

Good practice in protecting people from modern slavery during the Covid-19 pandemic

Research project report

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The views expressed in this report are those of the authors and not necessarily of the Modern Slavery PEC.

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Executive summary

This project provides a rapid global assessment of the major impacts of Covid-19 on modern slavery and identifies good practices in protecting its victims and affected workers. The pandemic has impacted on State responses to modern slavery and the protection of victims, and has exacerbated vulnerabilities to modern slavery. The project identifies and critically analyses emerging good practices aimed at mitigating the negative impacts of the pandemic on modern slavery and unemployment. Finally, the research sets out guiding principles for action against modern slavery during emergency situations such as pandemics.

Methodology

This research was based on desktop analysis of emerging academic literature reports and data provided by governments, civil society organisations, trade unions, regional and international organisations, and media reports where appropriate. This desktop research was complemented by a series of semi-structured interviews with over 30 non-governmental stakeholders working in the areas of modern slavery and workers' rights.

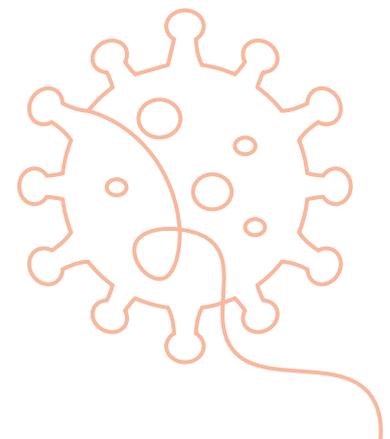
Impacts of Covid-19 on modern slavery

The pandemic has had a major impact on people experiencing forms of exploitation falling under the umbrella term of modern slavery. The research focused on two aspects of the impact, firstly on anti-slavery actions, including protection and support for people affected by modern slavery, and secondly on how the pandemic has made people more vulnerable to exploitative practices due to unemployment.

1. Disruption of anti-slavery actions

The project discovered that investigations, prosecutions and punishments of modern slavery, including labour inspections and court proceedings, have been disrupted or delayed in a number of States and territories. These have been caused by remote working prompted by national lockdowns and/or shifting of resources from anti-slavery efforts to fight the pandemic.

More importantly from a human rights perspective, protection of people who experienced modern slavery has been affected globally. Provision of face-to-face services has been largely halted, despite the fact that demand for their services has remained intact during the pandemic. While many organisations have adapted and provided their services online or by telephone, these have not always been available to the most vulnerable populations, particularly in low-income regions. Other obstacles include inability to communicate with public authorities, lack of funding and an increased risk of Covid-19 infection among frontline workers and victims of modern slavery.



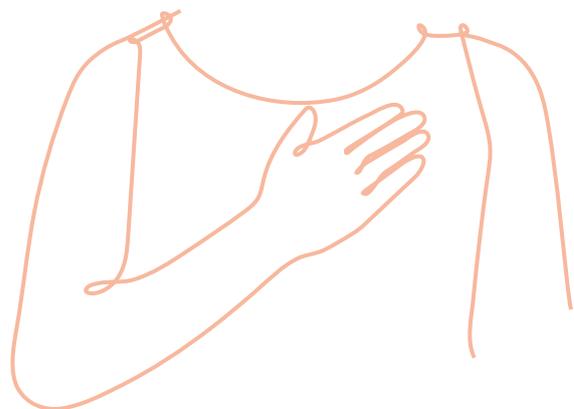
2. Increased vulnerabilities

The pandemic has also increased vulnerabilities in several important respects. Firstly, unemployment has been pushing affected workers into slavery, forced labour, human trafficking and other forms of exploitation. The research has identified some movements of people from the formal economy to the informal, which is characterised by casualisation, precariousness and lack of sufficient protection from governments, in various parts of the world. A large number of informal workers have also lost their jobs globally. Unsurprisingly, the hardest hit are those in low-income regions (i.e. Asia, Africa and Latin America) where informal work constitutes more than 90% of their workforce. This has put them in a more precarious position as they have had no choice but to accept any job in order to survive.

Secondly, an increase in demand for labour in some sectors has enabled exploitation and abuse of workers. For instance, the workload of health and social care and domestic workers has increased during the pandemic. Instances of abuse and exploitation, including worsening living and working conditions, have been reported among factories producing PPE and in the agricultural sector. Instead of increasing protection, many governments have chosen to relax or suspend labour and social protection in order to cope with the economic impacts of the pandemic.

Thirdly, the pandemic has had a negative impact on children. Temporary school closures have resulted in the growth of child labour in sectors such as agriculture, construction, mining and domestic work, and for girl children, forced marriage has been reported in some regions including Asia and Africa. Online child sexual exploitation has also increased during the pandemic.

Finally, movements of workers from the informal to the illegal economy have been emerging. There have been reports of unemployed women resorting to so-called “transactional sex” in order to earn their living. Other forms of criminal exploitation, including drug production, forced begging and organised theft facilitated by sophisticated criminal groups, have continued during the pandemic.



Good practice in protecting the victims of modern slavery and workers affected by the pandemic

1. Anti-slavery actions

It is important to recognise that many governments have continued their law enforcement responses and protection of victims, including facilitation of cross-border or international criminal justice cooperation. Some States and territories have also adopted virtual court hearings quickly so that those engaged in modern slavery are prosecuted and punished sooner rather than later. In addition, civil society organisations have been playing a crucial role in protecting victims, including the continuation of face-to-face services.

2. Mitigating unemployment

Good practices in mitigating unemployment caused during the pandemic are also emerging. One common measure implemented by more than 100 States and territories is job retention through wage subsidies, whereby governments cover certain percentages of workers' wages. Public works or projects have also been offered in Central Europe, Asia, Africa and Latin America coupled with vocational and skills training. Further, cash transfers and other economic and social support have been provided to vulnerable populations such as the self-employed, informal workers, women, young people, and documented/undocumented migrant workers.

3. Improving working and living conditions

A number of measures to improve working conditions have been gradually facilitated. Health and safety measures at work, including home-based working, staggered working hours, promotion of social distancing and provision of PPE, have been implemented by a large number of governments and businesses. Some have enacted legislation or regulations to require these. Free medical testing and treatment have also been introduced, although these are more common in middle to high-income States and territories. Moreover, additional financial support and special leave schemes have been provided to those who contracted the virus without fear of dismissal or loss of wages.

As for improvement of the living conditions of workers, emergency food relief has been provided to the most vulnerable and poor populations in more than 80 States and territories. The project has discovered that civil society organisations and trade unions around the world have been very active in providing food and other necessities during the pandemic. In addition, temporary prohibition of eviction has been facilitated by many governments in Europe, Asia and the Pacific, and Latin America, and others have given financial support to cover workers' rent or mortgage or utility payments in cooperation with national financial institutions and utilities companies.

Critical analysis of emerging good practice

1. Anti-slavery actions

The project discovered that there still is scope for improvement, particularly in the protection of the victims of modern slavery. The amount of support given to individuals during the pandemic has been said to be insufficient, and it has emerged that contributions by civil society organisations have not been acknowledged or supported by various governments.

2. Support for unemployed workers

In terms of economic and social assistance for unemployed workers, these are temporary by their very nature, and many of them have been discontinued during the pandemic. A related point is the level of support given has been regarded as inadequate in all regions of the world. This is due to the fact that many governments, particularly those from low-income States, have not been able to afford them.

3. Vulnerable groups particularly affected

It has become clear that the most affected and vulnerable populations have been excluded from support and assistance one way or another. For instance, job retention schemes mainly apply to the formal sector and therefore a large number of informal workers have not benefited in reality. There are other reasons, such as lack of effective infrastructure or mechanisms to distribute support, excessive bureaucracy, and inability to register beneficiaries properly which have made it extremely difficult for women, young people, documented/undocumented migrant workers, indigenous peoples, minorities, and internally/externally displaced persons to benefit from available support.

4. Working and living conditions

Various issues have also been identified in relation to living and working conditions. For instance, accommodations for workers organised or managed by employers are still said to be unsanitary and overcrowded and therefore workers are not able to maintain social distancing, increasing the risk of Covid-19 infection. This comes from a lack of effective legislative and other measures, including more robust labour inspections on the part of governments across the world, but businesses and employers are also not complying with official guidance in many cases.

Slow deliveries of, and a lack of access to, PPE at workplaces, particularly in the informal sector, have been reported globally. Many businesses are still not providing a sufficient level of PPE, and the project discovered that civil society or trade union organisations have been stepping in to provide them instead. It has also been reported that Covid-19 testing and treatments are not easily accessible or available to poor and marginalised populations.

5. Activities of civil society organisations and trade Unions

Activities of civil society organisations and trade unions have been affected globally. In addition to various difficulties in providing face-to-face services, these organisations have experienced harassment and intimidation globally. It has also emerged that many of them have not been consulted by their governments in developing and implementing Covid-19 responses.

Guiding principles on actions against modern slavery in emergency situations

International human rights law, international labour law and other relevant branches of international law impose clear legal obligations on States to continue anti-slavery actions in emergency situations, using the following principles:

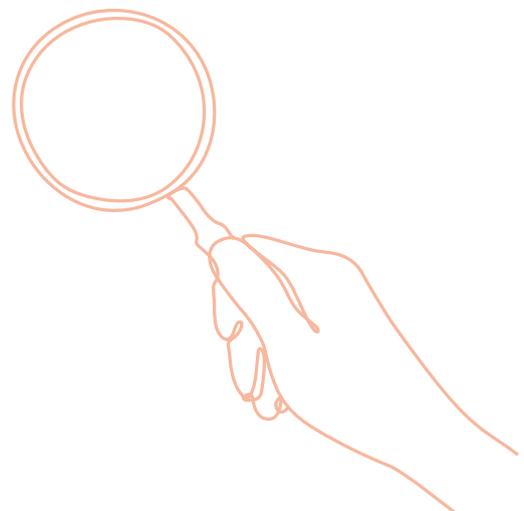
- **Principle 1:** Human rights must be at the centre of actions against modern slavery in emergency situations.
- **Principle 2:** States must continue to investigate, prosecute and punish modern slavery in emergency situations.
- **Principle 3:** Law enforcement against modern slavery during emergency situations must be conducted in accordance with the existing human rights norms and principles.
- **Principle 4:** Financial investigations and confiscation of criminal proceeds generated from modern slavery must be an integral part of anti-slavery responses.
- **Principle 5:** States must continue to identify and protect the victims of modern slavery during emergency situations.
- **Principle 6:** States must ensure that businesses and employers respect and protect human rights during emergency situations.
- **Principle 7:** States must ensure access to justice and remedies through legislative, administrative, judicial and other means.
- **Principle 8:** In facilitating effective protection, States should cooperate actively with civil society organisations and trade unions.
- **Principle 9:** States should improve the working and living conditions of workers.
- **Principle 10:** States must continue to prevent modern slavery during emergency situations.
- **Principle 11:** International cooperation and solidarity are crucial in continuing anti-slavery actions during emergency situations.

Introduction

This project has been funded by the Modern Slavery PEC through the Arts and Humanities Research Council. Its main object was to conduct research on the key impacts of Covid-19 on modern slavery and identify/share good practices in protecting workers and victims of modern slavery in order to facilitate a victim-centred approach. The core research team consisted of Professor Tomoya Obokata (Principal Investigator), Dr. Forough Ramezankhah (Co-Investigator), and Minority Rights Group International (Ms. Rasha Al Saba and Ms. Samrawit Gougsa).

The key research questions were identified at the start:

- How has the Covid-19 pandemic impacted on anti-slavery actions, including protection of victims?
- What are good practices in implementing anti-slavery actions during the pandemic?
- How has unemployment facilitated the movements of unemployed workers from the formal economy to the informal economy, and from the informal economy to illegal economy with increasing level of precariousness and vulnerability?
- For those sectors still operating during the pandemic, what has been the nature and extent of exploitation and abuse facilitated by businesses and employers?
- What are good practices in protecting the rights of workers, including their living and working conditions? Do they adequately address the key impacts of the pandemic?
- Are protection measures tailored to address the specific needs of particularly vulnerable populations?
- What are the key challenges in protecting the victims of modern slavery and workers during the pandemic?

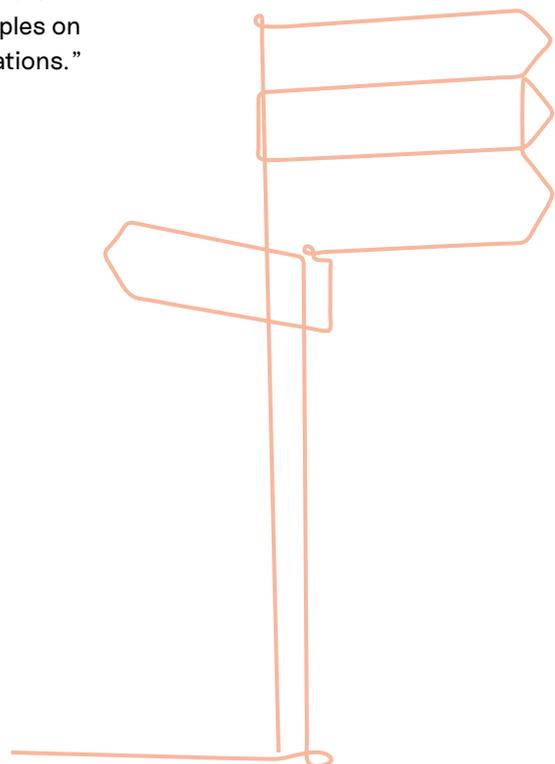


This project report provides answers to these questions. To maximise the impact of the project, good practices as well as practical recommendations are presented with a view to enhancing the protection of the victims of modern slavery and workers affected by the pandemic.

In relation to research methodologies, this project was a rapid response project aiming for global coverage. Data was therefore gathered from all regions: Asia and the Pacific, Europe, Africa, the Americas and the Middle East. One caveat is that where a list of States and territories is mentioned, the absence of others is not a decisive indication that they have not been assessed. This simply reflects the impossible task of drawing a long list each and every time. Given the short life span of the project (six months), it was not possible to explore all measures implemented by governments across the world. The team therefore decided to focus on the key measures that directly benefited affected workers and victims of modern slavery and excluded wider measures designed to help businesses/employers.

The bulk of the project was based on a desktop analysis of emerging academic literature, reports and data provided by governments, civil society organisations, trade unions, regional and international organisations. Media reports have also been relied upon where appropriate. This desktop research was complemented by a series of semi-structured interviews with non-governmental stakeholders working in the areas of modern slavery and workers' rights, allowing the team to verify the relevant information and data obtained from the desktop research. Using the existing networks of the research team, the project was able to reach out to more than 30 civil society organisations and trade/labour unions for face-to-face virtual interviews.

This project report is divided into several sections. Section 1 provides an overview of the key impacts of Covid-19 on anti-slavery actions, employment and modern slavery. Section 2 identifies good practices in protecting the victims of modern slavery and affected workers, including the important contributions made by civil society organisations and other human rights defenders such as trade unions. Section 3 presents critical analyses of good practices in order to examine whether they are appropriate and effective. Based on the analysis, Section 4 offers conclusions and a list of practical recommendations to be taken up by relevant stakeholders. Finally, Section 5 presents "Guiding Principles on Actions against Modern Slavery during Emergency Situations."



Section 1: Multidimensional impacts of Covid-19 on modern slavery

1.1. Impacts on anti-slavery actions and protection of victims

The present project discovered that investigation, prosecution and punishment of modern slavery have been disrupted or slowed down during the pandemic in a number of States.¹ This has been caused by lockdowns which have encouraged public authorities around the world to work remotely and/or by shifting of resources from anti-slavery efforts to fight the pandemic. According to Interpol, investigations of online child exploitation have been impacted as the number of law enforcement officers has been reduced and access to investigative tools such as international databases has declined during lockdowns.² Face-to-face labour inspections,³ financial investigations and criminal asset recovery⁴ have also been affected by the pandemic. In addition, there have been reports of criminal proceedings against modern slavery being delayed or even suspended in some States.⁵

It has also become clear that the Covid-19 pandemic has presented challenges for protection of the victims of modern slavery. Their identification has been delayed in all regions of the world.⁶ Reduced services have been reported in States including Australia, Bolivia, Canada, Mexico, Nepal

“According to Interpol, investigations of online child exploitation have been impacted as the number of law enforcement officers has been reduced and access to investigative tools such as international databases has declined during lockdowns.”

1. Notes: Interview with Anti-Racism Movement (19/2/21); Interview with Anti-Slavery Australia (29/1/21); Interview with Anti-Slavery International (19/11/20); Interview with Caribbean Migration and Development Observatory (OBMICA) (17/12/20); Interview with Pakistan Dalit Solidarity Network (11/12/20); Interview with Platform for Labour Action (26/11/20); Interview with Proyecto de Derechos Económicos, Sociales y Culturales AC (ProDESC) (3/12/2020); Anti-Slavery International, Association Nigérienne pour le Traitement de la Délinquance et la Prévention du Crime (ANTD) and Timidria, Joint Submission for the Universal Periodic Review of Niger (2020), 6; Centre for Social Justice & Justice Care UK, It Still Happens Here: Fighting UK Slavery in the 2020s (July 2020), 61; Global Initiative against Transnational Organised Crime, Aggravating Circumstances: How Coronavirus Impacts on Human Trafficking (May 2020), 20; Organisation for Security and Cooperation in Europe (OSCE) and UN Women, Guidance: Addressing Emerging Human Trafficking Trends and Consequences of the Covid-19 Pandemic (2020), 67 and 71; and UN Country Team at Laos PDR, Joint Response to the Joint Questionnaire on Covid-19 and Human Rights by Special Procedures Mandate Holders (June 2020), 26.

2. Interpol, Threats and Trend: Child Sexual Exploitation and Abuse: Covid-19 Impact (September 2020), 7-8. It reported that 60% of Interpol Member States have not accessed its International Child Exploitation Database during the pandemic.

3. Interview with Arbeit und Leben (18/12/20); Interview with Canadian Labour Congress (12/1/21); Interview with Comité Contre l'Esclavage Moderne (30/11/20); Interview with Focus on Labour Exploitation (FLEX) (30/11/20); Interview with La Strada International (30/11/20); Interview with LEFÖ-IBF (30/11/20); Interview with Anti-Slavery International, supra n. 1; International Labour Organisation (ILO), Country Policy Responses, <https://www.ilo.org/global/topics/coronavirus/regional-country/country-responses/lang--en/index.htm>; and Labour Behind the Label, Boohoo & Covid-19: People Behind Profits (June 2020), 12.

4. Interview with Platform for Labour Action, supra n. 1.

5. Interview with a civil society organisation in Thailand (18/12/20); Interview with Timidria (12/1/21); U.S. Department of State, Trafficking in Persons Report 2020 (TIP Report), 76 and 88; Interview with Anti-Slavery Australia, supra n. 1; Interview with Comité Contre l'Esclavage Moderne, supra n. 3; and Interpol, supra n. 2, 9.

6. Commonwealth Human Rights Initiative, Response to Joint Questionnaire by Special Rapporteur Mandate Holders on Protecting Human Rights during and after Covid-19; Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, Quarter 2 (April-June) 2020; Interview with LEFÖ-IBF, supra n. 3; Centre for Social Justice & Justice and Care UK, supra n. 1, 61; and OSCE and UN Women, supra n. 1, 25, 66 and 67.

and Spain⁷, and access to compensation has been stopped in others because of delays in civil, criminal and administrative judicial/non-judicial procedures.⁸

Another aspect of victim protection is the difficulties experienced by frontline civil society organisations due to restrictions of movement and remote working prompted by lockdowns, making it harder for them to reach out to their victims and provide face-to-face services,⁹ despite the fact that demand for their services remained intact during the pandemic.¹⁰ A lack of funding has also been reported as an additional impact,¹¹ forcing some to shut down their programmes and/or lay off workers.¹² In addition, partial or remote working by public officials has hampered effective communications with frontline workers, as has been reported in Austria, Central African Republic, Croatia, India and Peru.¹³ In various low-income States, public authorities, particularly at the local level, do not always have access to modern technology such as laptops or adequate internet access,¹⁴ making communications and protection even harder. While many organisations have moved to provision of services via telephone, emails, social media and the internet, these are not always accessible by those in need.¹⁵ For those service providers who have been operating during the pandemic, a risk of Covid-19 infection among frontline workers has been raised as a serious concern.¹⁶ Because of these reasons, a large number of victims have not been able to escape abuse and exploitation¹⁷ and their human rights continued to be violated. For those who have been rescued, there are separate challenges, such as difficulties in implementing self-isolation or social distancing,¹⁸ which have increased the risk of virus infection¹⁹ in addition to psychological stresses caused by lockdown measures.²⁰

7. Interviews with Anti-Slavery International and ProDESC, supra n.1; Global Initiative against TOC, supra n. 1, 18; and OSCE and UN Women, *ibid.*, 11, 21, 67 and 68.

8. OSCE and UN Women, *ibid.*, 11 and 18.

9. This has been reported in States including Australia, Austria, France, Cameroon, the Caribbean, Germany, India, Kenya, Lebanon, Malaysia, Nigeria, the Philippines, Tanzania, Vietnam and the United Kingdom. Interview with Awareness against Human Trafficking (HAART) (24/11/20); Interview with Elom Empowerment (17/12/20); Rights Lab (University of Nottingham), Protecting Human Rights during and after the Covid-19 Crisis: Response to the Joint Questionnaire Special Procedures (June 2020), 3; Interviews with Anti-Racism Movement and OBMICA, supra n. 1; Interviews with Comité Contre l'Esclavage Moderne, FLEX, and LEFÖ-IBF, supra n. 3; and Global Initiative against TOC, supra n. 1, 18.

