

External policy tools to address modern slavery and forced labour



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STUDY

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ABSTRACT

The paper presents the findings of a study on external policy measures adopted by the European Union and like-minded partners to address modern slavery in third countries. The study is intended to support the European Parliament in monitoring EU external action and initiating the refinement of existing or the adoption of new external policy instruments relating to forced labour and modern slavery. The study provides a review of the different external policy tools available to the EU to contribute to the eradication of modern slavery and forced labour in third countries, and assesses factors contributing to, and inhibiting, the effectiveness of these measures in practice. The analysis covers key areas of concern for external policy related to modern slavery within the domains of trade, development, and foreign policy. It further provides an overarching framework of considerations and approaches for the European Union in designing, implementing, and evaluating policy and programming related to modern slavery.

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List of abbreviations

ASEAN	Association of East Asian Nations
BLA	Bilateral Agreement
CBP	US Customs and Border Protection
CEPOL	EU Agency for Law Enforcement Training
CFO	Commission on Filipinos Overseas
CJEU	Court of Justice of the European Union
CoE	Council of Europe
CSDP	Common Security and Defence Policy
CSEC	Commercial sexual exploitation of children
CSO	Civil Society Organisation
CTDC	Counter Trafficking Data Collaborative
DAGs	Domestic Advisory Groups
DRC	Democratic Republic of the Congo
EBA	Everything But Arms
EC	European Commission
ECA	European Court of Auditors
ECAT	Council of Europe Convention on Action against Trafficking in
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EEAS	European External Action Service
EESC	European Economic and Social Committee
EFSD+	European Fund for Sustainable Development Plus
EIDHR	European Instrument for Democracy and Human Rights
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
EP	European Parliament
EU	European Union
EuroJust	EU Agency for Criminal Justice Cooperation
EUTF	European Union Emergency Trust Fund
EVFTA	Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam
FTA	Free Trade Agreement
GLOTIP	Global Report on Trafficking in Persons (UNODC)
GRETA	Group of Experts on Action against Trafficking in Human Beings

GSP	Generalised Scheme of Preferences
HoAI	African Union-Horn of Africa Initiative
HRBA	Human rights based approach
HRDs	Human rights defenders
IACHR	Inter-American Court of Human Rights
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
IMF	International Monetary Fund
INGO	International non-governmental organisation
IOM	International Organisation for Migration
IRA	Initiative for the Resurgence of the Abolitionist Movement (Mauritania)
ISPO	Indonesian Sustainable Palm Oil
ITUC	International Trade Union Federation
IUU	Illegal, Unreported and Unregulated fishing
JIT	Joint Investigation Team
MAF	Measurement, Action, Freedom (Walk Free 2019 government response measure)
MFN	Most-Favoured Nation
MIPs	Multiannual Indicative Programmes
MNE	Multinational enterprise
MSE	Multiple systems estimation
MSPO	Malaysian Sustainable Palm Oil
M&E	Monitoring and evaluation
NDICI	Neighbourhood, Development and International Cooperation Instrument
NTPOs	Non-Trade Policy Objectives
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner of The United Nations for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
OSEC	Online sexual exploitation of children
PIPO	'Port in-port out' centres
RBCLAC	Responsible Business Conduct project in Latin America and the Caribbean

RSPO	Roundtable on Sustainable Palm Oil
SAARC	South Asian Association for Regional Cooperation
SDG	United Nations Sustainable Development Goal
SMEs	Small and medium-sized enterprises
TEU	Treaty on European Union
TISC	Transparency in supply chains
TSD chapter	Trade and Sustainable Development chapter
UNGPs	United Nations Guiding Principles on Business and Human Rights
UNODC	United Nations Office on Drugs and Crime
USDOL	United States Department of Labour
USMCA	Agreement between the United States of America, the United Mexican States, and Canada
WRO	Withhold Release Order
WTO	World Trade Organisation
XJAFLCM	Xinjiang Alleged Forced Labour Coercive Measures
XPCC	Xinjiang Production and Construction Corps
XUAR	Xinjiang Uygur Autonomous Region

1 Executive summary

Significant progress has been made in recent years to advance global antislavery, working towards UN Sustainable Development Goal 8.7 to take immediate and effective measures to end modern slavery. Despite important movement towards a more strategic and effective worldwide antislavery action, key global events and dynamics present significant challenges to efforts to eradicate slavery. Global, regional, and local crises are reshaping and exacerbating vulnerabilities and risk. The COVID-19 pandemic, climate change, ongoing and emerging conflicts, and increasing migration and displacement combine with long-standing structural factors to aggravate existing modern slavery patterns and carve out new trends. As new policy and practice tools continue to emerge in the coming years to grapple with old and new challenges alike, the importance of strategic and carefully coordinated external policy efforts is clear.

