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Contemporary forms of slavery, including its causes and consequences

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, in accordance with Human Rights Council resolution [42/10](#).

* [A/75/50](#).



Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata

Summary

The present report is submitted in accordance with Human Rights Council resolution 42/10, in which the Council renewed the mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. The Special Rapporteur, Tomoya Obokata, was appointed in March 2020 and assumed his functions on 1 May 2020. This is his first report to the General Assembly.

The report provides a summary of the activities undertaken by the previous Special Rapporteur from the time of the submission of her report to the General Assembly at its seventy-fourth session until the completion of her tenure in April 2020. An overview of the new Special Rapporteur's activities since the beginning of his term is also provided.

Furthermore, the report outlines the priorities on which the new Special Rapporteur intends to focus during his tenure.

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I. Introduction

1. The mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, was established by the Human Rights Council in its resolution 6/14 of 28 September 2007 and subsequently extended by the Council in its resolutions [15/2](#) of 29 September 2010, [24/3](#) of 26 September 2013, [33/1](#) of 29 September 2016 and [42/10](#) of 26 September 2019.
2. In March 2020, the Human Rights Council appointed Tomoya Obokata from Japan as the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; he began his tenure on 1 May 2020. The Special Rapporteur gratefully acknowledges the trust that has been placed in him by the Council in appointing him as mandate holder.
3. Given the short time frame between the appointment of the Special Rapporteur and the report submission deadline, the present report contains his preliminary reflections on his priorities for the duration of his term and an overview of his initial activities undertaken in May and June 2020.
4. The present report also contains a review of the activities of the previous mandate holder, Urmila Bhoola, from the time of the submission of her report to the Human Rights Council at its forty-second session until the completion of her tenure.
5. The Special Rapporteur wishes to express his deep appreciation to and admiration for his predecessor for her important work in combating slavery and slavery-like practices during her two terms as mandate holder between 2014 and 2020. Through her thematic work, for example, on bonded labour, the Sustainable Development Goals, domestic servitude, slavery in supply chains and child slavery, as well as on the gendered dimensions of contemporary forms of slavery, the former Special Rapporteur consistently advocated for ending all forms of slavery by 2030. Through her country-specific work and 10 official country visits, she not only provided valuable analysis and insight into country situations and about the concerns and issues related to slavery and slavery-like practices, but also made constructive and action-oriented recommendations.

II. Activities of the mandate

6. The six-year tenure of the previous mandate holder, Urmila Bhoola, ended on 30 April 2020. During the reporting period, she continued her work towards the eradication of contemporary forms of slavery through a range of activities.
7. On 25 October 2019, the former Special Rapporteur participated in a side event organized by the United Nations University Centre for Policy Research in New York which was dedicated to her thematic report on current and emerging forms of slavery ([A/HRC/42/44](#)), presented to the Human Rights Council in September 2019.
8. From 25 to 28 November 2019, the former Special Rapporteur participated in the Forum on Business and Human Rights. She held a film screening and panel discussion which was co-organized with the BBC in order to show the documentary “Silicon Valley’s Online Slave Market”, in which she was featured. The documentary examines how technology companies such as Google, Apple and Facebook-owned Instagram are enabling an illegal online slave market by providing and approving applications used for the buying and selling of domestic workers in Gulf countries such as Kuwait and Saudi Arabia.
9. Jointly with the United Nations High Commissioner for Human Rights and other panellists, the former Special Rapporteur also spoke at an expert panel on the

International Day for the Abolition of Slavery, organized by the United Nations voluntary trust fund on contemporary forms of slavery on 28 November 2019.

10. On 10 February 2020, the former Special Rapporteur participated remotely in a report launch organized by the University College London Faculty of Laws on the impact of differential rights of work for migrant domestic workers referred to the national referral mechanism in the United Kingdom of Great Britain and Northern Ireland. From 3 to 6 March 2020, she conducted an academic visit to Norway at the invitation of End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) Norway and the Coretta and Martin Luther King Institute for Peace. During this visit, the former Special Rapporteur attended an expert group meeting on ending modern slavery affecting children, focusing also on child sexual exploitation.

11. In January 2020, the former Special Rapporteur had intended to undertake a country visit to Qatar but it was postponed at the request of the Government in December 2019. In March 2020, she had planned to visit Silicon Valley to engage with technology companies on the enslavement and trafficking of persons online, as well as to participate in various public events. That visit, however, had to be cancelled at short notice owing to the outbreak of the coronavirus disease (COVID-19) pandemic.

12. Since his appointment as Special Rapporteur on contemporary forms of slavery, including its causes and consequences, by the Human Rights Council in March 2020, Mr. Obokata has held several consultations on the priority areas on which he is planning to focus. To this end, consultations were held with the United Nations University Centre for Policy Research, the United Nations Office on Drugs and Crime (UNODC) and the Rights Lab (University of Nottingham), and a round-table discussion was organized by the Modern Slavery and Human Rights Policy and Evidence Centre at the Bingham Centre for the Rule of Law, which was attended by over 30 anti-slavery experts and activists from different regions, including the global South. The Special Rapporteur also participated in a symposium on the Anti-Slavery in Domestic Legislation database organized by Delta 8.7 and discussed cooperation with Alliance 8.7 and with the United Nations voluntary trust fund on contemporary forms of slavery. He also met with representatives of the Government of Liechtenstein in order to discuss cooperation within the framework of the Finance against Slavery and Trafficking initiative.

