

**Human Rights Council****Forty-second session**

9–27 September 2019

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Current and emerging forms of slavery****Report of the Special Rapporteur on contemporary forms of slavery,  
including its causes and consequences\****Summary*

In the present report, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, assesses features of slavery today and indicates how expected changes in the future of work, demographics, migration and the environment may shape slavery in the years to come. In a stocktaking and forward-looking exercise, anti-slavery efforts by States, international organizations, civil society and private actors are mapped out, an analysis of effectiveness is provided and gaps that need to be bridged to better tackle emerging forms of slavery are assessed.

The Special Rapporteur suggests an integral approach which is grounded in international human rights norms and standards to tackle slavery more effectively.

The report is submitted pursuant to Human Rights Council resolution 33/1.

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



## I. Introduction

1. In her report, submitted in accordance with Human Rights Council resolution 33/1, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences analyses whether current anti-slavery efforts are fit for purpose to respond effectively to the contemporary forms of slavery which are widespread today. She also identifies and evaluates whether these efforts are likely to be adequate to address future forms and manifestations of contemporary forms of slavery. Such an analysis is essential if the right to be free from slavery is to be achieved by 2030, the time frame agreed by Member States in target 8.7 of the Sustainable Development Goals.

2. The Special Rapporteur draws on lessons learned by the mandate on contemporary forms of slavery<sup>1</sup> and from working with Member States, civil society and the private sector over the past six years, as well as responses received following a call for submissions.<sup>2</sup> The Special Rapporteur wishes to thank the United Nations University Centre for Policy Research for undertaking the background research for the present report.

3. The report contains three sections. First, the Special Rapporteur considers what can be expected from slavery tomorrow. She examines the current scientific understanding of the patterns and drivers of contemporary forms of slavery and how these are likely to be impacted by major social, technological and physical changes in the years ahead. Second, she examines the anti-slavery agenda of today, looking at the scale and geography of current anti-slavery efforts and offering insights on what is happening, what is working and what is missing. Third, she offers an outlook on the anti-slavery panorama of tomorrow, suggesting an approach to addressing contemporary forms of slavery based on six characteristics. Such an approach must be (a) systematic, in the sense of requiring action at every level, not only by States but also by business and civil society actors; (b) scientific, in that it must be based on evidence of what works; (c) strategic, in that it must involve coordinated allocation of available resources to achieve defined and shared goals; (d) sustainable, in that it must be connected to action to achieve the full suite of elements of the 2030 Agenda for Sustainable Development; (e) survivor-informed and victim-centred, in that it must give victims and survivors a central role in shaping response; and (f) smart, in that it should use digital technology to accelerate efforts to scale up what works and adopt new approaches to financing.

## II. Where we are with respect to slavery today

### A. Learning from slavery today

4. An evidence-based analysis of the situation of slavery tomorrow must begin with a firm understanding of how slavery manifests today, where and why. According to the *Global Estimates of Modern Slavery* for 2016 produced by the International Labour Organization (ILO), the Walk Free Foundation and the International Organization for Migration (IOM), over 40.3 million people were in a situation of modern slavery in 2016, including 25 million people in forced labour (62 per cent) and 15 million in forced marriage (38 per cent).<sup>3</sup> This means there were an estimated 5.4 victims for every 1,000 people in the world. Slavery is present in every region of the globe. While most victims are thought to be found in Asia and the Pacific, the rate of prevalence is estimated to be highest in Africa.

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<sup>1</sup> The mandate of the Special Rapporteur is limited to contemporary forms of slavery. However, references to “human trafficking”, “trafficking in persons” and “modern slavery” that are contained in the sources have been retained.

<sup>2</sup> The questionnaire sent to Member States and other stakeholders and their responses are available at [www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/AddressingTomorrowsSlaveryToday.aspx](http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/AddressingTomorrowsSlaveryToday.aspx).

<sup>3</sup> ILO, Walk Free Foundation and IOM, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva, 2017).

### Number and prevalence of persons in modern slavery, by category and region

Region	Number of persons in forced labour (in thousands)	Prevalence (per thousand) of forced labour	Number of persons in forced marriage (in thousands)	Prevalence (per thousand) of forced marriage	Number of persons in modern slavery (in thousands)	Prevalence (per thousand) of modern slavery
Africa	3 420	2.8	5 820	4.8	9 240	7.6
Americas	1 280	1.3	670	0.7	1 950	1.9
Arab States	350	2.2	170	1.1	520	3.3
Asia and the Pacific	16 550	4.0	8 440	2.0	24 990	6.1
Europe and Central Asia	3 250	3.6	340	0.4	3 590	3.9

Source: ILO, Walk Free Foundation and IOM, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva, 2017).

5. One in four victims of contemporary forms of slavery in 2016 was thought to be a child. Women and girls were disproportionately affected, with over 71 per cent of victims being female. Of 24.9 million people experiencing forced labour, 4.1 million people were subject to State-imposed forced labour, 4.8 million people experienced forced sexual exploitation of adults and/or commercial sexual exploitation of children and 16 million people experienced forced labour exploitation in the private economy. The latter occurred in numerous settings, including domestic work (24 per cent), construction (18 per cent), manufacturing (15 per cent) and agriculture, forestry and fishing (11 per cent). Most victims were subjected to multiple forms of coercion at both the recruitment and employment stages. Almost 24 per cent of the 16 million victims of forced labour exploitation had their wages withheld, 17 per cent were under the threat of violence and 16.4 per cent of victims experienced physical violence. While physical violence affected men and women equally, 98 per cent of women and girls experienced sexual violence.<sup>4</sup>

6. The understanding of where and why contemporary forms of slavery manifest is also improving, through the use of new statistical methods such as sentinel surveillance, network scale-up methods and multiple systems estimation.<sup>5</sup> The latter technique has been used to estimate national prevalence in Ireland, the Netherlands, Romania, Serbia and the United Kingdom of Great Britain and Northern Ireland. And recent research and modelling have begun to identify vulnerability and risk factors, which can include age, gender, income, employment status, education level, health and other factors relating to social isolation.<sup>6</sup> Not all risks are linear: for example, young people are at higher risk than both children and older adults.<sup>7</sup>

<sup>4</sup> Ibid.

<sup>5</sup> Walk Free submission, pp. 6–7; on sentinel surveillance, see United Nations University Institute on Computing and Society (UNU-CS) submission, Q6. See also United Nations Inter-Agency Project on Human Trafficking, *Human Trafficking Sentinel Surveillance: Poipet, Cambodia, 2009–2010* (Bangkok, 2010) and *Human Trafficking Sentinel Surveillance: Viet Nam-China Border 2010* (Bangkok, 2011).

<sup>6</sup> Pablo Diego-Rossel and Jacqueline Joudo Larsen, “Modelling the risk of modern slavery”, SSRN, 17 July 2018. See also Government of Malta and Walk Free submissions.

<sup>7</sup> Diego-Rossel and Larsen, “Modelling the risk of modern slavery”. For a child labour risk identification model in Latin America, developed in collaboration with the Economic Commission for Latin America and the Caribbean and ILO, see the website of the Latin America and the Caribbean Free of Child Labour Regional Initiative, <http://iniciativa2025alc.org/child-labour-risk-model/>.

7. Being a migrant, a refugee, a displaced person or an asylum seeker appears to particularly heighten the risk of slavery.<sup>8</sup> Research has begun to explore the factors that influence this risk, including smugglers' decisions, the profitability of exploitation<sup>9</sup> and debt traps.<sup>10</sup> There is a growing recognition of the links between migrant labour recruitment practices and exploitation<sup>11</sup> and how policy and regulatory regimes governing migration may impact vulnerability to slavery.<sup>12</sup> Vulnerabilities at the individual level interact with risk factors at the community and national levels. Though constrained by limited data and the hidden nature of the crime, projections have identified several possibly relevant country-level risk factors, including corruption, weak rule of law and human rights protections, inequality levels and the presence of armed conflict.<sup>13</sup>

8. There is growing evidence that slavery is tied to broader public health costs, productivity losses, negative environmental externalities and lost income.<sup>14</sup> Efforts to address the drivers of slavery and achieve Sustainable Development Goal 8 (decent work) are thus likely to relate to efforts to achieve other Sustainable Development Goals, including those relating to education, gender equality, social inequality, sustainable consumption, and peaceful, just and inclusive societies.