EU external policy presents myriad opportunities for advancing efforts to address modern slavery in third countries. The EU has an essential role and responsibility in undertaking and supporting antislavery initiatives, and a wealth of tools at its disposal to advance improvements for some of the world's most vulnerable populations. The unique position and scale of the EU, and the potential leverage it is able to bring to bear in the global fight against modern slavery is particularly notable. The EU's 'hand' reaches across a high number of countries in which modern slavery is prevalent, and modern slavery abuses perpetrated in third countries are imported into the EU through products and services.

This study therefore provides a review of the external policy tools at the EU's disposal, considering the menu of options available to the EU in advancing efforts to address modern slavery in third countries and examining evidence of their impacts and effectiveness to date. After analysing EU and other instruments in their design and implementation, the study proposes concrete and operational recommendations for the European Parliament and other stakeholders.

1.1 Objectives and methods

This study assesses evidence of the impacts and effectiveness of EU external policy tools in addressing modern slavery in third countries, and similar efforts undertaken by like-minded partners. It is intended to support the European Parliament (EP) in monitoring EU external action, refining existing tools, and considering new instruments relating to modern slavery practices. A combination of quantitative and qualitative methods are employed to review what is known about what works in the domains of trade, development, migration, and foreign policy. This includes analysis of a range of secondary datasets, legal and policy analysis of frameworks, interviews with key informants, and widescale literature and evidence review. Seven country case studies provide contextualised evaluations of key external policy tools considered in this study, engaging the lessons learned in the experience of policy in practice.

The study covers a wide range of phenomena under the umbrella term of 'modern slavery'. These include forced labour, debt bondage, slavery, and slavery-like practices, as well as human trafficking. While the study covers various forms of exploitation, the focus is placed on those linked to national and international supply chains. In terms of external policies and instruments, the study adopts a broad perspective encompassing various policy domains and initiatives relevant to addressing modern slavery in third countries. This includes specific consideration of trade, development, foreign, and migration policy, although the blurred boundaries of these respective domains are recognised. While the study touches on issues related to corporate due diligence and support, rehabilitation, and integration of survivors, it does not examine these areas in depth.

1.2 Key findings

Current external policy initiatives of the EU in addressing modern slavery in third countries were already reported to be ‘on the right tracks’ and ‘world leading’ in many cases. However, areas for significant improvement and the potential for the EU to emerge as a global antislavery champion were emphasised.

1.2.1 Addressing modern slavery in EU trade policy

Integration of human and labour rights protections, with a focus on modern slavery, in trade policy is central to the future of international antislavery. The EU’s significant trading power in international markets was noted as a unique strength, enabling the EU to engage more meaningfully in antislavery efforts in this context than many other international actors. While existing measures adopted were identified as positive, mixed evidence of the overall strength and effectiveness of these approaches in meaningfully combatting modern slavery in third countries was identified. Advances in approaches to protecting vulnerable populations from modern slavery within the context of trade agreements, the GSP, import restrictions, and corporate responsibilities along global supply chains were therefore highlighted as a key priority for EU external policy moving forward.

Table 1. Summary of evidence and findings on addressing modern slavery through trade policy tools