13. On 2 June, the Special Rapporteur attended an online event organized by the Commonwealth on the occasion of the World Day against Child Labour, focusing on the impact of COVID-19 on child labour. Since taking up his appointment, the Special Rapporteur has also issued and/or joined several communications and press releases.

III. Definitions relevant to the mandate

14. In performing his functions, the Special Rapporteur will refer to the definitions set out in article 1 of the Slavery Convention of 1926 and in article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956.

15. Article 1 of the Slavery Convention defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” and the slave trade as “all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery”.

16. The Supplementary Convention of 1956 used the definition of the 1926 Convention, but further extended and broadened it. The provisions of its article 1

oblige States to abolish certain institutions and practices analogous to slavery, which is referred to as “servile status”. These include:

“(a) Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt [...];

“(b) Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;

“(c) Any institution or practice whereby:

“(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or

“(ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or

“(iii) A woman on the death of her husband is liable to be inherited by another person;

“(d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.”

The Special Rapporteur will also use the following definition of forced labour:

“All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.¹

In addition, the Special Rapporteur also intends to assess issues previously covered by the Working Group on Contemporary Forms of Slavery.

IV. Priorities and agenda-setting of the Special Rapporteur

17. The Special Rapporteur will explore different manifestations of contemporary forms of slavery by building on the work of his predecessors and by addressing new and emerging issues. Furthermore, he intends to place the focus of the mandate on groups who are at particular risk of being exposed to contemporary forms of slavery and require increased attention and protection. The Special Rapporteur will examine the specific situation of respective groups, inter alia, through thematic and country mission reports.

18. In his work, the Special Rapporteur will adopt survivor-centred and age- and gender-sensitive approaches. In this regard, he will be guided by General Assembly resolution 70/1, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, which identifies vulnerable groups to be empowered.²

19. The Special Rapporteur is mandated to conduct thematic research on the effective implementation of the 2030 Agenda, with a particular focus on target 8.7 (eradication of forced labour, modern slavery and human trafficking) of Sustainable Development Goal 8 (decent work and economic growth).

¹ Forced Labour Convention, 1930 (No. 29), article 2 (1).

² See General Assembly resolution 70/1, para. 23.

20. The Special Rapporteur believes that closer examination of the experiences of specific groups at particular risk of contemporary forms of slavery will assist States in adopting effective protection mechanisms, in line with applicable human rights norms and principles, and facilitate the achievement of target 8.7 of the Goals.

21. In addition to examining the situation of specific groups to assess how contemporary forms of slavery affect them, the Special Rapporteur also intends to focus on the following thematic issues as related to his mandate: (a) the role of organized criminal groups; (b) the informal economy; and (c) the role of technology in facilitating and/or preventing contemporary forms of slavery. These issues are closely interlinked with each other and the Special Rapporteur believes that an in-depth analysis of them will also provide useful guidance to States regarding the achievement of target 8.7 of the Goals.

V. How contemporary forms of slavery affect specific groups

A. Indigenous peoples

22. Globally, indigenous peoples have faced multiple forms of discrimination which have seriously impacted their enjoyment of human rights, including their access to education, social security and decent work.³ Consequently, indigenous peoples in many countries and regions have experienced economic and labour exploitation,⁴ with women and children being particularly vulnerable to sexual exploitation.⁵

23. The Special Rapporteur echoes the United Nations Declaration on the Rights of Indigenous Peoples of 2007, in the preamble to which the General Assembly expressed concern over indigenous peoples' suffering from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests. The Special Rapporteur equally recognizes the urgent need, as stipulated in the Declaration, to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources. The Declaration also includes a provision on the right of indigenous peoples not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.⁶

B. Minorities

24. Similarly to indigenous peoples, persons belonging to national or ethnic, religious or linguistic minorities face discrimination and other human rights violations.⁷ As a result, many of them have fallen prey to contemporary forms of slavery, including forced labour and servitude. For instance, members of minority groups continue to be held in descent-based slavery or designated as scheduled castes in Asian, African and the Middle Eastern countries despite the existence of national

³ See, for instance, [A/HRC/18/30/Add.2](#), para. 31.

⁴ See [A/69/267](#), paras. 66–69.

⁵ See [A/HRC/30/41](#), para. 60; and Committee on the Rights of the Child, general comment No. 11 (2009) on indigenous children and their rights under the Convention, paras. 69–73.

⁶ See, art. 17 (3) of the Declaration.

⁷ See International Covenant on Civil and Political Rights, art. 27; and Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992.

legislation prohibiting such practices.⁸ In Europe, members of Roma communities continue to be subjected to trafficking in persons, child marriage, child labour, forced begging and labour exploitation.⁹

25. Stateless persons are not considered nationals by any State under the operation of its law.¹⁰ Around 75 per cent of the world's stateless persons belong to minority groups,¹¹ which may expose them to multiple, compounded and intersecting forms of discrimination, poverty, exploitation and abuse.¹² Article 24 of the Convention relating to the Status of Stateless Persons of 1954 obliges States to grant stateless persons the same treatment as their own nationals in relation to remuneration, hours of work, paid holidays, overtime arrangements, collective bargaining and social security, including legal provisions in respect of unemployment. However, the fact that stateless persons continue to be exploited suggests this obligation is often not implemented effectively at the national level. The Special Rapporteur believes that this deserves further attention.

