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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Commonwealth Human Rights Initiative, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2021]

* Issued as received, in the language(s) of submission only.



Nexus between forced displacement and contemporary forms of slavery: Emerging trends in the Commonwealth

The Commonwealth Human Rights Initiative (CHRI) and the Commonwealth 8.7 Network welcome the thematic report of Mr. Tomoya Obokata, Special Rapporteur on contemporary forms of slavery, including its causes and consequences to be tabled during the 48th Regular Session of the UN Human Rights Council, addressing the nexus between forced displacement and contemporary forms of slavery.

This statement is primarily based on information and efforts of members of the Commonwealth 8.7 Network, a group of 60+ civil society organisations from across the globe. We recognise the strong links between forced displacement and contemporary forms of slavery and appreciate the Special Rapporteur's efforts towards bringing international attention to this issue.

Displaced persons, who are often marginalised due to language barriers, lack of support networks, and uncertain legal statuses, are at a greater risk of being subject to contemporary forms of slavery. Within the Commonwealth, legal systems do not fully support and protect displaced persons. For example, only 27% of Commonwealth States have policies in place for asylum seekers to access basic support and protection, and 42% have systems to register Internally Displaced Persons.¹

Based on information from Commonwealth 8.7 Network members, we note the following emerging trends:

- Migrant workers displaced by COVID-19 experienced greater risks of exploitation.
- Climate displacement continues to compound the vulnerability of already marginalised communities.
- Forced displacement renders displaced women and girls disproportionately vulnerable to contemporary forms of slavery.

Migrant workers

The economic setback caused by the pandemic, coupled with emergency restrictions, have adversely impacted displaced people, who are more likely to face poverty and take irregular migration routes. As a result, they are at greater risk of trafficking or exploitation while struggling to have an access to socio-economic protections and healthcare.

We underline that the pandemic left many migrant workers unable to return home from their place of work or unable to leave their home to earn a living due to emergency global health measures. According to the WARBE Development Foundation, a Commonwealth 8.7 Network member, stranded migrant workers abroad and large groups of returnee migrant workers in Bangladesh face stigmatisation and intolerance which hinders their relationship with first responders and, by extension, the ability of these first responders to identify potential victims of contemporary forms of slavery.²

PACT-Ottawa (Persons Against the Crime of Trafficking) notes that, in Canada, migrant workers — many of whom are displaced persons — are readily targeted and exploited in trafficking situations. This is especially true in case of those caught in border closures and may be forced to remain in situations of exploitation. Many migrant workers in Canada rely on work permits tying them to their employer, denying them the ability to leave unsafe

¹ This information is drawn from the data collected for : Commonwealth Human Rights Initiative and Walk Free, *Eradicating Modern Slavery: An Assessment of Commonwealth Governments' Progress on Achieving SDG Target 8.7 (2020)*, <https://www.humanrightsinitiative.org/publication/eradicating-modern-slavery> [hereinafter *Eradicating Modern Slavery*].

² Returnee Bangladeshi migrants suffering due to stigma and lack of support, study says, Dhaka Tribune, 19 Aug. 2020, <https://www.dhakatribune.com/business/>; Rehabilitate female returnee migrants; also, The Daily Star, 8 Mar. 2021, <https://www.thedailystar.net/editorial/news/>.

working conditions.³ Similarly, in Australia, financial safety-nets were not extended to migrant workers, rendering them unable to leave or forcing them into exploitative conditions.^{4 5}

Climate change

Climate change-related disasters cause families to lose their homes and job security. These displaced persons are often suddenly cut off from access to education and healthcare, and are more likely to be driven to exploitative work as their sole means of subsistence.

The threat of contemporary forms of slavery following climate displacement is a primary concern of the Commonwealth 8.7 Network members based in the Pacific. In 2018 alone, an estimated 32,123 Pacific Islanders were newly displaced as a result of natural disasters. In April 2020, Cyclone Harold ripped through Fiji, Solomon Islands, Tonga, and Vanuatu.⁶ We are concerned that traffickers are aware of these acute financial vulnerabilities of displaced persons following natural disasters and often use these events opportunistically.⁷

Global research shows the exacerbating effects that disasters have on pre-existing rates of sexual and gender-based violence (SGBV).⁸ Disparities in power lead to fewer choices for victims and survivors of SGBV, making them more vulnerable to trafficking. The Vanuatu Human Rights Coalition informed of many reported cases of women and girls being sexually harassed and exploited while in evacuation centres. Homes of Hope Fiji added that natural disasters exacerbate existing patriarchal structures within the indigenous culture, expanding the control that men have over women and girls. PacificWIN reported that in the least developed Pacific States, it is particularly difficult to seek protection from exploitation due to a lack of roads and bridges to remote areas. Where infrastructure does exist, it can be quickly destroyed by natural disasters hindering access to support services.