## B. How and why slavery may change in the future

### The future of work

9. Vulnerability to slavery is closely related to labour market regulation and dynamics. The unemployed and those participating in part-time employment are at higher risk of slavery.<sup>15</sup> Trends in the future of work and in social protection schemes are thus highly relevant to any understanding of how slavery may change.<sup>16</sup>

10. Informality, including casualization, and other forms of precariousness in employment are risk factors for vulnerability to slavery. The informal sector is characterized by low productivity and low-skilled jobs without stable sources of income.<sup>17</sup> Today, more than 60 per cent of the world's employed population, including 56 per cent in G20 economies, are in informal employment.<sup>18</sup> In developing countries, informality

<sup>8</sup> IOM, *Addressing Human Trafficking and Exploitation in Times of Crisis: Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations* (Geneva, 2015), p. 31; and Walk Free submission, p. 2.

<sup>9</sup> Yuji Tamura, "Migrant smuggling", Warwick Economics Research Paper Series 791, 2007.

<sup>10</sup> On the market for illegal migrants with debt/labour contracts, see Guido Friebel and Sergei Guriev, "Smuggling humans: a theory of debt-financed migration", *Journal of the European Economic Association*, vol. 4, No. 6 (December 2006).

<sup>11</sup> United Nations Office on Drugs and Crime (UNODC), *The Role of Recruitment Fees and Abusive and Fraudulent Recruitment Practices of Recruitment Agencies in Trafficking in Persons* (Vienna, 2015); and Freedom Fund and Verité, *An Exploratory Study on the Role of Corruption in International Labour Migration* (2016).

<sup>12</sup> International Centre for Migration Policy Development submission.

<sup>13</sup> Diego-Rossel and Larsen, "Modelling the risk of modern slavery"; Jacqueline Joudo Larsen and Davina Durgana, "Measuring vulnerability and estimating prevalence of modern slavery", *Chance*, vol. 30, Issue 3, Special Issue on Modern Slavery (2017); ILO, *Profits and Poverty: The Economics of Forced Labour* (Geneva, 2017); and Rights Lab submission, p. 1.

<sup>14</sup> Rights Lab submission, pp. 1–2; Maat for Peace, Development and Human Rights submission, p. 5.

<sup>15</sup> Diego-Rossel and Larsen, "Modelling the risk of modern slavery".

<sup>16</sup> See ILO, *Inception Report for the Global Commission on the Future of Work* (Geneva, 2017); Organization for Economic Cooperation and Development (OECD), "Future of work and skills", paper presented at the second meeting of the Group of 20 (G20) Employment Working Group (Hamburg, Germany, 15–17 February 2017); World Economic Forum, "Industry profile: basic and infrastructure", available at <http://reports.weforum.org/future-of-jobs-2016/basic-and-infrastructure/>; and World Bank, *World Development Report 2019: The Changing Nature of Work* (Washington, D.C., 2019).

<sup>17</sup> World Bank, *World Development Report 2019*.

<sup>18</sup> ILO, "Informality and non-standard forms of employment", paper prepared for the G20 Employment Working Group (Buenos Aires, 20–22 February 2018).

accounts for more than 90 per cent of work.<sup>19</sup> Yet informal employment looks set to grow, not only due to automation but also due to the rise of digital platforms for own-account and piecework – the so-called “gig economy”.<sup>20</sup> There is widespread evidence that workers in this type of work, at the end of highly integrated and volatile supply chains, are often vulnerable to exploitation. Rigid purchasing practices that rely excessively on short-term contracts, short production windows and unfair payment terms are examples of practices that push risk down the supply chain onto the most vulnerable individuals – a trend that may be further exacerbated by automation.<sup>21</sup>

11. If technological and social changes in the world of work are not human-centred and trends towards decent work deficits are not tackled,<sup>22</sup> precariousness in the labour markets could increase,<sup>23</sup> and slavery risks will likely rise with it. Lower-skilled jobs will be susceptible to disruption by automation, resulting in displaced workers competing with other low-skill workers for a smaller number of jobs for lower wages.<sup>24</sup> Disruptions in labour markets will generate negative income shocks for many households, create negative perceptions of household income and fuel inequality, all thought to be key risk factors for slavery.<sup>25</sup> At the same time, new jobs will demand higher skill levels and educational attainment, requiring significant retraining and investments in education.<sup>26</sup>

### Demographic trends and migration

12. Limited access to jobs is also a main driver of migration, itself a major source of vulnerability to slavery. And both access to jobs and migration are also likely to be significantly affected by demographic trends: 85.6 per cent of the 25.6 million young people entering the labour force globally by 2030 will be in developing and emerging countries.<sup>27</sup> The highest growth is estimated to take place in Africa, where 1.3 billion of the estimated 2.2 billion people to be added to the world population between 2017 and 2050 live, followed by Asia and Latin America and the Caribbean.

13. Migration will likely continue to increase due to push factors such as conflict, income inequality, lack of economic opportunity and climate change, and pull factors such as demand for labour.<sup>28</sup> Vulnerability of migrant workers to slavery increases as they are relegated to the informal economy in order to bypass legal routes for work, and are subjected to payment of recruitment fees and fraudulent practices of labour brokers.<sup>29</sup> This leads to low participation in society, poor health and lack of a safety net, all drivers of slavery.

<sup>19</sup> Ibid.

<sup>20</sup> Elizabeth Stuart, Emma Samman and Abigail Hunt, “Informal is the new normal: improving the lives of workers at risk of being left behind”, Overseas Development Institute Working Paper 530, January 2018; and Amolo Ng’weno and David Porteous “Let’s be real: the informal sector and the gig economy are the future, and the present, of work in Africa”, Center for Global Development, CGD Note, October 2018.

<sup>21</sup> Freedom Fund submission, Q4.

<sup>22</sup> ILO, *Work for a Brighter Future: Global Commission on the Future of Work* (Geneva, 2019).

<sup>23</sup> ILO, *World Employment Social Outlook: Trends 2019* (Geneva, 2019).

<sup>24</sup> World Bank, *World Development Report 2019*; and Verisk Maplecroft, *Human Rights Outlook 2018*, p. 11.

<sup>25</sup> Diego-Rossel and Larsen, “Modelling the risk of modern slavery”.

<sup>26</sup> World Economic Forum, *The Future of Jobs Report 2018* (Geneva, 2018); and ILO, *Inception Report*.

<sup>27</sup> ILO, *Global Employment Trends for Youth 2017: Paths to a Better Working Future* (Geneva, 2017); and ILO, *Inception Report*.

<sup>28</sup> Ethical Trading Initiative submission, Q4; ILO, “Addressing the situation and aspirations of youth”, Issue Brief No. 2, prepared for the second meeting of the Global Commission on the Future of Work (Geneva, 15–17 February 2018); and ILO, *Global Estimates on International Migrant Workers: Results and Methodology*, 2nd edition (Geneva, 2015).

<sup>29</sup> Genevieve LeBaron and others, *Confronting Root Causes of Forced Labour: Forced Labour in Global Supply Chains* (openDemocracy and Sheffield Political Economy Research Institute, 2018); and Nicola Phillips, Genevieve LeBaron and Sara Wallin, *Mapping and Measuring the Effectiveness of Labour-Related Disclosure Requirements for Global Supply Chains*, Research Department Working Paper No. 32 (ILO, 2018).

### Economic changes

14. Economic shifts will also impact the geography of slavery. Asia, already burdened with the highest absolute prevalence of slavery according to the *Global Estimates*, is undergoing an economic boom that may heighten the risk of slavery in certain economic sectors, notably construction and infrastructure development. Shifts in global consumption patterns and agricultural and commodity supply chains, responding to new sources of demand from emerging economies, may also impact the geographic distribution of slavery. There may be increasing risk in those sectors that rely on low-skill, low-pay production and are highly vertically integrated into volatile and market-responsive global supply chains, including soy, cattle, palm oil, apparel and electronics.

