



Human Rights Council**Forty-eighth session**

13 September–1 October 2021

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Nexus between displacement and contemporary forms of
slavery****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 decided to renew the mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.

In the report, the Special Rapporteur identifies factors that render displaced persons, including internally displaced persons, asylum seekers and refugees, vulnerable to exploitation and contemporary forms of slavery. He also outlines some of the principal manifestations of slavery as experienced by displaced persons globally, and highlights good practices and persisting challenges in preventing and responding to contemporary forms of slavery affecting displaced persons.

The Special Rapporteur formulates recommendations for States, businesses, civil society, members of academia and humanitarian actors with the objective of providing constructive guidance on how to address the present situation.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. This year, 2021, marks the seventieth anniversary of the Convention relating to the Status of Refugees, the sixtieth anniversary of the Convention on the Reduction of Statelessness and the twenty-third anniversary of the Guiding Principles on Internal Displacement. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, considers it timely to assess the situation of displaced persons, including refugees, stateless persons and internally displaced persons, with regard to contemporary forms of slavery. Also, in its resolution 73/327, the General Assembly declared 2021 as the International Year for the Elimination of Child Labour. The present report thus contains a section on the worst forms of child labour as experienced by displaced children.¹

2. At the end of 2020, there were 82.4 million forcibly displaced people worldwide – approximately 1 per cent of the world’s population.² Of these, 26.4 million were refugees, 48 million were internally displaced persons, and 4.1 million were asylum seekers.³ An estimated 35 million (42 per cent) of the displaced are children below 18 years of age. Furthermore, there are 4.2 million stateless persons;⁴ unofficial statistics indicate that as many as one in three stateless persons have been displaced.⁵ The Rohingya from Myanmar constitute the largest stateless community in the world, being displaced mostly in Bangladesh and Malaysia, as well as in India and other countries.⁶ Today, most displacement situations are protracted, with the refugees being displaced for, on average, between 10 and 26 years.⁷

3. Displaced persons may be subjected to contemporary forms of slavery prior to displacement, in transit and in places of destination. They may be exposed to slavery or slavery-like practices in humanitarian and non-humanitarian situations, including in camps and non-camp settings. Vulnerabilities manifest in different ways depending on the context. Contemporary forms of slavery may constitute both a cause and a consequence of displacement.

4. To inform his research, the Special Rapporteur issued a call for input from a wide range of stakeholders, including Member States, national human rights institutions, civil society organizations, United Nations entities and regional human rights bodies. He wishes to thank all the stakeholders who responded to his call for submissions and welcomes the engagement demonstrated in this process.⁸ The Special Rapporteur also drew on information gathered from desk research. Examples mentioned in the report are demonstrative and are not intended as a comprehensive representation.

II. Activities relating to the mandate

5. During the reporting period, the Special Rapporteur participated in a wide range of discussions and initiatives relating to the prevention and eradication of contemporary forms of slavery. He held regular exchanges with key anti-slavery actors and met with multiple government representatives and with members of civil society. The Special Rapporteur also jointly organized a webinar with the Commonwealth Human Rights Initiative in September 2020 and held two consultations with various civil society organizations from India and

¹ The Special Rapporteur refers in particular to the forced labour described in article 3 (a) of the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization.

² Office of the United Nations High Commissioner for Refugees (UNHCR), Refugee Data Finder. Available at www.unhcr.org/refugee-statistics/ (updated on 18 June 2021).

³ Ibid. The number of internally displaced persons could be as high as 55 million (see Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2021* (Geneva)).

⁴ UNHCR, Refugee Data Finder.

⁵ Norwegian Refugee Council and Tilburg University, “Statelessness and displacement: a humanitarian challenge”, April 2016.

⁶ UNHCR, “The displaced and stateless of Myanmar in the Asia-Pacific Region” (January 2021).

⁷ Elizabeth Ferris, “When refugee displacement drags on, is self-reliance the answer?”, Brookings, 19 June 2018.

⁸ All submissions are available at www.ohchr.org/EN/Issues/Slavery/SRSslavery/Pages/ReportHRC48.aspx.

Pakistan facilitated by the Norwegian Human Rights Fund. Furthermore, he participated in a panel event co-organized with the African Commission on Human and Peoples' Rights and the Special Rapporteur on trafficking in persons, especially women and children. Many meetings held with civil society representatives focused on the acute challenges posed in the context of the coronavirus disease (COVID-19) pandemic, which was the subject of the first report the mandate holder presented to the Human Rights Council, in 2020.⁹

6. The Special Rapporteur also engaged with technology companies in following up on communications sent to various businesses and Member States in 2020. In this context, he held a virtual meeting with one of the companies jointly with the Working Group on the issue of human rights and transnational corporations and other business enterprises in September 2020. In May 2021, he participated in a special briefing organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) under the Business and Human Rights in Technology Project (B-Tech Project) on business and human rights, which was attended by some of the world's leading technology companies and several other mandate holders.

7. In June 2021, the Special Rapporteur formally became a partner of the Inter-Agency Coordination Group against Trafficking in Persons. He also cooperated closely with the United Nations voluntary trust fund on contemporary forms of slavery, for example by meeting with the members of its Board of Trustees and by participating in a virtual webinar held on the occasion of the International Day for the Abolition of Slavery on 2 December 2020.

8. With regard to country visits, the Special Rapporteur had planned to visit Mauritania in June and Sri Lanka in August 2021. Both visits had to be postponed due to the COVID-19 pandemic.

9. The Special Rapporteur also issued various statements and communications addressed to States and private companies, most of them jointly with other special procedure mandate holders.

III. Defining displaced persons

10. In the present report, a broad definition of "displaced persons" is applied in order to include people displaced due to a wide range of causes, including armed conflict, generalized violence, sudden-onset or slow-onset disasters, and development projects. The International Organization for Migration (IOM) defines "displaced persons" as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, either across an international border or within a State, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters".¹⁰ Labour migrants are not considered in the present report, but in practice some of the vulnerabilities they face may be similar to displaced persons.¹¹

11. The term refugee, as defined in article 1 (a) of the Convention relating to the Status of Refugees, applies to any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable, or owing to such fear, is unwilling to avail himself or herself of the protection of that country. There are also regional instruments on refugees that provide slightly different definitions.¹²

⁹ A/HRC/45/8.

¹⁰ See *Glossary of Migration* (Geneva, 2019).

¹¹ See Fiona David, Katharine Bryant and Jacqueline Joudo Larsen, *Migrants and Their Vulnerability to Human Trafficking, Modern Slavery and Forced Labour* (Geneva, IOM, 2019).

¹² In the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, the Arab Refugee Convention and the Cartagena Declaration on Refugees, the definitions of "refugee" are broader, as they include other causes of displacement, such as external aggression, armed conflict, natural disasters and massive violations of human rights.

12. Internally displaced persons are defined as persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.¹³

13. Stateless persons are those not considered as a national by any State under the operation of its law.¹⁴ While the Special Rapporteur does not address all stateless people in the present report, he pays specific attention to the situation of displacement.

IV. State obligations under international human rights law and labour law to protect displaced persons from contemporary forms of slavery

14. International and regional instruments relating to contemporary forms of slavery apply to everyone, including displaced persons. Key instruments include the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the Forced Labour Convention, 1930 (No. 29) and the Protocol of 2014 thereto and the Worst Forms of Child Labour Convention, 1999 (No. 182), as well as general human rights treaties, including the International Covenant on Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), the American Convention on Human Rights and the African Charter on Human and Peoples' Rights. These instruments oblige States to prohibit contemporary forms of slavery and protect victims.