C. People on the move

26. The risk of contemporary forms of slavery is particularly high for people on the move, such as migrants in an irregular situation, migrant workers, victims of trafficking in persons, internally displaced persons, refugees and asylum seekers.

27. There were around 272 million migrants in the world in 2019,¹³ including 164 million migrant workers.¹⁴ As highlighted in the thematic reports by the predecessors of the Special Rapporteur,¹⁵ migrant workers are particularly vulnerable to sexual and labour exploitation for reasons ranging from deceptive recruitment practices, the frequently informal nature of their work, lack of social and other protection, and unfamiliarity with their rights and with the language and labour laws and regulations in the host countries.

28. The rights of all migrant workers are protected through the core international human rights instruments such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, as well as the international labour standards developed by the International Labour Organization (ILO).¹⁶

29. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), 1 per cent of the world's population is now displaced. Out of a total of 79.5 million people who were displaced at the end of 2019, the global refugee population stood at 29.6 million, which is the highest level ever recorded.¹⁷ The population of internally displaced persons displaced as a result of conflict or violence

⁸ See [A/HRC/30/35/Add.1](#) and [A/HRC/31/56](#).

⁹ See [A/HRC/29/24](#).

¹⁰ See Convention relating to the Status of Stateless Persons of 1954, art. 1; Office of the United Nations High Commissioner for Refugees (UNHCR), *Global Trends: Forced Displacement in 2018* (Geneva, 2019); Conny Rijken and others, "The nexus between statelessness and human trafficking in Thailand" (Wolf Legal Publishers, 2015).

¹¹ UNHCR, "'This is our home': stateless minorities and their search for citizenship", 2017 Statelessness Report (November 2017).

¹² See [A/HRC/40/64](#) and [A/73/205](#).

¹³ International Organization for Migration, *World Migration Report 2020* (Geneva, 2019).

¹⁴ ILO, *ILO Global Estimates on International Migrant Workers* (2018).

¹⁵ See [A/HRC/42/44](#) and [A/HRC/42/44/Add.1](#).

¹⁶ Available at <https://www.ilo.org/global/topics/labour-migration/standards/lang--en/index.htm>.

¹⁷ UNHCR, *Global Trends: Forced Displacement in 2019* (2020), available at <https://www.unhcr.org/globaltrends2019>.

was 45.7 million at the end of 2019.¹⁸ Many more were displaced internally owing to other reasons, such as violations of human rights and international humanitarian law, discrimination or natural disasters, including as a result of climate change.

30. The Committee on Economic, Social and Cultural Rights noted that, because of their often precarious status, refugees “remain vulnerable to exploitation, discrimination and abuse in the workplace, may be less well paid than nationals, and have longer working hours and more dangerous working conditions”.¹⁹ Internally displaced persons are also susceptible to contemporary forms of slavery, including forced labour and forced marriage,²⁰ forced prostitution,²¹ and forced criminal/gang activities,²² among others.

31. Article 24 of the Convention relating to the Status of Refugees of 1951 obliges States to grant refugees the same treatment as their own nationals in relation to remuneration, hours of work, paid holidays, overtime arrangements, collective bargaining and social security, including legal provisions in respect of unemployment. The Guiding Principles on Internal Displacement, although not legally binding, are the main and widely accepted instrument, reflecting the responsibility of States to protect and promote the rights of internally displaced persons on their territory.

32. Another dimension in the humanitarian context is that those who live in camps or camp-like settings, including refugees and internally displaced persons, continue to be targeted for human trafficking and labour or sexual exploitation²³ by organized criminal groups. For instance, UNHCR and the International Organization for Migration have reported that Rohingya refugees in Bangladesh have been targeted by organized criminal groups for labour and sexual exploitation, including domestic servitude, debt bondage, child labour and forced prostitution.²⁴

33. As was highlighted by my predecessor, many people on the move around the world are vulnerable to exploitation for the reasons ranging from deceptive recruitment practices; social and economic vulnerability combined with breakdown of families and social safety nets, lack of legal status and the absence of or limited access to protection mechanisms and social support; difficulties in integrating into new communities owing to a number of factors; and marginalization, racism, xenophobia and discrimination.²⁵ The Special Rapporteur therefore believes that their experience should be fully assessed and that targeted recommendations should be issued with the objective of enhancing their protection.

D. Persons with disabilities

34. There has been increasing evidence of persons with disabilities experiencing contemporary forms of slavery. Their disabilities, as well as wider factors such as

¹⁸ Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2020* (Geneva, April 2020), available at <https://www.internal-displacement.org/global-report/grid2020>.

¹⁹ See Committee on Economic, Social and Cultural Rights, general comment No. 23 (2016) on the right to just and favourable conditions of work, para. 47 (i).

²⁰ See [A/HRC/35/27/Add.1](#), paras. 46 and 48.

²¹ See [A/HRC/38/39/Add.3](#), para. 53.

²² See [A/HRC/38/39/Add.1](#), paras. 22 and 24; see also [A/HRC/32/35/Add.4](#), para. 13.