Policy tool	Strength of evidence	Summary of Evaluation	Proposals for ways forward
Essential elements clauses in trade agreements	A relatively rich evidence base considered the role of essential elements clauses in addressing human and labour rights issues in third countries.	Perspectives on the role of essential elements clauses in improving human and labour rights in practice are varied. They represent an important fundamental commitment to human and labour rights, including modern slavery practices. However, in practice issues of selectiveness, transparency, and consistency are considered to undermine their efficacy. Overall, they are conditionally effective, with moderate influence in countries more heavily dependent on EU trade.	The fundamental structure of essential elements clauses may be maintained. However, this could be usefully supplemented through the production of a clear framework outlining the conditions triggering the clause, consistently and transparently applied in practice.
Trade and Sustainable Development (TSD) chapters in trade agreements	A wide body of evidence considers the impacts of TSD chapters on human and labour rights issues in third countries. However, limitations in available evidence and research design, as well as the variety of third country contexts, present challenges for robust conclusions.	TSD chapters are a crucial mechanism in trade agreements for the advancement of modern slavery efforts in third countries. However, the implementation of these frameworks in practice demonstrates mixed results in different contexts. While in some cases, positive impacts are observed, these are not universally present and may take many years to manifest.	Strengthening the practical infrastructure for implementation and enforcement of TSDs would help maximise their effectiveness in addressing modern slavery practices. A wide range of reforms based on rigorous scientific review are needed to achieve the full potential of these tools.
The Generalised Scheme of Preferences	A wide body of evidence considered the role of the GSP in addressing human and labour rights issues in third countries. However, limitations in available evidence and research design, as well as the variety of third country	The GSP is a crucial mechanism for the advancement of modern slavery efforts in third countries and avoids concerns over potentially discriminatory practice in line with WTO rules. The combination of ‘carrot and stick’ represented by the combination of positive and negative conditionality is a key	Strengthening the GSP as an antislavery tool is a key priority for EU external policy in combatting modern slavery in third countries. Greater clarity and consistency in the conditions triggering the withdrawal of preferences would support improved application, combined with strengthened

	contexts, present challenges for robust conclusions.	strength. However, lack of clarity, consistency, and transparency in application as well as challenges in monitoring and enforcement are inhibiting the realisation of the GSP's antislavery potential.	monitoring and enforcement mechanisms engaging CSOs in close cooperation.
Import restrictions	A growing body of evidence considers the role of import restrictions in addressing modern slavery in third countries. However, the evaluative strength of this evidence remains somewhat limited, as robust studies on the impacts of sanctions (particularly in the medium-long term) are scarce.	Import restrictions are a promising tool in addressing modern slavery in third countries, and an important option on the table even in circumstances where they are not ultimately adopted. They may play an important role in engaging private sector, as well as government, interests in addressing modern slavery concerns in a timely manner. In particularly severe cases, they provide an important moral signal that can help maintain the EU's international reputation on human rights issues.	Import restrictions should be considered and pursued in cases of significant modern slavery abuses. However, the approach adopted must be heavily contextualised, engaging closely with the particular case at hand and involving rigorous evaluation of evidence and potential impacts prior to adoption to mitigate risks of negative impacts on vulnerable populations. The EU should explore options to engage like-minded partners globally to address challenges in the practical infrastructure of modern slavery import bans broadly, in particular investigative capacity.
Transparency in supply chains (TISC) frameworks	A strong evidence base exists evaluating the impacts of TISC frameworks in relation to modern slavery practices. This draws on over five years of learning across multiple contexts.	TISC frameworks may facilitate some improvements within particular corporate contexts. However, they have not been effective in delivering widespread or meaningful change in modern slavery practices in global supply chains.	TISC frameworks may be understood as a useful stepping stone towards more stringent requirements on private sector enterprises in relation to modern slavery risks in their supply chains. However, they are not sufficient to deliver meaningful action. The EU should therefore continue to pursue more robust responsibility frameworks.
Mandatory due diligence frameworks	An emerging evidence base considers the impacts of mandatory due diligence frameworks on addressing modern slavery practices in third countries. However, the evidence base is nascent and relatively limited evaluative evidence of impacts is currently available.	Mandatory due diligence frameworks are widely recognised as an important and timely development in addressing modern slavery practices both within the EU and in third countries. The coverage and scope of these frameworks, in addition to enforcement mechanisms adopted, are likely to be central to their impact.	The EU should continue to advance the process for the adoption and implementation of an EU framework for mandatory human rights and environmental due diligence. Specific and dedicated attention should be paid to modern slavery practices in implementation and enforcement, and ongoing review of the operation of this mechanism pursued to maximise its potential for addressing modern slavery.
Certification for conflict minerals	The study did not find any evaluation reports or studies assessing the effectiveness of the Conflict Minerals Regulation. This is because the Regulation came into effect on 1 January 2021.	It is too early to assess the effectiveness of the EU Conflict Minerals Regulation. However, the evidence assessing the effectiveness of the Section 1502 of US Dodd Frank Act found unintended consequences causing civilians who rely on the mining and extractive industry for their livelihood to suffer, as well as increasing likelihood of violent conflict in affected territories.	The EU should conduct a formal review of the impact of Conflict Minerals Regulation in order to avoid unintended consequences by building on lessons learnt from Section 1502 of US Dodd Frank Act.