15. In addition, there are other instruments, both legally binding and non-binding, that contain provisions aimed at preventing displaced persons from being subjected to contemporary forms of slavery through the promotion of work-related rights. For instance, the Convention relating to the Status of Refugees and the Convention relating to the Status of Stateless Persons each contain the following provisions, numbered identically and with almost identical wording: article 17, on wage earning employment; article 18, on self-employment; article 19, on liberal profession; and article 24, on labour legislation and social security. The guiding principles on the access of refugees and other forcibly displaced persons to the labour market, the global compact on refugees, and the Global Compact for Safe, Orderly and Regular Migration include goals on access to decent work.

16. There is no universal treaty that applies specifically to internally displaced persons, but paragraph 2 (b) of principle 11 of the Guiding Principles on Internal Displacement contains a reference to the protection from slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation or forced labour of children. In the African region, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) obliges States to promote self-reliance and sustainable livelihoods¹⁵ in addition to providing other assistance and protection designed to prevent internally displaced persons from being subjected to contemporary forms of slavery. The Framework on Durable Solutions for Internally Displaced Persons also stresses the importance of securing access to livelihoods and employment.

17. International human rights law provides additional guarantees. The International Covenant on Economic, Social and Cultural Rights sets out work-related rights, including the enjoyment of just and favourable conditions of work, trade union rights and the right to social security (arts. 6–9). They apply to everyone without discrimination,¹⁶ including displaced persons. Article 5 (e) (i) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 11 (1) (a) of the Convention on the Elimination of All Forms of Discrimination against Women, article 27 of the Convention on the Rights of Persons with Disabilities and articles 52 to 55 of the International Convention on the

¹³ Guiding Principles on Internal Displacement, para. 2.

¹⁴ Convention relating to the Status of Stateless Persons, art. 1.

¹⁵ Art. III (1) (k).

¹⁶ International Covenant on Economic, Social and Cultural Rights, art. 2 (2).

Protection of the Rights of All Migrant Workers and Members of Their Families also refer to the right to work. The Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) of the International Labour Organization (ILO) provides detailed and practical guidance on securing decent work in times of emergency, such as armed conflicts and disasters, which is relevant to displaced persons.

V. Vulnerabilities of displaced persons to contemporary forms of slavery

18. Displaced persons are vulnerable to contemporary forms of slavery as a result of personal, situational and structural factors. In the present report, the Special Rapporteur focuses on some of the main intersecting vulnerabilities, recognizing that other factors, such as the length of travel, secondary displacement, language ability, caste status, cultural norms and the availability or absence of support networks, also influence the level of displaced persons' vulnerability to contemporary forms of slavery.¹⁷

A. Poverty

19. Poverty levels among displaced populations are known to be high. As members of populations typically discriminated against within their own communities and countries, many displaced persons do not have sufficient means of subsistence. Even where they do, their assets are often stolen or taken away or they need to leave them behind when fleeing their home. Consequently, many displaced persons live in extreme poverty. Pre-existing poverty is often exacerbated through displacement, due to a loss of income and property and an increase in financial instability.¹⁸ Physical, social and economic deprivation may lead to negative coping behaviours, such as subjecting children to child labour or marriage,¹⁹ and therefore increase the risk of contemporary forms of slavery.

20. The COVID-19 pandemic has exacerbated poverty among displaced persons, including through job loss. It has been reported, for example, that an estimated 4.4 million people in Jordan and Lebanon as well as in the Kurdistan region of Iraq, in addition to 1 million Syrian refugees and 180,000 internally displaced persons from Iraq, have been pushed into poverty.²⁰ Refugees from West African States had their access to food, shelter and basic goods further restricted due to financial hardship, pushing many into exploitative and abusive situations.²¹ Impacts of the COVID-19 situation on trafficking in persons and on labour and sexual exploitation have been reported in other parts of the world.²²

B. Discrimination

21. Discrimination on the basis of age, gender, race, nationality, ethnicity, sexual orientation, migration status, religion, class and disability, among other categories, is a root

¹⁷ See David, Bryant and Joudo Larsen, *Migrants and Their Vulnerability*.

¹⁸ See, for example, Alice Nikuze and others, "Livelihood impacts of displacement and resettlement on informal households – a case study from Kigali, Rwanda" *Habitat International*, vol. 86 (April 2019), p. 38; and A/HRC/47/37.

¹⁹ See, for example, Jenny Birchall, "Child, early and forced marriage in fragile and conflict affected states", K4D Helpdesk Report (Brighton, United Kingdom of Great Britain and Northern Ireland, Institute of Development Studies, 2020).

²⁰ See Joint Data Center on Forced Displacement, World Bank and UNHCR, *Compounding Misfortunes: Changes in Poverty Since the Onset of COVID-19 on Syrian Refugees and Host Communities in Jordan, the Kurdistan Region of Iraq and Lebanon* (December 2020).

²¹ Sophie Sportiche, "Improving evidence on the effects of COVID-19 on migrants and refugees in West Africa to inform better responses" (Integrity, 2020).

²² See, for example, United Nations Office on Drugs and Crime, "How COVID-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America", Research Brief (2020); and UNHCR, Global COVID-19 Emergency Response (October 2020).

cause of contemporary forms of slavery, including for displaced persons. Structural discrimination may be facilitated by States, employers or society as a whole, limiting access to decent work, education and other opportunities. This increases the risk of destitution. In Europe, for example, displaced persons have faced racism and discrimination in recent years, which has negatively affected their ability to find work and to integrate into society.²³ Lesbian, gay, bisexual, transgender and intersex persons tend to face a particular risk of being subjected to sexual exploitation,²⁴ and stereotypes about particular nationalities or ethnic backgrounds may provide a pretext for subjecting displaced persons to contemporary forms of slavery, affecting, for example, sub-Saharan Africans in Libya.²⁵

22. Due to persisting gender inequality, displaced women are disproportionately affected by underemployment or unemployment. Data show that in some countries, such as Germany, refugee women face greater difficulties in accessing the labour market than men do, while also facing pay gaps.²⁶ In Turkey, only 15 per cent of Syrian women have income-generating jobs.²⁷ The lack of economic opportunities may push displaced women to engage in transactional sex²⁸ and other exploitative practices in order to survive. Gender discrimination and stigmatization are also prevalent among internally displaced persons who are perceived to have some affiliation with an armed group, such as Yazidi women and girls who were enslaved by Islamic State in Iraq and the Levant.²⁹ This compounds their vulnerability to contemporary forms of slavery.

C. Migration status

23. Displaced persons with an irregular or uncertain migration status are particularly vulnerable to contemporary forms of slavery. If they are unable to register as asylum seekers or if their asylum claim remains pending for a long time, they may feel compelled to accept exploitative work due to a lack of alternatives. As a consequence, their vulnerability increases. Those who do not intend to file an asylum claim because they are in transit, or those whose asylum application has been rejected, also face disproportionate instability, which may make them vulnerable to exploitation.

24. The temporary nature of stays associated with irregular or uncertain status also increases the risk of exploitation and abuse. Measures intended for the short term are regularly applied for extensive periods of time.³⁰ Such a long-term “state of emergency” creates a perpetual state of limbo for many displaced persons. At the same time, they often do not have adequate access to services because their situation is perceived as temporary.