²³ See [A/73/171](#), para. 18; and Fiona David, Katharine Bryant and Jacqueline Larsen, *Migrants and Their Vulnerability to Human Trafficking, Modern Slavery and Forced Labour* (Geneva, IOM, 2019).

²⁴ UNHCR, “Taking on traffickers at the world’s largest refugee site” (December 2019); and IOM, “Rohingya refugee crisis response: situation overview of human trafficking” (October 2018).

²⁵ See [A/HRC/39/52](#), [A/73/139](#) and [A/73/139/Corr.1](#) and [A/HRC/42/44/Add.1](#).

discrimination, poverty and lack of or limited access to employment opportunities and decent work, can force them into these forms of slavery.

35. It has been reported, for instance, that adults and children with physical, psychosocial or intellectual disabilities are exploited by criminal individuals or groups in street begging, theft, forced labour²⁶ and benefit fraud.²⁷ Women and girls with disabilities are at particular risk of sexual exploitation,²⁸ as well as child and forced marriage,²⁹ highlighting the importance of gender dimensions.

36. Article 16 of the Convention on the Rights of Persons with Disabilities of 2006 establishes an obligation to protect persons with disabilities from exploitation, violence and abuse, and this includes protection from sexual and economic exploitation.³⁰ However, there is so far little information on how this provision is being implemented, highlighting important knowledge and research gaps. The level of vulnerability of persons with disabilities to contemporary forms of slavery requires closer examination, as these interlinkages have so far not received sufficient attention.

E. Older persons in the world of work

37. In the world of work, older persons are another category of individuals who have been prone to abuse. It has been recognized that they often encounter difficulties in finding and keeping jobs because of age discrimination.³¹ Similarly to others who face discrimination on various grounds, this can encourage them to seek employment in informal or even illegal economies rife with exploitative practices where fair wages are not guaranteed and they may be forced to undertake physically and mentally demanding jobs, such as domestic work and caregiving, without sufficient time for rest, leisure and paid holidays. Older workers have also been exploited by criminals in activities such as forced begging.³²

38. Unlike for other groups facing specific vulnerabilities, such as women, children, migrants and persons with disabilities, there is currently no human rights instrument dedicated to older persons, and the relevant norms and principles in relation to contemporary forms of slavery for this group are still at an early stage of development. There are also knowledge gaps with regard to the wider causes and consequences of the exploitation of older persons. The Special Rapporteur will therefore assess the experiences of older persons in the world of work with regard to contemporary forms of slavery.

F. Persons living in homelessness, including street children

39. Finally, while persons living in a situation of homelessness, including street children, are not specifically mentioned in General Assembly resolution 70/1, the

²⁶ See A/HRC/41/46/Add.1, para. 14.

²⁷ See A/HRC/35/37/Add.2, para. 20.

²⁸ See A/HRC/34/58/Add.2, para. 30.

²⁹ See A/72/133, para. 33; Committee of the Rights of Persons with Disabilities, general comment No. 3 (2016) on women and girls with disabilities, paras. 36–37; and Rachael Clawson and Rachel Fyson, “Forced marriage of people with learning disabilities: a human rights issue”, *Disability and Society*, vol. 32, No. 6 (19 May 2017).

³⁰ See Committee of the Rights of Persons with Disabilities, general comment No. 3, paras. 29–37.

³¹ See Committee on Economic, Social and Cultural Rights, general comment No. 6 (1995) on the economic, social and cultural rights of older persons, para. 22; and Committee on the Elimination of Discrimination against Women, general recommendation No. 27 (2010) on older women and protection of their human rights, para. 20.

³² Swiss-Romanian Cooperation Programme to Reduce Economic and Social Disparities within the Enlarged European Union, *Trafficking in Persons for Begging: Romania Study* (2013), p. 79.

Special Rapporteur also intends to examine and report on contemporary forms of slavery as they affect such persons.

40. The lack of affordable housing, forced evictions, poverty, unemployment, family disintegration and discrimination are among the causes which trigger homelessness, and these may drive persons living in homelessness into exploitative practices. In this regard, the Special Rapporteur expresses his concern over increasing evidence of persons living in a situation of homelessness, including women and children, being exploited sexually and in various economic sectors.³³ Of particular concern also are lesbian, gay, bisexual and transgender young people rendered homeless, who are often expelled from their homes by family members, homeowners or community members.³⁴

41. Homelessness is one of most severe violations of the right to adequate housing and other human rights,³⁵ and States have made a commitment to ensure access for all to adequate, safe and affordable housing and basic services by 2030 under Sustainable Development Goal 11 (sustainable cities and communities), target 11.1. Nevertheless, so far no comprehensive assessment of the linkages between contemporary forms of slavery and homelessness has been made by the human rights mechanisms of the United Nations. Therefore, the Special Rapporteur intends to examine the experiences of persons living in homelessness with a view to encouraging States to take the needs of such persons into consideration in devising and implementing anti-slavery strategies, policies and protection mechanisms.

42. The listing of groups at risk of discrimination and social exclusion is not exhaustive, and the Special Rapporteur may examine the situation of other specific groups as they come to his attention. He will also bear in mind gender dimensions, as well as vulnerabilities surrounding children and young people, in order to maintain consistency in the implementation of the mandate.