10. Anti-Slavery International, Protecting Human Rights during and after Covid-19: A Response by Anti-Slavery International (June 2020), 5; Interview with Anti-Slavery Australia, supra n. 1; Interviews with Comité Contre l'Esclavage Moderne and LEFÖ-IBF, *ibid.*; and Interview with La Strada International, supra n. 3.

11. Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie (14/12/20); UN Women, Covid-19 and the Impact on Civil Society Organisations Working to End Violence against Women and Girls (2020), 5; Interview with Platform for Labour Action, supra n. 1; Interview with HAART, supra n. 9; and Global Initiative against TOC, supra n. 1, 18.

12. Commonwealth Human Rights Initiative, supra n. 6, 2.

13. Freedom Fund, Global Pandemic, Local Devastation: Frontline Efforts to Support the Most Vulnerable (September 2020), 12; Interview with LEFÖ-IBF, supra n. 3; and OSCE and UN Women, supra n. 1, 22, 66-67.

14. OSCE and UN Women, *ibid.*, 66.

15. Interview with Center for Economic and Social Rights (4/12/2020); Replies by the Government of Finland to the Questionnaire by Several Special Procedure Mandate Holders (June 2020), 27; and Commonwealth Human Rights Initiative, supra n. 6, 3 and 5.

16. Interview with American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) (7/1/21); and Interview with La Strada International, supra n. 3.

17. Interview with Anti-Slavery Australia, supra n. 1; Centre for Social Justice & Justice and Care UK, supra n. 1, 61; and Global Initiative against TOC, supra n. 1, 2-3.

18. OSCE and UN Women, supra n. 1, 22.

19. Interview with ProDESC, supra n. 1.

20. Hope for Justice, Response to Joint Questionnaire of Special Procedures (2020), 5.

1.2. Impacts on employment

One major consequence of the pandemic is unemployment. According to the ILO, 8.8% of global working hours were lost in 2020, equivalent to 255 million full-time jobs, with income losses of \$3.7 trillion.²¹ One of the research questions for this project is whether unemployment in the formal economy is pushing people into the informal economy (which is characterised by casualisation, precariousness and a lack of sufficient labour, economic and social protection from States).²² A large number of workers in this sector do not have secure employment contracts and work on a casual and/or daily wage basis.²³ Consequently, they do not enjoy the same rights and benefits compared to those working in the formal economy,²⁴ thereby increasing their vulnerability to exploitation and abuse. The gendered nature of the informal economy should also be emphasised as 90% of women in low-income States work informally²⁵ and even in developed States, such as Japan and the UK, women are also overrepresented in low-paid jobs with zero-hour contracts (e.g. housekeeping, cleaning, customer service and hospitality).²⁶

The present project has not discovered widespread and systematic movements of unemployed workers from the formal economy to the informal. This may be explained by the fact that many governments have implemented job retention schemes and other support (as described below) to protect them. However, there are emerging accounts of such movements in some parts of the world. In Brazil, for instance, black minorities and indigenous people have become particularly vulnerable to unemployment, forcing them to look for jobs in the informal sector.²⁷ A similar trend has been reported in India, Kenya, Sri Lanka, Tajikistan and Uganda.²⁸ In addition, youth unemployment in various parts of the world seems to have facilitated informality. During the first quarter of 2020, approximately 6% of working hours were lost in Asia and the Pacific alone, which is equivalent to 247 million full-time jobs.²⁹ The ILO has noted that the informality rate for young people has risen to more than 95% in low-income States and to 91% in lower-middle income ones³⁰ because of the pandemic. Moreover, there have been some instances of unemployed women, girls and LGBTQ people resorting to transactional sex due to exclusion from economic support,³¹ putting themselves at risk of infection to Covid-19, sexually transmitted diseases and exploitation.³²

21. ILO Monitor, Covid-19 and the World of Work, 7th ed, (January 2021), 1-2.

22. Report of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, A/HRC/45/8 (2020), para. 21.

23. Rajneesh Narula, 'Policy Opportunities and Challenges from the Covid-19 Pandemic for Economies in Large Sector' (2020) 3 Journal of International Business Policy 302, 303.

24. Food and Agriculture Organisation (FAO), Impact of Covid-19 on Informal Workers (April 2020), 1; and ILO and Organisation for Economic Cooperation and Development (OECD), The Impact of Covid-19 Pandemic on Jobs and Incomes in G-20 Economies (2020), 16.

25. ILO, Women and Men in Informal Economy: A Statistical Picture, 3rd ed (2018), 20.

26. FLEX, No Workers Left Behind: Protecting Vulnerable Workers from Exploitation during and After the Coronavirus (Covid-19) Pandemic (April 2020), 8; and Shinnosuke Kikuchi, Sagiri Kitao and Minamo Mikoshiba, 'Who Suffers from the Covid-19 Shocks? Labor Market Heterogeneity and Welfare Consequences in Japan' COVID Economics, Issue 40 (July 2020), 76.

27. Freedom Fund, supra n. 13, 32.

28. Interview with Human Development Organisation (11/12/20); Interview with International Dalit Solidary Network (IDSN) (27/11/2020); Jurgen Schwettmann, Covid-19 and Informal Economy: Impact and Response Strategies in Sub-Saharan Africa (August 2020), 10; United Nations Development Programme (UNDP), Impact of Covid-19 on Lives, Livelihoods and Micro, Small and Medium-Sized Enterprises in Tajikistan (2020), 64; and Interview with Platform for Labour Action, supra n. 1.

29. ILO and Asian Development Bank, Tackling the Covid-19 Youth Unemployment Crisis in Asia and the Pacific (2020), 7.

30. ILO Monitor, Covid-19 and the World of Work, 4th ed (May 2020), 7.

31. Interview with English Collectives of Prostitutes (18/12/20); Cansu Aydin, Rapid Gender Analysis – Covid-19, Iraq (CARE International in Iraq, June 2020), 13; CARE and UN Women, Latin America and the Caribbean Rapid Gender Analysis for Covid-19 (2020), 30 and 32; Chitra Nagarajan, Impact of Covid-19 on VAWG in Nigeria, VAWG Helpdesk Research Report (July 2020), 10; Evidence Consortium on Women's Group, The Impact of Covid-19 on Opportunities for Adolescent Girls and the Role of Girls' Group (September 2020), 5; Jenny Parks et al., Young People, Inequality Violence during the Covid-19 Lockdown in Uganda, CoVAC Working Paper (October 2020); John Gachohi et al., 'Public Health Challenges Posed by Delays in Obtaining Covid-19 Clearance for Long Distance Truckers in East Africa' (2020) Global Epidemiology 1, 2; Outright Action Population Council, Social, Health, Education and Economic Effects of Covid-19 on Adolescent Girls in Kenya (June 2020), 5; Outright International, Vulnerability Amplified: The Impact of the Covid-19 Pandemic on LGBTIQ People (2020); Plan International and African Child Policy Forum, Under Siege: Impact of Covid-19 on Girls in Africa (June 2020), 8 and 20; Rob Stephenson, et al., 'In the Time of Covid-19: Results of an Online Survey of Gay, Bisexual and Other Men Who Have Sex with Men's Experience of Sex and HIV Prevention During the US Covid-19 Epidemic' (2020) AIDS and Behaviour 1, 4; and Interview with Canadian Labour Congress, supra n. 3.

32. Interview with the International Committee on the Rights of Sex Workers in Europe (ICRSE) (18/12/20); and Interview with English Collectives of Prostitutes, ibid.

It is even more important to acknowledge that a large number of informal workers have lost their jobs globally.³³ In Costa Rica and Chile, employment in domestic work dropped by 46% and 48 % respectively between April and June 2020, and it has been reported that unemployed domestic workers in Lebanon have been left on the streets without sufficient support from the government.³⁴ In the garment industry in Bangladesh, Cambodia and Vietnam, women have been disproportionately affected by unemployment due to cancellation of contracts.³⁵ In addition, 80 million internal migrant workers in India, most of whom belong to the lowest caste, known as Dalit,³⁶ are said to have lost their jobs,³⁷ and a similar picture has emerged in Mauritania, where a large number of those in descent-based slavery have been affected while those in the position of power and privilege continued to receive support from the government.³⁸ In total, 1.6 billion informal workers are expected to lose their jobs because of the pandemic.³⁹ Some movements of unemployed workers from the formal to the informal sectors have increased pressures on those already working in the informal one as they now have to compete for scarce jobs,⁴⁰ further increasing precariousness and worsening their working conditions.⁴¹ For foreign migrant workers with dependent status, there is an additional problem of becoming undocumented once they lose their jobs, preventing them from accessing economic or social assistance among other vital support and services.⁴²

33. Interview with Inclusivity Project (10/12/2020); Interview with Institute on Statelessness and Inclusion (19/1/21); Interview with Nagorik Udyog (10/12/2020); Interview with National Campaign for Dalit Human Rights (11/12/20); Interview with Samata Foundation (10/12/2020); Consultative Group to Assist the Poor (CGAP), Relief for Informal Workers, Falling Through the Cracks in the Covid-19 Crisis (August 2020), 2; Interview with a civil society organisation in Thailand, supra n. 5; Interview with HAART, supra n. 9; Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, supra n. 11; Interview with AFL-CIO, supra n. 16; and Interview with Human Development Organisation, supra n. 28.

34. ILO, Impact on the Labour Market and Income in Latin America and the Caribbean (September 2020), 8; and Interview with Anti-Racism Movement, supra, n. 1.

35. World Trade Organization, The Economic Impact of Covid-19 on Women in Vulnerable Sectors and Economies (August 2020), 5; Interview with Canadian Labour Congress, supra n. 3; and Interview with Center for Economic and Social Rights supra n. 15.

36. Anti-Slavery International, Leaving No One Behind (April 2020), 9. Dalits ("broken/scattered" in Sanskrit) have traditionally faced multiple discriminations in their society.

37. Christian Aid, Building Back with Justice: Dismantling Inequalities after Covid-19 (July 2020), 17, and Ethical Trading Initiative, Covid-19 Briefing Note: Migrant Workers (2020).

38. Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, supra n. 11; and Anti-Slavery International, A Response, supra n. 10, 5.

39. CGAP, supra n. 33, 2.

40. Interview with Platform for Labour Action, supra n. 1; and Interview with a civil society organisation in Thailand, supra n. 5.

41. Interview with Pakistan Dalit Solidarity Network, supra n. 1.

42. Interview with Platform for International Cooperation on Undocumented Workers (PICUM) (18/12/20); and Interview with Anti-Racism Movement, supra n. 1.

1.3. Impacts on modern slavery

The project has discovered that the pandemic has been exacerbating modern slavery in all regions of the world. This is evident among businesses which have been operating during the pandemic, many of which operate in the informal economy. To begin with, indicators of forced labour should be explained. According to the ILO, abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions and excessive overtime⁴³ are among the key indicators of forced labour having negative impacts on the human rights of workers. As will be shown throughout this report, these have been clearly evident in all regions of the world during the pandemic.

“It is also important to remember that the responsibility to promote workers’ rights and dignity does not just lie in producer States of PPE, but also consumer States, which have fuelled strong demand”.

For instance, women constitute more than 70% of global frontline health and social care workers (many of whom are migrants) and face a higher risk of Covid-19 infection due to the nature of their jobs.⁴⁴ It has been reported that many have been working longer hours because of staff shortages, while at the same time looking after their families at home.⁴⁵ Social care work is often considered “low-skilled” and workers are said to be among the lowest paid under temporary or zero-hours contracts,⁴⁶ putting them in an unstable and precarious position. This has been the case in Canada, France, Sweden and the UK.⁴⁷ A lack of access to PPE among these frontline workers has also been

reported in Brazil, Croatia, Indonesia, New Zealand and the USA,⁴⁸ and instances of physical and verbal abuse have been documented in China, Italy and Singapore.⁴⁹

Another business which has been thriving during the pandemic is production of PPE. In China, a number of companies have been implicated for exploiting Uyghur minorities to produce medical masks in conditions amounting to forced labour.⁵⁰ Similar instances of forced as well as child labour have been reported in Malaysia, Pakistan and South Africa.⁵¹ In addition, prisoners in Hong Kong and the USA are said to have been forced to work long hours to produce medical masks.⁵²

It is also worth highlighting that, due to cancellation of orders for clothes amid the lack of consumer demand⁵³ and resultant unemployment, the garment sector in Asia is reportedly shifting to the production of PPE. In Cambodia alone, 400 factories, affecting 150,000 workers,

43. ILO, Indicators of Forced Labour (2012). These indicators have been used to analyse instances of modern slavery globally in this project.

44. Laura Foley and Nicola Piper, Covid-19 and Women Migrant Workers: Impacts and Implications (International Organisation for Migration (IOM) 2020), 3; and Interview with AFL-CIO, supra n. 16.

45. OECD, Covid-19 Crisis in the MENA Region, Impact on Gender Equality and Policy Responses (June 2020), 12; and Foley and Piper, *ibid.*, 5.

46. ILO, Covid-19 and Care Workers Providing Home or Institution Based Care (October 2020), 2-3.

47. *Ibid.*, 3; and Interview with Canadian Labour Congress, supra n. 3.

48. Amnesty International, Covid-19 and Its Human Rights Impact in Indonesia (2020), 6; and ILO, *ibid.*

49. UN Women, Covid-19 and Violence against Women and Girls: Addressing the Shadow Pandemic (2020), 3.

50. Freedom United, Exposing the Hidden Victims of Covid-19 (May 2020), 10; and International Bar Association Human Rights Institute, IBAHRI Covid-19 Human Rights Monitor (July 2020), 7.

51. Ethical Trading Initiative, Labour Standards in Pakistan’s Surgical Instruments Sector: A Synthesis Report (2020); Walk Free Foundation, Protecting People in a Pandemic (2020), 9; and Anti-Slavery International, A Response, supra n. 10, 7; and TIP Report, supra n. 5, 157.

52. The Guardian, ‘Vulnerable Prisoners Exploited to Make Coronavirus Masks and Hand Gels’ (12/3/20), <https://www.theguardian.com/global-development/2020/mar/12/vulnerable-prisoners-exploited-to-make-coronavirus-masks-and-hand-gel>; Interview with AFL-CIO, supra n. 16; Anti-Slavery International, *ibid.*, 7; Freedom United, supra n. 50, 10; and Global Initiative against TOC, supra n. 1, 12.

53. ILO, The Supply Chain Ripple Effect: How Covid-19 is Affecting Garment Workers and Factories in Asia and the Pacific (October 2020), 3 and 8.

have suspended operations since the pandemic.⁵⁴ The Garment Manufacturers Association of Cambodia has subsequently submitted a proposal to produce PPE, which was later approved by the government.⁵⁵ A similar picture has emerged in Bangladesh, India, Indonesia, Pakistan and Vietnam.⁵⁶ While creation of jobs is an important step to alleviate unemployment, instances of abuses and exploitation have been reported at the same time,⁵⁷ highlighting the need for strong legislative and other measures to protect workers. It is also important to remember that the responsibility to promote workers' rights and dignity does not just lie in producer States of PPE, but also consumer States, which have fuelled strong demand.

Food production/processing is another sector which has maintained strong demand for labour. It has been reported that agricultural and seasonal workers have experienced conditions amounting to forced labour.⁵⁸ In Germany, social distancing has not always been implemented at work.⁵⁹ Harsh working conditions (e.g. no sick leave, increased health and safety concerns and long working hours) with threats of dismissal have been evidenced in the fishing industry in Thailand⁶⁰ and the agricultural sector in Mexico.⁶¹ In the USA, meat production plants remained open during the pandemic under the Executive Order signed by the President, and there have been instances of virus infection and deaths among workers, many of whom are immigrants, refugees, and ethnic minorities who have had to work long hours in crowded spaces without access to benefits such as sick leave.⁶²

In addition, while some domestic workers have been able to keep their jobs during the pandemic, their working conditions have deteriorated. The gendered nature of domestic work should be noted as 80% of domestic workers are women⁶³ and Covid-19 has put them in a more precarious position. As an example, the workload of domestic workers in Lebanon and Turkey was said to have increased in order to ensure cleanliness and hygiene for their employers, despite the fact that many have received no overtime pay or compensation.⁶⁴ Some employers in the UAE and Kuwait have been cutting their wages or forcing them to take unpaid leave⁶⁵ with active encouragement from their governments.⁶⁶ Similar instances of abuse and exploitation, including withholding of identity documents and physical/psychological violence have been reported in Asia, Africa, the Americas and the Middle East.⁶⁷ An additional difficulty experienced by these workers is language. Information on health and social protection are often provided in languages they do not understand,⁶⁸ discouraging them from seeking assistance.

54. ILO, What Next for Asian Garment Production After Covid-19? The Perspectives of Industry Stakeholders (2020), 18.

55. Textile Focus, Cambodia: Government Approved the Proposal of PPE Production (June 2020), <http://textilefocus.com/cambodia-government-approved-proposal-ppe-production/>.

56. Global Sourcing Fung Business Intelligence, Asia Sourcing Update (June 2020); and ILO, Recommendations for Garment Manufacturers on How to Address the Covid-19 Pandemic (2020), 3.

57. ILO, *ibid.*

58. Migrant Workers Alliance for Change, Unheeded Warning: Covid-19 and Migrant Workers in Canada (2020).

59. Covid-19 Watch, ETUC Briefing Note (May 2020), 8.

60. Freedom Fund, *supra* n. 13, 27.

61. Interview with ProDESC, *supra* n. 1.

62. Infectious Disease Society of America (IDSA) and HIV Medicine Association (HIVMA), Covid-19 Policy Brief: Disparities among Immigrant Populations in the United States (September 2020), 4; Interfaith Center on Corporate Responsibility, Investor Statement: Recommendations for Meat Processors during Covid-19 (May 2020), 1; Jonathan W. Dyal, et al., Covid-19 among Workers in Meat and Poultry Processing Facilities (Center for Disease Control and Prevention)(April 2020); and Interview with AFL-CIO *supra* n. 16.

63. Foley and Piper, *supra* n. 44, 6.

64. Interview with Anti-Racism Movement, *supra*, n 1; ILO, Impact of Covid-19 on Migrant Workers in Lebanon and What Employers Can Do About It (April 2020); Trade Union of Domestic Workers' Solidarity, We Are Domestic Workers, Not Dust Rugs (January 2021), 24; and Walk Free Foundation, *supra* n. 51, 7.

65. Assessment Capacities Project (ACAPS), Migrant Vulnerabilities in Bangladesh, India and Nepal (October 2020), 5.

66. Business & Human Rights Resource Centre, World Cup & Expo Construction: Covid-19 and Risks to Migrant Workers in Qatar and UAE (2020), 8.

67. Anti-Slavery International, Anti-Slavery Reporter (Summer 2020), 16; ILO, Experiences of ASEAN Migrant Workers during Covid-19 (June 2020), 6; Interviews with Anti-Racism Movement and ProDESC, *supra* n. 1; Interview with Canadian Labour Congress, *supra* n. 3; Interview with Center for Economic and Social Rights *supra* n. 15; Freedom United, *supra* n. 50, 5; and Trade Union of Domestic Workers' Solidarity, *supra* n. 64, 26-27.

68. Interview with ProDESC, *ibid.*; Migrant Workers Alliance for Change, *supra* n. 58, 8-9; and OECD, Covid-19 Crisis in the MENA Region, *supra* n. 45, 10.

There are other frontline workers who have been providing important services such as cleaners, drivers, security guards and supermarket workers. Similarly to other businesses, they have experienced increasing pressures to work long hours in unsafe conditions⁶⁹ but do not always enjoy the same rights and benefits afforded to others such as paid sick leave and income support,⁷⁰ a problem common in the informal sector as explained earlier. A large number of these workers are migrants or belong to ethnic minority groups,⁷¹ thereby underscoring the disproportionate impact of Covid-19 on these vulnerable populations.

“Some employers in the UAE and Kuwait have been cutting their wages or forcing them to take unpaid leave.”

Instead of improving the situations of these workers, many governments in all regions of the world have suspended labour and social protection⁷² and this has increased the risk of further exploitation and abuse. Extension of working hours/days, suspension of minimum wage regulations and other measures having negative impacts on working conditions have been reported in Asia, the Middle East and Latin America.⁷³ Among others, seasonal and migrant workers are vulnerable as they are often exempt from labour and social protection with regard to minimum wages, working time, public holidays and annual leave⁷⁴ but are afraid to speak out due to a fear of dismissal and resultant law enforcement actions (e.g. detention and deportation) as employment is often tied to their employers.⁷⁵ The relaxation of labour protection law has also disproportionately affected Dalits in India and Bangladesh where they have been forced to work long hours without pay, rest or leisure.⁷⁶ What is evident in looking at these examples is that indicators of forced labour as explained earlier are visible in all regions of the world.

In addition to working conditions, the living conditions of many workers have been deteriorating globally during the pandemic. Many migrant workers have been forced to live in cramped accommodations with poor sanitary conditions where it has not been possible to implement proper social distancing, as has been reported in Canada, Greece, Maldives, Singapore and the Middle East.⁷⁷ The majority of them work under informal or irregular arrangements and are therefore not entitled to health and social protection.⁷⁸

69. Interview with Anti-Racism Movement, supra, n. 1; and FLEX, supra n. 26, 6.

70. ILO, Covid-19 and Urban Passenger Transport Services (September 2020), 5; and Interview with Canadian Labour Congress, supra n. 3.