25. Furthermore, due to their lack of legal status, many displaced stateless persons experience difficulties exercising their rights,³¹ as they do not have sufficient access to regular and legal employment, education, health care and social services. They may therefore be ostracized by displaced persons who have a nationality, making them more vulnerable to

²³ European Network against Racism, *Racism and Discrimination in the Context of Migration in Europe: ENAR Shadow Report 2015–2016*.

²⁴ See David, Bryant and Joudo Larsen, *Migrants and Their Vulnerability*.

²⁵ Information received from UNHCR.

²⁶ Emma Wallis, “German study finds gender gap in refugee employment chances”, InfoMigrants, 16 April 2021.

²⁷ Izza Leghtas, “Insecure future: deportations and lack of legal work for refugees in Turkey” (Refugees International, 2019), p. 14.

²⁸ UNHCR, *Survivors, Protectors, Providers: Refugee Women Speak Out* (2011), p. 27; and Carmen Helen Logie and others, “Gender, transactional sex, and HIV prevention cascade engagement among urban refugee and displaced adolescents and youth in Kampala, Uganda”, *AIDS Care*, vol. 33, No. 7 (2021).

²⁹ A/HRC/44/41/Add.1, para. 49.

³⁰ Stephen Thompson, “Emergency humanitarian response to longer-term development in refugee crises”, K4D Helpdesk Report (Brighton, United Kingdom of Great Britain and Northern Ireland, Institute of Development Studies, 2017).

³¹ Norwegian Refugee Council and Tilburg University, “Statelessness and displacement”.

abuse or exploitation.³² The experience is similar for others who do not possess identity documents and are unable to prove their nationality.

D. Informality of employment

26. Evidence suggests that refugees work under much worse conditions than nationals in host countries. This is partially due to the fact that refugees often lack the means or the willingness to pursue their legal entitlements to work or to protection in the workplace. Furthermore, they often lack information on their rights and on relevant applicable law.³³

27. Many displaced persons work in the informal sector. This is partially the result of the legal and practical barriers in accessing the formal labour market. Employment in the informal sector is often characterized by low wages, exploitative working conditions, long work hours and lack of job security. Also, the bargaining power of displaced persons is often limited because they do not feel empowered to mobilize or unionize and, being displaced, are located in areas that are not their habitual residence or communities. Furthermore, the explicit and implicit exclusion of displaced people from labour and social security law increase the formal barriers to accessing fair working conditions.

28. Displaced stateless persons are often systematically pushed into the informal economy, as without a nationality they have no access to jobs in the formal economy. Most labour laws do not apply to workers without a nationality, which often leads to labour exploitation or sexual harassment of stateless workers.³⁴ For example, tens of thousands of Dominicans of Haitian descent were stripped of their nationality after a constitutional change in 2013. As a result, they were pushed into low-wage, exploitative and often hazardous jobs in the Dominican Republic while facing constant fear of deportation.³⁵

29. In many countries, however, displaced persons are not the only group predominately employed in the informal economy. For example, in India 90 per cent, and in Peru 75 per cent, of the population work in the informal sector.³⁶ In such situations, the arrival of large numbers of displaced persons puts additional pressure on the labour markets, as competition in accessing the labour market is likely to increase.

30. Displaced persons who either lose their identity documents or who have them confiscated by exploitative employers usually do not find regular employment in the formal sector. Furthermore, they are often not aware of the existing reporting channels in case of abuse. As a consequence, they may not report exploitation and other human rights violations, perpetuating impunity.

E. Increased vulnerability in formal and informal camp settings

31. Around the world, over 6 million refugees – about 22 per cent of the overall refugee population – reside in a camp setting.³⁷ Camps are mostly set up as short-term emergency structures of last resort.³⁸ Due to the protracted nature of displacement, many of them become homes for decades, such as the Dadaab camp in Kenya or the refugee camps near Tindouf, Algeria, where refugees from Western Sahara have been residing since 1975. Because of a

³² Ibid. See also “Ending statelessness ‘a matter of political will’, says UN refugee agency chief”, 11 November 2020.

³³ Roger Zetter and Héloïse Ruadel, *Refugees’ Right to Work and Access to Labor Markets – An Assessment*, Global Knowledge Partnership on Migration and Development Study (September 2016).

³⁴ Florian Bochert, “Non-existent humans: how stateless persons are forced to work informally”, *Harvard International Review* (2021).

³⁵ Davina P. Durgana, “Lessons learned from modern slavery: addressing shared challenges in measurement for statelessness researchers”, *Citizenship and Stateless Review* (2020).

³⁶ Submission from Observatorio Latinoamericano sobre Trata y Tráfico de Personas (Observa la Trata), Peru chapter; and Santosh Mehrorta, “Informal employment trends in the Indian economy: persistent informality, but growing positive development”, Employment Working Paper No. 254 (ILO, 2019).

³⁷ USA for UNHCR, “Refugee camps”. Available at www.unrefugees.org/refugee-facts/camps/.

³⁸ UNHCR, “Camp coordination, camp management”, in the UNHCR Emergency Handbook. Available at <https://emergency.unhcr.org/entry/42974/camp-coordination-and-camp-management-cccm>.

lack of freedom of movement and poor security, displaced persons are vulnerable to violence, exploitation and abuse. The risk is particularly high in informal camps and settlements where there are no basic protection and humanitarian structures or land tenure, including for internally displaced persons. Often, basic services such as water, electricity and health care are not adequately available.³⁹ In informal settlements at the northern border of Mexico, for example, people trying to cross the border to the United States of America face an elevated risk of being recruited for sexual and labour exploitation.⁴⁰

32. Ensuring the protection of refugees and internally displaced persons in camps constitutes a major challenge, as often camps are densely built and become a breeding ground for violence and disease. This makes them highly insecure, particularly for women and children. Additional challenges associated with camp management, such as the variety of actors involved, a lack of institutional support, and limited employment and livelihood opportunities, contribute to displaced persons' vulnerability to trafficking in persons and contemporary forms of slavery.⁴¹

33. In this regard, the Special Rapporteur received information that Governments had been failing to prevent displaced persons from being subjected to exploitation and abuse, as protection mechanisms were often ineffective.⁴² Militarization in some camps also has increased the probability of sexual exploitation and abuse of women and girls and the forced recruitment of children into armed groups.⁴³ Furthermore, States are not always willing or able to ensure that internally displaced persons have equal protection and access to assistance as refugees.

F. Exposure to criminal groups, traffickers and people smugglers

34. While in transit, displaced persons often have no other choice but to rely on smugglers, traffickers, other individual criminals and criminal groups to assist them with their onward journey. This is mainly because other options are limited by the persisting lack of regular migration pathways, including for those in need of international protection. OHCHR has noted that in the unequal power relationship between migrants and smugglers, smuggled migrants are particularly at risk of abuse and exploitation.⁴⁴ The interaction with criminal actors may transform into a longer-term exploitative relationship, including bonded labour and trafficking in humans, for example when displaced persons need to pay their fees and debts. In conflict-induced displacement, it has further been found that parties to the conflict, such as non-State armed groups and security forces, are overwhelmingly the perpetrators of conflict-related forms of contemporary slavery.⁴⁵

35. Criminal organizations are often directly involved in contemporary forms of slavery.⁴⁶ In Mexico, for example, displaced persons with disabilities have been subjected to forced begging by such organizations.⁴⁷ It has also been reported that those residing in camps have been sold and trafficked into forced labour and sexual slavery in States such as Bangladesh, Haiti, Libya, Mali, the Niger and the Sudan.⁴⁸

³⁹ See, for example, Pablo Cortes Ferrandez, "Resilience spaces: rethinking protection to address protracted urban displacement", 23 April 2020. Available at www.sylff.org/news_voices/27840/.