43. The Special Rapporteur also acknowledges that examination of these groups may overlap with the work of other special procedures mandate holders and other units of the international human rights system. In order to avoid duplication of work, he will communicate and coordinate closely with them and explore opportunities for joint reports and country visits where appropriate and feasible.

VI. The role of organized criminal groups in contemporary forms of slavery

44. Organized criminal groups³⁶ are actively involved in human trafficking and contemporary forms of slavery, particularly sexual and criminal exploitation of

³³ Committee on the Rights of the Child, general comment No. 21 (2017) on children in street situations; Laura T. Murphy, “Labour and sex trafficking among homeless youth” (Loyola University New Orleans and Modern Slavery Research Project, 2016); Modern Slavery Helpline, “Modern slavery and homelessness” (2019); and Chartered Institute of Building, *Construction and the Modern Slavery Act: Tackling Exploitation in the United Kingdom* (2018).

³⁴ “The right to housing by lesbian, gay, bisexual and transgender youth”, statement by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, and the Special Rapporteur on the right to adequate housing, Leilani Farha, on International Youth Day, 12 August 2019. Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24877&LangID=E>.

³⁵ See A/HRC/31/54 and A/HRC/43/43, Guideline No. 5.

³⁶ Under article 2 (a) of the United Nations Convention against Transnational Organized Crime of 2000, an “organized criminal group” is defined as “a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit”.

victims in forced prostitution, forced begging, drug production and trafficking, forced marriage and benefit fraud.³⁷ Examples of these groups include “snakeheads” in China,³⁸ the mafia, in cooperation with other criminal organizations, in Italy³⁹ and mafias or crime syndicates in Nigeria.⁴⁰

45. The fact that globally a very large number of victims are subjected to contemporary forms of slavery each year by these groups means that their modus operandi are highly sophisticated and successful for their purposes. In particular, they proactively make use of modern technologies such as social media, the dark web and cryptocurrency,⁴¹ while also engaging in violence, counter-intelligence, corruption and money-laundering to evade law enforcement and maximize their illegal profits.

46. Despite the clear linkages between organized crime and contemporary forms of slavery, some important knowledge gaps remain. For instance, aside from well-established criminal groups known to profit from these practices, the involvement of and the role played by other groups are not entirely clear. Such groups include large hierarchical organizations and smaller network-based ones, as well as those operating purely within national borders others operating across national frontiers. Many are organized along ethnic and cultural lines and work independently, while others decide to forge alliances with the common aim of maximizing illegal profits. Promoting better understanding of the structures of these groups is important in devising an appropriate strategy to dismantle them, and this is why the Special Rapporteur intends to conduct further research in this regard.

47. In addition, the modus operandi of relevant criminal organizations in recruiting and exploiting victims of contemporary forms of slavery, including division of labour, the use of risk management strategies and the level of cooperation with other criminals and criminal groups, as well as their role in manipulating illegal markets with a view to enslaving and supplying people, require closer examination, and the Special Rapporteur wishes to focus on this in the coming years. A related point is the demand for labour and sexual exploitation. While organized criminal groups may on the one hand supply people in order to meet the existing demand for them in agriculture, fisheries, manufacturing, construction and other businesses, they may on the other hand also manipulate and spike demand, for example, for sexual services, and make illegal profits.

48. Moreover, organized criminal groups operate in legal markets by running legitimate businesses such as bars, restaurants, hotels and casinos, or by operating in the wholesale and retail, real estate, transportation, construction and money services sectors,⁴² and victims may be forced to work in these and other businesses. Many of the front businesses are used for money-laundering, helping organized criminal groups to accumulate a large amount of illegal profits. Further, professionals such as lawyers, accountants and bankers may become part of money-laundering, either intentionally or unintentionally.⁴³ This complex web of interactions between legal and

³⁷ Christine Cooper and others, “A typology of modern slavery offences in the United Kingdom” (Home Office, 2017); and The Centre for Social Justice, *A Modern Response to Modern Slavery* (April 2015).

³⁸ Global Slavery Index, country study on China. Available at <https://www.globalslaveryindex.org/2018/findings/country-studies/china>.

³⁹ See A/HRC/42/44/Add.1, para. 82.

⁴⁰ See A/HRC/41/46/Add.1.

⁴¹ Christine Cooper and others, *A Typology of Modern Slavery Offences*, pp. 25–26; The Centre for Social Justice, *A Modern Response to Modern Slavery*, pp. 37–38; and Financial Action Task Force, “Professional money laundering” (Paris, July 2018), p. 27.

⁴² Organised Crime Portfolio, *From Illegal Markets to Legitimate Businesses: The Portfolio of Organised Crime in Europe* (2015), p. 156.

⁴³ Financial Action Task Force, “Professional money laundering”, p. 35.

illegal economies in facilitating contemporary forms of slavery also needs to be analysed carefully with a view to implementing effective measures. The Special Rapporteur will conduct further research and formulate practical recommendations in this regard.