### Environmental change

15. The geography of contemporary forms of slavery will also be heavily impacted by climate and environmental change. Exposure to natural disasters is emerging as a possible risk factor for and reorganizing force in contemporary forms of slavery, and climate change will likely multiply and intensify natural disasters. In the Asia-Pacific region, already the region with the highest estimated absolute prevalence of contemporary forms of slavery and forced labour, the interlinkage between vulnerability to exploitation and climate change may become more apparent.<sup>30</sup>

16. By 2050, approximately 5 billion people may live in areas where the climate “will exceed historical bounds of variability”,<sup>31</sup> and 143 million people in sub-Saharan Africa, South Asia and Latin America will face internal migration due to climate change,<sup>32</sup> which will increase vulnerability for these populations.<sup>33</sup> Even without natural disasters, the slow-rolling impacts of climate change on primary industries are likely to lead to significant disruptions in and reorganizations of industries, livelihoods and households, testing household financial resilience, heightening underlying vulnerabilities and disrupting livelihoods and social networks.<sup>34</sup> Competition among producers for dwindling resources may encourage behaviours that drive down labour and other costs, as we see in South-East Asian fisheries.<sup>35</sup> Climate change may also heighten the risk of forced marriage, with dowries viewed as a capital formation adaptation.<sup>36</sup>

17. There is also evidence of covariance between the likelihood of contemporary forms of slavery and the likelihood of violations of environmental laws and standards, whether in the fishing industry, in forestry or in agriculture.<sup>37</sup> Yet it is important to recognize that the

<sup>30</sup> See IOM, *Addressing Human Trafficking*; Zack Bowersox, “Natural disasters and human trafficking: do disasters affect State anti-trafficking performance?”, *International Migration*, vol. 56, No. 3 (September 2017), pp. 196–222; and Anuj Gurung and Amanda Clark “The perfect storm: the impact of disaster severity on internal human trafficking”, *International Area Studies Review*, vol. 21, No. 4 (August 2008), pp. 302–322.

<sup>31</sup> Andrew Freedman, “Up to five billion face ‘entirely new climate’ by 2050”, Climate Central, 9 October 2013.

<sup>32</sup> K.K. Rigaud and others, *Groundswell: Preparing for Internal Climate Migration* (Washington, D.C., World Bank, 2018).

<sup>33</sup> IOM, *The Climate Change-Human Trafficking Nexus* (Geneva, 2016).

<sup>34</sup> Food and Agriculture Organization of the United Nations, *The State of Agricultural Commodity Markets: Agricultural Trade, Climate Change and Food Security* (Rome, 2018); and D. Boyd and others, “Modern slavery, environmental destruction and climate change: fisheries, field, forests and factories”, University of Nottingham Rights Lab and Independent Anti-Slavery Commissioner, 2018.

<sup>35</sup> Freedom Fund submission, Q4; Walk Free submission.

<sup>36</sup> M. Alston and others, “Are climate challenges reinforcing child and forced marriage and dowry as adaptation strategies in the context of Bangladesh?”, *Women’s Studies International Forum*, vol. 47, Part A (November–December 2014), pp. 137–144.

<sup>37</sup> Rights Lab submission, p. 3; D. Boyd, “Modern slavery”; Kevin Bales, *Blood and Earth: Modern Slavery, Ecocide and the Secret to Saving the World* (New York, Random House, 2016); and J.L. Decker Sparks and others, “Slavery in the anthropocene”, *Science* (under review).

causal pathways involved are complex and may not be linear: they may be influenced by national- and international-level policy choices.<sup>38</sup>

### Other emerging trends

18. New technologies are leading to new forms of exploitation, such as forcing children to participate in online sexual exploitation. Other new forms of slavery may also be emerging. For-profit “orphanages” risk becoming gateways into child slavery. Children may be trafficked into exploitation in these institutions or trafficked from the institutions into exploitation in other settings, and those who have been through such institutions may be more vulnerable to slavery subsequently. And the anticipated rise of “volunteer tourism” in foreign orphanages may risk stoking demand for such trafficked children.<sup>39</sup>

19. There are also disturbing signs suggesting that a resurgence of enslavement in armed conflict contexts, not only as a method of recruitment but increasingly also as an open tactic of ideological subjugation and conflict financing. The growing trend towards fragmentation of armed conflict suggests a weakening of the established inter-State norms of warfare, including the strong taboo against enslavement. From the Syrian Arab Republic to Libya to Nigeria, there are recent signs that enslavement is transforming from incidental to also being instrumental to conflict.<sup>40</sup> Most commonly reported forms of trafficking for the purpose of exploitation in situations of armed conflict are sexual slavery of women and children and their abduction for forced marriage; recruitment of children into armed groups; and forced labour in different sectors such as agriculture, the domestic sector and extractive industries. The latter may be used to finance operations of armed groups or for personal profit.<sup>41</sup>

20. Conflict-induced displacement is at historic highs, further limiting people’s access to decent work, disrupting social networks and increasing their vulnerability to debt bondage, forced labour, commercial sexual exploitation, child labour and servile forms of marriage as a means of survival and coping.<sup>42</sup> Additionally, the increasing targeting and use of schools for military purposes greatly heightens children’s vulnerability to contemporary forms of slavery, in particular child labour and child recruitment.<sup>43</sup>

21. Finally, there will be a heightened risk of forced and servile marriage and sexual slavery in societies where there is a persistent gender imbalance, a phenomenon often resulting from the practice of sex-selective abortion.<sup>44</sup> Countries with disproportionate gender ratios and a growing young, male population will generate an increased demand for trafficking of women and girls into servile forms of marriage and into commercial sexual exploitation, including from other countries in their region.<sup>45</sup> Additionally, long-term

<sup>38</sup> Rights Lab and Tech Against Trafficking submissions. See also R.L. Malinowski and others, *Natural Disaster, Human Trafficking and Displacement in Kenya* (Awareness Against Human Trafficking, 2017).

<sup>39</sup> Lumos Foundation submission; see also Parliament of the Commonwealth of Australia, *Hidden in Plain Sight: An Inquiry into Establishing a Modern Slavery Act in Australia* (Canberra, 2017), sect. 8.

<sup>40</sup> Thomas S. Szayna and others, *Conflict Trends and Conflict Drivers: An Empirical Assessment of Historical Conflict Patterns and Future Conflict Projections* (Santa Monica, California, Rand Corporation, 2017); and report of the Special Rapporteur on trafficking in persons, especially women and girls (A/73/171).

<sup>41</sup> UNODC, *Global Report on Trafficking in Persons* (United Nations Publication, Sales No. E.19.IV.2).

<sup>42</sup> Freedom Fund submission, Q4; Freedom Fund, “Struggling to survive: slavery and exploitation of Syrian refugees in Lebanon”, 2016; and W.C. Robinson and others, “Estimating trafficking of Myanmar women for forced marriage and childbearing in China”, Johns Hopkins University and Kachin Women’s Association Thailand, 2018. See also James Cockayne and Julie Oppermann, “Can we sustain peace by fighting human trafficking in conflict? Lessons from Libya”, United Nations University Centre for Policy Research, 10 November 2017.

<sup>43</sup> UNODC, *Countering Trafficking in Persons in Conflict Situations: Thematic Paper* (Vienna, 2018).

<sup>44</sup> James Cockayne and Amanda Roth, “Crooked States: how organized crime and corruption will impact governance in 2050 and what States can – and should – do about it now”, United Nations University Report, October 2017.

<sup>45</sup> United Nations Action for Cooperation against Trafficking in Persons, *Human Trafficking Vulnerabilities in Asia: A Study on Forced Marriage between Cambodia and China* (Bangkok, 2016).

displacement will likely lead to a rise in the rates of servile forms of marriage, in particular of girls, as a coping mechanism, and may over time increase female participation in vulnerable domestic work and forced labour.<sup>46</sup>

### III. Anti-slavery efforts today

#### Stocktaking

22. There is no overall survey of global anti-slavery efforts. Until the advent of Sustainable Development Goal target 8.7 and Alliance 8.7, the global partnership for eradicating forced labour, modern slavery, human trafficking and child labour around the world, for which ILO serves as the Secretariat, there was no unifying structure providing a framework for collaboration between those actors working to address the different forms of exploitation. Even now, that cooperation remains nascent and clear metrics, or even a strategic “framework for collective action” towards the achievement of target 8.7 remains absent. The Protocol of 2014 to the Forced Labour Convention, 1930, though, provides important elements for strategic action.<sup>47</sup>

23. The actions of Member States thus remain central to the struggle to eradicate slavery, not only because of their duty to protect through regulation, accountability and victim support, but also because of their essential role in mobilizing and shaping strategic policy response. States are the main duty bearers in ensuring the realization of the human right to be free from slavery and servitude.<sup>48</sup>

24. There are positive signs regarding State action. Thirty-one States have ratified the Protocol of 2014 to the Forced Labour Convention. Governments have become more active in raising awareness on these issues in recent years, with ILO counting 154 countries undertaking such efforts.<sup>49</sup> Available data indicate that government legislative action to prevent and address slavery and trafficking in persons has increased in recent years:<sup>50</sup> Countries such as Estonia, Morocco, New Zealand and Spain are adopting criminal justice responses to forced marriage,<sup>51</sup> and some 40 countries have taken steps to investigate forced labour in private or public supply chains, including most member States of the European Union, which have transposed European Union directives on non-financial reporting and public procurement into domestic legislation. Yet, meaningful engagement by Governments with business to specifically address slavery in supply chains remains rare. Qatar has signed numerous bilateral agreements with labour-sending countries to provide legal protection to migrant workers before their recruitment.<sup>52</sup>

25. Research suggests both that there have been advances in criminalizing slavery at the domestic level and that important gaps remain. While about half of all countries criminalize slavery, only a minority criminalize forced labour or servitude, and substantial gaps remain

<sup>46</sup> Claire Healy, *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons – A Study of Syria, Turkey, Lebanon, Jordan and Iraq* (Vienna, International Centre for Migration Policy Development, 2015).

