) 2.

pandemic on anti-trafficking efforts and further examine the suitability of existing international anti-trafficking frameworks.

This submission will build on a research project currently being undertaken at the British Institute of International and Comparative Law assessing the [determinants of anti-trafficking efforts](#) worldwide. It will be based on an expert webinar, expert interviews, a global survey and accompanying desk research.

Further to the webinar discussion, we will undertake a series of expert interviews. This research will also collect a new evidence base through a global survey concerning the determinants of anti-trafficking efforts. This survey will include questions specifically concerning COVID-19 and will be distributed to stakeholders globally. The questions will ask respondents to evaluate the extent to which COVID-19 has impacted their country's anti-trafficking efforts, and to provide examples thereof. Respondents will include, but are not limited to, government officials, non-governmental organisations, trade unions, survivor groups, lawyers, local government and intergovernmental organisations.

The desk research will involve analysing grey literature from government, non-governmental and inter-governmental sources to explore the intricacies of state responses and evaluations thereof. It will endeavour to highlight good and poor practice. It will also review early academic analysis (including journal articles, blogs and reports) of state responses to COVID-19.