⁴⁰ Submission from the National Human Rights Commission of Mexico.

⁴¹ Submission from the Rights Lab, University of Nottingham. While some submissions highlighted the risks in refugee camps, other submissions (e.g. from Namibia) highlighted the protection potential of camps.

⁴² Submission from the Rights Lab and information received from IOM, ILO and Walk Free.

⁴³ Information received from IOM, ILO and Walk Free.

⁴⁴ A/HRC/31/35, paras. 12, 55 and 57.

⁴⁵ Information received from IOM, ILO, and Walk Free.

⁴⁶ The Special Rapporteur will also be presenting to the General Assembly, at its seventy-sixth session, a report on the role of organized criminal groups.

⁴⁷ Submission from the National Human Rights Commission of Mexico.

⁴⁸ Information received from UNHCR regarding Libya and the Sudan; and Tomoya Obokata and others, *Good Practice in Protecting People from Modern Slavery during the COVID-19 Pandemic* (London, Modern Slavery and Human Rights Policy and Evidence Centre, June 2021), p. 19.

G. Increased risk in situations of crisis

36. Vulnerabilities to contemporary forms of slavery are exacerbated in situations of crisis, including political unrest, armed conflict, disasters and public health emergencies. For example, the COVID-19 pandemic has increased the job insecurity of displaced persons in India⁴⁹ and elsewhere. Restrictions that have hampered humanitarian responses, resulting in further reduced assistance to displaced populations, will heighten the vulnerability of such populations even further.⁵⁰ The pandemic and responses thereto, including lockdown measures and school closures, have further limited mobility and negatively affected the livelihood strategies of displaced persons, leaving them more vulnerable to targeted exploitation.⁵¹

37. In a context of armed conflict, there is a correlation between the occurrence of violent attacks against civilians prior to displacement and a risk of exploitation and abuse afterwards, as has been observed in the Democratic Republic of the Congo and north-east Nigeria.⁵² In South Sudan, the occurrence of forced recruitment into armed groups was significantly higher for internally displaced persons fleeing villages that had experienced attacks; such persons were also more likely to be exposed to forced labour.⁵³ In Mali, reportedly over 1,000 people subjected to descent-based slavery have been displaced due to ongoing violence against them in Kayes Region.⁵⁴

VI. Manifestations of contemporary forms of slavery affecting displaced persons

A. Forced labour

38. Forced labour among displaced persons is a major concern. The industries in which displaced persons regularly face exploitation include agriculture, construction, catering and hospitality, cleaning, domestic and household work, care services, street vending and the general service industry.⁵⁵ The casualization of the workforce in, the informality of, and other characteristics of, these industries explain the higher number of displaced persons engaged in those sectors and the greater extent of the exploitation.

39. In India, for example, there are between 5,000 and 6,000 internally displaced workers in bonded labour in the tea gardens of Bihar and Rajasthan.⁵⁶ Instances of forced labour have also been identified among displaced populations in Mexico, primarily in the agriculture sector, which is controlled by drug cartels.⁵⁷ Also, there have been reports of bonded labour involving internally displaced persons in recent years in locations such as Dahuk, Iraq, where debt has been used as a means of control. Persons affected were primarily male heads of household who pledged labour as collateral for the money borrowed; the entire family is often considered to be bonded in such contexts.⁵⁸

40. Displaced persons with an irregular migration status do not enjoy access to formal employment, which forces them to accept jobs and working conditions that may amount to forced labour. This has been observed in Bangladesh, Indonesia, Malaysia and Thailand, where refugees and asylum seekers remain in irregular situations, as these States do not have

⁴⁹ Submission from the Arise Foundation.

⁵⁰ "Humanitarian crises in a global pandemic", editorial, *The Lancet*, vol. 396, No. 10249 (August 2020).

⁵¹ See A/HRC/45/8.

⁵² Information received from ILO, IOM and Walk Free.

⁵³ *Ibid.*

⁵⁴ Submission from Anti-Slavery International.

⁵⁵ Submission from the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women); and information received from UNHCR regarding Saudi Arabia and the Sudan.

⁵⁶ Submission from the Arise Foundation.

⁵⁷ Submission from the National Human Rights Commission of Mexico.

⁵⁸ Information received from UNHCR.

national refugee protection frameworks.⁵⁹ In Colombia, displaced persons from the Bolivarian Republic of Venezuela are often unable to gain access to personal identification documents and thus remain in an irregular situation, which exposes them to exploitation.⁶⁰ Precariousness arising from migration status affects displaced persons in all regions, including in high-income and upper-middle income States.⁶¹

B. Domestic servitude

41. Domestic servitude among displaced persons has been identified in a variety of States, including Egypt, Libya, Malta and the Sudan.⁶² There is a strong gender dimension to this form of exploitation, as mainly women and girls are affected by it. It has also been reported that Venezuelan women and girls in Colombia, Ecuador and Peru often do not have proper identification documents and are subjected to domestic servitude.⁶³ Such women often suffer sexual abuse at the hands of their employers.⁶⁴

C. Forced marriage

42. Examples of displaced persons being subjected to forced marriage have been reported in various States. In Iraq, for example, women risked being abducted for the purposes of forced marriage when Islamic State in Iraq and the Levant controlled significant parts of the territory. This has been a driver of displacement for women and girls from Yazidi and other ethnic minority communities in recent years.⁶⁵ In Ethiopia and Uganda, forced marriage affects displaced women both within and outside camps⁶⁶ and it has also increased among Syrian refugees in Lebanon.⁶⁷

D. Sexual slavery

43. Sexual exploitation that may amount to sexual slavery particularly affects displaced women and girls. There have been disturbing reports of displaced women in Nigeria being forced to work in “baby factories”, where they become sex slaves and bear children without medical assistance.⁶⁸ Conflict-related sexual violence that may amount to sexual slavery has also been used systematically against women and girls in Tigray, Ethiopia,⁶⁹ and similar instances have been reported in other regions, including in Latin American countries.⁷⁰ Sexual slavery and related practices such as forced marriage and domestic servitude are

⁵⁹ ILO, *Situation and Gap Analysis on Malaysian Legislation, Policies and Programmes, and the ILO Forced Labour Convention Protocol* (2019); and Asylum Access, “Refugee work rights report: refugee access to fair and lawful work in Asia” (Oakland, United States, 2019), pp. 13–14, 18 and 34.

⁶⁰ Durgana, “Lessons learned from modern slavery”.

⁶¹ Mine Eder and Derya Özkul, “Editors’ introduction: precarious lives and Syrian refugees in Turkey”, *New Perspectives on Turkey*, No. 54 (2016); and Hannah Lewis and others, “Hyper-precarious lives: migrants, work and forced labour in the global North”, *Progress in Human Geography*, vol. 39, No. 5 (2015).

⁶² Submission from Malta and information received from UNHCR.

⁶³ Durgana, “Lessons learned from modern slavery”; and CARE International, “An unequal emergency, CARE rapid gender analysis of the refugee and migrant crisis in Colombia, Ecuador, Peru and Venezuela” (2020), pp. 19 and 29.

⁶⁴ See A/HRC/39/52.

⁶⁵ Submission from Iraq and A/HRC/44/41/Add.1.