<sup>47</sup> Rights Lab submission; and ILO, *Ending Forced Labour by 2030: A Review of Policies and Programmes* (Geneva, 2018).

<sup>48</sup> On the governmental response to contemporary forms of slavery, see Walk Free Foundation, *Measurement, Action, Freedom: An Independent Assessment of Government Progress Towards Achieving UN Sustainable Development Goal 8.7* (Minderoo Foundation, 2019); and Stef Monaco, *The Commonwealth Roadmap to SDG 8.7: foreword by Urmila Bhoola, UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences* (Commonwealth Human Rights Initiative, 2018).

<sup>49</sup> ILO, *Ending Forced Labour by 2030*.

<sup>50</sup> Walk Free Foundation, *The Global Slavery Index 2018* (Minderoo Foundation, 2018); and Government of Qatar submission.

<sup>51</sup> Walk Free Foundation, *Measurement, Action, Freedom*, 2019.

<sup>52</sup> Government of Qatar submission.

in the translation of international definitions and obligations into domestic law.<sup>53</sup> Similarly, while rates of prosecution and conviction are increasing, the absolute numbers of convictions remain very low and the risk of perpetrators facing justice is minimal.<sup>54</sup> Researchers and practitioners have identified a number of obstacles to effective criminal and civil justice responses,<sup>55</sup> including the complexity of investigations given the transnational and clandestine nature of the organization of the crime of forced labour, servitude or slavery, low awareness among criminal justice actors and obstruction by corrupt officials.<sup>56</sup>

26. Alongside criminal justice efforts, States are adopting civil and administrative provisions requiring large companies to report on slavery risks in their supply chains and, in some cases, financial portfolios. During the 2017 G20 Labour Summit, ministers of labour and employment committed to “work towards establishing adequate policy frameworks in [their] countries to support the attainment of decent work and strengthen compliance with fundamental principles and rights at work in global supply chains”.<sup>57</sup> Yet the effectiveness of these regimes is not yet clear, as reporting remains in many cases in its early stages and there is no clear evidence of reporting having a measurable influence on market demand.<sup>58</sup>

27. Some States have also adopted provisions excluding suppliers with slavery risks in their supply chains from winning public contracts.<sup>59</sup> Public procurement is a focus of activity in the Organization for Security and Cooperation in Europe (OSCE), which has published guidelines. And Governments are using anti-money laundering regimes to encourage the financial sector to prevent the proceeds of slavery entering the financial system. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime has issued guidance material on using money-laundering tools to address these crimes;<sup>60</sup> and the Liechtenstein Initiative for a Financial Sector Commission on Modern Slavery and Human Trafficking, convened by the foreign ministers of Liechtenstein, Australia and the Netherlands, together with Nobel laureate Muhammad Yunus, has also explored opportunities for strengthening these arrangements.<sup>61</sup>

28. Governments are also allocating more resources to global anti-slavery efforts. Between 2000 and 2013, 30 OECD countries committed more than \$4 billion in official development assistance (ODA) to eradicate the forms of exploitation now covered by Goal 8.7, with the average annual commitments growing from \$150 million in 2001 to \$450 million in 2010.<sup>62</sup> The new Global Fund to End Modern Slavery now manages over \$75 million, the Freedom Fund \$100 million, and States have provided \$724,825 to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,<sup>63</sup> which provides assistance to thousands of people who have experienced some form of slavery.

<sup>53</sup> Katarina Schwarz and Jean Allain, *Antislavery in Domestic Legislation Database* (2019), forthcoming; and ILO, *Ending Forced Labour by 2030*, pp. 109–111. See also Walk Free, *Measurement, Action, Freedom*.

<sup>54</sup> Sasha Jespersen and Rosana Garcíandia, “Law enforcement”, Delta 8.7 Thematic Overview, 2018.

<sup>55</sup> Chloé Bailey, *Pathways to Justice: How Grassroots Organisations are Harnessing the Law to Tackle Modern Slavery* (Freedom Fund, 2019).

<sup>56</sup> See [www.globalslaveryindex.org/2018/findings/global-findings/](http://www.globalslaveryindex.org/2018/findings/global-findings/).

<sup>57</sup> “Towards an inclusive future: shaping the world of work”, Ministerial Declaration adopted at the G20 Labour and Employment Ministers Meeting, 17 May 2017.

<sup>58</sup> Rights Lab submission, p. 6; Freedom Fund, submission, Q5; Tech Against Trafficking submission, p. 4; and Fairtrade Norway submission, p. 3. See also Patricia Carrier, “The Modern Slavery Act turns four today. Is it working? And how can it be improved?”, Business and Human Rights Resource Centre, 26 March 2019; and International Corporate Accountability Roundtable and Focus on Labour Exploitation, *Full Disclosure: Towards Better Modern Slavery Reporting* (2019).

<sup>59</sup> Walk Free and Ethical Trading Initiative submissions.

<sup>60</sup> Bali Process, *Policy Guide on Following the Money in Trafficking in Persons Cases* (2018).

<sup>61</sup> See [www.financialsectorcommission.org](http://www.financialsectorcommission.org).

<sup>62</sup> Kelly Gleason and James Cockayne, *Official Development Assistance and SDG Target 8.7: Measuring Aid to Address Forced Labour, Modern Slavery, Human Trafficking and Child Labour* (New York, Delta 8.7 and United Nations University, 2018).

<sup>63</sup> As of 31 December 2018.

29. Increasingly, these efforts are truly global. The Call to Action to End Forced Labour, Modern Slavery and Human Trafficking has been endorsed by more than 85 countries, from every region;<sup>64</sup> 22 countries are partners of Alliance 8.7 and 15 have volunteered to take part in the Alliance 8.7 Pathfinder initiative. And over 45 countries have worked with the United Nations University to develop country dashboards to help measure progress towards target 8.7.

30. In addition to government responses, recent efforts to begin to map global anti-slavery activity have begun to reveal a vibrant and thriving array of bottom-up and local initiatives around the world. The Global Modern Slavery Directory offers a publicly searchable map and database of over 2,900 organizations and agencies that address various forms of slavery, covering 199 countries.<sup>65</sup> These undertake a wide array of activities, including advocacy and awareness-raising, education and training, prevention and victim support. Meanwhile, the Modern Slavery Map provides an interactive online catalogue of organizations and initiatives teaming up with private sector partners to combat slavery.<sup>66</sup>

31. Private sector initiatives are rapidly proliferating, from Tech Against Trafficking<sup>67</sup> to the Liechtenstein Initiative for a Financial Sector Commission on Modern Slavery and Human Trafficking,<sup>68</sup> the ILO Global Business Network on Forced Labour<sup>69</sup> and the United Nations Global Compact Action Platform on Decent Work in Global Supply Chains,<sup>70</sup> as well as more local efforts such as the Mekong Club in Hong Kong which mobilizes the private sector to end slavery.

#### **Which measures are effective?**

32. Understanding what is effective is crucial to ensure that limited resources are used wisely, both in terms of efficiency and effectiveness, and to ensure that interventions do not in fact harm the enjoyment of the right to be free from slavery and servitude. While the ability to identify effective measures in any rigorous scientific sense is limited by the paucity of comparable programme and policy-level monitoring and evaluation,<sup>71</sup> Governments, private donors, practitioners and researchers have begun to identify the traits of effectiveness.<sup>72</sup> The jurisprudence of regional human rights courts is also providing insights.<sup>73</sup>

33. First, even as there is a recognition that effective action to eradicate slavery must operate at scale and address transnational and global drivers such as cross-border migration, international finance and global supply chains, there is a growing emphasis on local-level activity.<sup>74</sup> Effective action to tackle slavery requires local action to underpin and effectively implement international efforts and domestic legislation and to generate sustainable

<sup>64</sup> See [https://delta87.org/wp-content/uploads/2018/11/Call-Action-End-Forced-Labour\\_19-Nov-2018.pdf](https://delta87.org/wp-content/uploads/2018/11/Call-Action-End-Forced-Labour_19-Nov-2018.pdf).