71. Interview with AFL-CIO, supra n. 16.

72. Interview with International Trade Union Confederation (ITUC) (8/12/20); Alrud, Country Guide on Covid-19 Government Measures (2020), 59; Equidem, The Cost of Contagion: The Human Rights Impact of Covid-19 on Migrant Workers in the Gulf (November 2020), 22; Interview with National Campaign for Dalit Human Rights, supra n. 33; and Report of the Special Rapporteur on Contemporary Forms of Slavery, supra n. 22, para. 58.

73. Report of the Special Rapporteur on Contemporary Forms of Slavery, *ibid.*

74. Interview with Anti-Racism Movement, supra, n. 1; Equidem, supra n. 72, 47; IDSA and HIVMA, supra n. 62, 4; and Migrant Workers Alliance for Change, supra n. 58, 11.

75. Interview with Anti-Racism Movement, *ibid.*; Interview with AFL-CIO supra n. 16; and Interview with Canadian Labour Congress, supra n.3.

76. Interview with IDSN, supra n. 28; and Interviews with Nagorik Udyog and National Campaign for Dalit Human Rights, supra n. 33.

77. ILO, Covid-19: Impact on Migrant Workers and Country Response in Thailand (July 2020), 6; Transient Workers Count Too, Response to the Joint Questionnaire of Special Procedures (June 2020), 6; WHO, Health System Response to Covid-19: Maldives (2020), 5; Interview with Anti-Racism Movement, supra n. 1; ACAPS, Migrant Vulnerabilities, supra n. 65, 4; ETUC Briefing Note, supra n. 59, 9; Global Initiative against TOC, supra n. 1, 12; and Migrant Workers Alliance for Change, supra n. 58, 19.

78. FAO, Migrant Workers and the Covid-19 Pandemic (April 2020), 2.

There are other dimensions to the facilitation of slavery, forced labour and other slave-like practices. A clear example is exploitation of children. According to UNICEF, 1.6 billion children have been affected by school closures during the pandemic.⁷⁹ While many schools around the world moved to education via the media (e.g. TV and radio) or online to mitigate the negative impact of Covid-19 on education,⁸⁰ millions of children, particularly in low-income States and territories, have not been able to benefit as their families were unable to pay for laptops, tablets or internet connection.⁸¹

Indeed, there is evidence that the school closures have encouraged or even forced a large number of children to enter the labour market (e.g. agriculture, construction, mining and domestic work) or work in streets or even in their homes, in States such as Brazil, Côte d'Ivoire, Ghana, Guatemala, India, Iraq, Malawi, Mauritania, Mexico, the Philippines, Tanzania, Uganda and Zambia.⁸² For girl children, disturbing instances of forced marriage have been reported in Bangladesh, Ethiopia, Kenya, India, Mauritania, Nepal, Niger, Senegal and Vietnam,⁸³ as many parents consider child marriage as a way to cope with economic hardship.⁸⁴ Moreover, in Burkina Faso, Mali, Mozambique and Niger, school closures combined with other factors such as food shortage and deteriorating security situations have facilitated the recruitment of children into armed groups.⁸⁵

Another side effect of school closures is online sexual exploitation as children are spending more time online. According to Interpol, access to online child pornography has significantly increased during the pandemic through peer-to-peer networks and the darknet, social media and other platforms.⁸⁶ Europol confirmed a similar trend in online exploitation of children among EU Member States.⁸⁷ In the Philippines, Kenya and Uganda, child sexual exploitation, including live-streaming, by criminals and desperate parents have been reported.⁸⁸

“According to UNICEF, 1.6 billion children have been affected by school closures during the pandemic.”

79. United Nations Children's Fund (UNICEF), Covid-19 and Children, <https://data.unicef.org/covid-19-and-children/>.

80. Interview with a civil society organisation in Senegal (12/1/21); Save the Children: Covid-19 Impact on African Children (June 2020), 11; United Nations High Commissioner for Refugees (UNHCR), Supporting Continued Access to Education During Covid-19: Emerging Good Practices (April 2020), 4-5; and Interview with Timidria, supra n. 5.

81. ACAPS, Education in Iraq: Impact of Covid-19 Protests and Pre-Existing Crises on Needs (November 2020), 7; End Child Prostitution and Trafficking (ECCPAT) UK, Replies to the Joint Questionnaire of Special Procedures Mandate Holders (June 2020), 6; EU Fundamental Rights Agency, Coronavirus Pandemic in the EU- Fundamental Rights Implications: Focus on Social Rights (November 2020), 23-24; Interview with Nagorik Udyog, supra n. 33; and OECD, Covid-19 Crisis in the MENA Region, supra n. 45, 4.

82. International Cocoa Initiative, Hazardous Child Labour in Côte d'Ivoire's Cocoa Communities during Covid-19 (July 2020); UNICEF and ILO, Covid-19 and Child Labour: A Time of Crisis, A Time to Act (2020), 9-11; World Vision, Warning: May Contain Child Labour- Risky Canadian Grocery Report (2021), 4; Interviews with Platform for Labour Action and ProDESC, supra n. 1; ACAPS, *ibid.*, 11; and Commonwealth Human Rights Initiative, supra n. 6, 3.

83. Interview with Platform for Labour Action, *ibid.*; Interview with HAART, supra n. 9; Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, supra n. 11; Interviews with Nagorik Udyog and Samata Foundation, supra n. 33; Interview with a civil society organisation in Senegal, supra n. 80; Freedom Fund, supra n. 13, 12; Global Initiative against TOC, supra n. 1, 5; and Plan International and African Child Policy Forum, supra n. 31, 21-22.

84. Plan International, African Girls in the Covid-19 Pandemic (August 2020), 4; and Interview with Institute on Statelessness and Inclusion, supra n. 33.

85. Report of the Special Rapporteur on Contemporary Forms of Slavery, supra n. 22, para. 35.

86. Interpol, supra n. 2, 9-11.

87. Europol, Exploiting Isolation: Offenders and Victims of Online Child Sexual Abuse During the Covid-19 Pandemic (June 2020).

88. Hope for Justice, Covid-19 and Potential Implications on Human Trafficking and Other Forms of Modern Slavery Internationally (April 2020), 8; Interview with Platform for Labour Action, supra n. 1; Commonwealth Human Rights Initiative, supra n. 6, 8; and Global Initiative against TOC, supra n. 1, 5.

Other forms of criminal exploitation are also emerging. Human trafficking is a case in point. Trafficking of people out of Libya to Southern Europe has actually increased, caused by the economic impact of Covid-19 where 75% of migrants and refugees have lost their jobs in the informal sector,⁸⁹ and a similar picture has been observed in the Western Mediterranean route (via Morocco)⁹⁰ and other regions.⁹¹ For instance, indigenous women and girls in Asia and Latin America have been trafficked and exploited in the sex industry,⁹² and displaced women and girls in refugee and IDP camps in Bangladesh, Haiti, Mali and Niger have encountered similar exploitation and abuse.⁹³

In Afghanistan, some are turning to opium production due to loss of income and lack of alternative means.⁹⁴ In the UK, criminal groups have taken advantage of the resource reallocation in law enforcement to facilitate cannabis production, which is largely conducted by trafficked Vietnamese nationals,⁹⁵ and organised criminal groups in the Balkans region have similarly been exploiting children for drug trafficking.⁹⁶ Reports of modern slavery in illegal shellfish harvesting have also emerged,⁹⁷ and in Africa, more children are being spotted on the streets, where they are being exploited in forced begging, theft and other activities facilitated by criminals.⁹⁸

In summary, the negative impacts of Covid-19 are felt globally as modern slavery has continued to exist with the involvement of criminals as well as businesses and employers. The working and living conditions of a large number of workers around the world have been deteriorating. Of particular concern are vulnerable populations who have been hit the hardest, including women, children and young people, indigenous peoples, minorities (including those held in descent-based slavery or scheduled castes), internally and externally displaced persons, and migrant workers most of whom work in the informal sector with additional challenges due to lack of labour and social protection. These constitute clear violations of human rights of the victims of modern slavery as well as affected workers, and there is an urgent need to address them.

89. IOM and UNHCR, Covid-19 and Mixed Population Movements: Emerging Dynamics, Risks and Opportunities (2020), 2; and Wilfried Martens Centre for European Studies, Covid-19 and Old-New Politics of Irregular Migration from Libya (July 2020), 2.

90. United Nations Office of Drugs and Crime (UNODC), 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 (2020), 10.

91. UNHCR, Global Covid-19 Emergency Response (October 2020); Interviews with Platform for Labour Action and ProDESC, supra n. 1; Interview with HAART supra n. 9; Centre for Social Justice & Justice and Care UK, supra n. 1, 64; and OSCE and UN Women, supra n. 1, 24-25.

92. ILO, The Impact of Covid-19 on Indigenous Communities: Insights from Indigenous Navigator (October 2020), 18.

93. Amnesty International, Let Us Speak Our Rights: Human Rights Situation of Rohingya Refugees in Bangladesh (September 2020), 9; Burmese Rohingya Organisation UK, IDC Response: Follow Up Questions on the Situation of Rohingya (April 2020); Interview with Nagorik Udyog supra n. 33; and Global Initiative against TOC, supra n. 1, 5.

94. UNODC, Covid-19 and Drug Supply Chain: From Production and Trafficking to Use (2020), 16.

95. Centre for Social Justice & Justice and Care UK, supra n. 1, 64; and Global Initiative against TOC, supra n. 1, 16.

96. UNODC, The Impact of Covid-19 on Organized Crime (2020), 12.

97. Safer Cumbria, Modern Slavery and Human Trafficking: October 2020 Update, 11.

98. Global Initiative against Transnational Organised Crime, Gangs in Lockdown: Impact of Covid-19 Restrictions on Gangs in East and Southern Africa (October 2020); Interview with Platform for Labour Action, supra n. 1; and Commonwealth Human Rights Initiative, supra n. 6.

Section 2: Good practices in protecting the victims of modern slavery and workers affected by the pandemic

2.1. Anti-slavery actions

Despite the difficulties in continuing anti-slavery actions during the pandemic, good practices have been emerging. Firstly, investigations, labour inspections and prosecutions continued in various States.⁹⁹ International criminal justice cooperation has also been taking place in various parts of the world. In accordance with the US-Mexico Bilateral Human Trafficking Initiative, both States have been facilitating cross-border investigations and prosecutions of human trafficking offences through exchange of intelligence and have intensified their efforts in financial investigations to confiscate criminal proceeds.¹⁰⁰ In Europe, Eurojust (European Union Agency for Criminal Justice Cooperation) remained fully operational during the pandemic and successfully facilitated joint investigations teams with Romania and Finland, which led to prosecution of Romanian organised criminal groups and confiscation of €45,000.¹⁰¹ Moreover, the efforts to address the conduct of businesses in supply chains have intensified in Canada and the USA, where their governments recently announced an import ban on commodities produced by Uyghur minorities as a result of forced labour in China.¹⁰² Further, States including Australia, Canada, China, Colombia, Finland, Kenya, New Zealand, Nigeria, Norway, Singapore, the United Arab Emirates, the UK and the USA¹⁰³ have switched to virtual court hearings relatively quickly. Provided that the rights of all parties involved are fully protected and other important issues such as security and technical problems have been sufficiently addressed, these virtual hearings can mitigate the delays caused by the pandemic.

“In Europe, Eurojust remained fully operational during the pandemic and successfully facilitated joint investigations teams with Romania and Finland, which led to prosecution of Romanian organised criminal groups and confiscation of €45,000.”

99. Interview with the Passage (18/12/20); Australian Catholic Religious against Trafficking in Persons, Responses to the Questions by the Special Rapporteur on Contemporary Forms of Slavery (June 2020), 2; Replies by Hungary to the Joint Questionnaire by Special Procedure Mandate Holders (June 2020), 24; Response of the United Kingdom of Great Britain and Northern Ireland to the Joint Questionnaire by Special Procedures Mandate Holders (June 2020), 26; The Responses of the Slovak Republic to Joint Questionnaire by Special Procedure Mandate Holders (June 2020), 17; Interview with LEFÖ-IBF, supra n. 3; Interview with Human Development Organisation, supra n. 28; Commonwealth Human Rights Initiative, supra n. 6, 8; and ILO, Country Policy Responses, supra n. 3.

100. President's Interagency Task Force, Report on U.S. Government Efforts to Combat Trafficking in Persons (October 2020), 11.

101. Eurojust Press Release: Human Traffickers Taken to Court with Support of Eurojust (November 2020), <https://www.eurojust.europa.eu/human-traffickers-swiftly-taken-court-support-eurojust>.

102. CBC News, Federal Government Moves to Seal Off Canadian Companies from Human Rights Violations in China (January 2021), <https://www.cbc.ca/news/politics/canada-xinjiang-forced-labour-1.5869752>; and The Independent, US Bans All Cotton and Tomato Products from Xinjiang over Slave Labour Links (January 2021), <https://www.independent.co.uk/news/world/americas/us-ban-xinjiang-cotton-tomato-uyghur-b1787151.html>.

103. Adam McCann, 'Virtual Criminal Justice and Good Governance during Covid-19' (2020) 7 European Journal of Comparative Law and Governance 225, 227-228; Bonavero Institute of Human Rights, A Human Rights and Rule of Law Assessment of Legislative and Regulatory Responses to the Covid-19 Pandemic Across 27 Jurisdictions (October 2020), 41; Brooklyn Human Trafficking Task Force, Covid-19 Effects on Human Trafficking Responses (2020), 4; Center for Justice Innovation, Impact of Covid-19 on Justice Systems At Home and Abroad (August 2020); International Bar Association, Impact of Covid-19 on Court Operations and Litigation Practice (June 2020), 27 and 42; and UN Women, Covid-19 and Ending Violence against Women and Girls (2020), 6.

Governments are also taking steps to protect the victims of modern slavery. Some continued to provide essential services such as counselling, medical assistance, subsistence and financial support.¹⁰⁴ In this regard, Ethiopia, Senegal and Uganda have provided shelters to street children, including child beggars,¹⁰⁵ and the city of Amsterdam has given emergency financial assistance to undocumented workers.¹⁰⁶ Further, many have been providing education to children during school closures in order to protect them from labour and sexual exploitation.¹⁰⁷

The role of civil society organisations should be emphasised in protecting the victims of modern slavery during the pandemic as they have been instrumental in filling the protection gaps left by many governments. In Kenya, for instance, an anti-trafficking organisation HAART has been able to raise funds nationally and internationally in order to provide assistance, including cash benefits, to the victims of trafficking and exploitation.¹⁰⁸ Fundraising and donations have also been taking place in other parts of the world.¹⁰⁹ Platform for Labour Action in Uganda, LEFÖ-IBF in Austria and the Passage in the UK, have also been providing face-to-face services (e.g. counselling/advice, subsistence and education/training) to their clients.¹¹⁰ Many organisations now offer services remotely using technologies such as the internet and smartphone,¹¹¹ allowing them to easily reach out to victims, including those in rural areas.

2.2. Job retention and creation

One of the important measures implemented by a large number of States to mitigate unemployment caused by the pandemic is job retention through wage subsidies, whereby certain percentages of workers' salaries have been covered by governments for a certain period of time, ranging from one month to one year or longer. This project has discovered that more than 120 States and territories implemented this.¹¹² Some have been using the existing legislative/administrative frameworks/arrangements to assist affected workers,¹¹³ while others have introduced ad hoc/temporary schemes specifically to address unemployment caused by Covid-19.¹¹⁴

104. Replies by the Government of Finland to the Questionnaire by Several Special Procedure Mandate Holders (June 2020), 27; Replies by Greece (June 2020), 6; Interview with Anti-Slavery International, supra n. 1; Brooklyn Human Trafficking Task Force, *ibid.*, 1; and Commonwealth Human Rights Initiative, supra n. 6, 6.

105. Alessandra Cancedda et al., *Mitigating the Socio-Economic Impacts of Covid-19 in Ethiopia with a Focus on Vulnerable Group* (UNICEF 2020), 12; Interview with a civil society organisation in Senegal, supra n. 80; Hope For Justice, Response, supra n. 20, 3; and TIP Report, supra n. 5, 432-433.

106. Interview with La Strada International, supra n. 3.

107. Commonwealth Secretariat Submission to the UN Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences (June 2020); and UNHCR, *Supporting Continued Access to Education during Covid-19: Emerging Good Practices* (July 2020).

108. Interview with HAART, supra n. 9.

109. Interview with a civil society organisation in Thailand, supra n. 5.

110. Interview with Platform for Labour Action, supra n. 1; Interview with LEFÖ-IBF, supra n. 3; and Interview with the Passage, supra n. 99.

111. Interview with FLEX, supra n. 3; and Global Initiative against TOC, supra n. 1, 18.

112. Center for Global Development, *Covid-19 in Colombia: Impact and Policy Responses* (2020), 13; Inter-American Development Bank, *Public Policy to Tackle Covid-19* (2020), 36 and 44; ILO, *The Impact of Covid-19 on the Tourism Sector* (May 2020), 5; ILO, *Protecting the Rights at Work of Refugees and Other Forcibly Displaced Persons During the Covid-19 Pandemic* (June 2020), 4; ILO, *A Quick Reference Guide to Common Covid-19 Policy Responses* (September 2020), 18; International Monetary Fund (IMF), *Policy Responses to Covid-19*, <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-Covid-19>; ITUC-Africa, *African Responses to Covid-19 and the Role of Trade Unions* (June 2020), 124; KPMG, *Government Response - Global Landscape*, <https://home.kpmg/xx/en/home/insights/2020/04/government-response-global-landscape.html>; OECD, *Coronavirus: SME Policy Responses* (July 2020), 25-27; UNDP Cuba, *Support to the National Response and Recovery to Contain the Impact of Covid-19* (May 2020); World Bank, *Covid-19 in Brazil: Impact and Policy Responses* (2020), 72; Global Initiative against TOC, supra n. 1, 22; and ILO, *Country Policy Responses*, supra n. 3.

113. They include Belgium, Brazil, the Czech Republic, France, Germany, Greece, Italy, Japan, Latvia, Luxemburg, Norway, Portugal, South Korea, Spain, Sweden, Switzerland, Turkey and the United States of America. OECD, *Job Retention Schemes during the Covid-19 Lockdown and Beyond* (August 2020), 3-9; ILO and OECD, supra n. 24, 25.

114. They include Australia, Canada, Estonia, Ireland, the Netherlands, New Zealand and Poland. OECD, *ibid.*

Many governments have implemented other measures to boost employment. In this regard, public works or projects have been offered to unemployed workers.¹¹⁵ It is worth highlighting that employment opportunities are also being offered to foreign nationals in various States¹¹⁶ in sectors such as agriculture, construction and healthcare. Even internally or externally displaced people have been given opportunities to produce PPE.¹¹⁷ Equally importantly, in States including Australia, Brazil, Canada, Denmark, France, Russia, Singapore and South Korea, vocational and skills training (both online and in person) has been strengthened in order to enhance employability.¹¹⁸

Others are coordinating closely with businesses and trade unions to facilitate or protect employment. In Tunisia, the government reached an agreement with the Tunisian General Labour Union and the Tunisian Confederation of Industry, Trade and Handicrafts to guarantee jobs and income security for more than 1.5 million workers in, among others, agriculture, fishery, transportation, steel and garment industries.¹¹⁹ Bhutan works with private firms to recruit young people affected by unemployment,¹²⁰ and Indonesia's Kartu Pra-Kerja (pre-employment card) programme provides vouchers for training and re-skilling to unemployed workers, which was said to have benefited 5.6 million informal workers.¹²¹ In Mexico and Portugal, the governments have provided incentives to employers who hire young people and other vulnerable populations¹²² and similar good practices have been recognised in Denmark, Italy, Singapore, South Korea and Sri Lanka.¹²³

It is worth highlighting that employment opportunities are also being offered to foreign nationals in various States in sectors such as agriculture, construction and healthcare.

115. They include Argentina, Armenia, Azerbaijan, Bangladesh, Bhutan, Canada, Ethiopia, Guinea, Kazakhstan, Kenya, Mexico, Nepal, Peru, Indonesia, India, Mexico, Nigeria, Palau, Pakistan, the Philippines, Saint Vincent and the Grenadines, Sierra Leone, South Africa, South Korea, Timor-Leste, Uganda and Uzbekistan. FAO, *Public Employment Programmes in the time of Covid-19* (August 2020), 8; ILO, *Impact of Covid-19 on Nepali Migrant Workers* (June 2020), 10; Ugo Gentilini et al., *Social Protection and Job Responses to Covid-19: A Real-Time Review of Country Responses* (World Bank, September 2020), 73, 98, 282, 328, 351, 380, 393, and 460; World Bank, *Potential Responses to the Covid-19 Outbreak in Support of Migrant Workers* (June 2020), 21; Interview with HAART, supra n. 9; Interview with Nagorik Udyog, supra n. 33; ILO, *Country Policy Responses*, supra; n. 3; ILO, *A Quick Reference Guide*, supra n. 112, 12; and IMF, *Policy Responses*, supra n. 112.

116. They include Argentina, Australia, Austria, Belgium, Chile, Colombia, Denmark, Estonia, Finland, France, Germany, Iran, Ireland, Israel, Mexico, New Zealand, Norway, Peru, South Korea, Spain, Turkey, the United Kingdom and the United States of America. Asian Development Bank, *Coming Out Stronger from Covid-19: Policy Options on Migrant Health and Immigration* (October 2020), 6; UNHCR, *Livelihoods and Economic Inclusion: Covid-19 Emerging Good Practices* (2020), 2; Australian Catholic Religious against Trafficking in Persons, supra n. 99, 2; and World Bank, *ibid.*, 11, 12, 22, 23, 27, 30 and 35.