⁶⁶ Submission from Rights Lab; and Vandana Sharma and others, “Displacement-related factors influencing marital practices and associated intimate partner violence risk among Somali refugees in Dollo Ado, Ethiopia: a qualitative study”, *Conflict and Health* (2020).

⁶⁷ Susan Andrea Bartels and others, “Making sense of child, early and forced marriage among Syrian refugee girls: a mixed methods study in Lebanon”, *BMJ Global Health*, vol. 3, No. 1 (2018).

⁶⁸ Submission from the Commonwealth Human Rights Initiative.

⁶⁹ Office for the Coordination of Humanitarian Affairs, “Ethiopia–Tigray Region humanitarian update: situation report” (20 May 2021); and the statement on gender-based violence in the Tigray Region of Ethiopia signed by representatives of a number of international entities (22 March 2021).

⁷⁰ CARE International, “An unequal emergency”.

sometimes also a cause of displacement. For example, in the Syrian Arab Republic, women and girls who had been trafficked into the country for the purpose of sexual exploitation at the hands of members of Islamic State in Iraq and the Levant have been internally displaced and many remain in closed camps.⁷¹ While women and girls are disproportionately subjected to sexual slavery, displaced men and boys also experience sexual violence.⁷²

VII. Manifestations of contemporary forms of slavery affecting displaced children

44. Child labour continues to be one of the most prevalent and persistent forms of violence and exploitation faced by displaced children.⁷³ Poverty forces many families to rely on their children to secure a livelihood; globally, the situation has worsened as a consequence of the COVID-19 pandemic.⁷⁴

45. Displaced children, including stateless children, often have no or limited access to education, putting their future at risk. Among refugees, enrolment in primary school stood at 63 per cent, secondary level enrolment at just 24 per cent and higher education enrolment at only 3 per cent in 2019. Education can help prevent human rights violations against girls, but globally there are only about 7 refugee girls for every 10 refugee boys enrolled at the secondary level.⁷⁵

46. The worst forms of child labour as set out in article 3 of ILO Convention No. 182 amount to contemporary forms of slavery. These include the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and work that, by its nature or circumstances, is likely to harm the health, safety or morals of children.

A. Worst forms of child labour

47. While the exact number of displaced children being subjected to contemporary forms of slavery is unclear, the total number of children aged 5 to 17 years in hazardous work has risen by 6.5 million to 79 million since 2016.⁷⁶ Unaccompanied children who lack identification documents face an increased risk of exploitation and abuse due to the protection gaps and the frequent lack of adequate access to education and health care.⁷⁷

48. Conflict and crisis in the Middle East and North Africa had led to an increase in child labour, including in its worst forms, across the region even prior to the pandemic.⁷⁸ In Lebanon, 75 per cent of the Syrian refugee children working in the Bekaa Valley do so in agriculture. Such children are more vulnerable to child labour because of legal restrictions on access to work for adult Syrian refugees, as many of those adult refugees are in an irregular situation. To work legally in Lebanon, adult refugees need to be registered with UNHCR or have a local sponsor, and pay for a work permit. Children are not asked for papers, thus they

⁷¹ Submission from Reprieve.

⁷² See Marysia Zalewski and others, eds., *Sexual Violence Against Men in Global Politics*, 1st ed., (Routledge, 2018); and Sarah K. Chynoweth, Julie Freccero and Heleen Touquet, "Sexual violence against men and boys in conflict and forced displacement: implications for the health sector", *Reproductive Health Matters*, vol. 25, No. 51 (2017).

⁷³ ILO, "World Day against Child Labour: protecting forcibly displaced and host community children", June 2020.

⁷⁴ Ibid.

⁷⁵ See UNHCR, *Stepping Up: Refugee Education in Crisis* (Geneva, 2019).

⁷⁶ See ILO and United Nations Children's Fund (UNICEF), *Child Labour: Global Estimates 2020, Trends and the Road Forward* (June 2021).

⁷⁷ Submission from the Office of the Ombudsman of Argentina; and Sofia Kouvelaki, "Urgent child protection gap for unaccompanied minors", ekathimerini.com, 18 September 2019.

⁷⁸ ILO, "Conflict and mass displacement increase child labour", March 2019.

are more likely to be employed.⁷⁹ Around 7 per cent of children in Iraq between the ages of 5 and 17 are engaged in child labour, including dangerous and exploitative work.⁸⁰

49. Risks are even higher for stateless children, as well as displaced children who may not have access to birth registration. Having no identity documents makes official confirmation of age, for example for the purposes of marriage, not possible. This means that child labour, child marriage and similar practices are more difficult to identify and prevent. Furthermore, access to justice by such children is particularly limited.⁸¹

B. Child marriage

50. Child marriage amounts to slavery where control tantamount to possession exists.⁸² It tends to be exacerbated by the social and economic insecurity triggered by displacement, particularly in the context of emergency situations,⁸³ such as armed conflict and disasters. For some Syrian families displaced in Egypt, for example, challenges related to displacement, such as disruptions in girls' education, protection gaps and livelihood uncertainty, exacerbated the vulnerability of girls to child marriage,⁸⁴ and a similar trend has been observed among displaced Rohingya communities.⁸⁵ The COVID-19 pandemic has increased instances of marriage of displaced girls in some regions of the world,⁸⁶ including Asia and Africa. Many parents view child marriage as a way to cope with economic hardship and to ensure the safety and security of girls.⁸⁷

C. Forced recruitment

51. Forced recruitment of displaced children into criminal groups, including armed and terrorist groups, remains a critical concern. In Africa, including the Central African Republic, the Democratic Republic of the Congo, Mali, Mozambique,⁸⁸ Nigeria and Somalia, many children, including displaced children, are recruited and forced to join the ranks of armed groups.⁸⁹ Recruitment of adolescents into criminal groups or gangs has also been evidenced in Colombia, Ecuador and Peru.⁹⁰ The limited protection in refugee settlements and camps, coupled with poverty,⁹¹ insecurity, a lack of access to education and training, and other challenges leave displaced children in such settings particularly vulnerable to forced recruitment.

⁷⁹ Ethel Bonet, "With poverty rates on the rise, eradicating child labour in Lebanon is proving ever more complicated", *Equal Times*, 29 March 2021.

⁸⁰ ILO, "ILO and RDPP launch a partnership to combat worst forms of child labour in Iraq", August 2020.

⁸¹ Submission from the Office of the Ombudsman of Argentina.

⁸² A/74/179, para. 12.

⁸³ Sarah Neal, Nicole Stone and Roger Ingham, "The impact of armed conflict on adolescent transitions: a systematic review of quantitative research on age of sexual debut, first marriage and first birth in young women under the age of 20 years", *BMC Public Health* (March 2016).

⁸⁴ Shatha Elnakib and others, "Drivers and consequences of child marriage in a context of protracted displacement: a qualitative study among Syrian refugees in Egypt", *BMC Public Health* (April 2021).

⁸⁵ A.J. Melnikas and others, "Child marriage practices among the Rohingya in Bangladesh", *Conflict and Health* (May 2020).

⁸⁶ UNICEF, "10 million additional girls at risk of child marriage due to COVID-19", 7 March 2021.

⁸⁷ Plan International, Inc., *African Girls in the COVID-19 Pandemic* (August 2020), p. 4.

⁸⁸ Submission from Mozambique.

⁸⁹ See A/74/845-S/2020/525.

⁹⁰ CARE International, "An unequal emergency".