<sup>65</sup> See [www.globalmodernslavery.org](http://www.globalmodernslavery.org).

<sup>66</sup> See [www.modernslaverymap.org](http://www.modernslaverymap.org).

<sup>67</sup> See [www.bsr.org/en/collaboration/groups/tech-against-trafficking](http://www.bsr.org/en/collaboration/groups/tech-against-trafficking).

<sup>68</sup> See [www.financialsectorcommission.org](http://www.financialsectorcommission.org).

<sup>69</sup> ILO, *Ending Forced Labour by 2030*, p. 47.

<sup>70</sup> See [www.unglobalcompact.org/take-action/action-platforms/decent-work-supply-chains](http://www.unglobalcompact.org/take-action/action-platforms/decent-work-supply-chains).

<sup>71</sup> Global Fund to End Modern Slavery submission, p. 1; and Tech Against Trafficking submission, p. 3.

<sup>72</sup> Pauline Oosterhoff and others, *Modern Slavery Prevention and Responses in South Asia: An Evidence Map* (London, Department for International Development, 2018); and Katharine Bryant and Bernadette Joudo, "Promising practices: what works? A review of interventions to combat modern day slavery", Walk Free Foundation, 2018. A promising example of a monitoring and evaluation network established by practitioners is Monitoring and Evaluation of Trafficking in Persons.

<sup>73</sup> European Court of Human Rights, *Siliadin v. France*, Judgment of 26 July 2005 and *Rantsev v. Cyprus and Russia*, Judgment of 7 January 2010; Economic Community of West African States Community Court of Justice, *Hadijatou Mani Koraou v. Republic of Niger*, Judgment of 27 October 2008; and Inter-American Court of Human Rights, *Trabajadores de la Hacienda Brasil Verde v. Brasil*, Judgment of 22 August 2017.

<sup>74</sup> Monash Trafficking and Slavery Research Group submission, p. 2; and United States Department of State, *Trafficking in Persons Report June 2018*.

change.<sup>75</sup> For example, investment in local communities may be effective where exploitation occurs in a defined location; but when it takes place along adaptive migration routes, prevention programming may need to be targeted in specific source communities or in destination communities.<sup>76</sup> Similarly, while lessons on the formalization of informal sectors may be transferable from one context to another, efforts may also require highly local solutions such as bespoke trade unions, for example the Hong Kong Domestic Workers' General Union, or outreach by established trade unions to the informal sector, as the Pakistan Workers Federation has been undertaking.<sup>77</sup> And in some contexts they may require protection efforts along specific migration corridors, such as the efforts of the International Trade Union Confederation and the International Domestic Workers Federation in the Ukraine-Poland, Paraguay-Argentina, Zimbabwe-Lesotho-South Africa and Indonesia-Malaysia corridors.<sup>78</sup>

34. Second, there is a growing emphasis on multi-stakeholder partnerships based on the recognition that a holistic, multifaceted approach to slavery is needed. Alliance 8.7, which brings together actors at all levels to collaborate, strategize, share knowledge and accelerate progress to achieve target 8.7, is a promising example of this trend, covering initiatives in multiple aspects of the anti-slavery strategy.<sup>79</sup> Another promising initiative is the Bali Process Business Forum, which engages States and international organizations with the private sector to expand legal and legitimate opportunities for labour migration and to combat human trafficking and related exploitation, including by promoting and implementing humane, non-abusive labour practices throughout their supply chains.<sup>80</sup>

35. Some promising initiatives are focused on addressing the drivers of contemporary slavery through blended finance for development interventions. For example in the Philippines, the Government, the Global Fund to End Modern Slavery, the Villar Social Institute for Poverty Alleviation and Governance and private sector actors are collaborating on a programme to train the most vulnerable workers (especially women) in construction jobs and place them with local, ethical employers. The programme aims to meet industry needs for skilled workers, aligns with the Government's "Build, Build, Build" infrastructure development objectives and provides alternatives to workers to travelling overseas for work, which places them at higher risk of slavery and exploitation.<sup>81</sup>

36. Third, there is a growing recognition that giving victims and survivors agency and voice through their active participation in programme and policy design and delivery strengthens those initiatives, has benefits for survivors and reinforces rights.<sup>82</sup> Survivors are uniquely placed to articulate their experiences, needs and interests, and to identify what might prevent slavery.<sup>83</sup> There is a growing effort not only to study survivors and survival and to engage survivor perspectives, but also to empower survivors as researchers, advocates and leaders of the anti-slavery movement.<sup>84</sup> Important initiatives to strengthen survivor mobilization and coordination efforts exist, such as the United States Advisory Council on Human Trafficking, the National Survivor Network and the Survivor Alliance.<sup>85</sup>

<sup>75</sup> Delta 8.7 Symposium: Local Approaches to Modern Slavery (New York, 26 March 2019); and Alison Gardner, "An introduction to local approaches to tackling modern slavery", contribution to the Delta 8.7 Symposium.

<sup>76</sup> Freedom Fund submission, Q5. Freedom Fund has developed a "hotspot approach" to incubate networks of service providers in target areas to support victims and address at-risk individuals.

<sup>77</sup> ILO, *Ending Forced Labour by 2030*, pp. 77 and 83.

<sup>78</sup> *Ibid.*, p. 81.

<sup>79</sup> See [www.alliance87.org/](http://www.alliance87.org/).

<sup>80</sup> See [www.baliprocess.net/bali-process-government-and-business-forum/](http://www.baliprocess.net/bali-process-government-and-business-forum/).

<sup>81</sup> Global Fund to End Modern Slavery submission, p. 6.

<sup>82</sup> National Survivor Network submission, p. 5; Walk Free submission, p. 5.

<sup>83</sup> Rights Lab submission, p. 7.

<sup>84</sup> See A. Nicholson, M. Dang and Z. Trodd, "A full freedom: contemporary survivors' definitions of slavery", *Human Rights Law Review*, vol. 18, No. 4 (December 2018), pp. 689–704.

<sup>85</sup> See [www.state.gov/j/tip/c73433.htm](http://www.state.gov/j/tip/c73433.htm) and <https://survivoralliance.org/>.

There is consequently a growing view that “survivor-informed policy and survivor-led initiatives should be the norm and not the exception”.<sup>86</sup>

37. Fourth, there is a growing view that successful interventions work with market mechanisms, although they do not depend solely upon them. Supply-chain transparency initiatives are increasingly being supplemented by other steps encouraging businesses to discharge their responsibility to respect human rights by effectively implementing the Guiding Principles on Business and Human Rights, including through human rights due diligence, as well as use of leverage and provision of remedy for harms to which business is connected. In recent years, efforts have been increased to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises. To this end, the Human Rights Council, in resolution 26/9, decided to establish an open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights.<sup>87</sup>

38. Fifth, there is a growing recognition of the power of both big data and smart technology. In February 2019, more than 100 organizations joined a workshop convened by the United Nations University to explore the use of computational science and artificial intelligence to combat slavery.<sup>88</sup> A recent landscape mapping found over 260 digital technology tools in use to fight contemporary slavery, 38 per cent in the global South.<sup>89</sup> Blockchain is being used to improve traceability in supply chains and foster responsible sourcing and recruitment practices. Digital platforms are being used to enable migrant workers to share information about prospective and current employers.<sup>90</sup> The International Trade Union Confederation Recruitment Adviser lists more than 10,000 agencies in Indonesia, Malaysia, Nepal, the Philippines, Qatar, Saudi Arabia, and Singapore and in Hong Kong, China.<sup>91</sup> Satellite imagery is being used to identify high-risk sites.<sup>92</sup> And new digital finance technologies are opening up new microloan, microinsurance and micropayment options that may help mitigate the risk of slavery.<sup>93</sup>

### What is missing?

39. Even as practitioner and researcher efforts have helped begin to identify “what works” to tackle contemporary forms of slavery, there is also a growing consensus around what is missing from contemporary anti-slavery efforts, especially when measured against the forms of slavery that can be expected tomorrow.

### Tackling impunity at all levels

40. A recurring theme is the need to tackle persistent impunity and to ensure accountability. Slavery is illegal in most countries, but it persists because it is not effectively identified or punished. Many of the developments canvassed above represent efforts to find ways to fill this impunity gap and use other forms of leverage – including

<sup>86</sup> Rights Lab submission, p. 7.

<sup>87</sup> See [www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx](http://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx).

<sup>88</sup> United Nations University, Code 8.7 Symposium: Using Computational Science and AI to End Modern Slavery (New York, 19–20 February 2019).

<sup>89</sup> Tech Against Trafficking submission, p. 5.