117. They include Cameroon, Democratic Republic of Congo, Egypt, India, Kenya, Malaysia, Malawi, Mozambique, Niger, Thailand, Ukraine, Zambia and Zimbabwe. Interview with Elom Empowerment, supra n. 9; and UNHCR, *ibid.*, 4.

118. ILO, *Covid-19: Public Employment Services and Labour Market Policy Responses* (August 2020), 14-15; and Interview with Canadian Labour Congress, supra n. 3.

119. ILO, *Negotiated Income Support and Job Security in Tunisia* (October 2020); and OECD, *Covid-19 Crisis in the MENA region*, supra n. 45, 22.

120. IMF, *Policy Responses*, supra n. 112.

121. Indonesian Corruption Watch, *Critical Review of the Training Provider of the Preemployment Card Programme* (May 2020), 6.

122. Interview with ProDESC, supra n. 1; and ILO, *Country Policy Responses*, supra n. 3.

123. ILO, *A Quick Reference Guide*, supra n. 112, 7-8.

2.3. Wider economic and social support to unemployed workers

The project has discovered that wider economic and social support to unemployed workers has been provided globally. Protection against dismissal, including for those in the informal sector, is an example of good practice which has been implemented in Argentina, Azerbaijan, China, El Salvador, Ethiopia, India, Italy, Kyrgyzstan, Jordan, Mexico, the Netherlands, Pakistan, Saudi Arabia, Spain, Turkey, Uzbekistan and Venezuela.¹²⁴ Qatar and Lebanon have taken steps to reform the kafala system, allowing migrant workers to change their jobs without employers' permission and introducing a monthly minimum wage, rest, overtime and sick pay, as well as annual leave.¹²⁵ The use of legislation or regulations in implementing these measures is important as non-compliance can be pursued in the court of law, thereby enhancing accountability and protection.

Cash transfer has been another popular measure. El Salvador, Japan, Israel, Mongolia, South Korea, Tuvalu and the USA have provided cash payments to all or a majority of their citizens.¹²⁶

“Protection against dismissal, including those in the informal sector, is an example of good practice which has been implemented in Argentina, Azerbaijan, China, El Salvador, Ethiopia, India, Italy, Kyrgyzstan, Jordan, Mexico, the Netherlands, Pakistan, Saudi Arabia, Spain, Turkey, Uzbekistan and Venezuela.”

Others have targeted vulnerable populations including informal workers, health and social care workers,¹²⁷ the self-employed,¹²⁸ refugees,¹²⁹ those in rural areas¹³⁰ and returned migrant workers.¹³¹ As of this writing, more than 150 States and territories have implemented cash transfers.¹³²

124. Advisory issued by the Indian Ministry of Labour and Employment (20 March 2020) and Chief Labour Commissioner Circular (30 March 2020). The Supreme Court of India in the case of *Alakh Alok Srivastava vs. Union of India* (Civil Writ Petition Number 468/2020) expressed an opinion that non-compliance with the advisory by the government would attract a penalty under the Penal Code. Argentina (Decree 624/2020) and Venezuela (Decree 4167) have temporarily prohibited dismissals through legislation. See further, Alrud, supra n. 72, 24, 29, 58, and 81; Gentilini et al., supra n. 115, 196 and 330; ILO, Country Policy Responses, supra n. 3; ILO and OECD, supra n. 24, 27; and OECD, Covid-19 Crisis in the MENA Region, supra n. 45, 21.

125. Law No. 18 of 2020, and Law No. 17 of 2020 (Qatar); and Human Rights Watch, *Lebanon: New Safeguards for Migrant Domestic Workers* (September 2020), <https://www.hrw.org/news/2020/09/18/lebanon-new-safeguards-migrant-domestic-workers>.

126. Gentilini et al., supra n. 115, 508; Inter-American Development Bank, supra n. 112, 37; ILO, Country Policy Responses, supra n. 3; and ILO and OECD, supra n. 24, 31.

127. They include Austria, Belarus, the Czech Republic, France, Germany, Italy, Slovenia and Turkey. Gentilini et al., *ibid.*, 84 and 500; and ILO, *Covid-19 and Care Workers*, supra n. 46, 8.

128. They include Albania, Argentina, Australia, Austria, Belgium, Brazil, Cabo Verde, Canada, China, Dominica, France, Georgia, Germany, Iceland, Ireland, Israel, Italy, Jamaica, Lithuania, Luxemburg, Malta, Mauritius, the Netherlands, Paraguay, Portugal, Romania, Russia, Saint Lucia, Singapore, the Slovak Republic, Slovenia, South Korea, Spain, Sri Lanka, Switzerland, Taiwan, Thailand, the United Kingdom and the United States of America. Interview with Canadian Labour Congress, supra n. 3; Gentilini et al., *ibid.*, 27-35, 90, 123, 204, 212, 248, 261, 271, 326, 355, 386, 404, 448, and 483; ILO Country Policy Response, supra n. 3; and ILO and OECD, supra n. 24, 29-30.

129. They include Bolivia, Hong Kong, India, Iran, Peru and Singapore. OECD, *Covid-19 Crisis in the MENA Region*, supra n. 45, 23-24; and UNHCR, *Livelihoods and Economic Inclusion*, supra n. 116, 7.

130. They include Afghanistan, Bolivia, Cambodia, China, Egypt, Liberia, Malawi, Peru, Togo and Zimbabwe. Gentilini et al., supra n. 115, 37, 100, 125, 141, 184, 297, 311, 389, 493, and 542.

131. They include Moldova, the Philippines, Thailand and Ukraine. Gentilini et al., *ibid.*, 333, 392, 488, and 518.

132. ACAPS, *Colombia: Outlook for September–February* (September 2020), 3; African Development Bank, *Covid-19 Support Programme in G5 Countries* (July 2020), 22 and 44; Clingendael Institute, *The Politics of Covid-19 in the Sahel* (May 2020), 2; Government of Togo, *Press Release: Togolese Government Gives Support to Informal Workers Affected by Its Measures against Covid-19* (April 2020); ILO, *Social Protection for Migrant Workers: A Necessary Response to the Covid-19 Crisis* (June 2020), 8; ILO, *Impact of Covid-19 on Cambodian Migrant Workers* (August 2020), 5; Matias Busso et al., *The Challenges of Protecting Informal Households during the Covid-19 Pandemic: Evidence from Latin America*, COVID Economics, Issue 27 (June 2020), 56; OECD, *Covid-19 in Latin America and Caribbean: An Overview of Government Responses to the Crisis* (May 2020), 8; United Nations Nepal, *Covid-19 Nepal: Preparedness and Response Plan* (May 2020), 6; World Bank, *Project Information Document*, (May 2020), 7; CGAP, supra n. 33, 5-7; Gentilini et al., *ibid.*, 27-35; Global Initiative against TOC, supra n. 1, 22; Inter-American Development Bank, supra n. 112, 36-37, 42, and 44; ILO, *Tourism Sector*, supra n. 112, 5 and 7; IMF, *Policy Responses*, supra n. 112; ITUC-Africa, supra n. 112, 19; OECD, *Covid-19 Crisis in the MENA Region*, supra n. 45, 23; and Schwettmann, supra n. 28, 5.

Modern technologies such as the internet and smartphones have been used to transfer cash,¹³³ making it easier and quicker for people to register and receive assistance. Another innovative approach has been implemented in Guatemala and El Salvador, where eligibility for support is determined by electricity consumption among vulnerable informal and other workers.¹³⁴ In addition, Kenya has utilised confiscated criminal proceeds from corruption to provide assistance.¹³⁵

Wider social assistance has also been strengthened in a large number of States and territories. In the Philippines, a special social security scheme has offered unemployment benefits to up to 60,000 workers who have lost their jobs during the pandemic,¹³⁶ and its second phase is specifically targeting around 500,000 informal workers who had been left out previously.¹³⁷ Additional economic assistance to informal workers/businesses has also been provided in Burkina Faso, Denmark and Gabon.¹³⁸ South Korea has covered 90% of leave allowance for workers in the tourism industry, which has been designated as a “special employment support sector”,¹³⁹ and similar assistance in this sector was provided in Fiji.¹⁴⁰ In South Africa, the government established Covid-19 Social Relief of Distress grant for six months to support those who were not covered by other social protection measures previously, including permanent residents and registered refugees.¹⁴¹

In Brazil and Myanmar, mothers are entitled to extra cash benefits, and Armenia provides a lump-sum payment for unemployed women, single pregnant women or those whose husbands have lost jobs

It is important to recognise that many of these measures are directed towards other vulnerable populations. Some have introduced support packages specifically for women. They include Ingreso Familiar de Emergencia in Argentina and Pradhan Mantri Garib Kalyan Yojana in India.¹⁴²

In Brazil and Myanmar, mothers are entitled to extra cash benefits, and Armenia provides a lump-sum payment for unemployed women, single pregnant women or those whose husbands have lost jobs.¹⁴³ Further, Austria and the Netherlands provide economic and other assistance to sex workers.¹⁴⁴

133. They include Argentina, Bangladesh, Brazil, Cambodia, Colombia, Costa Rica, the Gambia, Guatemala, India, Indonesia, Jordan, Morocco, Namibia, Pakistan, Peru, Thailand, Togo, Tunisia, Turkey, South Africa, Uruguay, Vietnam and Zimbabwe. Center for Global Development, Women's Access to Cash Transfers in Light of Covid-19 (June 2020), 2; Center for Global Development, Digital Cash Transfers for Stranded Migrants: Lessons from Bihar's Covid-19 Assistance Programme (October 2020); International Bank for Reconstruction and Development (IBRD) and World Bank, Scaling Up Social Assistance Payments as Part of Covid-19 Response (2020), 9, 13-14; Special Rapporteur on Extreme Poverty and Human Rights, Looking Back to Look Ahead: A Rights-Based Approach to Social Protection in the Post Covid-19 Economic Recovery (September 2020), para. 43; Busso et al., *ibid.*, 57; Gentilini et al., *ibid.*, 18-19; IMF, Policy Responses, *ibid.*; OECD, Covid-19 Crisis in the MENA Region, *ibid.*, 24; and OECD, Covid-19 in Latin America and Caribbean, *ibid.*, 8.

134. Yale School of Management, Countries Provide Support Workers in the Informal Economy (May 2020), <https://som.yale.edu/blog/countries-provide-support-to-workers-in-the-informal-economy>.

135. ILO, Country Policy Responses, *supra* n. 3.

136. Global Initiative against TOC, *supra* n. 1, 22.

137. Bayanihan Heal as One Act 2020, Republic Act No. 11494. See Implementing Guidelines of Republic Act No. 11494 "An Act Providing for Covid-19 Response and Recovery Interventions and Providing Mechanisms to Accelerate the Recovery and Bolster the Resiliency of the Philippine Economy, Providing Funding Therefor, and For Other Purposes" (November 2020).

138. ILO, A Quick Reference Guide, *supra* n. 112, 18.

139. ILO, Tourism Sector, *supra* n. 112, 5.

140. ILO, Country Policy Responses, *supra* n. 3.

141. Oxfam, The Hunger Virus: How Covid-19 is Fuelling Hunger in a Hungry World (July 2020), 13.

142. Special Rapporteur on Extreme Poverty and Human Rights, *supra* n. 133, para. 16.

143. Esuna Duragova, Unpaid Care Work in Times of Covid-19 Crisis: Gendered Impacts, Emerging Evidence and Promising Policy Responses, Paper prepared for the UN Expert Group Meeting "Families in Development: Assessing Progress, Challenges and Emerging Issues. Focus on Modalities for IYF+30", 13.

144. Interviews with La Strada International and LEFÖ-IBF, *supra* n. 3. The requirement is that they are formally registered with the governments. While it is possible for sex workers to register as self-employed in France and the United Kingdom, the majority of them do not in reality, due to the stigma attached to the job and/or fear of law enforcement actions against them. Interview with Syndicat du Travail Sexuel (STRASS) (18/12/20); and Interview with English Collectives of Prostitutes, *supra* n. 31.

Economic and social assistance has also been extended to foreign migrant workers. Extensions of work/residence permits have been implemented in a number of States.¹⁴⁵ This has allowed migrant workers to benefit from health and social care, including income support, sick leave and social security benefits. Cash grants and other financial support have been provided to migrant workers in Brazil, California, Chile, Costa Rica, Japan, the Philippines, Spain, Tajikistan and Tunisia,¹⁴⁶ and many now provide relevant information on Covid-19 related benefits and assistance in multiple languages.¹⁴⁷ It is also encouraging that some forms of social and healthcare are afforded to irregular or undocumented migrant workers.¹⁴⁸ Some European States provide food and shelters,¹⁴⁹ and Italy, Portugal and Saudi Arabia have gone further to temporarily regularise the immigration status of undocumented workers in agriculture, fisheries, domestic and care work.¹⁵⁰ These are examples of good practice as undocumented workers are understandably reluctant to approach the authorities for help for fear of law enforcement actions, making them more vulnerable to exploitation and abuses.

Further, there are emerging accounts of businesses taking steps to support affected workers beyond passing down government-sponsored economic and social assistance. In Indonesia, Mayadapa Group and Tahir Foundation, in conjunction with small and medium businesses in Jakarta, set up temporary food depots for informal workers such as street vendors and taxi drivers.¹⁵¹ In Croatia, Spar Croatia have assisted 60 local small agricultural producers affected by the pandemic by purchasing and selling their agricultural products,¹⁵² and Danone UK has extended contracts of 100,000 workers globally and provided financial assistance to small businesses in supply chains.¹⁵³ While these and other initiatives should be commended, businesses and employers must do much more to protect their workers and prevent modern slavery so that their human rights are fully guaranteed during and after the pandemic.

145. They include Australia, Austria, Bahrain, Belgium, Bulgaria, Canada, Chile, Colombia, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iran, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Luxemburg, Malta, Mexico, Morocco, the Netherlands, New Zealand, Poland, Portugal, Qatar, the Slovak Republic, Slovenia, South Africa, South Korea, Spain, Thailand, Tunisia, Uganda, the United Arab Emirates, the United Kingdom and the United States of America. FAO, *Migrant Workers and Remittances in the Context of Covid-19 in Sub-Saharan Africa* (July 2020), 4-5; OECD, *Managing International Migration under Covid-19* (June 2020), 14-16; OECD, *What is the Impact of the Covid-19 Pandemic on Immigrants and Their Children?* (October 2020), 14; PICUM, *Non-Exhaustive Overview of European Government Measures Impacting Undocumented Migrants Taken in the Context of Covid-19* (2020), 17-21; ILO, *Country Policy Response*, supra n. 3; ILO, *Rights at Work of Refugees*, supra n. 112, 5; ILO, *Social Protection for Migrant Workers*, supra n. 132, 5; and World Bank, *Potential Responses*, supra n. 115, 9-11, 24-28, 30, 32, 37-38, and 40.

146. Asian Development Bank, *Coming Out Stronger*, supra n. 116, 6-7; ILO, *Country Policy Responses*, supra n. 3; and World Bank, *ibid.*, 11, 23, 24, 26, and 32.

147. Interview with FLEX, supra n. 3; ILO, *Rights at Work of Refugees*, supra n. 112, 6; and ILO, *Social Protection for Migrant Workers*, supra n. 132, 7.

148. They include Austria, Belgium, Brazil, Egypt, Finland, Germany, Ireland, Norway, South Africa, Spain, Tunisia, the United Kingdom and the United States of America. Centre for Mediterranean Integration, *Responding to the Challenges of Covid-19 in the Mediterranean* (October 2020), 4; Congressional Research Service, *Unauthorised Immigrants' Eligibility for Covid-19 Relief Benefits in Brief* (May 2020); State of California, *Covid-19 Guidance for Immigrant Californians* (2020); Interview with LEFÖ-IBF, supra n. 3; ILO and OECD, supra n. 24, 31; ILO, *Social Protection for Migrant Workers*, *ibid.*, 8; PICUM, supra n. 145, 8-9 and 13-14; and World Bank, *Potential Responses*, supra n. 115, 23, 27, and 40.

149. They include Belgium, the Czech Republic, Finland, France, Luxemburg, Malta, the Netherlands, Norway, Spain, Switzerland and the United Kingdom. PICUM, *ibid.*, 8.

150. Law 34 (Relaunch Decree) Issued on 19 May 2020 (Italy); ETUC Briefing Note, supra n. 59, 11; PICUM, *ibid.*; Special Rapporteur on Extreme Poverty and Human Rights, supra n. 133, para. 15; and World Bank, *Potential Responses*, supra n. 115, 37.

151. M2030, *Mayapada Group and Tahir Foundation Lead Response to Covid-19*, <https://m2030.org/2020/04/06/mayapada-group-and-tahir-foundation-lead-response-to-covid-19/>.

152. Spar Croatia, *Spar Croatia Expands Cooperation with 60 Small-Scale Domestic Producers*, <https://spar-international.com/news/spar-croatia-expands-cooperation-with-60-small-scale-domestic-producers/>.

153. Danone UK, *Covid-19 Information*, <https://corporate.danone.co.uk/en/discover/mission-in-action/id8512>.

2.4. Improvement of working and living conditions

Improving the working and living conditions of workers during the pandemic is extremely important as this can prevent them from falling into modern slavery. In this regard, a wide variety of measures have been implemented globally. While remote or home-based working has been promoted widely in the formal sector, many States have gone further to enhance occupational health and safety at work through legislative and other means to prevent the spread of the virus. South Africa issued regulations under the Disaster Management Act 2002, requiring businesses and employers to minimise the number of employees through rotation and staggered working hours.¹⁵⁴ Similar arrangements have been put in place in other States.¹⁵⁵ Additional safety measures including physical distancing, provision of information on Covid-19, temperature testing, enhanced sanitisation, and provision of PPE at work (both in the formal and informal sector) have been mandated by law in Albania, the Bahamas, Bahrain, Barbados, Belize, China, Malawi, and Saint Kitts and Nevis.¹⁵⁶ Once again, the use of legislation and regulations is important as businesses or employers can be held legally accountable for non-compliance. This project also found that these efforts have been facilitated in conjunction with trade unions and civil society organisations in many cases.

Free medical testing and treatment for Covid-19, including emergency care/assistance for affected workers have been provided by many governments.¹⁵⁷ If workers contract the virus at work, additional assistance and support have been provided. For instance, Malaysia has classified Covid-19 as an occupational disease, allowing those contracting the virus to claim workers' compensation under the Employees Social Security Act 1969.¹⁵⁸ In some States, additional sickness allowance has been given to workers, including the self-employed.¹⁵⁹ Others have established special paid leave arrangements for Covid-19, which includes childcare leave.¹⁶⁰ In addition, workers have received wages or financial assistance outside sick leave while they are in quarantine or receiving treatment.¹⁶¹ All of these are important as 50% of the global labour force are said to have no legal entitlement to sickness and other benefits.¹⁶²

154. Gazette 43620 of 18 August 2020.

155. They include Bosnia and Herzegovina, Croatia, Djibouti, Egypt, Germany, Greece, Hungary, Malta, Spain, Ukraine and the United States of America. Decree-Law 79-A/2020 of 1 October (Portugal); Government Decree 47/2020 (18 March 2020) (Hungary); Legislative Act (Government Gazette A' 55) of 11 March 2020 as amended by Legislative Act (Government Gazette A' 64) of 14 March 2020 (Greece); Occupational Safety and Health Act 1970 (USA); Alrud, supra n. 72, 34; and ILO, Country Policy Responses, supra n. 3.

156. ILO, Country Policy Response, *ibid.*

157. They include Australia (some States), Austria, Bahrain, Belgium, Burkina Faso, Canada, Chile, Colombia, Estonia, Finland, France, Germany, Greece, Hungary, Iran, Ireland, Israel, Italy, Kazakhstan, Lithuania, Luxembourg, Malaysia, Maldives, Mexico, Nepal, the Netherlands, Niger, Norway, Peru, Portugal, Oman, Qatar, Rwanda, Saudi Arabia, Singapore, Slovenia, South Korea, Spain, Sweden, Switzerland, the United Arab Emirates and the United Kingdom. ACAPS, Burkina Faso, Mali and Niger: Vulnerability to Covid-19 Containment Measures (April 2020), 4-5; United Nations, Social Protection Responses to the Covid-19 Crisis in the MENA/Arab State Region (July 2020), 10; Interview with ProDESC, supra n. 1; Interview with Canadian Labour Congress, supra n. 3; Asian Development Bank, Coming Out Stronger, supra n. 116, 5; ILO, Country Policy Response, *ibid.*; OECD, Immigrants and Their Children, supra n. 145, 7-8; OECD, Managing International Migration, supra n. 145, 18-19; PICUM, supra n. 145, 13; Transient Workers Count Too, supra n. 77, 9; and World Bank, Potential Responses, supra n. 115, 10, 29, 32-33, and 37.

158. ILO, Covid-19 and Care Workers, supra n. 46, 8.

159. They include Algeria, Australia, Austria, Belize, Brazil, Chile, Canada, Cook Islands, the Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Iran, Ireland, Japan, Latvia, Lithuania, Mozambique, New Zealand, Russia, San Marino, Singapore, South Korea, Spain, the United Kingdom and the United States of America. Organisation of American States (OAS), Covid-19 in Women's Lives: The Global Care Emergency (2020), 36; Alrud, supra n. 72, 1 and 10; Gentilini et al., supra n. 115, 27-35, 170, 215, 346, and 360; ILO, Country Policy Responses, supra n. 3; ILO and OECD, supra n. 24, 22-23; ILO, A Quick Reference Guide, supra n. 112, 18-19; and OECD, SME Policy Response, supra n. 112, 28.