⁹¹ Victor H. Mlambo, Siphesihle Mpanza and Daniel N. Mlambo, "Armed conflict and the increasing use of child soldiers in the Central African Republic, Democratic Republic of the Congo, and South Sudan: implications for regional security", *Journal of Public Affairs* (January 2019).

VIII. Good practice

52. The Special Rapporteur wishes to acknowledge that States, civil society organizations, intergovernmental organizations and other stakeholders have been playing an important role in preventing displaced persons from being subjected to contemporary forms of slavery. Some examples of good practice are highlighted in the present report.

53. Access to legal and formal work is provided to displaced persons by a number of States.⁹² For example, refugees in many States in Latin America are allowed to work legally.⁹³ In Asia, the Temporary Relocation Programme of Malaysia grants Syrian refugees access to employment, including jobs in the formal sector (for example, in information technology, engineering, medicine and architecture),⁹⁴ and refugees and stateless persons in the Philippines have full access to employment without a need for work permits.⁹⁵ In European Union member States, beneficiaries of international protection, such as refugees and stateless persons, are given access to the labour market under Directive 2011/95/EU of the European Parliament and of the Council (art. 26). In Azerbaijan, support programmes and additional protections are in place to promote the employment of internally displaced persons.⁹⁶

54. Others have promoted employment opportunities for displaced persons in conjunction with non-State partners. The Government of Sweden, in cooperation with trade unions and employers associations, has introduced a fast-track initiative whereby refugees with qualifications and experience are integrated into the labour market, in professions such as medicine, health and social care and teaching.⁹⁷ UNHCR and the refugee commission in Mexico have been collaborating on the relocation of 10,000 refugees and asylum seekers so that they can gain access to stable employment, housing and health services.⁹⁸ In the Middle East, the Government of Jordan promoted access to livelihoods and self-reliance opportunities for both Syrian refugees and host communities as a result of the 2016 Jordan Compact,⁹⁹ and ILO in Beirut created short-term employment for Syrian refugees and Lebanese nationals to clear rubble after the explosion of August 2020.¹⁰⁰

55. The Special Rapporteur also notes that employment opportunities have been extended to displaced persons in the context of the COVID-19 pandemic. In Latin America (Argentina, Chile, Colombia, Cuba, Mexico and Peru) and Europe (Austria, Denmark, France, Germany, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland), as well as in Canada and the United States, refugees with medical qualifications have been allowed to join medical personnel in host States to fight the pandemic.¹⁰¹ Refugees in some African States (Cameroon, the Democratic Republic of the Congo, Egypt, Kenya, Malawi, Mozambique,

⁹² Submissions from Azerbaijan and Iraq, and the Office of the Ombudsman of Argentina; and Asylum Access, “Refugee work rights report”, pp. 17 and 21.

⁹³ Luisa Feline Freier and Jean-Pierre Gauci, “Refugee rights across regions: a comparative overview of legislative good practices in Latin America and the EU”, *Refugee Survey Quarterly*, vol. 39, No. 3 (September 2020).

⁹⁴ Atika Shafinaz and others, “An analysis of Syrian Migrants’ Temporary Relocation Programme in Malaysia” *Social Sciences Studies Journal* (2021), p. 1461.

⁹⁵ Department of Labor and Employment Order No. 186-2017.

⁹⁶ Submission from Azerbaijan.

⁹⁷ Organization for Economic Cooperation and Development (OECD) and UNHCR, *Engagement with Employers in the Hiring of Refugees* (2018), p. 15.

⁹⁸ UNHCR, “Jobs and livelihoods”, 17 December 2020. Available at <https://globalcompactrefugees.org/article/jobs-and-livelihoods-grf-anniversary>.

⁹⁹ Cindy Huang and Kate Gough, “Three years on, where do we stand?”, Center for Global Development, 11 March 2019.

¹⁰⁰ See ILO, *Employment and Decent Work in Refugee and Other Forced Displacement Contexts* (Geneva 2020).

¹⁰¹ UNHCR, “Livelihoods and economic inclusion – COVID-19: emerging good practices”, 2020, p. 2. See also Helen Dempster and others, “Locked down and left behind: the impact of COVID-19 on refugees’ economic inclusion”, Policy Paper 178 (Center for Global Development, Refugees International and International Rescue Committee, July 2020), p. 27.

the Niger, Zambia and Zimbabwe), including those residing in camps run by UNHCR, have been making medical masks.¹⁰²

56. It is also encouraging that labour and social protection laws and regulations apply to displaced persons in various States,¹⁰³ thereby enhancing the just and favourable conditions of work. In Japan, employers are prohibited from unilaterally terminating the employment of any workers, including refugees.¹⁰⁴ Those eligible for residence or work permits in Malaysia enjoy the same rights, such as paid annual and sick leave, as Malaysian workers.¹⁰⁵ Syrian refugees in Turkey received cash assistance as part of the Emergency Social Safety Net programme,¹⁰⁶ and displaced persons in Uganda have full access to social and health services.¹⁰⁷ Trade union rights are recognized in some States, such as Mexico and the Republic of Korea.¹⁰⁸

57. There are examples of good practice in camp settings. In some camps in Ethiopia and Jordan, refugees have been offered employment opportunities by civil society organizations, international organizations or government agencies, while other entities have promoted income-generating opportunities in farming, livestock and retail commerce.¹⁰⁹ Similar initiatives have been implemented in States such as Kenya, Rwanda, Uganda, the United Republic of Tanzania and Zambia.¹¹⁰

58. Furthermore, education and vocational training for displaced persons are provided in a number of States.¹¹¹ Azerbaijan exempts internally displaced persons from payments for education and training,¹¹² and Germany has been supporting an apprenticeship scheme for asylum seekers as well as those whose asylum applications have been rejected but who are not able to return home for various reasons.¹¹³ Such services are often provided by non-governmental entities such as civil society organizations, for example in India, Indonesia, Japan, Malaysia and Thailand, among other Asian countries.¹¹⁴ Education and vocational training are also facilitated in displacement camps in Chad, the Democratic Republic of the Congo, Kenya and Rwanda in conjunction with civil society organizations, UNHCR and other entities.¹¹⁵

59. Furthermore, some States have taken active measures to ensure access to justice for displaced persons subjected to contemporary forms of slavery.¹¹⁶ Canada, Malta and Sri Lanka have created mechanisms to support access to justice, including helplines.¹¹⁷ Labour inspectorates and other bodies, such as ombudsperson offices in some States, have reportedly been playing an important role in identifying, investigating and addressing contemporary forms of slavery involving displaced persons. For example, in Australia, the Fair Work Ombudsman is a mechanism for identifying and tackling exploitation and promoting compliance with workers' rights, especially in respect of migrants and other vulnerable

¹⁰² UNHCR, "Livelihoods and economic inclusion", p. 4.

¹⁰³ Submissions from Azerbaijan, Bolivia (Plurinational State of), Chile, El Salvador, Iraq, Malta, Mexico, Slovenia and Sri Lanka, and from the Office of the Ombudsman of Argentina, Different and Equal, Observa La Trata, the Vatra Psychosocial Centre, and the School of Social Sciences and Interdisciplinary Studies (Rajiv Gandhi National University of Law).

¹⁰⁴ The Labour Standards Act of 1947 applies equally to refugees.

¹⁰⁵ Employment Act of 1955.

¹⁰⁶ Leghtas, "Insecure future", p. 14.

¹⁰⁷ UNHCR and Unlocking Public and Private Finance for the Poor, *Financial Inclusion of Forcibly Displaced Persons and Host Communities* (2018), p. 35.