Actions against contemporary forms of slavery facilitated by organized criminal groups

49. States are under an obligation to combat contemporary forms of slavery committed by organized criminal groups, and the Special Rapporteur will explore some of the important measures to be implemented in this regard. In addition to target 8.7 of the Sustainable Development Goals, this can involve assisting States to achieve Goal 16 (peace, justice and strong institutions), particularly targets 16.4 and 16.A.⁴⁴

50. In order to facilitate more effective law enforcement responses, proactive intelligence-led law enforcement, as opposed to reactive law enforcement which happens after a crime is committed, may be required under specific, well-defined circumstances. In this regard, the use of special investigative measures such as surveillance and interception of communications is encouraged by the key international instrument on the subject, the United Nations Convention against Transnational Organized Crime of 2000.⁴⁵

51. The need to rely on these measures in tackling serious crimes has been acknowledged by human rights bodies, including the European Court of Human Rights.⁴⁶ However, they have clear implications for the protection and promotion of human rights, such as the rights to privacy, liberty and security, and therefore must be implemented in conformity with the relevant human rights norms and principles. The Special Rapporteur intends to articulate these in detail, as effective law enforcement responses are essential in preventing and ending contemporary forms of slavery.

52. Another important area of law enforcement is criminal asset recovery and confiscation of criminal proceeds. One effective way to tackle enslavement perpetrated by organized criminal groups is to remove their illegal profits. It has been estimated in this regard that the total illegal profits from forced labour every year amount to \$150 billion.⁴⁷ If confiscated successfully, the criminal proceeds obtained from contemporary forms of slavery can be usefully channelled to ensure access to justice, remedy, compensation and protection for victims and to enhance the capacity and capability of law enforcement to tackle these crimes. Nevertheless, channelling confiscated funds directly to victims is not yet routinely done. The Special Rapporteur therefore intends to devote attention to this area and to formulate specific recommendations on how to increase victim protection and assistance accordingly.

53. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, noted previously that illicit financial flows deprive States of resources required to realize economic, social and cultural

⁴⁴ Target 16.4 urges States to “significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime”, whereas States are to “strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime” under target 16.A.

⁴⁵ See Organized Crime Convention, art. 20.

⁴⁶ See *Malone v United Kingdom*, application No. 8691/79 (1984), para. 81; and *Bannikova v Russia*, application No. 18757/06 (2011), para. 33.

⁴⁷ ILO, *Profits and Poverty: The Economics of Forced Labour* (Geneva, 2014), p. 13.

rights.⁴⁸ While the obligations in relation to criminal asset recovery are stipulated in the Organized Crime Convention,⁴⁹ this suggests that they can also be established under international human rights law. The Special Rapporteur will explore how to promote a human rights-based approach to the implementation of criminal asset recovery from an anti-slavery perspective, including relevant initiatives facilitated by entities such as the Financial Action Task Force⁵⁰ and the Finance against Slavery and Trafficking initiative.⁵¹

54. Aside from the efforts by States, which are paramount as they are the main duty bearers, the Special Rapporteur considers that the role of international organizations in strengthening national and international action against contemporary forms of slavery is worth assessing. Organizations such as UNODC play an important role in providing technical and other assistance to individual States in order to strengthen domestic criminal justice responses, and there are others, such as the International Criminal Police Organization (INTERPOL) and the European Union Agency for Law Enforcement Cooperation (Europol), which directly facilitate international criminal justice cooperation. Nevertheless, knowledge gaps remain as to the nature and extent of their activities, and the Special Rapporteur intends to fill them by conducting relevant research.

VII. Contemporary forms of slavery in the informal economy

55. In her last report on current and emerging forms of slavery, the former Special Rapporteur noted that informality, including casualization and other types of precariousness in employment, is likely to pose a great major risk for vulnerability to slavery.⁵² An in-depth analysis of this issue therefore can contribute to the achievement of target 8.7 of the Sustainable Development Goals.

56. According to ILO, more than 60 per cent of the world's working population are in the informal economy, with developing countries accounting for more than 90 per cent. Some of the underlining causes of informality range from structural issues such as inadequate regulatory frameworks and enforcement mechanisms and lack of transparency and accountability, to issues facing workers, such as poverty, lack of education or skills training and discrimination on various grounds, which make it difficult for them to find employment in the formal economy.⁵³ Women, children and young people, indigenous peoples, minority groups, migrants, stateless persons, internally displaced persons, people with disabilities and older persons face a distinct risk in this regard. In addition to Sustainable Development Goal 8, it is evident that other Goals, such as Goals 1 (no poverty), 2 (zero hunger), 4 (quality education), 5 (gender equality) and 10 (reduced inequalities), are pertinent to issues surrounding informal economy.

57. There is currently no universally accepted definition of the “informal economy”, but it may be broadly understood as “all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements”.⁵⁴ Simply put, workers in the informal economy are not properly

⁴⁸ See A/HRC/28/60, para. 22.

⁴⁹ See Organized Crime Convention, arts. 12–14.

⁵⁰ <https://www.fatf-gafi.org>.

⁵¹ <https://www.fastinitiative.org>.

⁵² See A/HRC/42/44, para. 10.

⁵³ ILO, Informality and non-standard forms of employment, paper prepared for the Group of Twenty Employment Working Group (Buenos Aires, 20–22 February 2018).

⁵⁴ ILO, Transition from the Informal to Formal Economy Recommendation, 2015 (No. 204).

recognized or registered under labour or other relevant legislation,⁵⁵ and therefore protection by States is severely limited or non-existent.