160. They include Andorra, Argentina, Austria, Chile, Cyprus, Greece, Honduras, Indonesia, Italy, Jordan, Luxemburg, Montenegro, Norway, Romania, Saint Vincent and the Grenadines, South Korea, Trinidad and Tobago, the United States of America and Uzbekistan. Alrud, *ibid.*, 37 and 44; Gentilini et al., *ibid.*, 27-35, 139, 168, 268, 277, 306, 322, 373, 404, 460, 525, and 530; and ILO, Country Policy Responses, *ibid.*

161. They include Argentina, Australia, the Bahamas, Belarus, China, Denmark, Finland, Georgia, Hong Kong, Hungary, Indonesia, Malaysia, Malta, Montenegro, Myanmar, New Zealand, Oman, Panama, Peru, the Philippines, Romania, Seychelles, the Slovak Republic, Slovenia, South Africa, Qatar, Turkey and Ukraine. Employees Compensation Ordinance (Hong Kong); Minister of Manpower Circular No. M/8/HK.04/V/2020 dated May 28, 2020 (Indonesia); Mayer Brown, Asia Employment Law: Quarterly Review (June 2020), 36; Squire, Patton & Boggs, Covid-19 Measures Taken by Latin American Countries (May 2020), 1; Alrud, *ibid.*, 25, 44, 75, and 89; Gentilini et al., *ibid.*, 27-35, 202, 341, and 382; Inter-American Development Bank, supra n. 112, 43; ILO, Country Policy Responses, *ibid.*; ILO, A Quick Reference Guide, supra n. 112, 12 and 18; OAS, supra n. 159, 36; and World Bank, Potential Responses, supra n. 115, 35.

162. ILO, A Quick Reference Guide, *ibid.*, 18.

As to the living conditions of workers, one example of good practice is provision of relief food which has been implemented for informal workers and poor populations in more than 80 States and territories at the time of writing.¹⁶³ The present project discovered that civil society organisations and trade unions, as well as regional and international organisations, have been very proactive in this endeavour. Another good practice is assistance for utility payments. More than 80 States and territories have assisted with payments for electricity, water, telecommunications and internet¹⁶⁴ in cooperation with utility and telecommunications companies. In addition, prevention of eviction has been implemented. Many countries¹⁶⁵ have provided support in relation to mortgage or rent payments in coordination with national financial institutions, with some going further to prohibit or suspend eviction temporarily during the pandemic.¹⁶⁶ Homelessness and modern slavery are closely interlinked,¹⁶⁷ and these measures are now more important than ever during the pandemic.

The role of trade unions in improving the working and living conditions of affected workers should be emphasised, as they have been proactive in lobbying the governments and businesses/ employers globally. In Jordan and Palestine, they have set up funds to support unemployed workers, and in Kuwait, they have gone further to address issues such as expired residence permits, delayed payments of wages and harsh living conditions for migrant workers.¹⁶⁸ Trade unions in various States have successfully concluded agreements with employers in a number of sectors as well as their respective governments to enhance job retention (wage subsidies) or reinstatement of workers, vocational training, social security benefits and promotion of safety at work.¹⁶⁹ Moreover, trade unions in Canada have arranged financial and medical assistance and subsistence for businesses in supply chains abroad,¹⁷⁰ and in some EU Member States, Bahrain, Kuwait, Malaysia, Singapore, Tunisia and the USA, a wide range of support has been provided to both documented and undocumented migrant workers.¹⁷¹

Civil society organisations have also been playing an important part in protecting workers affected by the Covid-19 pandemic. In London, for instance, its Mayor provided financial assistance to civil society and community organisations specialising in workers' rights to film short videos providing

163. Center for Policy Impact in Global Health, Kenya's Policy Responses to Covid-19 (August 2020), 7; Development Initiatives, Socioeconomic Impact of Covid-19 in Uganda (August 2020), 17; ILO, Covid-19: Impact on Migrant Workers and Country Response in Malaysia (May 2020), 5; Oxfam International, Submission by Oxfam International Responding to the Questionnaire on Covid-19 and Human Rights (June 2020), 5-6; African Development Bank, supra n. 132, 72; Amnesty International, Human Rights Impact in Indonesia, supra n. 48, 13; Gentilini et al., supra n. 115, 27-35, 101, 105, 116, 125, 132, 135, 139, 144, 148, 152, 160, 166, 175, 186, 188, 192, 194, 207, 209, 217, 228, 231, 234, 268, 293, 307, 309, 338, 342, 349, 371, 386, 389, 440, 442, 444, 471, 479, 483, 510, 519, 522, 525, 538, and 540; Inter-American Development Bank, supra n. 112, 38 and 42; ILO Country Responses, supra n. 3; ILO and OECD, supra n. 24, 31; IMF, Policy Responses, supra n. 112; OECD, Covid-19 Crisis in the MENA Region, supra n. 45, 24-25; and Schwettmann, supra n. 28, 10.

164. Clingendael Institute, supra n. 132, 2, 44 and 45; Gentilini et al., *ibid.*, 27-35, 341, 382, 466, and 535; ILO, Country Policy Responses *ibid.*; and OECD, Covid-19 Crisis in the MENA Region, *ibid.*

165. They include Albania, the Bahamas, Barbados, Bolivia, Canada, the Czech Republic, Fiji, Gabon, Guyana, Hong Kong, Indonesia, Kosovo, Kuwait, Lithuania, Jamaica, Japan, Malaysia, Malta, Mexico, North Macedonia, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, the Slovak Republic, Suriname, Trinidad and Tobago, Turks and Caicos, Uruguay and Venezuela. Interview with Canadian Labour Congress, supra n. 3; Gentilini et al., *ibid.*, 27-35, 101, 207, 222, 245, 256, 284, 316, 322, 329, 421, 430, 446, 466, 506, 516, 523, and 535; and ILO, Country Policy Responses, *ibid.*

166. They include Argentina, Australia, Austria, Belgium, Canada, France, Germany, Hungary, Ireland, Israel, Luxemburg, the Netherlands, New Zealand, Portugal, Spain, the United Kingdom and the United States of America. OECD, Housing Amid Covid-19, Policy Responses and Challenges (July 2020), 17; and Interview with Anti-Slavery Australia, supra n. 1. In Australia, suspension has been implemented by some regions.

167. Laura T. Murphy, Labour and Sex Trafficking among Homeless Youth: A Ten City Study (2016); OECD, Combating Covid-19's Effects on Children (August 2020); Unseen, Modern Slavery and Homelessness (2019); and Interview with the Passage, supra n. 99.

168. OECD, Covid-19 Crisis in the MENA Region, supra n. 45, 22.

169. They include Bangladesh, Belgium, Cambodia, Colombia, Denmark, Germany, Japan, Kenya, Madagascar, Myanmar, Nigeria, Oman, South Africa, South Sudan, Sri Lanka, Tunisia and Uruguay. Anjarwalla & Khanna, Preparing for a Safe Return to Work (2020); Business and Human Rights Resource Centre, Cambodia: Sofitel Hotel and Union Agree on Unpaid Compensation Packages for Workers Terminated due to Covid-19 Pandemic Following Workers' Protest (2020), <https://www.business-humanrights.org/en/latest-news/cambodia-sofitel-hotel-union-agree-on-unpaid-compensation-packages-for-workers-terminated-due-to-covid-19-pandemic-following-workers-protests/>; ILO, Collective Agreement on a Bio Security Protocol against Covid-19 in Colombia's Banana Plantations (October 2020); ILO, Issue Paper on Covid-19 and Fundamental Principles and Rights at Work (2020), 9; ITUC Asia-Pacific, Covid-19 Pandemic: A Brief Analysis of the Impacts on Employment, the Governments' Initial Responses and Trade Unions' Actions in the Asia-Pacific Region (May 2020), 23; Memorandum of Understanding between the Nigerian Employers' Consultative Association, the Nigeria Labour Congress, and Trade Union Congress of Nigeria (June 2020); New Industrial Relation Framework and ILO Japan, Covid-19 Situation - Impact and Responses: What Trade Unions and Employers Need to Know (2020), 23-24; ETUC Briefing Note, supra n. 59, 10-11; ILO, The Supply Chain Ripple Effect, supra n. 53, 15-16; and ITUC-Africa, supra n. 112, 138.

170. Interview with Canadian Labour Congress, supra n. 3.

171. ILO, Protecting Migrant Workers during the Covid-19 Pandemic (April 2020); Interview with AFL-CIO, supra n. 16; Interview with PICUM, supra n. 42; and Interview with ITUC, supra n. 72.

information about workers' rights during Covid-19 and available support in multiple languages,¹⁷² and similar awareness-raising campaigns by civil society organisations have taken place in other States.¹⁷³ In India, National Campaign on Dalit Human Rights developed a mobile phone app "We Claim", which identifies local communities not receiving relief food and other support, and more than 28,000 families have been located and assisted since its inception.¹⁷⁴ In Portugal, 19 civil society organisations successfully lobbied the government to grant access to healthcare, welfare provisions and the labour market for migrant workers who applied for residence permits in March 2020.¹⁷⁵ In addition, in Armenia, Bangladesh, France, Kazakhstan, North Macedonia, Poland, Russia, Ukraine and the UK, sex workers, many of whom have been left out during the pandemic, have been provided material support, information, counselling and legal assistance.¹⁷⁶ Finally, a number of organisations around the world have helped distribute PPE, sanitisers and other essential items to those in need.¹⁷⁷

"In India, National Campaign on Dalit Human Rights developed a mobile phone app "We Claim", which identifies local communities not receiving relief food and other support, and more than 28,000 families have been located and assisted since its inception."

In summary, a wide variety of measures designed to protect the human rights of victims of modern slavery and affected workers have been implemented in all regions of the world, and the important efforts made by all relevant governmental/non-governmental stakeholders should be widely acknowledged.

172. Interview with FLEX, supra n. 3.

173. Asia Foundation, *Civil Society in Southeast Asia during Covid-19: Responding and Evolving under Pressure* (2020), 6; CIVICUS, *Solidarity in the Time of Covid-19: Civil Society Responses to the Pandemic* (November 2020); and Interview with La Strada International, supra n. 3.

174. Interview with Inclusivity Project, supra n. 33.

175. PICUM, supra n. 145, 6.

176. Sex Workers' Rights Advocacy Network (SWAN) and ICRSE, *Covid-19 Crisis Impact on Access to Health Services for Sex Workers in Europe and Central Asia* (June 2020), 6-7; UNAIDS, *Six Concrete Measures to Support Women and Girls in All Their Diversity in the Context of Covid-19 Pandemic* (2020), 16; Interview with English Collectives of Prostitutes, supra n. 31; and Interview with STRASS, supra n. 144.

177. Interview with Ivorian Community in Greece and Greek Forum for Refugees (17/12/20); Balkan Civil Society Development Network, *Covid-19: The Effects to and the Impact of Civil Society in the Balkan Region* (May 2020); The Bridgespan Group, *Philanthropy and the Covid-19 Response in India* (May 2020); Freedom Fund, *Reflecting on the Year That Was: Lessons from the COVID Frontlines* (January 2021), 6; International Committee of the Red Cross (ICRC), *ICRC Asia and Pacific Covid-19 Response* (June 2020); International Medical Corps, *Covid-19 Situation Report No. 16* (May 2020); Strategest, *Civil Society's Response to Covid-19 in Eurasia* (2020); Interview with Anti-Racism Movement, supra n. 1; Interview with AFL-CIO, supra n. 16; Interview with Human Development Organisation, supra n. 28; Interview with Institute on Statelessness and Inclusion, supra n. 33; and CIVICUS, supra n. 173.

Section 3: Critical analysis of emerging good practices

3.1. Anti-slavery actions

While some States have been continuing their anti-slavery efforts as noted in the previous section, important issues have also emerged. For instance, there is still scope for improvement, particularly in relation to victims of modern slavery.¹⁷⁸ As an example, the UK government provides between £39.50 and £65 per week to the victims of modern slavery through the UK Victim Care Contract, but this has been regarded as insufficient.¹⁷⁹ In Canada, development of legislation regulating businesses in supply chains has been halted during the pandemic, and there has also been some delay in consultations on granting investigative powers to the Ombudsperson for Responsible Enterprise.¹⁸⁰ There are also some issues in relation to civil society organisations. It has been reported that many governments have not recognised contributions made by civil society organisations in protecting victims of modern slavery and have even restricted their activities during the pandemic.¹⁸¹ Another important point discovered in the present project is the Covid-19 infection among frontline workers in some parts of the world, which has impacted on the provision of services for the victims of modern slavery.¹⁸² There are emerging reports of the infection spreading among victims in secure accommodations, forcing some service providers to suspend their operation or close down.¹⁸³ This underscores the need to ensure free access to testing, PPE and treatment for Covid-19 among frontline workers and the victims of modern slavery as a matter of priority.



178. Anti-Slavery International, A Response, supra n. 10, 7; Interviews with Anti-Racism Movement, OBMICA, Pakistan Dalit Solidarity Network, Platform for Labour Action, and ProDESC, supra n. 1; Interview with HAART, supra n. 9; Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, supra n. 11; Interview with IDSN, supra n. 28; and Interviews with Nagorik Udyog and National Campaign for Dalit Human Rights, supra n. 33.

179. Interview with the Passage, supra n. 99; and Hope for Justice, Response, supra n. 20, 6.

180. Interview with Canadian Labour Congress, supra n. 3.

181. Epic Africa, The Impact of Covid-19 on African Civil Society Organisations: Challenges, Responses and Opportunities (June 2020), 19; Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, supra n. 11; Interview with Nagorik Udyog, supra n. 33; Interview with PICUM, supra n. 42; and Interview with Ivorian Community in Greece and Greek Forum for Refugees, supra n. 177.

182. Interview with La Strada Foundation, supra n. 3; and Interview with a civil society organisation in Thailand, supra n. 5.

183. UNODC, Impact of the Covid-19 Pandemic on Trafficking in Persons (2020), 2; Interview with La Strada International, *ibid*; and Interview with HAART, supra n. 9.

3.2. Economic and social assistance to unemployed workers

It is evident that the majority of States and territories have been taking steps to mitigate the economic impacts of Covid-19. While these good practices should be commended, a number of issues have emerged, raising questions as to their effectiveness and appropriateness. Firstly, assistance measures are by their very nature temporary, and many of them have already been discontinued without extension or additional/new support.¹⁸⁴ A related point is that the levels of support given are regarded as inadequate.¹⁸⁵ The UN Special Rapporteur on Extreme Poverty and Human Rights has provided the following examples:

South Africa's Covid-19 social grant of R350 (US\$18.44) per month is less than a third of the country's own Upper-Bound Poverty Line (UBPL); Chile—the most unequal country in the OECD in terms of wealth concentration and with a 2019 national poverty line of CLP164,605 (USD212.18)—provided CLP65,000 once, then CLP100,000 three times for single households through its highly bureaucratic *Ingreso Familiar de Emergencia* cash transfer, a program not only below its own line but also causing confusion as it has been renewed at the last moment several times. Pakistan's *Ehsaas Emergency Cash* program, the largest in the country's history, provides a one-time PKRs12,000 (about US\$72) per household regardless of its composition, which remains under its national poverty line of PKRs3,250.28.¹⁸⁶

To give further examples, food relief and other support by the Afghanistan, Bangladesh, Ethiopian, Indian, Lebanese, Mauritanian and Syrian governments were regarded as inadequate and had to be supplemented by contributions from civil society/religious organisations and trade unions.¹⁸⁷ It has also been reported that people in the scheduled castes in South Asia have been refused relief food and other support because of their status.¹⁸⁸ In Egypt, the support packages to irregular workers have not taken inflation into consideration¹⁸⁹ thereby decreasing their value. The vulnerable populations, such as informal workers (with low and medium skills), women, the self-employed and migrant workers are particularly affected¹⁹⁰ compared to those in the formal sector. It is also clear that low-income States or those facing additional humanitarian crises are suffering more from the economic consequences of the pandemic.

This insufficiency is understandable to some extent, as governments, particularly in low-income regions, are not economically able to provide support indefinitely. It is also to be appreciated that many are struggling to strike a good balance between protection of public health on the one hand, and resumption of the national economy on the other. In order to ease the economic burdens, States and territories should enhance opportunities for public works/projects, invest in people through education and training, and encourage or even require businesses to share burdens.¹⁹¹ International cooperation is also important so that those in need can be assisted by other

184. Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, supra n. 11; and Special Rapporteur on Extreme Poverty and Human Rights, supra n. 133, para. 18.

185. Interview with Pakistan Dalit Solidarity Network, supra n. 1; Interview with a civil society organisation in Thailand, supra n. 5; Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, *ibid.*; Interview with AFL-CIO, supra n. 16; Interviews with Nagorik Udyog and National Campaign for Dalit Human Rights, supra n. 33; Interview with a civil society organisation in Senegal, supra n. 80; and ILO and OECD, supra n. 24, 23.

186. Special Rapporteur on Extreme Poverty and Human Rights, supra n. 133, para. 27.

187. Actionaid, *Workers in the Time of Covid-19* (August 2020), 40; Degye Goshu, et al., *Assessment of Covid-19 Effects and Response Measures in Ethiopia: Livelihoods and Welfare Implications* (Ethiopian Economic Association 2020), 21; Salam Said, *Covid-19 and the Syrian Economy: Implications for Social Justice* (Friedrich-Ebert Stiftung 2020), 3; Trimita Chakma and Pallab Chakma, *A Rapid Assessment Report: The Impact of Covid-19 on Indigenous and Tribal People in Bangladesh* (June 2020), 11-12; Interview with Anti-Racism Movement, supra n. 1; Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, supra n. 11; Interview with Inclusivity Project, supra n. 33; and Oxfam International, *Submission*, supra n. 163, 6.

188. Interview with Inclusivity Project, *ibid.*; and Interview with Samata Foundation, supra n. 33.

189. Centre for Mediterranean Integration, supra n. 148, 5.

190. Interview with National Campaign for Dalit Human Rights, supra n. 33; ILO Monitor, supra n. 21, 17, and ILO and OECD, supra n. 24, 31.

191. ILO and OECD, *ibid.*, 38.

“It is true that informal workers have received cash payments and other support in many States and territories, but many of these are one-off, unlike wage subsidies which have been paid for several months or longer. This clearly demonstrates that the pandemic has exacerbated the disadvantaged position of informal workers even further.”

States and regional/international organisations, including financial institutions.

Another major issue is that various support measures are not implemented for all workers and exclude many vulnerable populations. Job retention is a case in point. While a large number of States and territories have implemented this as highlighted in the previous section, this project has discovered that it largely applies to workers in the formal economy.¹⁹² This means that those in the informal sector have not been able to benefit in reality.

Some like Bangladesh, Botswana, Cambodia and Thailand promote job retention in certain sectors only and exclude others.¹⁹³ It is true that informal workers have received cash payments and other support in many States and territories, but many of these are one-off, unlike wage subsidies which have been paid for several months or longer. This clearly demonstrates that the pandemic has exacerbated the disadvantaged position of informal workers even further.

In addition, wider economic and social assistance has not reached those in need due to reasons such as a lack of effective infrastructure and accountability mechanisms in providing assistance,¹⁹⁴ excessive bureaucracy,¹⁹⁵ corruption,¹⁹⁶ inability to register individuals for relevant services due to a lack of identity documents and other public records,¹⁹⁷ language difficulties,¹⁹⁸ a lack of effective communications by public authorities,¹⁹⁹ immigration status,²⁰⁰ and age requirement.²⁰¹ These have resulted in long delays in receiving support or not being able to receive support at all for many, disproportionately affecting marginalised populations such as migrant

192. C19 National Foresight Group, Intelligence Briefing Paper No. 10: Variation of Need by Place and Informal Workers (July 2020), 10; The Fair Work Project, Gig Workers, Platforms and Government during Covid-19 in South Africa (May 2020), 7; International Center for Tax and Development, <https://www.ictd.ac/blog/covid-coronavirus-tax-breaks-informal-economy-workers/>; ILO, Global Wage Report 2020-2021: Wages and Minimum Wages in the Time of Covid-19 (December 2020), 22; Interviews with Anti-Slavery International and Platform for Labour Action, supra n. 1; Interview with National Campaign for Dalit Human Rights, supra n. 33; Interview with ITUC, supra n. 72; Center for Global Development, supra n. 112, 17; Development Initiatives, supra n. 163, 11-12; ILO, Rights at Work of Refugees, supra n. 112, 4; Schwettmann, supra n. 28, 10; and Special Rapporteur on Extreme Poverty and Human Rights, supra n. 133, para. 25.

193. ILO, Temporary Wage Subsidies (May 2020), 3.

194. Interview with Inclusivity Project, supra n. 33; and CGAP, supra n. 33, 6.

195. Labour Education Foundation, Protecting Human Rights during Covid-19: Joint Questionnaire by Special Procedure Mandate Holders (June 2020), 19; and Special Rapporteur on Extreme Poverty and Human Rights, supra n. 133, paras. 20, 23 and 27.

196. Business & Human Rights Resource Centre, Just Recovery in Peril: Human Rights Defenders Face Increasing Risk during Covid-19 (November 2020), 6; Transparency International, Documented Corruption and Malfeasance Cases (September 2020); Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, supra n. 11; Interview with Center for Economic and Social Rights, supra n. 15; Interview with IDSN, supra n. 28; Interview with Nagorik Udyog, supra n. 33; CGAP, supra n. 33, 6; and ITUC-Africa, supra n. 112, 23.