¹⁰⁸ Submission from Mexico; and Asylum Access, "Refugee work rights report", p. 31.

¹⁰⁹ Alexander Betts and others, *Refugee Economies in Dollo Ado: Development Opportunities in a Border Region of Ethiopia* (Refugee Studies Centre, University of Oxford, 2019), pp. 9–11.

¹¹⁰ UNHCR and Unlocking Public and Private Finance for the Poor, *Financial Inclusion*, pp. 30–38.

¹¹¹ Submissions from Azerbaijan and Mexico; and European Migration Network, "Stateless in the European Union", 2020, p. 10.

¹¹² Submission from Azerbaijan.

¹¹³ OECD and UNHCR, *Engagement with Employers*, p. 11.

¹¹⁴ Asylum Access, "Refugee work rights report", pp. 17, 20, 23, 26 and 34.

¹¹⁵ See UNHCR and Unlocking Public and Private Finance for the Poor, *Financial Inclusion*.

¹¹⁶ Submissions from Chile, Mexico and Namibia.

¹¹⁷ Submissions from Malta and Sri Lanka, as well as the Commonwealth Human Rights Initiative.

workers.¹¹⁸ In Namibia, an alternative dispute resolution mechanism has been established to deliver expedited relief in cases involving violations of labour rights.¹¹⁹ In addition, anonymous reporting channels for displaced persons have been developed in Chile in order to mitigate the risk of reprisals.¹²⁰ In other contexts, awareness-raising activities targeting displaced populations and entities supporting them are widely promoted in States such as El Salvador, Malta, Mozambique and Slovenia.¹²¹

IX. Persisting challenges

60. Despite the examples of good practice, there are persisting challenges that must be addressed in order to prevent displaced persons from being subjected to contemporary forms of slavery. For example, effective access by displaced persons to the labour market remains a matter of significant concern. Of the 146 States that are party to the Convention relating to the Status of Refugees, nearly half have entered declarations or reservations, often comprehensive, with regard to the provisions relating to access to work,¹²² giving them discretion not to provide refugees rights and entitlements that are the same as or similar to those of their own nationals.

61. A total of 47 States Members of the United Nations are not party to the Convention relating to the Status of Refugees, leading to protection gaps. For example, in States that are not party to the Convention, including Bangladesh, Indonesia and Thailand, there is no formal right to work for refugees and asylum seekers.¹²³ In these and other States that are not party to the Convention, displaced persons are heavily dependent upon humanitarian assistance provided by civil society and other organizations, which is often not adequate. This increases the risk of their exploitation and abuse.

62. Even where displaced individuals are recognized as refugees, practical hurdles such as the requirement of work or residence permits, the costs of obtaining such permits, and difficulties in opening bank accounts¹²⁴ prevent them from gaining access to the formal economy. It has also been reported that recognized refugees are barred from employment in some States,¹²⁵ and that work or residence permits do not always allow them to formalize their employment.¹²⁶

63. The Special Rapporteur also notes that access to work is more challenging for those who are not recognized as refugees. In the European Union, access to the labour market for asylum seekers must be granted by no later than nine months after the lodging of the application,¹²⁷ although some allow employment earlier.¹²⁸ In some States, such as Ireland, Lithuania and Turkey, asylum seekers are prohibited from entering the labour market for the entire duration of the refugee status determination process.¹²⁹ Unregistered displaced persons and asylum seekers whose refugee claim was rejected often fall outside the scope of any access to the labour market. A lack of education, skills and experience further reduces the

¹¹⁸ Submission from Commonwealth Human Rights Initiative.

¹¹⁹ Submission from Namibia.

¹²⁰ Submission from Chile.

¹²¹ Submissions from El Salvador, Malta, Mozambique and Slovenia.

¹²² See https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=_en.

¹²³ Asylum Access, "Refugee work rights report", pp. 14, 18 and 34.

¹²⁴ ILO, *Employment and Decent Work*, p. 34; and International Rescue Committee, "A decade in search of work", 2020, p. 14.

¹²⁵ Asylum Access, "Refugee work rights report", p. 3.

¹²⁶ Dempster and others, "Locked down and left behind", p. 9.

¹²⁷ Directive 2013/33/EU of the European Parliament and of the Council, 26 June 2013.

¹²⁸ They include Austria, Belgium, Bulgaria, Cyprus, Czechia, Estonia, Finland, France, Italy, Latvia, Luxembourg, the Netherlands, Poland and Spain. See European Migration Network, ad hoc query on the right to work for asylum seekers (2019). Available at https://ec.europa.eu/home-affairs/sites/default/files/20195_uk_right_to_work_for_asylum_seekers.pdf.

¹²⁹ Sonja Fransen and Kim Caarls, "Allowing refugees to work or not?", in *The Routledge Handbook of the Policies of Migration in Europe*, Agnieszka Weinar, Saskia Bonjour and Lyubov Zhyznomirska, eds. (London, Routledge, 2018).

opportunities for them to work in the formal economy, but even those with sufficient qualifications and who have worked in the formal sector previously are not able to find similar types of employment in host States.¹³⁰

64. In addition, some States limit employment opportunities for asylum seekers to certain sectors, such as agriculture, cleaning and waste management, hospitality, fisheries and car washing,¹³¹ many of which are in the informal economy, where exploitation is more likely to occur. These concerns also apply to stateless persons¹³² and to internally displaced persons.

65. All of these factors inevitably force displaced persons to take exploitative work that amounts to contemporary forms of slavery, as has been evidenced in States such as Bangladesh, India, Indonesia, Jordan and Lebanon.¹³³

66. The above analysis indicates that the enforcement of labour and social protection laws and regulations is inadequate. The fact that abusive working conditions, such as poor or no wages,¹³⁴ for displaced persons continue to exist¹³⁵ suggests that the existing laws are not effectively implemented by employers and public authorities in many cases. Limitations on the exercise of trade union rights among displaced persons is an additional remaining concern.¹³⁶ All these factors continue to negatively affect the enjoyment by displaced persons of just and favourable conditions of work.

67. More needs to be done to increase security and gainful opportunities in camp and settlement settings to prevent contemporary forms of slavery. Many displaced persons still face restrictions on their freedom of movement.¹³⁷ Consequently, access to services and assistance is tied to a particular place of residence,¹³⁸ making it difficult for them to find employment. The situation is worse when camps and settlements are far from markets and services, as displaced persons remain dependent on humanitarian assistance to survive.¹³⁹ This creates a vicious cycle, further increasing their vulnerability to exploitation and abuse.

68. Finally, with regard to access to justice and remedies, the structural barriers faced by displaced persons are similar to the barriers they face in accessing justice for other human rights violations. Armed conflict, violence and weak institutions and infrastructure frequently result in a breakdown in the rule of law and access to justice and remedies. In other cases, an otherwise functioning justice system may remain out of reach for displaced persons and communities owing to discrimination, marginalization and poverty. Interlinked factors such as impunity, language barriers, irregular migration status, and a lack of awareness about their rights further hamper access to justice and remedies.

¹³⁰ Dempster and others, “Locked down and left behind”, p. 27; and Turkish Red Crescent and World Food Programme, *Refugees in Turkey: Livelihood Survey Findings* (2019), p. 28.