<sup>90</sup> Ethical Trading Initiative submission; Freedom Fund submission, Q6; and Hannah Thinyane and Francisca Sasseti, “Apprise: using sentinel surveillance for human trafficking and labor exploitation”, UNU-CS Policy Briefs, 2019.

<sup>91</sup> ILO, *Ending Forced Labour by 2030*, pp. 62–63.

<sup>92</sup> Kevin Bales and others, “Slavery from space: demonstrating the role for satellite remote sensing to inform evidence-based action related to UN SDG number 8”, *Photogrammetry and Remote Sensing*, vol. 122 (August 2018), p. 380; and Sarah Scholes, “Researchers spy signs of slavery from space”, *Science*, 19 February 2019.

<sup>93</sup> See James Cockayne, *Innovation for Inclusion: Using Digital Technology to Increase Financial Agency and Prevent Modern Slavery*, Financial Sector Commission on Modern Slavery and Human Trafficking Secretariat Briefing Paper 3 (United Nations University, 2019).

corporate leverage – to promote the right to be free from slavery and to remedy harm. There is a growing effort to use strategic litigation to this effect.<sup>94</sup> Such creative approaches will be increasingly important in contexts where the reach of the State and the rule of law is weak, which is likely to include numerous conflict-affected and climate-change-affected areas in coming years.

41. At the same time, the central role of States in addressing impunity must not be overlooked. A relevant initiative in this regard is the appointment by Alliance 8.7 of Pathfinder countries that have committed to work more intensely to achieve target 8.7.<sup>95</sup> With technical and financial support from the Alliance, those States are expected to advance their efforts to tackle contemporary forms of slavery. This initiative offers an important opportunity to accelerate progress towards target 8.7, but it will also be important to ensure that States volunteering to be Pathfinders use the resources to which they gain access effectively.

42. It will require greater efforts by States to hold each other accountable for violations of the right to be free from slavery and servitude, especially in the most egregious cases where forced labour or other prohibited conduct results from public policy.<sup>96</sup> According to *Global Estimates of Modern Slavery*, 4.1 million people were in forced labour imposed by State authorities.<sup>97</sup> The scale of such violations, if demonstrated, should cause serious concern and generate far more frequent and rigorous efforts by States to hold each other to account. Recent research has pointed to a variety of ways in which State responsibility may be activated, from the actions of corrupt border officials participating in slavery networks<sup>98</sup> to diplomats enslaving domestic workers<sup>99</sup> to States providing export credit for companies that rely on enslaved workers.<sup>100</sup>

## Data

43. While there have been important recent developments, including the adoption of standardized survey methodologies by the International Conference of Labour Statisticians, baseline data on prevalence of slavery need further strengthening.<sup>101</sup> Data collection and analysis is hampered by the clandestine nature of contemporary forms of slavery, by limited resources, by the lack of shared typologies and collection methodologies and by necessary restrictions on data sharing.<sup>102</sup> Existing prevalence estimation approaches are blunt, as they operate at a high level of generality and may overlook significant differences in vulnerability at the subnational level.<sup>103</sup> Some regions are not well covered by existing estimates.<sup>104</sup> Cost and replicability are also major concerns. Standard methodological

<sup>94</sup> “Turning outrage into action: using strategic litigation to combat modern slavery”, Freedom Fund, 15 December 2015.

<sup>95</sup> See [www.alliance87.org/pathfinder-countries/](http://www.alliance87.org/pathfinder-countries/).

<sup>96</sup> Philippa Webb and Rosana Garciandia, “State responsibility for modern slavery: uncovering and bridging the gap”, *International and Comparative Law Quarterly*, vol. 68, Issue 3 (July 2019). See also Monash Trafficking and Slavery Research Group submission, p. 2.

<sup>97</sup> ILO, Walk Free Foundation and IOM, *Global Estimates of Modern Slavery*, p. 10.

<sup>98</sup> See, e.g., “Fact-finding mission on Myanmar: concrete and overwhelming information points to international crimes”, Human Rights Council News, 12 March 2018. See also Webb and Garciandia, “State responsibility for modern slavery”.

<sup>99</sup> Supreme Court of the United Kingdom, *Benkharbouche (Respondent) v. Secretary of State for Foreign and Commonwealth Affairs (Appellant) and Secretary of State for Foreign and Commonwealth Affairs and Libya (Appellants) v. Janah (Respondent)*, Judgment of 18 October 2017; and *Reyes (Appellant/Cross-Respondent) v. Al-Malki and another (Respondents/Cross-Appellants)*, Judgment of 18 October 2017.

<sup>100</sup> Webb and Garciandia, “State responsibility for modern slavery”.

<sup>101</sup> See UNU-CS submission and Government of Poland submission, p. 2. See also R. Weitzer, “New directions in research on human trafficking”, *The Annals of the American Academy of Political and Social Science*, vol. 653, No. 1, pp. 6–24 (May 2014).

<sup>102</sup> Rights Lab, Global Fund to End Modern Slavery, UNU-CS, Tech Against Trafficking and Monash Trafficking and Slavery Research Group submissions.

<sup>103</sup> National Survivor Network submission.

<sup>104</sup> Walk Free submission, p. 1.

approaches and tools for prevalence estimation have been very costly, ranging between \$400,000 and \$1 million for a pair of baseline and endline prevalence studies, each taking 15–24 months.<sup>105</sup> And, as the Global Fund to End Modern Slavery pointed out in its submission, these metrics have typically been limited to “headcounts” rather than estimates of hidden populations, analysis of risks within supply chains or broader longitudinal assessments needed for closer to real time risk management.<sup>106</sup> There are also legitimate questions about whether existing prevalence tools screen out certain populations, such as domestic workers, removing them further from the spotlight. This poses a fundamental constraint to our ability to assess what is working and base State responses and international strategies on that knowledge.<sup>107</sup>

### Resourcing

44. A third challenge is the limited resource allocation for anti-slavery efforts. ILO estimates that \$150 billion in criminal profits are generated by forced labour (alone) each year. It is not known exactly how much is being spent each year to tackle contemporary forms of slavery, though United Nations University data suggest ODA commitments are about \$400 million each year, suggesting that overall spending, even accounting for private charitable giving and domestic spending, is unlikely to be anywhere near the \$150 billion mark. There is no reason to assume that a 1:1 matching of profits and response spending is required; but equally, it is hard to argue that spending on the likely current scale, given its fragmentation and lack of strategic coordination, is adequate to end slavery. And yet there may be significant funding sources and financial leverage going untapped, ranging from procurement spending to insurance, both of which could be calibrated to reward slavery-preventing business practices.<sup>108</sup>

### Strategic allocation of resources

45. Another gap that has become apparent is the need for stronger strategic coordination in States’ efforts to achieve target 8.7. A strategy requires not just a shared goal – now provided by target 8.7 – but a plan for allocating and combining available resources in defined ways that combine to meet that goal. Yet at present the international community lacks basic elements required to develop such a strategy. There is no clear understanding either of the resources that are available to address slavery, nor of the resources required to meet the specified goal. We do not know how much it costs to reduce the estimate of those affected by slavery by one, and therefore cannot estimate how much it would cost to reduce it from over 40 million to zero. And even if we were armed with that information, we do not yet have in place the systems that would allow those who control these resources – States, international organizations, private donors – to coordinate their actions to achieve scale. As a result, there may be a serious disconnect between the locations where resources are being spent and the locations where their expenditure might be most impactful. Those anti-slavery efforts remain notably siloed from other relevant initiatives, particularly in the business and human rights field, and efforts to achieve sustainable development.

46. This is beginning to change, especially as mandatory human rights due diligence provisions and “modern slavery” reporting requirements converge to create pressures on business to incorporate anti-slavery thinking into environmental, social and governance strategies and corporate “sustainability” work more broadly. This is a key element of the 2014 Protocol to the Forced Labour Convention and is also emerging as a focus in national action. Indonesian regulation No. 35/PERMEN-KP/2015 mandates supply chain human rights due diligence in the fisheries sector.<sup>109</sup> And in Australia, the Government has issued guidance making clear that implementation of corporate reporting obligations under the *Modern Slavery Act 2018* requires business to act in line with the Guiding Principles on

<sup>105</sup> Global Fund to End Modern Slavery submission, p. 2.

<sup>106</sup> Ibid.

<sup>107</sup> See further Jessie Brunner, *Inaccurate Numbers, Inadequate Policies: Enhancing Data to Evaluate the Prevalence of Human Trafficking in ASEAN* (Honolulu, East-West Center, 2015).

<sup>108</sup> Global Fund to End Modern Slavery submission, p. 3; Cockayne, *Innovation for Inclusion*.