197. Fauzia Tariq and Sarah Bibler, Gender Impact of Covid-19 in Pakistan: Contextual Analysis and the Way Forward (International Foundation for Electoral Systems 2020), 4; Interview with Pakistan Dalit Solidarity Network, supra n. 1; Interviews with La Strada International and LEFO-IBF, supra n. 3; Interview with AFL-CIO, supra n. 16; Interview with Human Development Organisations, supra n. 28; Interviews with Inclusivity Project, Institute on Statelessness and Inclusion and National Campaign for Dalit Human Rights, supra n. 33; CGAP, *ibid.*, 5; Gentilini et al., supra n. 115, 184; ILO and OECD, supra n. 24, 31; and Schwettmann, supra n. 28, 10.

198. ILO, Social Protection for Migrant Workers, supra n. 132, 3.

199. ILO and FATO, Rapid Assessment of the Impacts of Covid-19 on Vulnerable Populations and Small-Scale Enterprises in Iraq (July 2020), 21; Oxfam, Impact of the Covid-19 Pandemic on Small-Scale Producers and Workers (2020), 7; Interview with IDSN, supra n. 28; and CGAP, supra n. 33, 7.

200. Interviews with Anti-Slavery Australia and OBMICA, supra n. 1; Australian Catholic Religious against Trafficking in Persons, supra n. 99, 3; and ILO, Social Protection for Migrant Workers, supra n. 132, 3 and 8.

201. Special Rapporteur on Extreme Poverty and Human Rights, supra n. 133, para. 25.

workers,²⁰² women,²⁰³ ethnic minorities (including those in scheduled castes),²⁰⁴ young people,²⁰⁵ indigenous peoples, refugees and Stateless persons,²⁰⁶ once again demonstrating de facto discrimination against them.

To illustrate these with concrete examples, in Bangladesh, 200 informal workers who registered to receive cash assistance were said to have the exact same phone number,²⁰⁷ demonstrating a lack of proper mechanisms to identify beneficiaries. In relation to migrant workers in Thailand, while they are entitled to unemployment benefits in theory, they have limited access in practice as they are required to have a national ID number, a Thai bank account and other personal information, which many do not have.²⁰⁸ It has also been reported that relief food is not distributed to vulnerable groups such as women, minorities, undocumented workers, refugees and asylum seekers in India, Kenya and Malaysia.²⁰⁹ Exclusion of undocumented workers has also been reported in Colombia, Mexico, some EU Member States, Pakistan and the USA.²¹⁰ Similarly in Australia, Argentina, Belize, Bermuda, Canada, Ecuador, the Dominican Republic, Hong Kong, Japan, Jordan, Nepal, Spain, and Trinidad and Tobago, Covid-19 related income and other support require citizenship, permanent residency, official registration or possession of government-issued identity documents/numbers.²¹¹ Further, many sex workers are still excluded from assistance and support during the pandemic in Asia, Africa, North and Latin America and Europe,²¹² and many of them have decided to work online,²¹³ exposing them to virus infection,²¹⁴ further exploitation and abuse. Criminalisation of sex work/workers has also increased in some jurisdictions.²¹⁵ Another difficulty is that support measures do not always reach remote rural areas,²¹⁶ suggesting a lack of adequate infrastructure and resources on the part of various governments.

All of these point to a conclusion that formalisation of informal work should be implemented as expeditiously as possible. When implemented properly with all relevant stakeholders involved in decision making, formalisation may be economically viable as governments can collect taxes, which in turn can be used support business and workers when needed, gradually facilitating economic growth and good governance.²¹⁷ The rights of workers will be strengthened and instances

202. Interview with OBMICA, supra n. 1; Interview with Canadian Labour Congress, supra n. 3; and Transient Workers Count Too, supra n. 77, 10.

203. Tariq and Bibler, supra n. 197, 4.

204. Jagran Media Center, Social and Economic Impact of Covid-19 on Dalit and Marginalised Communities (June 2020); Jayati Ghosh, 'A Critique of Indian Government's Response to the Covid-19 Pandemic' (2020) 47 Journal of Industrial and Business Economics 513, 528; Interview with Pakistan Dalit Solidarity Network, supra n. 1; Interview with IDSN, supra n. 28; and Interviews with Inclusivity Project, Nagorik Udyog, and National Campaign for Dalit Human Rights, supra n. 33.

205. Interview with ProDESC, supra n. 1; and Special Rapporteur on Extreme Poverty and Human Rights, supra n. 133, para. 25.

206. Institute on Statelessness and Inclusion, Stateless in a Global Pandemic (2020), 13-14; and Interview with Elom Empowerment, supra n. 9.

207. Interview with Nagorik Udyog, supra n. 33; and CGAP, supra n. 33, 6.

208. ILO, Country Response in Thailand, supra n. 77, 13; and Oxfam, supra n. 199, 6.

209. Interview with IDSN, supra n. 28; Center for Policy Impact in Global Health, supra n. 163, 7; and ILO, Country Response in Malaysia, supra n. 163, 5.

210. Interview with ProDESC, supra n. 1; Interview with AFL-CIO, supra n. 16; Interview with PICUM, supra n. 42; ACAPS, Colombia, supra n. 132, 8; Congressional Research Service, supra n. 148, 5; IDSA and HIVMA, supra n. 62, 4; and Institute on Statelessness and Inclusion, supra n. 206, 14.

211. Guidelines for the Administration of the Social Assistance for Persons Who Were Retrenched, Terminated, Experience Loss or Reduced Income In Respect of the Covid-19 Virus; Inter-American Development Bank, Support to Safety Net for Vulnerable Populations Affected by Coronavirus in Belize (2020), 8; Response for Venezuelans, Refugee and Migrant Response Plan 2020 (May 2020), 34; UNICEF, The Impact of Covid-19 on Migrant Children in Trinidad and Tobago (July 2020), 12; Interview with OBMICA, supra n. 1; Gentilini et al., supra n. 115, 96 and 244; Institute on Statelessness and Inclusion, *ibid.*, 14-15; Schwettmann, supra n. 28, 10; and Special Rapporteur on Extreme Poverty and Human Rights, supra n. 133, paras. 23 and 34.

212. Amnesty International, Include Sex Workers in the Covid-19 Response (July 2020); Elene Lam, 'Migrant Sex Workers Left Behind During Covid-19 Pandemic' (2020) 111 Canadian Journal of Public Health 482; Global Network of Sex Work Projects, Response to Joint Questionnaire of Special Procedures (June 2020), 3; Joshua Kimani, et al., 'The Effects of Covid-19 on the Health and Socio-Economic Security of Sex Workers in Nairobi, Kenya: Emerging Intersection with HIV' (2020) 15 Global Public Health 1073, 1075; Interview with English Collective of Prostitutes, supra n. 31; Interview with ICRSE, supra n. 32; Interview with STRASS, supra n. 144; and UNAIDS, supra n. 176, 11.

213. Alyson Hills, et al., 'Sex Tourism, Disease Migration and Covid-19: Lessons Learnt and Best Practices in Moving Forward' (2020) Journal of Travel Medicine 1, 1; and Interview with ICRSE, *ibid.*

214. Interview with STRASS, supra n. 144.

215. Interview with ICRSE, supra n. 32.

216. Andean Information Network, Bolivia and Peru: Coca Farmers in the Time of Covid-19 (May 2020), 9, 11 and 13; and Interview with Pakistan Dalit Solidarity Network, supra n. 1.

217. Anuradha Joshi, Wilson Pritchard, and Christopher Heady, 'Taxing the Informal Economy: The Current State of Knowledge and Future Research' (2014) 50 Journal of Development Studies 1325, 1330-31.

of exploitation and abuse by businesses/employers and criminals will also be reduced. As a starting point, public works and projects, coupled with education and vocational training, should be expanded by all governments. Businesses/employers should also create employment and training opportunities by working closely with public authorities, trade unions and civil society organisations.

Although the use of modern technology such as the internet and smartphones to provide assistance like cash transfers is an example of good practice as these can reach beneficiaries quickly, one drawback is that those who do not have access to these technologies, including women, indigenous peoples and minorities, have not been able to benefit from them.²¹⁸ In Latin American and the Caribbean, for instance, 38% of the poorest households did not have internet access prior to Covid-19, and only 3% did in States including Bolivia, Paraguay and Peru.²¹⁹ At a structural level, it has been reported that the government database/registry on those eligible to receive assistance in various States is not updated regularly and excludes populations like migrant workers.²²⁰ Difficulties in using or navigating technology by workers and trade unions has also been reported elsewhere.²²¹

Moreover, there is increasing evidence of misappropriation of financial and other support. Wage theft and/or benefit fraud facilitated by private companies, employers and criminals, as well as public officials, has been reported in a number of States including Australia, Bangladesh, Brazil, China, Canada, France, Germany, India, Ireland, Italy, Mexico, New Zealand, Qatar, Russia, Switzerland, the UK and the USA.²²² It is clear that this is not a problem of low-income regions alone. Many governments prefer to provide support measures directly to businesses, assuming that they will be passed down to workers,²²³ but these examples of wage theft and fraud demonstrate that this has not been happening in many cases and highlight the need for rigorous monitoring. In addition to law enforcement actions against modern slavery, governments must rigorously

“There is also evidence that unionised workers have been unfairly dismissed, and that union-busting has been implemented. At a wider level, the difficulty in unionising workers in the informal sector, such as domestic or agricultural workers, many of whom are migrants, has been regarded as a major challenge.”

prosecute and punish these cases and confiscate illegally gained proceeds so that all affected workers can benefit from economic and social protection measures without discrimination. A good practice in this regard can be seen in France, where punishment for these offences attracts a fine of €30,000, two years’ imprisonment, or exclusion from access to public funds for five years.²²⁴ Others should follow suit.

218. Interview with Center for Economic and Social Rights, supra n. 15; CGAP, supra n. 33, 6; and Center for Global Development, supra n. 133, 1.

219. CEPAL, *Universalizar el Acceso a las Tecnologías Digitales para Enfrentar los Efectos del*

Covid-19, Informe Especial Covid-19 No.7 (August 2020), 2; and Special Rapporteur on Extreme Poverty and Human Rights, supra n. 133, para. 42.

220. This has been reported, for instance, in Brazil and China. IBRD and World Bank, supra n. 133, 7-8; and Special Rapporteur on Extreme Poverty and Human Rights, *ibid.*, para. 25.

221. Interview with ITUC, supra n. 72; and IBRD and World Bank, *ibid.* 8.

222. Amnesty International, *Reality Check 2020: Countdown to the 2022 World Cup (November 2020)*, 17; Humayun Kabir, Myfanwy Mapple, and Kim Usher, ‘The Impact of Covid-19 on Bangladeshi Readymade Garment Workers’ (2020) *Journal of Public Health* 1, 2; OECD, *Safeguarding Covid-19 Social Benefit Programmes from Fraud and Error (June 2020)*, 3; UNODC, *Good Practices Compendium on Combating Corruption in the Response to Covid-19 (October 2020)*, 35-37; Interview with ProDESC, supra n. 1; Interview with AFL-CIO, supra n. 16; Interview with IDSN, supra n. 28; Interview with Nagorik Udyog, supra n. 33; Centre for Social Justice & Justice and Care UK, supra n. 1, 65; and Labour Behind the Label, supra n. 3, 8 and 15.

223. Interview with ITUC, supra n. 72.

224. ILO, *Temporary Wage Subsidies*, supra n. 193, 5.

3.3. Working and living conditions

A number of problems have been identified in relation to the living and working conditions of affected workers. Accommodation for workers in various parts of the world are still said to be overcrowded and social distancing has been difficult to implement, increasing the risk of infection among them, and inadequate access to subsistence has been reported for others such as refugees, asylum seekers and migrant workers.²²⁵ These conditions are evident in the quarantine facilities.²²⁶ It has also been reported that many domestic workers have not been able to pay rent and utilities as their wages are very low but are not entitled to any form of assistance.²²⁷ In addition, while some States may have been able to require businesses and employers to implement social distancing measures in workplaces, this has been difficult for others, particularly those requiring face-to-face contact with their co-workers or clients,²²⁸ many of which are in the informal sector. This again highlights the vulnerability to virus infection faced by informal workers,²²⁹ causing further marginalisation and stigmatisation. A need for stronger regulatory regimes to ensure workplace safety and inspection has been recognised in this regard.²³⁰

Slow delivery of, or lack of access to, hand sanitisers and PPE at workplaces, particularly in the informal sector, has been reported in all regions of the world.²³¹ Many employers are not providing them,²³² resulting in the spread of infection among workers.²³³ To mitigate this problem, civil society organisations, trade unions and local communities are stepping in to provide PPE.²³⁴ Testing and treatment for Covid-19 has also not been easily accessible by the poor and marginalised populations like migrant workers, Stateless persons, those held in descent-based slavery and scheduled castes, those in rural areas, and informal workers, because of direct discrimination or the failure of governments to provide sufficient information.²³⁵ Even worse, many of these marginalised populations have been regarded as virus carriers,²³⁶ which has incited animosity and discrimination against them.

Moreover, businesses are not doing enough to protect the welfare of workers. In Qatar, while the government promised to guarantee wages for workers during quarantine, it has been reported that

225. IOM, *Stranded Irregular Migrant Workers during the Covid-19 Crisis: The Question of Reparation* (August 2020), 3; WHO, *ApartTogether Survey: Preliminary Overview of Refugees Migrants Self-Reporting Impact of Covid-19* (December 2020), 21; Interview with Anti-Racism Movement, supra n. 1; Interview with Canadian Labour Congress, supra n. 3; Interview with Human Development Organisation, supra n. 28; Amnesty International, *Reality Check*, supra n. 222, 29; Business & Human Rights Resource Centre, supra n. 66, 7; Equidem, supra n. 72, 36, 62, and 88-89; Ethical Trading Initiative, supra n. 37; ILO, *The Supply Chain Ripple Effect*, supra n. 53, 13; and Oxfam, supra n. 199, 6.

226. Amnesty International, *When Protecting Becomes Repression: Mandatory Quarantines under Covid-19 in the Americas* (2020), 19-25; Human Rights Watch, *How Can We Work without Wages? Salary Abuse Facing Migrant Workers Ahead of Qatar's FIFA World Cup 2022* (2020); Interview with National Campaign for Dalit Human Rights, supra n. 33; and Equidem, *ibid.*, 92.

227. Interview with Anti-Slavery Movement, supra n. 1; and Trade Union of Domestic Workers' Solidarity, supra n. 64, 22.

228. Inter-American Development Bank, *The Challenges of Protecting Informal Households during the Covid-19 Pandemic* (June 2020), 3; Lorenzo Guadagno, *Migrants and the Covid-19 Pandemic: An Initial Analysis* (2020), 7; Interview with AFL-CIO, supra n. 16; and Busso, et al., supra n. 132, 52.

229. Committee on Economic, Social and Cultural Rights, *Statement on the Coronavirus Disease (Covid-19) Pandemic and Economic, Social and Cultural Rights E/C.12/2020/1* (2020), para. 5; and Interview with Anti-Racism Movement, supra n. 1.

230. AFL-CIO, *Death on the Job: The Toll of Neglect* (October 2020), 10, 13 and 17.

231. Diego Delgado et al., 'Personal Safety during the Covid-19 Pandemic: Realities and Perspectives of Health Workers in Latin America' (2020) 17 *International Journal of Environmental Research and Public Health* 1; FLEX, *If I Could Change Anything About My Work: Participatory Research with Cleaners in the UK* (January 2021), 23; IDSN, *How Caste is Disproportionately Affecting the Dalits of South Asia in Covid-19 Pandemics* (June 2020), 2; UNFPA and GAGE, *Experiences of Vulnerable Urban Youth under Covid-19: The Case Study of Youth Working in Factories and Industrial Parks* (August 2020), 3; Interview with ProDESC, supra n. 1; Interviews with Canadian Labour Congress and FLEX, supra n. 3; Interview with a civil society organisation in Thailand, supra n. 5; Interview with HAART, supra n. 9; Interviews with IDSN and Human Development Organisation, supra n. 28; Interviews with Inclusivity Project and Nagorik Udyog, supra n. 33; Amnesty International, *Human Rights Impact in Indonesia*, supra n. 48, 7; Center for Policy Impact in Global Health, supra n. 163, 7; ILO, *The Supply Chain Ripple Effect*, supra n. 53, 13; and Labour Behind the Label, supra n. 3, 8. It is worth highlighting that the Independent Workers of Great Britain won a case before the High Court which held that gig economy workers were entitled to PPE. [2020] EWHC 3050.

232. Interview with AFL-CIO, supra n. 16; and Equidem, supra n. 72, 38, and 87.

233. Interview with AFL-CIO, *ibid.*, commenting on the Covid-19 outbreak in Amazon warehouses in the United States of America.

234. Interview with Anti-Racism Movement, supra n. 1; Interview with Timidria, supra n. 5; Interview with AFL-CIO, *ibid.*; Interview with PICUM, supra n. 42; and Freedom Fund, supra n. 177, 6.

235. Interview with Pakistan Dalit Solidarity Network, supra n. 1; Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, supra n. 11; Interviews with Inclusivity Project, Institute on Statelessness and Inclusion, Nagorik Udyog and Samata Foundation, supra n. 33; and Interview with Ivorian Community in Greece and Greek Forum for Refugees, supra n. 177.

236. Interview with Elom Empowerment, supra n. 9; and Interview with Inclusivity Project, *ibid.*

“Testing and treatment for Covid-19 has also not been easily accessible by the poor and marginalised populations like migrant workers, Stateless persons, those held in descent-based slavery and scheduled castes, those in rural areas, and informal workers, because of direct discrimination or the failure of governments to provide sufficient information. Even worse, many of these marginalised populations have been regarded as virus carriers, which has incited animosity and discrimination against them.”

many companies are not implementing this in practice²³⁷ and other abusive conditions such as non-payment of wages, long working hours without rest and paid leave have been reported in other Gulf States and beyond.²³⁸ In others,²³⁹ employers are reportedly forcing workers to come to work with threats of reduced wages or dismissal. These examples represent clear indicators of forced labour noted earlier and also demonstrate the ignorance on the part of businesses to abide by the rules, as well as a lack of rigorous monitoring and enforcement mechanisms. This raises a need for stronger labour inspection and accountability for non-compliance. Joining or forming a trade union is a recognised right²⁴⁰ which can improve the working conditions of all workers, but this has been suspended during the pandemic in some States.²⁴¹

Activities of trade/labour unions, which have been working tirelessly to improve working conditions during the pandemic, have been affected in various parts of the world. Similar to civil society organisations assisting victims of modern slavery, lockdown measures have prevented them from providing face-to-face services.²⁴² There have also been multiple reports of them experiencing increased surveillance, intimidation, arrest, detention and court actions in Africa, Asia, Latin America and the Middle East.²⁴³ It has additionally emerged that in States such as Angola, Croatia and Hungary, trade unions have not been consulted sufficiently with regard to implementation of Covid-19 responses.²⁴⁴ There is also evidence that unionised workers have been unfairly dismissed, and that union-busting has been implemented.²⁴⁵ At a wider level, the difficulty in unionising workers in the informal sector, such as domestic or agricultural workers, many of whom are migrants, has been regarded as a major challenge.²⁴⁶ States must realise that their assistance is essential in mitigating the impact of Covid-19 on affected workers and cooperate constructively in order to facilitate more effective prevention of modern slavery.

In conclusion, although good practices to protect the victims of modern slavery and affected workers identified in this project should be recognised and widely shared, a number of problems and issues are also evident and consequently their appropriateness and effectiveness have been undermined in many cases.

237. Business & Human Rights Resource Centre, *supra* n. 66; Equidem, *supra* n. 72, 76; and Human Rights Watch, *supra* n. 226.

238. Amnesty International, “Why Do You Want to Rest?” Ongoing Abuse of Domestic Workers in Qatar (October 2020); Interview with Anti-Racism Movement, *supra* n. 1; Interview with Arbeit und Leben, *supra* n. 3; Interview with a civil society organisation in Thailand, *supra* n. 5; Interview with Ivorian Community in Greece and Greek Forum for Refugees, *supra* n. 177; and Equidem, *ibid*, 23, 27, 50 and 77.

239. Interview with Ivorian Community in Greece and Greek Forum for Refugees, *ibid.*; Amnesty International, Human Rights Impact in Indonesia, *supra* n. 48, 11; and Labour Behind the Label, *supra* n. 3, 15.

240. See below for “Guiding Principles on Actions against Modern Slavery during Emergency Situations.”

241. Who Profits from the Occupation, Exploited and Essential: Palestinian Labour under Covid-19 (June 2020), 6; and Amnesty International, Reality Check, *supra* n. 222, 24.

242. Interview with Arbeit und Leben, *supra* n. 3.

243. International Union Rights, Focus on the Impact of Covid-19 on Work and the Challenges for Union Rights (2020), 15; Interview with ITUC, *supra* n. 72; Business & Human Rights Resource Centre, Just Recovery, *supra* n. 196, 6; ILO, The Supply Chain Ripple Effect, *supra* n. 53, 14; and ITUC-Africa, *supra* n. 112, 83.

244. ETUC Briefing Note, *supra* n. 59, 5-6; and ITUC-Africa, *ibid.*, 110.

245. Business & Human Rights Resource Centre, Union Busting and Unfair Dismissals: Garment Workers during Covid-19 (2020); Interview with AFL-CIO *supra* n. 16; and ILO, The Supply Chain Ripple Effect, *supra* n. 53, 14.

246. Interviews with Arbeit und Leben and Canadian Labour Congress, *supra* n. 3; and Interview with ITUC, *supra* n. 72.