¹³¹ These include Cyprus, Iran (Islamic Republic of), Ireland, Jordan, Lebanon and the United Kingdom. Doras, *Getting Right to Work: Access to Employment and Decent Work for International Protection Applicants in Ireland* (2021), p. 12; Dempster and others, “Locked down and left behind”, p. 9; European Migration Network, ad hoc query on the right to work for asylum seekers (2019); and International Rescue Committee, “A decade in search of work”, pp. 13 and 17.

¹³² Katalin Berényi, “Work to belong: a new approach is needed to resolve the employment challenges faced by stateless persons in the EU”, European Network on Statelessness, 18 October 2018.

¹³³ International Rescue Committee, “A decade in search of work”, pp. 9 and 16; and Asylum Access, “Refugee work rights report”, pp. 17 and 19.

¹³⁴ Submissions from the Arise Foundation and the Commonwealth Human Rights Initiative.

¹³⁵ Submission from the National Human Rights Commission of Mexico.

¹³⁶ Seyhan Erdoğdue, “Syrian refugees in Turkey and trade union responses”, *Globalizations*, vol. 15, No. 6 (2018); and Mark Bergfeld, “German trade union approaches to migration and migrant workers from past to present”, *International Union Rights*, vol. 28, No. 1 (2021).

¹³⁷ Dempster and others, “Locked down and left behind”, p. 9; International Rescue Committee, “A decade in search of work”, p. 13; and Asylum Access, “Refugee work rights report”, p. 8.

¹³⁸ This is the case, for example, in the United Kingdom.

¹³⁹ Betts and others, *Refugee Economies in Dollo Ado*.

X. Conclusions

69. Displaced persons are not a homogeneous group. Some remain within their country while others flee across international borders. Some are stateless. People become displaced for a large variety of reasons, but generally all experience loss of livelihood. Depending on their age, gender, ethnicity, socioeconomic status and migration status and the local context, their vulnerability and exposure to contemporary forms of slavery are different. Also, the specific manifestation of contemporary forms of slavery may vary, as displaced persons may be subjected to forced and bonded labour, servitude, forced marriage, child labour, including in its worst forms, and other slavery-like practices before, during and after displacement. Slavery-like practices are part of multiple human rights violations suffered by displaced persons and do not happen in isolation.

70. The Special Rapporteur is encouraged by a number of good practices in preventing displaced persons from being victimized in contemporary forms of slavery, but there is an urgent need to step up efforts in this regard, particularly in emergency settings. The persisting protection gaps left by States have only partially been addressed by civil society, humanitarian and other actors, including regional and international organizations. Among other factors, this is due to the fact that contemporary forms of slavery continue to be a blind spot in humanitarian and development responses. This requires dedicated attention and an increase in the understanding of the nexus between displacement and contemporary forms of slavery.

71. Inadequate responses to displacement, including restrictions on the freedom of movement and the right to work, result in further marginalization and a lack of agency of persons who are already in a vulnerable situation. The protection, inclusion and empowerment of displaced persons must be ensured; this will help decrease their vulnerability to contemporary forms of slavery and their dependency on aid, and will strengthen their self-reliance and dignity.

72. Securing durable solutions through access to livelihoods is essential for the prevention of and the response to protection concerns, including contemporary forms of slavery. This is in the interest of States, as keeping displaced persons in limbo for years or even decades entails risks not only for the persons affected but also for the stability of host States and communities.

73. A shift in the mindset of States and other actors is needed in order to see displaced persons not primarily as a burden but as rights holders with potential. They can actively contribute to the economy of the host community and must not face discrimination in how they are treated. Also, their access to labour and social protection must be enhanced to prevent instances of contemporary forms of slavery.

XI. Recommendations

74. States should:

(a) Withdraw reservations to work-related provisions in the Convention relating to the Status of Refugees and the Convention relating to the Status of Stateless Persons. States who are not yet party should ratify and implement those and other relevant instruments, such as the International Covenant on Economic, Social and Cultural Rights and relevant ILO conventions, in order to enhance labour and social protections for displaced persons and prevent them from being subjected to contemporary forms of slavery;

(b) More effectively implement the human rights obligations contained in the Guiding Principles on Internal Displacement related to the prohibition of slavery, particularly principle 11 (2) (b);

(c) Strengthen efforts to provide durable solutions for displaced persons. In this regard, States should ensure that displaced persons are able to contribute to the local and national economies by protecting such persons through domestic labour laws

and by facilitating access to decent work, particularly in the formal economy, without discrimination. To this end, States should facilitate displaced persons' access to education, language training and skills development, as well as accreditation of previous skills and qualifications. States should also ensure the safety and security of displaced persons and an adequate standard of living;

(d) Decrease the vulnerability of displaced persons to a wide range of human rights violations, including contemporary forms of slavery, by facilitating their access to civil and identity documentation in host States and communities without discrimination;

(e) Ensure access to justice and remedies for displaced persons who have been subjected to contemporary forms of slavery. To this end, States should establish confidential, accessible, child-friendly and gender-sensitive complaint and referral systems to address all forms of violence, abuse and exploitation, and ensure that such persons, and their families and communities, are adequately informed about those mechanisms. All victims should be granted temporary residence and work permits while their cases are pending;

(f) Strengthen labour inspection in the informal sector, where most displaced persons work, with a view to identifying labour exploitation in a timely way and holding perpetrators, including private businesses, accountable while ensuring the protection of workers by avoiding their criminalization;

(g) Ensure that displaced persons participate effectively in decisions affecting them, including in relation to access to education, training and decent work;

(h) Ensure the protection of displaced children and provide equal access to free education, regardless of migration status. Interventions to address child and forced marriage should address gender-based stereotypes and harmful social practices;

(i) Increase resources for and strengthen the programmes of humanitarian and development organizations that play an important role in protecting and assisting displaced persons;

(j) Guarantee trade union rights for all displaced persons, including those with irregular immigration status. Also, States should provide relevant information to such persons so that they can exercise these rights;

(k) Significantly increase efforts to implement the commitments made under the global compact on refugees and the Sustainable Development Goals, in particular target 8.7, which requires States to end slavery, trafficking in persons and child labour, and to leave no one behind.

75. **Businesses should:**

(a) Provide employment opportunities without discrimination, bearing in mind the Guiding Principles on Business and Human Rights. In particular, they should facilitate access by displaced persons to employment in the formal sector by recognizing their relevant qualifications and experiences;

(b) Treat displaced persons on an equal footing with other workers in relation to just and favourable conditions of work, including fair wages, reasonable working hours, paid leave and holidays and trade union rights.

76. **Civil society organizations, trade unions, humanitarian actors and members of academia should:**

(a) Undertake further research on the prevalence of contemporary forms of slavery among displaced populations, including data collection, in order to increase understanding thereof, with a view to better informing legal and policy responses;

(b) Enhance communication and collaboration between organizations working with displaced persons and trade unions, as well as other actors involved in labour standards monitoring and bargaining, to ensure that the human rights concerns of displaced persons are adequately represented;

(c) **Adopt or strengthen monitoring mechanisms in displacement settings to ensure that displaced persons are protected from contemporary forms of slavery;**

(d) **Raise awareness among displaced persons and host communities about their human rights and existing reporting mechanisms in cases of exploitation and abuse. They should also provide information in border locations, in detention centres for migrants, in employment centres and in other locations frequented by displaced persons.**

77. **In order to more effectively prevent and address contemporary forms of slavery as affecting displaced persons, humanitarian and development actors need to increase their understanding of the nexus between displacement and contemporary forms of slavery, with a view to explicitly recognizing the latter as a protection concern and adjusting short and long-term responses accordingly through close cooperation.**