<sup>109</sup> ILO, *Ending Forced Labour by 2030*, p. 67.

Business and Human Rights.<sup>110</sup> But there is more to be done to connect discussions in the anti-slavery field to work going on in both the business and human rights and broader sustainable development fields, including questions around development financing, trade and market access.<sup>111</sup>

### **Role of survivors**

47. Additionally, there is a growing recognition that many of today's anti-slavery efforts do not give survivors a sufficient role and agency in public policy development and decision-making processes. Survivors may be better placed to articulate what is required to enable their recovery and what can be done to prevent others from experiencing similar exploitation.<sup>112</sup>

### **Role of technology**

48. While technology has a role to play in accelerating anti-slavery efforts, there is a need for caution and precautions to ensure that technology respects and promotes rights. Work is needed in this space to develop common definitions and codes for key terms, as well as data standards and norms, so that data can be shared, partners trust the quality of the data, and everyone is assured that there are adequate safeguards to protect victims' and workers' rights and interests.<sup>113</sup> And significant work is also needed to ensure that technology is developed and deployed in the global South, and not only in developed countries.<sup>114</sup> Otherwise, existing inequalities and gaps may be exacerbated.

## **IV. Anti-slavery agenda of tomorrow**

49. Based on what is known about slavery today, on the likely changes it may face in the years ahead and on the state of existing response, what can be said about how current efforts may need to develop in order to tackle slavery tomorrow effectively? Drawing on the above analysis, the Special Rapporteur suggests the following approach.

50. First, anti-slavery efforts will need to become more systematic, in the sense of requiring action at every level and by all actors. This will require systems thinking. Contemporary forms of slavery are complex products of the way our global political, social and economic systems work; to end slavery, the way those systems work must be changed.<sup>115</sup> As causal processes are often multiple and non-linear, responses must be based on an understanding of the complex systems in play.<sup>116</sup> Computational analysis may be useful to this end, for example in optimizing resource allocation to ensure maximum social impact,<sup>117</sup> or to understand the interplay of online and offline components of organized criminal networks involved in slavery.<sup>118</sup> Anti-slavery efforts will also need to use all available channels for identifying and reducing contemporary forms of slavery, including existing social and public health infrastructure.<sup>119</sup>

51. Some sources suggest that there remains a disconnect between the top-down nature of emerging international anti-slavery efforts and the bottom-up, local approaches needed

<sup>110</sup> Government of Australia Department of Home Affairs, "Modern Slavery Act 2018: draft guidance for reporting entities", 2019, p. 9.

<sup>111</sup> Rights Lab submission.

<sup>112</sup> Ibid.

<sup>113</sup> See the following contributions to the Code 8.7 Symposium: Z. Trodd, "Using ICT to find hidden populations"; P. Jones and C. Setter, "Finding hidden populations: orphanage trafficking"; N. Bliss, "Towards a pipeline: technology, techniques and training"; and S. Powell, "A survivor perspective".

<sup>114</sup> Tech Against Trafficking submission, p. 5.

<sup>115</sup> Compare Monash Trafficking and Slavery Research Group submission, p. 3.

<sup>116</sup> Rights Lab submission, p. 4; and Kayse Lee Maass submission, Q6.

<sup>117</sup> K.L. Maass, A. Trapp and R. Konrad, "Optimizing placement of residential shelters for human trafficking survivors", *Socio-Economic Planning Sciences* (under review).

<sup>118</sup> Kayse Lee Maass submission, Q6.

<sup>119</sup> HEAL Trafficking and Ethical Trading Initiative submissions.

to achieve sustainable cultural and community change.<sup>120</sup> To be effective, anti-slavery efforts must combine criminal justice efforts with other interventions that legally empower vulnerable populations, including through unions and worker organizations and by strengthening the capabilities of local officials and institutions, and connecting local efforts to national, regional and global efforts.<sup>121</sup> At the same time, the connective tissue needed to join these efforts up is emerging, both in the form of sectorial and value-chain initiatives<sup>122</sup> and through deliberate efforts to connect the bottom to the top, such as the Freedom Fund's Freedom Rising initiative, which aims to empower local-level leaders and build a more inclusive and victim-centred anti-slavery movement. But donors – both governmental and non-governmental – will need to take deliberate steps to see beyond short-term funding cycles and recognize the need for investment in longer-term systemic change.<sup>123</sup>

52. A stronger case must be made for the payoffs to countries and to the private sector from investment in anti-slavery efforts and the benefits of funding collaborations. Impact-based anti-slavery funding modalities could be explored, such as public prizes, performance loans, outcome funds and social impact bonds.<sup>124</sup> The Global Fund to End Modern Slavery has some characteristics of an outcome fund and offers an innovative approach to funding in this arena.

53. Second, anti-slavery efforts must continue to become more scientific. States committed in target 8.7 to take immediate and effective measures to eradicate slavery by 2030. Determining what measures are effective will require not just a continued investment in data collection and sharing but fostering a science-based culture in policy development and resource allocation. According to one submission received, “public policy should be based on evidence; where there is not yet evidence, the wise course of action would be to point and test outcomes before fixing policy frameworks”.<sup>125</sup> The rudiments of the development of such a culture are in place, including through important initiatives such as Delta 8.7,<sup>126</sup> but sustained investment, attention and support from Member States and the private sector will be crucial to the growth of that culture and the data that are needed to drive effective policymaking.<sup>127</sup>

54. Third, anti-slavery efforts must become more strategic. A shared global framework for coordinated action towards target 8.7, or even a framework to understand what resources are being used in which ways, is currently lacking. Member States could take numerous steps to develop such a framework, from agreeing on relevant ODA reporting codes to using Alliance 8.7 to cost the achievement of target 8.7 to developing an overall action plan for mobilizing and more effectively spending the required resources.

55. The piecemeal efforts currently in place seem unlikely to make significant inroads towards target 8.7 by 2030. And at present it is difficult to say whether there is movement closer to the target, or if the opposite applies. If Member States wish to achieve target 8.7 by 2030, a clearer system for prioritizing and allocating resource expenditure based on

<sup>120</sup> “Collaborating for freedom: anti-slavery partnerships in the UK”, research report from the Office of the Independent Anti-Slavery Commissioner and the University of Nottingham Rights Lab, 2017.

<sup>121</sup> Freedom Fund submission, Q5.

<sup>122</sup> Sectorial initiatives are being developed in sectors such as cocoa, fishing, apparel and the electronics sector. A promising example is the Thai seafood working group led by the Ethical Trading Initiative to tackle slavery issues in the Thai seafood industry. This initiative, which involves retailers and suppliers, businesses (mainly supermarkets), non-governmental organizations such as Anti-Slavery International and unions such as the International Transport Workers Federation and the Trades Union Congress, emphasizes engagement with key local and international stakeholders, including workers' representatives, Thai companies and the Government of Thailand. Additional information is available at [www.ethicaltrade.org/programmes/thailands-seafood-industry](http://www.ethicaltrade.org/programmes/thailands-seafood-industry).

<sup>123</sup> Global Fund to End Modern Slavery submission, p. 2.

<sup>124</sup> International Capital Markets Association, “Working towards a harmonized framework for impact reporting for social bonds”, June 2018.

<sup>125</sup> Monash Trafficking and Slavery Research Group submission, p. 4.

<sup>126</sup> Delta 8.7 is an online knowledge hub on modern slavery, human trafficking, forced labour and child labour run by the United Nations University Centre for Policy Research as a contribution to Alliance 8.7.

<sup>127</sup> ILO, *Ending Forced Labour by 2030*, pp. 125–126.

potential impact – or indeed based on heightened risk – is needed. According to one estimate, almost four fifths of slavery victims are located in just 20 countries,<sup>128</sup> yet there has been no effort by the international community to focus spending or support towards those countries. Similarly, there is increased understanding of the link between conflict onset and vulnerability to slavery. Yet, no strategies are currently in place for ensuring that anti-slavery efforts are integrated into conflict response from the outset.<sup>129</sup>

56. Nor is there a clear system for mobilizing stakeholders to act in a coordinated way to provide support to those countries, communities or sectors that the international community determines should be prioritized. As the Global Fund to End Modern Slavery argues, there is a need to “engage with governments to design [anti-slavery] strategies that are co-owned and co-founded and aligned with national priorities”. The Pathfinder initiative, which provides a framework for action by Alliance 8.7 stakeholders to support government efforts, organizes these partnerships through opting-in by States and other stakeholders. To date the Alliance has not developed any arrangements for developing a shared strategy for allocating limited resources among these partners, for identifying other potential Pathfinder countries based on potential impact or for ensuring that the resources mobilized are in fact used effectively to achieve progress. Given the commitments in the Call to Action to End Forced Labour, Modern Slavery and Human Trafficking, and the fact that endorsing countries represent 53 per cent of the global population, this may provide a useful additional forum for mobilizing such strategic discussions.