Section 4: Conclusions and recommendations

4.1. Conclusions

This project has attempted to provide a rapid assessment of the major impacts of Covid-19 on modern slavery and identify good practices in protecting its victims and affected workers. Through desktop research and interviews with frontline civil society organisations and trade unions, it has been demonstrated that the pandemic has had negative impacts on anti-slavery actions and victims have continued to be hidden and exploited during the pandemic. The project has also discovered that unemployment has increased the risk of workers falling into modern slavery. Movements of workers from the formal to informal economies have been recognised in some parts of the world, and there have also been instances of unemployed workers being pushed into the illegal economy, rife with exploitation and abuse.

For those businesses still operating during the pandemic, clear indicators of forced labour (e.g. abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working/living conditions and excessive overtime) have been evidenced in all regions of the world. Particularly vulnerable populations in this regard are women, children and young people, indigenous peoples, minorities (including those held in descent-based slavery and scheduled castes), migrant workers, and internally and externally displaced persons. It has become clear from the present project that Covid-19 has further exacerbated ongoing poverty, inequality and discrimination experienced by these vulnerable populations.²⁴⁷

In order to mitigate these impacts, governments around the world have implemented a variety of economic and social assistance measures, ranging from job retention/wage subsidies and cash transfers, to assistance in subsistence and improvement of working and living conditions. Good practices in specifically targeting vulnerable groups such as women, young people, migrant workers (both documented/undocumented) and informal workers, are also emerging. It should further be recognised that anti-slavery actions, including protection of victims, have continued in various parts of the world despite the practical difficulties posed by the pandemic.

In addition to good practices by States, the role played by businesses, civil society organisations and trade/labour unions in protecting the victims of modern slavery as well as affected workers must be clearly recognised, as they have been instrumental

247. Interview with Anti-Racism Movement, supra n. 1; Interview with Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, supra n. 11; Interview with AFL-CIO, supra n. 16; Interview with English Collective of Prostitutes, supra n. 31; Interview with ICRSE, supra n. 32; and Interviews with Inclusivity Project, Institute on Statelessness and Inclusion and National Campaign for Dalit Human Rights, supra n. 33.

in filling the protection gaps left by governments. It is clear therefore that the efforts by States alone are not adequate, and that all relevant stakeholders must work together to develop and implement more effective responses to tackle modern slavery during the pandemic.

Good practices identified in this report are worth sharing as they have undoubtedly helped a large number of victims and workers. However, this project also discovered issues and concerns inherent in many of these measures. First and foremost, economic and social assistance are temporary by their very nature, and it is not possible to maintain them indefinitely. While this is to be expected, a clear medium to long-term strategy must be developed and implemented to strike a fair balance between prevention of modern slavery and economic recovery.

Second, it has become clear that many of these measures are inadequate. A lack of sufficient resources must be recognised and appreciated, but different ways to alleviate this resource problem must be explored proactively. Effective financial investigations into modern slavery, fraud and corruption and confiscation of criminal proceeds generated from these criminal activities can mitigate financial constraints to some extent. Formalisation of informal work is another good measure as it will allow governments across the globe to properly register businesses and workers and collect relevant taxes, which in turn can be used to provide support to those in need and boost the national economy in the long run.

Third, this project has demonstrated that economic and social support has not reached the most vulnerable populations in many cases. Job retention schemes are mainly for those in the formal sector and certain categories of people, such as documented/undocumented migrant workers and those held in descent-based slavery or scheduled castes, have been excluded from wider social and economic assistance. Further, working and living conditions have not seen much improvement in various parts of the world and there have been other problems such as corruption, a lack of infrastructure and mechanisms to identify eligible beneficiaries and of effective communications, all of which have affected rapid delivery of support packages. In summary, while the positive steps to protect the victims of modern slavery and affected workers during the Covid-19 pandemic should be recognised and commended, there is still a long way to go in implementing truly appropriate and effective responses.

There are wider lessons to be learned. For one, the interactions between the formal, informal and illegal economies must be examined carefully. This project has highlighted the increasing levels of precariousness, vulnerability and abuse/exploitation as workers move from the formal to informal economy, and from the informal economy to the illegal one. Having full understanding of these complex interactions, particularly during emergency situations like Covid-19, will be crucial for relevant stakeholders to be able to identify and implement appropriate responses. This will require a multi-disciplinary analysis beyond the realm of law.

This project has also demonstrated that the key causes of modern slavery have been exacerbated by Covid-19, just as in any other emergency situations. Poverty, inequality and discrimination have intensified in all regions of the world, but particularly in low-income regions, and traditionally vulnerable groups, including women, children and young people, indigenous peoples, minorities, migrant workers, internally and externally displaced persons, and informal workers, have been hit the hardest. There is therefore an acute need to address these root causes in order to promote a more inclusive society in which no one is left behind. International cooperation and solidarity are extremely important so that those in need will be able to recover from the pandemic without sacrificing anti-slavery actions and protection of workers.

Further, it was shown that the law enforcement and protection gaps created by Covid-19 have been exploited by criminals to make illegal profits from modern slavery, a trend which has been recognised in other emergency situations like armed conflicts or natural disasters. Equally importantly, businesses and employers have taken advantage of the pandemic to abuse and exploit vulnerable workers in various parts of the world. Many governments are complicit as they have relaxed or suspended labour and social protection in the name of public health emergency without providing adequate support and assistance. This project also documented emerging accounts of corruption among public officials and businesses/employers. Securing accountability and preventing impunity must be an integral part of anti-slavery actions during emergency situations.

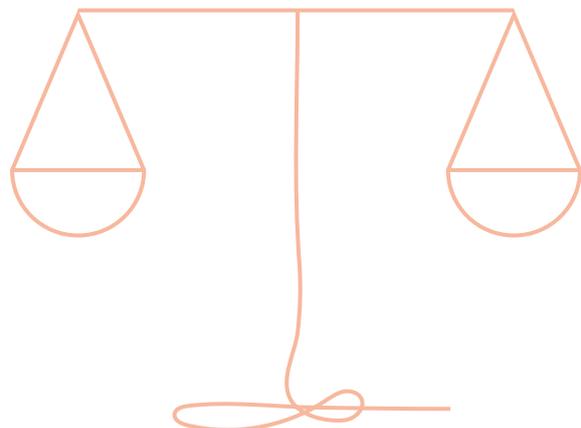
All of these issues lead to a final point: A victim-centred human rights approach is now more important than ever. This project has highlighted a wide variety of human rights violations committed during the pandemic. Instead of restricting or suspending the rights of the victims of modern slavery and affected workers, governments must recognise openly and clearly that their protection is the most effective way to strengthen anti-slavery actions and facilitate economic recovery simultaneously, as this will prevent vulnerable populations from further exploitation and abuse and boost productivity and profitability in the long run.²⁴⁸ When States and businesses/employers put human rights at the centre, ahead of profits, modern slavery can be eliminated sooner rather than later.

248. ILO and International Finance Cooperation, Progress and Potential: How Better Work is Improving Garment Workers' and Boosting Factory Competitiveness (2016).

4.2. Recommendations

4.2.1. Anti-slavery actions

- States should continue to investigate, prosecute and punish modern slavery during the pandemic by maintaining sufficient human and other resources. In addition to criminals such as organised criminal groups, businesses and employers that engage in exploitation of vulnerable populations must be held accountable without impunity.
- States should enhance labour inspections so that they can detect instances of modern slavery more effectively.
- Effective financial investigations against modern slavery and Covid-19 related fraud and corruption, as well as criminal asset recovery, must be an integral part of law enforcement responses during the pandemic. The confiscated criminal proceeds in turn should be used to protect victims and affected workers and also to enhance the capacity of law enforcement and other public authorities.
- States must continue to protect all victims of modern slavery without discrimination. Particular attention must be paid to vulnerable populations such as women, children and young people, indigenous peoples, minorities, documented/undocumented migrant workers, internally/externally displaced persons and informal workers.
- Tailored assistance which sufficiently meets individual needs of victims, including access to justice and remedies, must be provided. In this regard, States must consult victims widely and incorporate their voices in their protection measures.
- States must recognise the contributions made by civil society organisations, trade unions and other frontline workers, which have a wealth of expertise and experience in assisting victims of modern slavery. They should support their work, including promotion of a safe working environment without fear of Covid-19 infection. These organisations should also be included in anti-slavery decision making.

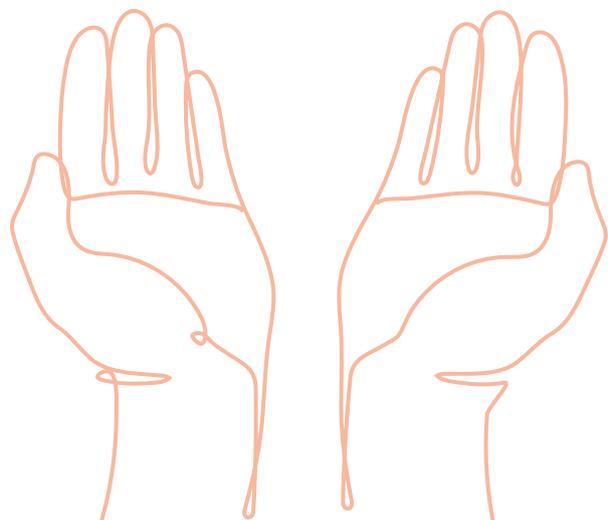


4.2.2. Protection of workers affected by Covid-19

4.2.2.1. Immediate measures

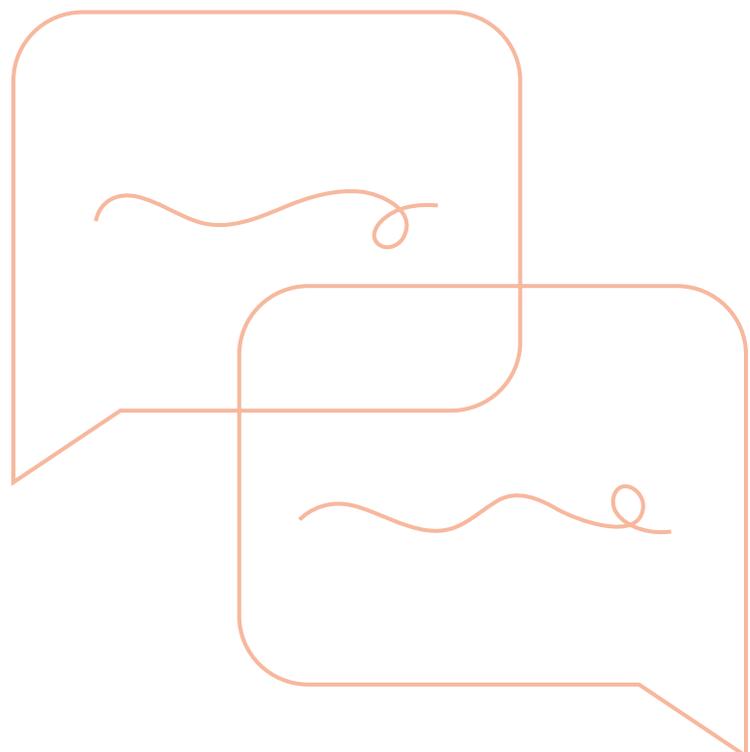
- States must provide support to all affected workers without discrimination of any kind. Particular attention must be paid to vulnerable populations such as women, children and young people, indigenous peoples, minorities, documented/undocumented migrant workers and internally/externally displaced persons, most of whom work in the informal sector. They must be consulted sufficiently to develop and implement appropriate Covid-19 responses.
- States must establish and maintain effective infrastructure and mechanisms for provision of support, which are accessible to all those affected.
- States should strengthen, not relax or suspend, labour and social protection laws and regulations during the pandemic.
- States and businesses/employers (including those in supply chains) must enhance the working conditions of all workers. They must implement measures to reduce the risk of Covid-19 infection in the workplace, such as flexible working (e.g. shift rotation and staggered working hours), social distancing, provision of PPE and free medical testing both in the formal and informal sectors.
- States should also provide adequate support to improve living conditions by providing relief food and other daily necessities, preventing eviction and supporting rent/mortgage and utilities payments through close cooperation with landlords and utilities providers.
- States should provide treatment of Covid-19 and vaccination free of charge to all workers without discrimination, and their wages should be guaranteed during quarantine and/or treatment.
- States and businesses must respect and protect the trade unions rights of all workers, including informal workers and documented/undocumented migrant workers who have traditionally not enjoyed such rights.
- States should establish and maintain an independent and impartial mechanism which allows all workers to address instances of labour rights violations and to receive remedies.
- States must recognise and actively support the contributions made by trade unions and civil society organisations in protecting the rights of workers during the pandemic. They should be involved in decision making for Covid-19 responses, and harassment of any kind should be investigated and prosecuted rigorously.

- In relation to foreign workers, states should extend their work and residence permits (for documented workers) or regularise the immigration status (for undocumented workers) and guarantee equal access to all support afforded to their own nationals.
- If these foreign workers wish to return home, both States of origin and destination must work together to facilitate their safe return. Collective expulsion or deportation must be avoided even during the pandemic.
- In relation to children, states must prevent them from falling into child labour and other practices such as sexual exploitation and forced marriage. They must rigorously investigate, prosecute and punish perpetrators.
- Children and young people must continue to receive education and training during the pandemic. States must ensure equal access to all children and young people by improving infrastructures, including access to the internet and modern technology.
- States should cooperate with each other to fight Covid-19. Developing States which lack capacity and resources must be assisted by developed States, as well as regional/international organisations, including financial institutions.
- States should ensure that mechanisms and resources are in place to continue, or in some cases commence, research initiatives to conduct in-depth analysis of the impacts of Covid-19 on modern slavery in order to develop appropriate responses, including support to actual/potential victims of modern slavery. They should also disaggregate data on the basis of various identities, for example by ethnicity, religion, gender, and disability, in order to surface trends of discrimination and vulnerabilities that may occur on the basis of identity.



4.2.2.2. Medium to long-term measures

- States should move towards formalisation of informal work as expeditiously as possible so that workers in this sector can benefit from the same rights as formal workers.
- States should ensure the availability of, and equal access to, education, vocational training, employment opportunities and wider economic and social assistance for all people without discrimination. Closer attention should be paid to the most vulnerable, such as women, children and young people, indigenous peoples, minorities (including those suffering from descent-based slavery and scheduled castes) and internally/externally displaced persons.
- States should accurately assess the labour needs in various sectors, open up legal and safe channels for migration by foreign workers who are able to fill these needs, and afford the same rights as their own nationals.
- States must tackle the underlying causes of modern slavery, particularly poverty, inequality and discrimination which have exacerbated during the pandemic individually and collectively with relevant stakeholders such as survivors of modern slavery, businesses, national human rights institutions, civil society organisations and regional/international organisations.



Section 5: Guiding principles on actions against modern slavery in emergency situations

General principle

Principle 1: Human rights must be at the centre of actions against modern slavery in emergency situations.

International human rights law continues to apply during emergency situations,²⁴⁹ and protection and promotion of the human rights of the actual or potential victims of modern slavery must be the primary objective of their anti-slavery responses²⁵⁰ as their vulnerability increases rapidly during emergency situations.

Investigation, prosecution and punishment

Principle 2: States must continue to investigate, prosecute and punish modern slavery in emergency situations.

While some human rights may be derogated during emergency situations, the prohibition against slavery, servitude and forced labour has been established as non-derogable and therefore must be observed.²⁵¹ Other human rights instruments such as the Convention on the Rights of the Child 1989 (CRC),²⁵² its Protocols on the Sale of Children, Child Prostitution and Child Pornography and on the Involvement of Children in Armed Conflict²⁵³ and the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)²⁵⁴ complement this obligation. In the area of international labour law, instruments including the ILO Forced Labour Convention 1930 and the Convention on the Worst Form of Child Labour 1999, as well as the Convention Concerning Decent Work for Domestic Workers 2011 are applicable in emergency situations.²⁵⁵ International Criminal Law further prohibits enslavement, including human trafficking, sexual slavery, forced prostitution, and recruitment of child soldiers as crimes against humanity and/or war crimes.²⁵⁶

249. The Legality of the Threat or Use of Nuclear Weapons, I.C.J. Report 1996, para. 25; Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories, I.C.J. Reports 2004, para. 106; Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 28 (The Core Obligations of State Parties under Article 2), CEDAW/C/GC/28 (2010), para. 11; Committee on the Rights of the Child (CRC), General Comment No. 16 (Obligations Regarding the Impact of Business Sector on Children's Rights, CRC/C/GC/16 (2013), para. 49; Human Rights Committee (HRC), General Comment No. 31 (The Nature of General Legal Obligations Imposed on States), CCPR/C/21/Rev.1/Add.1 (2004), para. 11; OHCHR, Protection of Economic, Social and Cultural Rights in Conflict, para. 12; Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons, A/74/261 (2019), para. 7; Report of the Special Rapporteur on the Right to Adequate Housing, A/75/148 (2020), para. 12; and Report of the Special Rapporteur on the Right to Food, A/HRC/37/61 (2018); para. 68.

250. Recommended Principles and Guidelines on Human Rights and Human Trafficking, E/2002/68/Add.1 (2002), Principle 1.

251. Article 4 of the International Covenant on Civil and Political Rights 1966 (ICCPR); Article 15 of the European Convention on Human Rights 1950 (ECHR); and Article 27 of the American Convention on Human Rights 1969 (ACHR). See also *Siliadin v France*, App No. 73316/01 (2005), para. 112; *Rantsev v Cyprus and Russia*, App No. 25965/04 (2010), para. 283; *Stummer v Austria*, App No. 37452/02 (2011), para. 116; *CN v United Kingdom*, App No. 4239/08 (2012), para. 65; *S.M. v Croatia*, App No. 60561/14 (2020), para. 305; *Commission Nationale des Droits de l'Homme et des Libertés v. Chad*, Comm. No. 74/92 (1995), para. 21; and *Media Rights Agenda and Others v. Nigeria*, Comm. No. 224/98 (2000), para. 67.

252. Articles 33-35.

253. See also Joint Report of the Special Rapporteur on the Sale and Sexual Exploitation of Children and the Special Rapporteur on Trafficking in Persons, A/72/164 (2017), para. 64.

254. Article 6.

255. Joint Report, supra n. 253, para. 67.

256. Articles 7 and 8 of the Rome Statute of the International Criminal Court 1998. See also Article 38 of the CRC, its Optional Protocol on Children in Armed Conflict and Article 3 of the Worst Forms of Child Labour Convention.

As a starting point, States must continue to investigate, prosecute and punish slavery, servitude, forced labour and other exploitative practices during emergency situations²⁵⁷ committed by criminals as well as by businesses and employers. As acknowledged by human rights mechanisms,²⁵⁸ modern technology, including the use of proactive intelligence-led law enforcement, such as surveillance and interception of communication²⁵⁹ can prove useful tools in overcoming the sophisticated nature of modern slavery.

States must maintain adequate human and other resources during emergency situations to ensure that perpetrators of modern slavery are properly prosecuted and punished and impunity is avoided.²⁶⁰

Principle 3: Law enforcement against modern slavery during emergency situations must be conducted in accordance with the existing human rights norms and principles.

In addition to criminal investigation, intelligence-led law enforcement through use of special investigative techniques may raise issues in relation to the right to privacy. While this right can be restricted under emergency situations, such restrictions must meet the requirements of legality, necessity, proportionality and non-discrimination.²⁶¹

The principles of legality and rule of law require that the right to a fair trial, including presumption of innocence, rights to independent courts, silence and legal assistance, must be respected even during emergency situations.²⁶²

Principle 4: Financial investigations and confiscation of criminal proceeds generated from modern slavery must be an integral part of anti-slavery responses.

Financial investigations and confiscation of criminal proceeds should be conducted alongside criminal investigations and proceedings.²⁶³ This obligation is interlinked to the progressive realisation of economic, social and cultural rights under the International Covenant on Economic Social and Cultural Rights 1966 (ICESCR).²⁶⁴ Such investigations should target not only those who directly exploit victims but also others who benefit through fraud and corruption during emergency situations. Confiscated proceeds should be used to protect the victims²⁶⁵ and to enhance law enforcement capabilities.

257. CEDAW General Recommendation No. 30 (Women in Conflict Prevention, Conflict and Post-Conflict Situations), CEDAW/C/GC/30 (2013), paras. 23, 39–41, and 57; Report of the Special Rapporteur on Trafficking in Persons, A/HRC/32/41 (2016), paras. 48 and 64; Rantsev v Cyprus and Russia, supra n. 251, para. 285; CN v United Kingdom, supra n. 251, para. 66; and Report of the Special Rapporteur on Contemporary Forms of Slavery, supra n. 22, para. 67.

258. Malone v United Kingdom, App No. 8691/79 (1984), para. 81; Bannikova v Russia, App No. 18757/06 (2011), para. 33; and Big Brother Watch and Others v United Kingdom, App Nos. 58170/13, 62322/14 and 24960/15 (2018), para. 314.

259. Article 20 of the United Nations Convention against Transnational Organised Crime 2000.

260. Report of the Special Rapporteur on Trafficking in Persons, A/71/303 (2016), para. 59.

261. HRC General Comment No. 29 (Article 4: Derogation during a State of Emergency), CCPR/C/21/Rev.1/Add.11 (2001), para. 8; OHCHR, Emergency Measures and Covid-19: Guidance (April 2020); and Report of the Special Rapporteur on the Right to Privacy, A/75/146 (2020), para. 42.