58. Examples of workers in the informal economy include, but are not limited to, street sellers, home-based workers (e.g. garment workers, packagers and manufacturers of electronic parts), hospitality workers (e.g. in restaurants and hotels), security guards and domestic workers,⁵⁶ as well as workers in the so-called gig economy promoted by digital labour platforms which hire, for example, taxi drivers and delivery workers. In many geographical regions, women have higher rates of informal employment than men.⁵⁷

59. The core characteristics of employment in the informal economy include unsafe and exploitative working conditions, low levels of skills and productivity, low income and excessive working hours.⁵⁵ These and possible other characteristics inherent in the informal economy represent indicators of forced labour.⁵⁸ In addition to target 8.7 of the Sustainable Development Goals, it is also clear that target 8.8, which urges States to “protect labour rights and promote safe and secure working environments for all workers”, is directly relevant.

60. All of these factors raise an important question of State responsibility in relation to the informal economy. The situation can be exacerbated by external factors such as COVID-19 which have resulted in a high level of unemployment and pushed more workers into the informal economy.⁵⁹ While the obligation to prevent and address slavery, forced labour and servitude is clearly established, the nature and extent of obligations relating to wider issues, including the protection of workers in the informal economy under international labour law, are less clear. The same is true for the responsibility of businesses in this sector, although the Guiding Principles on Business and Human Rights do not distinguish between businesses in the formal or the informal economy.⁶⁰ The Special Rapporteur intends to provide a relevant analysis in this regard.

61. According to ILO, the informal economy should be distinguished from criminal or illegal activities, including the production and provision of illegal goods and services such as drugs and firearms and trafficking in persons.⁶¹ The informal economy may, however, be manipulated by entities such as organized criminal groups in order for them to make illegal profits and also to infiltrate the formal economy. This may happen when, for instance, women are trafficked into States where prostitution is decriminalized or legalized but without a sufficient level of protection for sex workers. Street vendors may also be selling illicit goods, including stolen items, supplied by criminals. Therefore, the distinction between informal and illegal economies can be blurred at times.

⁵⁵ See ILO, “Transitioning from the informal to the formal economy”, International Labour Conference, 103rd Session (2014), para. 25. Available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_218128.pdf.

⁵⁶ Women in Informal Employment: Globalizing and Organizing, Occupational Groups in the Informal Economy, available at <https://www.wiego.org/informal-economy/occupational-groups>.

⁵⁷ Florence Bonnet, Joann Vanek and Martha Chen, *Women and Men in the Informal Economy: A Statistical Brief* (Women in Informal Employment: Globalizing and Organizing, January 2019), available at https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_711798.pdf.

⁵⁸ ILO, “ILO indicators of forced labour” (2012).

⁵⁹ See A/HRC/45/8.

⁶⁰ Guiding Principles on Business and Human Rights, available at https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

⁶¹ See ILO, “Transitioning from the informal to the formal economy”, para. 7.

62. Issues surrounding the informal economy and contemporary forms of slavery, including applicable human rights norms and principles, are highly complex and require a careful, in-depth analysis. The Special Rapporteur intends to provide advice to States and other stakeholders on how to achieve target 8.7 of the Sustainable Development Goals, in particular by examining and reporting on this issue.

VIII. Technology and contemporary forms of slavery

63. There are several dimensions to the relationship between technology and contemporary forms of slavery. First, technologies such as the Internet, social media and smartphone apps have been used by traffickers and exploiters to buy, sell and enslave people around the world.⁶² According to an undercover investigation conducted by the BBC in Kuwait, migrant domestic workers are illegally bought and sold through Instagram, which is owned by Facebook; it has also been noted that smartphone apps which allow such illegal transactions can be downloaded through Google Play and Apple's App Store.⁶³ The nature and extent of this problem globally, however, is not entirely clear, and this requires additional analysis.

64. In addition to State responsibility, the use of these technologies by criminals to facilitate contemporary forms of slavery raises important questions about the responsibility of technology companies in tackling contemporary forms of slavery. Do they have sufficient internal due diligence mechanisms to detect human trafficking, exploitation, enslavement and other human rights abuses within their platforms in order to adhere to the Guiding Principles on Business and Human Rights? What are practical challenges in identifying illegal transactions and human rights abuses, and what is being done to prevent and address them? What is the nature and extent of cooperation between relevant technology companies and national and foreign law enforcement authorities? These and other pertinent questions must be carefully examined. It is also important to explore the role which these companies can play in achieving target 8.7 of the Sustainable Development Goals.

65. More complex is the use of the so-called dark web or darknet, which is a part of the World Wide Web that cannot be located through regular search engines and is accessible only with the use of specialist software such as Tor (The Onion Router) or I2P (Invisible Internet Project).⁶⁴ A prominent example is Silk Road, which was used to buy and sell illegal drugs, but reports are emerging around the world on the use of the dark web to traffic, buy and sell people for labour and sexual exploitation, including exploitation in child pornography.⁶⁵ Because of their hidden nature, these sites are extremely difficult to identify, leaving victims vulnerable and exploited even further and perpetuating the impunity of such crimes. This leaves a serious gap in victims' access to justice and to remedy.

66. From a law enforcement perspective, the use of technology in facilitating contemporary forms of slavery highlights a number of challenges, such as identifying websites which facilitate the enslavement of persons, exercising criminal jurisdiction over cyberspace, facilitating international criminal justice cooperation among the diverse criminal justice systems and engaging with technology companies. The

⁶² UNODC, *Global Report on Trafficking in Persons 2018* (December 2018), pp. 38–39.