1.2.2 Addressing modern slavery in EU development policy

Development policy represents a key target and a crucial nexus interconnected with all other areas of EU external policy addressing modern slavery in third countries. Current approaches to development funding were noted to be fundamental to advancing antislavery efforts, and to have achieved an array of successes in effecting change for vulnerable populations, including victims and survivors of modern slavery. The potential for increased systematisation of development efforts—within the development policy domain, in conjunction with other branches of EU policy, and in coordination with other international development efforts—was underlined as having the potential to yield significant advances in global antislavery. In particular, efficiency gains from increased coordination across the development sector presents a key opportunity in improving efforts to address modern slavery in third countries. However, the potential for tensions between different areas of development-related policy were also noted, requiring a careful and nuanced approach to navigating interactions between different political and practical concerns. The study focused on selected tools with particular attention to supply chains.¹ Given the scope of initiatives in this area, the broad framework of development policy in relation to modern slavery practices and selected examples are explored.

Table 2. Summary of evidence and findings on addressing modern slavery through selected development policy tools

Policy tool	Strength of evidence	Summary of Evaluation	Proposals for ways forward
Support for CSOs	The evidence evaluating the effectiveness of the EU's support for CSOs in the context of forced labour and modern slavery is limited. Only a handful of reports and studies evaluating projects funded by the EU and implemented by CSOs were identified and discussed. The impact of CSOs is not evaluated thoroughly, and the majority of sources focus on particular projects rather than broader policy or programming in this area.	Key EU policy documents on support for CSOs do not make any explicit references to modern slavery practices, although they do play an important role in addressing the root causes of modern slavery. The evidence reviewed in this study suggests that CSOs are important development partners of the EU and contribute to addressing forced labour and modern slavery by conducting projects on the ground. This finding is also supported by interviews emphasising the importance of CSOs in addressing modern slavery practices.	The EU should more clearly elaborate the role to be played by CSOs in eliminating and preventing modern slavery practices so as to develop more focused and concrete engagement with CSOs in the antislavery context. The EU should also facilitate research assessing the effectiveness and impact of CSOs in their efforts in eliminating modern slavery practices, and further ensure that all evaluation reports are made publicly available in accessible formats in a centralised location.
EU SDG Multi-Stakeholder Platform	Evidence on the effectiveness and impacts of the EU Multi-Stakeholder Platform is limited. No evaluation reports or studies assessing the effectiveness of the Platform were identified in the study. However, CSOs have outlined benefits of the platform in response to its termination.	Modern slavery practices were not explicitly addressed in any specific recommendations or contributions of the EU SDG Multi-Stakeholder Platform. Rather, the Platform addressed issues directly linked to human rights and labour standards, which are relevant to modern slavery in a broader sense.	The termination of the EU SDG Multi-Stakeholder Platform in 2019 has been criticised by CSOs, as it was considered an effective tool enabling relevant stakeholders and CSOs to contribute to the implementation of the SDGs. Therefore, the EU should consider the re-establishment of SDG Multi-Stakeholder Platform.

¹ Cooperation with international partners such as the ILO is further addressed in section 7 on foreign policy.