262. Heaney and McGuinness v Ireland, App No. 34720/97 (2000); Salduz v Turkey, App No. 36391/02 (2008); Judicial Guarantees in State of Emergency, Advisory Opinion OC-9/87 (1987); Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa 2003, Non-Derogability Clause (R); HRC General Comment No. 29, *ibid.*, para. 16; and OHCHR, *ibid.*

263. Report of the Special Rapporteur on Contemporary Forms of Slavery, supra n. 22, para. 68.

264. Progress Report of the Advisory Committee of the Human Rights Council, A/HRC/36/52 (2017), para. 50; Report of the Independent Expert on the Effects of Foreign Debt, A/HRC/31/61 (2016), para. 21; and Report of the Special Rapporteur on Extreme Poverty and Human Rights, A/HRC/26/28 (2014), para. 27.

265. Recommended Principles and Guidelines, supra n. 250, Principle 16; and Report of the Special Rapporteur on Contemporary Forms of Slavery, supra n. 22, para. 68.

Protection and assistance

Principle 5: States must continue to identify and protect the victims of modern slavery during emergency situations.

The obligation to protect the victims of modern slavery has been recognised as part of the prohibition obligation²⁶⁶ and should apply during emergency situations.²⁶⁷ Other human rights instruments²⁶⁸ and international labour law²⁶⁹ enhance this protection obligation.

States must properly identify victims so that they can be protected.²⁷⁰ This means that States should maintain sufficient human and other resources so that national identification mechanisms can function effectively during emergency situations. States should also take reasonable measures to move the victims from the place of exploitation to a place of safety.²⁷¹

In providing protection and assistance, States should not adopt a one-size-fits-all approach, because degrees of victimisation differ depending on victims' circumstances. They must provide tailored assistance to address individual needs, which may include, but are not limited to, access to health services,²⁷² subsistence,²⁷³ legal assistance,²⁷⁴ educational and vocational training opportunities²⁷⁵ and rehabilitation.²⁷⁶ This requires the participation of, and consultation with, victims of modern slavery.²⁷⁷

In emergency situations, the immigration status of foreign victims of modern slavery should be temporarily regularised²⁷⁸ on human rights and/or humanitarian grounds to enable protection and recovery, with the possibility of permanent residency. Foreign victims have the right of safe return

266. *Chowdury and Others v Greece*, App No. 21224/15 (2017), paras. 86-89, and 103-104; and *Rantsev v Cyprus and Russia*, supra n. 251, para. 284.

267. Report of the Special Rapporteur on Contemporary Forms of Slavery, supra n. 22, para. 70; and Report of the Special Rapporteur on Trafficking in Persons, supra n. 257, para. 56.

268. Articles 38 and 39 of the CRC and its Optional Protocols; Article 6 of the CEDAW; Article 11 of the Convention on the Rights of Persons with Disabilities 2006 (CRPD); Article 11 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990; Article 14 of the Protocol of the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa 2016; Article 29 of the Inter-American Convention on Protecting the Rights of Older Persons 2015; and the Guiding Principles on Internal Displacement 1994, E/CN.4/1998/53/Add.2.

269. Protocol of 2014 to the Forced Labour Convention 1930; and the Worst Forms of Child Labour Convention.

270. Article 10 of the Council of Europe Convention on Action against Trafficking in Human Beings 2005; CEDAW General Recommendation No. 38 (Trafficking of Women and Girls in the Context of Global Migration), CEDAW/C/GC/38 (2020), para. 38; CRC and Committee on Migrant Workers (CMW), Joint General Comment No. 4/23 on State Obligations Regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit and Destination and Return, CMW/C/GC 4-CRC/C/GC/23 (2017), para. 43; and Report of the Special Rapporteur on Trafficking in Persons, supra n. 257, para. 56.

271. Report of the Special Rapporteur on Trafficking in Persons, *ibid.*

272. CEDAW General Recommendation No. 24 (Article 12 of the Convention (Women and Health), A/54/38/Rev.1, chap. I (1999), para. 16; Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14 (Right to the Highest Attainable Standard of Health), E/C.12/2000/4 (2000), para. 34; CESCR General Comment No. 19 (Right to Social Security), E/C.12/GC/19 (2008), para. 59; and CMW General Comment No. 2 (Rights of Migrant Workers in an Irregular Situation and Members of Their Families), CMW/C/GC/2 (2013), para. 72.

273. Article 8 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women 1994; CEDAW General Recommendation No. 26 (Women Migrant Workers), CEDAW/C/2009/WP.1/R (2008), para. 26; CESCR General Comment No. 12 (Right to Adequate Food), E/C.12/1999/5 (1999), paras. 19 and 38; CESCR General Comment No. 19, *ibid.*, para. 59; Recommended Principles and Guidelines on Human Rights and Human Trafficking, supra n. 250, Guideline 6; and Report of the Special Rapporteur on the Right to Food, supra n. 249.

274. CEDAW General Recommendation No. 35 (Gender-Based Violence), CEDAW/C/GC/35 (2017), para. 31.

275. CRC General Comment No. 1 (The Aims of Education), CRC/C/GC/2001/1 (2001), para. 16; Report of the Special Rapporteur on the Right to Education, A/HRC/8/10 (2008), para. 67; and CEDAW General Recommendation No. 30, supra n. 257, para. 52.

276. CRC General Comment No. 11 (Indigenous Children), CRC/C/GC/11 (2009), para. 67.

277. CESCR General Comment No. 23 (Right to Just and Favourable Conditions of Work), E/C.12/GC/23 (2016), para. 56; CRC General Comment No. 20 (Rights of the Child during Adolescence), CRC/C/GC/20 (2016), para. 80; Report of the Independent Expert on Minority Issues, A/HRC/16/45 (2010), paras. 48-51; Report of the Independent Expert on Older Persons, A/75/205 (2020), para. 57; and CEDAW General Recommendation No. 30, supra n. 257, paras. 42 and 57.

278. Recommended Principles and Guidelines on Human Rights and Human Trafficking, supra n. 250, Principle 9.

to their home States,²⁷⁹ and arbitrary or collective expulsion must be prevented.²⁸⁰ The principle of non-refoulement, directly applicable to victims of modern slavery, requires that States should not expel them to States where they face the risk of serious human rights abuses by State or non-State actors,²⁸¹ including being further subjected to modern slavery.²⁸²

Protection must be provided without discrimination at all times with particular attention paid to vulnerable populations, including women, children, internally/externally displaced persons, Stateless persons, older persons, persons with disabilities, indigenous peoples, minorities and documented/undocumented migrant workers.²⁸³

Principle 6: States must ensure that businesses and employers respect and protect human rights during emergency situations.

The UN Guiding Principles on Business and Human Rights apply in the context of emergency situations such as Covid-19²⁸⁴ and armed conflict.²⁸⁵ Any assistance given to businesses and employers during emergency situations, including those in supply chains, comes with a clear requirement to ensure that “workers are not put at health and safety risk, are allowed sick leave with pay, and not exploited with the justification of crisis and emergency.”²⁸⁶ States should withdraw support if businesses and employers commit gross violation of human rights²⁸⁷ including modern slavery, and adopt legislative and other measures to ensure accountability.²⁸⁸



279. Article 16 of the Council of Europe Convention on Trafficking; and Report of the Special Rapporteur on Trafficking in Persons, supra n. 257, para. 56.

280. Article 12 of the Migrant Workers' Convention; Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No. 22 (Article 5 of the Convention on Refugees and Displaced Persons, A/51/18 (1996), para. 2; CERD General Recommendation No. 30 (Discrimination against Non-Citizens), CERD/C/64/Misc.11/rev.3 (2005), para. 26; HRC General Comment No. 15 (Position of Aliens under the Covenant), HRI/GEN/1/Rev.1 (1986), para. 10; and CMW General Comment No. 2, supra n. 272, para. 51.

281. Article 33 of the Convention Relating to the Status of Refugees 1951; Article 31 of the Convention Relating to the Status of Stateless Persons 1954; Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984; CRC General Comment No. 6 (Treatment of Unaccompanied and Street Children, CRC/2005/GC/6 (2005), paras. 26-28, 58 and 82; Joint CRC/CMW General Comment No. 3/22 (General Principles Regarding the Human Rights of Children in the Context of International Migration), CMW/C/GC/3-CRC/C/GC/22 (2017), para. 46; CERD General Recommendation No. 30, *ibid.*, para. 27; CMW General Comment No. 2, *ibid.*, para. 50; and HRC General Comment No. 31, supra n. 249, para. 12.

282. Mohammed Lemine Ould Barar v. Sweden, 28 E.H.R.R. CD 213 (1999); and UNHCR, Guidelines on International Protection: Applicability of Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees to the Victims of Trafficking and Persons at Risk of Being Trafficked (2006).

283. Final Research-Based Report of the Human Rights Council Advisory Committee on Best Practices and Main Challenges in the Promotion and Protection of Human Rights in Post-Disaster and Post-Conflict Situations, A/HRC/28/75 (2015), paras.27-35; and CMW General Comment No. 2, supra n. 272, para. 18-20.

284. Ensuring that Businesses Respect Human Rights During the Covid-19 Crisis and Beyond: The Relevance of the UN Guiding Principles on Business and Human Rights, Statement by the UN Working Group on Business and Human Rights, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25837&LangID=E>.

285. UN Guiding Principles on Business and Human Rights 2011, Principle 7.

286. Statement by the Working Group on Business and Human Rights, supra n. 284.

287. UN Guiding Principles on Business and Human Rights, supra n. 285, Principle 7.

288. CRC General Comment No. 16, supra n. 249, para. 52.

Principle 7: States must ensure access to justice and remedies through legislative, administrative, judicial and other means.

Ensuring access to justice and remedies is a fundamental State obligation that applies during emergency situations.²⁸⁹ Depending on the circumstances of victims, this may be judicial or administrative,²⁹⁰ include legal, diplomatic and/or consular assistance, participation in criminal proceedings,²⁹¹ compensation for harm as well as material loss such as unpaid wages,²⁹² apologies, restitution and rehabilitation, as well as guarantee of non-repetition of harm.²⁹³ States must establish accountability of non-State actors engaging in gross violation of human rights during emergency situations, including businesses and employers, ensuring that they cooperate with remedial mechanisms.²⁹⁴

Principle 8: In facilitating effective protection, States should cooperate actively with civil society organisations and trade unions.

Civil society organisations and trade unions play important roles in preventing, suppressing and safeguarding against modern slavery during emergency situations. Their contributions must be acknowledged and supported by States by including them in decision making²⁹⁵ on anti-slavery responses and preventing harassment or intimidation against them.²⁹⁶ Particular attention should be paid to guaranteeing the right to liberty and security of individuals working for civil society organisations and trade unions. Any measures derogating from trade union rights in emergency situations must be consistent with States' obligation under international law, including international humanitarian law, and subject to strict requirements of necessity, proportionality and non-discrimination, verifiable by an independent judiciary.²⁹⁷ Acts such as abduction and arbitrary arrest/detention are not subject to derogation and States must protect victims from interference by non-State actors such as businesses and employers, as well as criminal entities.²⁹⁸

289. Article 2 of the ICCPR; Article 13 of the ECHR; Article 25 of the ACHR; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147 (2006); CEDAW General Recommendation No. 30, supra n. 257, para 81; CESCR Statement on the Coronavirus Disease, supra n. 229, para. 12; CESCR General Comment No. 23, supra n. 277, para. 70; HRC General Comment No. 29, supra n. 261, para. 14; HRC General Comment No. 32 (Right to Equality Before Courts and Tribunals and to a Fair Trial), CCPR/C/GC/32 (2007), para. 9; Report of the Special Rapporteur on Contemporary Forms of Slavery, supra n. 22, para. 69; and Report of the Special Rapporteur on Trafficking in Persons, supra n. 257, para. 56.

290. CESCR, General Comment No. 9 (Domestic Application of the Covenant), E/C.12/1998/24 (1998), para 9; Report of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, A/HRC/36/43 (2017), para. 17.

291. Basic Principles and Guidelines, *ibid.*

292. Report of the Special Rapporteur on Trafficking in Persons, supra n. 257, para. 56.

293. CEDAW General Recommendation No. 33 (Women's Access to Justice), CEDAW/C/GC/33 (2015), para. 19; CEDAW General Recommendation No. 35, supra n. 274, para. 33; UN Guiding Principles on Business and Human Rights, supra n. 285, Principle 25; and Report of the Special Rapporteur on Contemporary Forms of Slavery, supra n. 22, para. 71.

294. Report of the Working Group on Human Rights and Transnational Corporations and Other Business Enterprises, A/75/212 (2020), paras. 81 and 85.

295. CESCR General Comment No. 18 (Right to Work), E/C.12/GC/18 (2006), paras. 38, 42 and 51.

296. CESCR General Comment No. 24 (State Obligations in the Context of Business Activities), E/C.12/GC/24 (2017), para. 48.

297. Habeas Corpus in Emergency Situations, Advisory Opinion OC-8/87, HRC General Comment No. 35 (Liberty and Security of Persons), CCPR/C/GC/35 (2017), paras. 65-68; and Report of the Special Rapporteur on the Situation of Human Rights Defenders, A/HRC/43/51 (2019), para. 21.

298. HRC General Comment No. 35, *ibid.*, para. 7.

Prevention

Principle 9: States should improve the working and living conditions of workers.

Improving the living and working conditions of workers is an important step towards prevention of modern slavery but often overlooked during emergency situations. In this regard, States should safeguard just and favourable conditions of work.²⁹⁹ As a minimum, States must avoid taking retrogressive measures without careful consideration and justification.³⁰⁰ Relaxation or suspension of labour and social protection laws and measures can fall under this, if they are not temporary, necessary, proportionate and non-discriminatory.³⁰¹ The Committee on Economic, Social and Cultural Rights has emphasised that retrogressive measures, including the suspension of legislation necessary for the realisation of the right to work, is not permissible.³⁰² As an example, “adoption of labour migration policies which increases the vulnerability of migrant workers to exploitation” is a clear violation of the right to just and favourable conditions of work.³⁰³ The same reasoning should apply to other vulnerable populations based on the principle of non-discrimination.

States can never justify retrogressive measures in relation to the right to just and favourable conditions of work, including “core obligations” such as guarantee of minimum wages, implementation of national policy on occupational health and safety, prohibition of harassment (including sexual) at work, and introduction and enforcement of minimum standards relating to rest, reduced working hours, leisure, paid leave and public holidays.³⁰⁴ States should ensure that potentially vulnerable populations such as women, children, young and older workers, workers with disabilities, informal workers, documented/undocumented migrant workers, indigenous peoples and minorities, the self-employed, internally/externally displaced persons and Stateless persons are treated equally.³⁰⁵

States should assist businesses to identify, prevent and mitigate risks to just and favourable conditions of work, including accidents and diseases, and hold them accountable for violation of this right.³⁰⁶ A robust and effective system of labour inspections should be established and maintained even during emergency situations.³⁰⁷

Trade union rights³⁰⁸ should be guaranteed for all workers to improve their working conditions. While such rights may be limited in times of emergency, such limitations must be temporary, necessary, proportionate and non-discriminatory.³⁰⁹ Trade union rights apply to everyone and should therefore include foreign nationals.³¹⁰ While documented workers enjoy wider rights in this regard,³¹¹ even undocumented workers enjoy some rights such as joining and taking part in the

299. CESCR General Comment No. 23, supra n. 277, para. 70.

300. Ibid., para. 52.

301. Ibid.

302. CESCR General Comment No. 18, supra n. 295, para. 34.

303. CESCR General Comment No. 23, supra n. 277, para. 78.

304. Ibid., paras. 52 and 65.

305. CEDAW General Recommendation No. 13 (Equal Remuneration for Work of Equal Value), A/44/38 (1989); CERD General Recommendation No. 30, supra n. 280, para. 33; CESCR General Comment No. 23, *ibid.*, para. 47; CMW General Comment No. 2, supra n. 272, para. 62; and Joint CRC/CMW General Comment No. 4/23, supra n. 270, para. 46.

306. CESCR General Comment No. 23, *ibid.*, paras. 25, 59 and 70; and CMW General Comment No. 2, *ibid.*, para. 64.

307. CESCR General Comment No. 23, *ibid.*, para. 54.

308. Article 22 of the ICCPR; Article 8 of the ICESCR; and Article 15 of the CRC.

309. Report of the Special Rapporteur on Human Rights and Counter Terrorism, A/61/267 (2006), para. 21; Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, A/HRC/20/27 (2012), para. 16; CESCR General Comment No. 23, supra n. 277, para. 52; and HRC General Comment No. 31, supra n. 249, para. 6.

310. Report of the Special Rapporteur on Human Rights of Migrants, A/HRC/44/42 (2020); and HRC General Comment No. 15, supra n. 280, paras. 1 and 8.

311. Article 40 of the Migrant Workers' Convention.

meetings of trade unions and seeking assistance from them.³¹² The principle of non-discrimination means that the same rights should be enjoyed by all, including women, informal workers³¹³ and other vulnerable populations.

In relation to the living conditions of victims of modern slavery and workers in emergency situations, States should continue to provide safe and secure housing for them.³¹⁴ Forced eviction and resultant homelessness expedite individuals' vulnerability to further exploitation and abuse in emergency situations and are contrary to international human rights law.³¹⁵ Social security and protection, including income support, must be continued in emergency situations³¹⁶ to avoid homelessness and prevent exploitative practices which may amount to slavery, servitude or forced labour. Particularly vulnerable groups, such as women, children, informal workers, indigenous people, minorities, migrant workers, and internally/externally displaced persons and Stateless persons should be prioritised.

Principle 10: States must continue to prevent modern slavery during emergency situations.

Prevention is closely interlinked to other human rights obligations. Effective investigation and punishment, support and assistance, and improvement of working and living conditions can prevent vulnerable people from being victimised in modern slavery.

At a wider level, other prevention obligations in non-emergency situations apply equally to emergency situations.³¹⁷ This includes implementation of national action plans, awareness-raising and training of law enforcement and other public authorities charged with anti-slavery responses.³¹⁸ Contributions by victims/survivors of modern slavery, civil society organisations and others such as trade unions in prevention should be clearly recognised and supported by States.

312. Article 26, *ibid*; CERD General Recommendation No. 30, *supra* n. 280, para. 35; and CMW General Comment No. 2, *supra* n. 272, para. 65.

313. Report of the Working Group on Discrimination against Women and Girls, A/HRC/44/51 (2020), paras. 53-55.

314. Report of the Special Rapporteur on Contemporary Forms of Slavery, *supra* n. 22, para. 71.

315. CESCR General Comments No. 7 (Forced Eviction), E/1998/22 (1998); and Report of the Special Rapporteur on the Right to Adequate Housing, *supra* n. 249, para. 11.

316. CESCR General Comment No. 19, *supra* n. 272, paras. 16 and 50; and CMW General Comment No. 2, *supra* n. 272, para. 67.

317. Report of the Special Rapporteur on Trafficking Persons, *supra* n. 260, para. 48.

318. *Ibid.*, paras. 50-52.

International Cooperation and Solidarity

Principle 11: International cooperation and solidarity are crucial in continuing anti-slavery actions during emergency situations.

The importance of international cooperation and solidarity is stressed in Articles 1, 55 and 56 of the United Nations Charter and Article 2 of the ICESCR,³¹⁹ with the erga omnes nature of protection from slavery³²⁰ enhancing this obligation. International cooperation and solidarity are particularly important under emergency situations as States may be forced to shift resources to tackle them, with the result that anti-slavery efforts may be delayed or suspended.

Developed States with sufficient resources should assist others in need to ensure that all States are able to continue anti-slavery efforts, particularly the protection and promotion of the human rights of victims of modern slavery and workers, as well as cooperation towards international criminal justice.³²¹

International institutions, including the UNODC, ILO, UNHCR and regional organisations have been instrumental in providing assistance to developing States in emergency situations throughout their history. It is vital, however, that their activities and measures are designed to protect and promote human rights,³²² including protection from modern slavery.

The same is true for international financial institutions, such as the World Bank, International Monetary Fund and regional development banks. States should ensure that their strategies, policies and programmes do not defeat core human rights obligations, including those relating to the rights to work³²³ and to just and favourable conditions of work,³²⁴ in order to prevent vulnerable populations from being exploited in modern slavery.

States should temporarily suspend economic sanctions and other coercive measures imposed on States during emergency situations. These often have negative impacts on the protection and promotion of human rights,³²⁵ including the right to work.³²⁶ This in turn may lead to the creation of informal or illegal economies³²⁷ and increase instances of modern slavery even further. These coercive measures will also affect international solidarity and cooperation in addressing emergency situations.³²⁸



319. See also Article 4 of the CRC; Article 4 of the CRPD; Article 5 of the Protocol of 2014 to the Forced Labour Convention; Article 2 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000; Article 4 of the Inter-American Convention on International Traffic in Minors 1994; and Article 1 of the Council of Europe Convention.

320. *Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain)*, Judgment, I.C.J. Reports 1970, paras. 33–34.

321. United Nations Convention against Transnational Organised Crime 2000; and Part 9 of the Rome Statute.

322. Articles 1(3) and 55 of the UN Charter; CESCR General Comment No. 2 (International Technical Assistance Measures), E/1990/23 (1990), para. 8.

323. CESCR General Comment No. 18, supra n. 295, para. 30.

324. CESCR General Comment No. 23, supra n. 277, para. 71.

325. Special Rapporteur on the Negative Impact of the Unilateral Coercive Measures on the Enjoyment of Human Rights, Covid-19 Human Rights Guidance Note (May 2020).

326. CESCR General Comment No. 8 (The Relationship between Economic Sanctions and Respect for Economic, Social and Cultural Rights), E/C.12/1997/8 (1997), para. 3.

327. Report of the Special Rapporteur on Contemporary Forms of Slavery, supra n. 22, para. 83.

328. Guidance Note, supra n. 324.

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