As emphasised by the report of the 2021 Intergovernmental Panel on Climate Change,⁹ climate change, and by extension, climate displacement will continue unabated in the absence of international cooperation. There is a real possibility that entire populations, such as citizens of the low-lying nations of Tuvalu, Kiribati, and the Marshall Islands, will suffer displacement.¹⁰ To avoid such displacement and a massive influx of climate migrants, all States need to take collective steps to tackle climate change.

Women and girls

The high number of women and girls among the displaced reflects existing legal, economic, and educational barriers to this section of the population.¹¹ Stereotypical gender roles restrict women and girls from prioritising their safety in the wake of their caretaking duties. They often have to relocate to their husband's choice of abode. Without control over their own

³ Migrants Rights Network, *Behind Closed Doors* (2020), https://migrantrights.ca/wp-content/uploads/2020/10/Behind-Closed-Doors_Exposing-Migrant-Care-Worker-Exploitation-During-COVID19.pdf.

⁴ Input from Commonwealth 8.7 Network members Australian Catholic Religious Against Trafficking in Humans (ACRATH) and Freedom Hub.

⁵ Asylum seekers slip through Australia's coronavirus safety net, *The Guardian*, 22 Apr. 2020, <https://www.theguardian.com/australia-news/2020/apr/22/asylum-seekers-slip-through-australias-coronavirus-safety-net-photo-essay>.

⁶ Eradicating Modern Slavery, *supra* note [i].

⁷ Input from Commonwealth 8.7 Network members: Homes of Hope Fiji, Vanuatu Human Rights Coalition, and PacificWIN.

⁸ UN Women Fiji, *Climate change disasters and gender-based violence in the Pacific* (2014), <https://asiapacific.unwomen.org/en/digital-library/publications/2015/>.

⁹ Intergovernmental Panel on Climate Change, *Sixth Assessment Report* (2021), <https://www.ipcc.ch/assessment-report/ar6/>.

¹⁰ Jason Titifanue et al., *Climate change advocacy in the Pacific: The role of information and communication technologies*, 23(1) *Pacific Journalism Review* 133, 135 (2017).

¹¹ UN Women Fiji, *Time to Act* (2016), <https://www.researchgate.net/publication/267925379>.

movement, they are more likely to be forced into unsafe locations rendering them more vulnerable to exploitation.¹²

According to the Centre for Youths Integrated Development, in Nigeria, displaced women bear the brunt of slavery as many are recruited to work as domestic maids without access to their rights and/or are subject to rape and sexual exploitation. Our Network members in the Pacific note that displacement camps can be easy targets for traffickers, exposing women and girls to a greater risk of coercion for exploitative purposes. Camp inhabitants may collude with traffickers, placing their family members in peril, to earn money during times of crisis.

The gendered impact of displacement is particularly problematic in the wake of the pandemic where stay-at-home orders resulting in a rise in GBV and intimate partner violence. We are dismayed at the reduced funding and capacity for shelters and helplines during the pandemic, leaving many marginalised women without support.

Recommendations

We support the recommendations in the Special Rapporteur's report and further urge the Member States to:

1. Enact effective legislations to protect migrants and refugees from labour exploitation by reviewing restrictive immigration policies, opening paths for asylum-seekers, and facilitating access to decent work.
2. Collect and make publicly available disaggregated data that tracks the impacts of such policies on displaced peoples, including in the context of vulnerable groups such as women and girls, to allow targeted, evidence-based interventions.
3. Maintain and / or extend concessions to immigration policies made during the pandemic, such as the visa extensions, to better support migrant workers.
4. Prioritise curbing climate change through international cooperation and increase support to Small States that are most susceptible to the negative impacts of environmental degradation.
5. Fund and support infrastructure and rebuilding projects in areas ravaged by natural disasters to safeguard and increase access between towns and rural areas.
6. Reassess disaster risk reduction strategies for a gender-sensitive approach and ensure that evacuation centres and informal settlements are safe for women and girls.
7. Establish confidential complaint and referral systems to address all forms of SGBV and ensure women and girls in isolated communities are adequately informed about and able to access those mechanisms.
8. Ratify and domesticate relevant international instruments, including the Protocol of 2014 to the Forced Labour Convention, 1930 the Domestic Workers Convention, 2011 (No. 189), the Convention relating to the Status of Refugees and its 1967 Protocol, and the 1954 Convention relating to the Status of Stateless Persons.

Commonwealth 8.7 Network, NGO(s) without consultative status, also share the views expressed in this statement.

¹² CEDAW/C/GC/35, para 10.