⁶³ BBC News Online, "Maids for sale: how Silicon Valley enables online slave markets", available at <https://www.bbc.co.uk/news/av/technology-50240012/maids-for-sale-how-silicon-valley-enables-online-slave-markets>. The previous Special Rapporteur is featured in this documentary.

⁶⁴ National Crime Agency of the United Kingdom, "National strategic assessment of serious and organised crime" (2018), p. 18.

⁶⁵ Stop the Traffik, "Human trafficking and the dark net" (2018); and Catharina Drejer and Kevin Bales, *#SlaveTech: A Snapshot of Slavery in Digital Age* (Frekk Forlag AS, 2018).

protection and promotion of human rights, and of privacy in particular, is also important, as law enforcement action can affect the rights not only of offenders, but also of the general public who use these technologies on a day-to-day basis.

67. The rise of digital labour platforms, or crowdwork, has relevance to contemporary forms of slavery. These platforms facilitate crowdsourcing, whereby jobs are advertised to a large number of interested workers around the world who in turn are paid for completing assigned tasks. Some digital labour platforms are web-based (e.g. Upwork and Clickworker) while others take the form of smartphone apps (e.g. Uber and Deliveroo). According to ILO, these platforms promote new ways of commodifying and selling labour “on demand” to businesses and others who are looking to outsource some aspects of their workload at a lower cost.⁶⁶

68. The type of work generated by digital labour platforms may be beneficial to some, like those seeking quick money in a short period of time. It also offers flexibility and autonomy to workers compared with the typical jobs in an office setting, for instance. However, many of these jobs are not regulated by States and therefore are part of the informal “gig” economy, giving rise to a range of issues pertinent to contemporary forms of slavery.

69. Because wages are often low, people in the gig economy have to work long hours. Job security is also not guaranteed, with the possibility of their contracts being terminated without notice. This is exacerbated by an increasing number of people who are competing for secure jobs.⁶⁷ As stressed by ILO, crowdwork represents a shift towards “precarious and contingent labour as well as towards more automated hiring and management processes”.⁶⁸ As the former Special Rapporteur noted, these issues will make workers more vulnerable to exploitation and slavery⁶⁹ and therefore require a more in-depth analysis, with a view to proposing appropriate measures to be taken in order to achieve targets 8.7 and 8.8 of the Sustainable Development Goals.

70. Finally, it is important to recognize that modern technology has also been used and is increasingly being used to combat contemporary forms of slavery. It has been reported that there are approximately 260 digital technology tools being used to fight these practices, with 38 per cent of them being used in the global South.⁷⁰ These measures range from blockchain technology⁷¹ which can facilitate transparency and accountability in supply chain management,⁷² to the use of satellites to map bonded labour in South Asian brick kilns,⁷³ to smartphone apps which allow possible or actual victims to report instances of contemporary forms of slavery to the relevant authorities.⁷⁴ Undoubtedly, these technologies will become more important in the future in responding to the increasingly sophisticated nature of these practices, particularly as part of the implementation of targets 16.4 and 16.A of the Sustainable

⁶⁶ See Janine Berg and others, *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World* (Geneva, ILO, 2018), chap. 1.

⁶⁷ See Alex Wood and others, “Good gig, bad gig: autonomy and algorithmic control in the global gig economy”, *Work, Employment and Society*, vol. 33, No. 1, pp. 67–68.

⁶⁸ See Janine Berg and others, *Digital Labour Platforms and the Future of Work*, chap. 1.3.

⁶⁹ See A/HRC/42/44, paras. 10–11.

⁷⁰ *Ibid.*, para. 38.

⁷¹ Blockchain technology is a decentralized, immutable digital database used to trace and record transactions which are visible to permitted participants, a good example of which is Google Docs.

⁷² See A/73/163, para. 52; and Mekong Club, “Using blockchain to combat modern slavery” (2018), pp. 3–4.

⁷³ Jackson Bethany, “Slavery from space: a remote sensing approach to ending modern slavery”, Rights Lab at the University of Nottingham, 7 March 2019.

⁷⁴ Examples include the Safe Car Wash app, developed by the Clewer Initiative (<https://www.theclewerinitiative.org/safecarwash>), and Unseen App (<https://www.modernslaveryhelpline.org/about/unseen-app>).

Development Goals, which are closely interlinked to target 8.7. The Special Rapporteur intends to identify good practices and provide an analysis of their efficacy and impact in ending contemporary forms of slavery.

IX. Conclusion

71. The Special Rapporteur looks forward to constructive and fruitful cooperation with diverse stakeholders in all regions in advancing his priorities identified in the present report. He particularly emphasizes his desire for constructive engagement with States Members of the United Nations, private businesses and national human rights institutions, with a view to eradicating contemporary forms of slavery and achieving Sustainable Development Goal 8. The Special Rapporteur encourages Member States to respond positively to his requests for information or for country visits, while emphasizing that the mandate remains available to provide guidance to States as may be relevant and helpful for them. The Special Rapporteur reiterates the importance that he places on the role and views of non-governmental organizations, including in providing information on national-level dynamics as related to slavery and slavery-like practices.