57. Fourth, anti-slavery efforts must become more sustainable, in the sense that they must be better integrated into broader efforts to achieve sustainable development. This is essential because action to inhibit the drivers of contemporary forms of slavery involves action to achieve other aspects of sustainable development: livelihoods (Sustainable Development Goal 1), improved access to education (Goal 4), gender equality (Goal 5), supply chain transformation and environmental protections (Goal 12) and stronger institutions (Goal 16).<sup>130</sup> And these efforts will take on increased importance in the context of the socioeconomic transformations wrought by automation, climate change and demographic change. The connection with other Goals has the potential to address the socioeconomic drivers of the contemporary forms of slavery. In addition, the United Nations sustainable development system, notably United Nations country teams and regional economic commissions, offer the infrastructure, know-how and coordinating mechanisms for delivery of anti-slavery solutions at scale, through Government-owned action frameworks. Yet to date, anti-slavery issues have largely been an afterthought in the Organization’s development work. This could change: the Pathfinder initiative of Alliance 8.7 may yet offer a process for recipient and host countries to work with a broad array of expertise and resources, mobilized through the Alliance and delivered through United Nations country teams. But this will require greater engagement from a broader array of stakeholders and concerted, sustained and transparent efforts by Alliance 8.7 to harness the diversity of contributions which Alliance members can offer.

58. Fifth, anti-slavery efforts need to be more systematically survivor-informed. There have been important initiatives in some countries recently to focus on victim support and to put victim-support frameworks on a legislated footing, insulating them from political shifts and empowering survivors to participate more effectively in community life.<sup>131</sup> Yet gaps persist, especially around long-term support for survivors.<sup>132</sup> But more can be done to ensure that the full range of global, regional and national efforts benefit from the insights that survivors can bring to bear on programming and policy design and implementation.

<sup>128</sup> Global Fund to End Modern Slavery submission, p. 1.

<sup>129</sup> International Centre for Migration Policy Development submission, Q4.

<sup>130</sup> Rights Lab submission.

<sup>131</sup> Government of Israel submission, pp. 1 and 3; Government of Poland submission, p. 3; Rights Lab submission, p. 6; Tech Against Trafficking submission, p. 4; Monash Trafficking and Slavery Research Group submission, p. 4.

<sup>132</sup> Freedom Fund submission, Q5.

Vulnerable or marginalized individuals, victims and survivors are frequently the best advocates of their own interests.<sup>133</sup>

59. Sixth, and finally, anti-slavery efforts will need to become smart, in the sense of harnessing digital technologies, from artificial intelligence and machine learning to drones, satellites and remote sensors, and in terms of new approaches to financing. The Code 8.7 initiative may offer one venue for organizing effective, efficient and principled engagement. Technology applications should, centrally, be guided by respect for human rights, taking advantage of recent design guidance such as the Worker Engagement Supported by Technology (WEST) Principles.<sup>134</sup> New techniques and technologies may also be needed, both to detect and to fight emerging forms of slavery and its organization.<sup>135</sup>

## V. Conclusion and recommendations

### A. Conclusion

60. **More systematic, scientific, strategic, sustainable, survivor-informed and smart action by States and other stakeholders will make a major contribution towards ending contemporary forms of slavery. Also, the systems that make people vulnerable to contemporary forms of slavery need to be tackled, including aspects of the global financial, production, trading, development, labour migration and public health systems. Such action is needed without further delay if target 8.7 of the Sustainable Development Goals is to be achieved by 2030.**

### B. Recommendations to States

61. **To effectively address the slavery of tomorrow today, the Special Rapporteur recommends that States adopt the approach outlined above by taking the following actions:**

(a) **Developing national anti-slavery action plans that harness the power of existing social protection, public health, public procurement, financial oversight and market regulatory mechanisms to identify, respond to and prevent contemporary forms of slavery;**

(b) **Incorporating analysis of the risk of slavery into multilateral and bilateral trade agreements, development finance decisions and development programming, and global financial oversight mechanisms;**

(c) **Strengthening regional and international arrangements for labour migration to reduce the risks of slavery;**

(d) **Effectively implementing the Guiding Principles on Business and Human Rights through relevant legislative, regulatory and administrative action, such as setting up mandatory human rights due diligence and reporting measures;**

(e) **Ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime, the Protocol of 2014 to the ILO Forced Labour Convention, 1930 and the ILO Violence and Harassment Convention, 2019 (No. 190);**

(f) **Establishing equality in the workplace to reduce vulnerability to slavery;**

(g) **Addressing the particular effects of slavery on women and girls;**

<sup>133</sup> International Centre for Migration Policy Development submission, Q5.

<sup>134</sup> Available at <https://westprinciples.org/start-with-integrity-and-purpose/>. See also Walk Free submission, p. 6.

<sup>135</sup> Global Fund to End Modern Slavery submission, p. 7; and submission of Government of Poland, p. 4.

(h) Strengthening the scientific basis for anti-slavery policy and programming by cooperating to develop and share basic data on the incidence and characteristics of slavery within States' jurisdiction, working in partnership with relevant technical agencies and initiatives;

(i) Cooperating to ensure that regional and national policies and programming reflect the latest scientific insights on what constitutes "effective measures" to achieve Sustainable Development Goal target 8.7;

(j) Strengthening the strategic framework for international action to combat slavery, *inter alia* by supporting international cooperative efforts such as Alliance 8.7, the Call to Action to End Forced Labour, Modern Slavery and Human Trafficking or the Liechtenstein Initiative for a Financial Sector Commission on Modern Slavery and Human Trafficking;

(k) Reviewing existing official development assistance reporting codes to facilitate analysis of development spending to achieve target 8.7;

(l) Working towards a shared global strategy that prioritizes resource allocation in anti-slavery efforts to those countries with the greatest need;

(m) Ensuring that anti-slavery efforts are survivor-informed and victim-centred, *inter alia* by incorporating victim-survivor identification, protection and support provisions into national legislation specific to contemporary forms of slavery and by respectfully, equitably and inclusively incorporating victim-survivor knowledge and input into policymaking, programme design and programme implementation at local, regional and global levels;

(n) Making anti-slavery smart by working with the global technology sector to strengthen the use of computational science and digital technologies to develop scientifically rigorous anti-slavery policy and practice;

(o) Raising concerns around progress of other States towards target 8.7 during universal periodic review processes;

(p) Developing a human-centred agenda for the world of work and seeking cooperation with trade unions and business through social dialogue to address decent work gaps as well as current and emerging forms of slavery.

## **C. Recommendations to businesses**

62. Businesses should support States in the adoption of the proposed approach to addressing the slavery of tomorrow, including by:

(a) Effectively ensuring the right to be free from slavery through due diligence and creative use and enabling of remedy and reparation;

(b) Working to make slavery risks unacceptable in financial and economic systems;

(c) Strengthening the business case for slavery-free investments, both within businesses and their supply chains and through investment in other businesses;

(d) Investing in smart solutions to slavery, including through use of digital technologies;

(e) Working closely with survivors and victims to ensure that future anti-slavery efforts learn from their experience.

## **D. Recommendations to civil society and academia**

63. Civil society and academia should support States in the adoption of the approach, including by:

- (a) Continuing to support affected communities and to build their capabilities and resilience to contemporary forms of slavery;
- (b) Working to hold States and business to account for their human rights obligations, duties and responsibilities through litigation, shareholder action and public and private advocacy;
- (c) Highlighting the centrality of survivors in effective anti-slavery efforts;
- (d) Accelerating understanding of how to effectively end slavery, including through cooperation with Member States to strengthen the science-to-policy interface.

## **E. Recommendations to international organizations**

64. International organizations should support States in their efforts to address slavery, particularly by:

- (a) Contributing to developing a shared global strategy that prioritizes resource allocation in anti-slavery efforts to those countries with the greatest need;
  - (b) Facilitating States' access to the funding, technical support and technologies required to implement effective anti-slavery strategies;
  - (c) Developing global technical standards and mechanisms to accelerate data collection and sharing, such as national labour survey methodologies, public health system reporting codes, ODA reporting codes and vulnerability taxonomies;
  - (d) Integrating anti-slavery efforts into disaster risk reduction and humanitarian response and responses to conflict and crisis;
  - (e) Promoting active victim/survivor participation in policymaking, programme design and programme implementation.
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