EU multi-stakeholder dialogue for sustainable cocoa	The study did not find any evaluation reports or studies assessing the effectiveness of the EU multi-stakeholder dialogue for sustainable cocoa. This is likely because it is a relatively new instrument created in 2020, and evidence of impacts may emerge in coming years.	EU multi-stakeholder dialogue for sustainable cocoa (Cocoa Talks) is an important initiative to eliminate child labour and child trafficking in the cocoa sector. Although it is very soon to assess its effectiveness, relevant stakeholders express their willingness to contribute to sustainable cocoa.	The EU should continue to provide support for Cocoa Talks to ensure its effectiveness for sustainable cocoa, and for the elimination of child labour and child trafficking in cocoa sector. The EU should also pursue a framework for monitoring and evaluating the impacts of the framework, generating evidence on what works in this context.
Support for certification schemes	There is a strong body of evidence evaluating the effectiveness of certification schemes. Some evidence specifically considers modern slavery practices, often in the context of broader consideration of labour rights. This study mainly focused on the effectiveness assessment of certification schemes to the extent they are relevant to addressing modern slavery practices.	The evidence reviewed in this study presents conflicting findings in terms of the effectiveness of certification schemes in preventing and eliminating modern slavery practices. Some empirical studies have found that fair trade certification initiatives contribute to good labour practices in compliance with national and international labour standards, while others found no improvement in working conditions and living standards in certified production sites compared to non-certified. Impacts are often context and sector specific, rather than generalisable across all certification contexts. The evidence also points out that the existing voluntary private certification schemes have significant limitations and flaws.	Since voluntary certification schemes have been effective in certain sector-specific contexts, the EU should continue to provide support for them. Further, the EU should create a mechanism reviewing the accuracy of information attached by labels on products certified by existing voluntary certification scheme. This also requires the EU to be more involved in standard-setting and monitoring of existing voluntary certification schemes. More importantly, the EU should consider the advantages of creating a European certification scheme as a complementary measure to the existing non-EU schemes, and explore the synergies of certification schemes with new due diligence requirements.
Certification for palm oil	There is a strong body of evidence evaluating the effectiveness of certification schemes for sustainable palm oil.	The evidence reviewed in this study indicates that certification schemes for palm oil have failed to effectively address labour exploitation in the palm oil sector. Certification schemes have certified plantations sites where child labour, forced labour, and trafficked migrant workers are found.	The shortcomings of the existing voluntary certification schemes indicate the need for the EU to consider working towards the establishment of a single certification scheme and/or increasing involvement of the EU in standard-setting and monitoring of existing voluntary certification schemes.
Certification for cocoa	There is a strong body of evidence evaluating the effectiveness of cocoa certification.	The evidence reviewed in this study reveals conflicting results in relation to the effectiveness of certification schemes for cocoa. Although some studies found that certification schemes have contributed to an increase in living standards of producers, reducing poverty, and promoting the working conditions in the cocoa sector, others noted significant shortcomings in cocoa certification.	In order to address the shortcomings of voluntary certification schemes, the EU should be more pro-active in this area. As in the case of palm oil, the EU should consider working towards the establishment of a single certification scheme and/or increasing involvement of the EU in standard-setting and monitoring of existing voluntary certification schemes.

1.2.3 Addressing modern slavery in EU foreign policy

Efforts to address modern slavery in third countries are embedded across all aspects of EU foreign policy and action, from areas in which antislavery comfortably resides (such as human and labour rights frameworks) to those with no apparent connection to modern slavery issues (such as open sky agreements). Although increasing emphasis is placed globally on shifting away from a primary focus on criminal justice approaches to addressing modern slavery—encompassing for instance human rights, labour rights, and sustainable development-oriented approaches—frameworks for transnational cooperation in criminal justice activities to ensure accountability for violations were nonetheless identified as a central pillar of a coordinated and intersectional antislavery strategy.

In some areas, antislavery objectives in external policy are in tension with competing interests. These areas are of particular concern for future efforts to address modern slavery in third countries. In the case of migration policy, for instance, there is a clear nexus between migration and modern slavery and therefore a strong intersection between these areas of external policy concern. However, some migration policy initiatives are reported to have unintended negative impacts on the populations they intend to protect, and in some cases increase vulnerability to modern slavery practices. A careful recalibration of interests and objectives is therefore required in such areas of policy tension, interconnected with development programming, to ensure policies work in synergy to achieve the intended objectives.

Table 3. Summary of evidence and findings on addressing modern slavery through foreign policy tools

Tool	Strength of evidence	Summary of evaluation	Proposals for ways forward
Human rights dialogues	Rather limited and scattered evidence on the use of human rights dialogues specifically for addressing modern slavery practices was identified in the study. The identified body of evidence on effectiveness of those dialogues was even more limited.	Dialogues are perceived in line with the EU's character as an international actor which supports partners to reach their goals. The 'soft' character of these instruments is both an advantage and disadvantage. Dialogues offer a platform for parties to meet as equals and jointly develop assessments and solutions. However, they do not provide a 'stick' to generate stronger incentives for compliance. Synergies can be achieved when other tools—especially related to development and trade—are applied in concert with dialogues. The dialogues are perceived more favourably and as more effective than sanctions in many instances.	The EU should continue to use human rights dialogues as an instrument opening cooperation. These measures should be understood as supporting other tools, rather than as standalone measures. Ongoing efforts to ensure dialogues work in tandem with other measures to address modern slavery practices should therefore be advanced. The EU should also consider systematic collection and centralisation of press releases for all dialogues (including these involving modern slavery eradication efforts) to track progress and effectiveness, and enable better follow-up.
Sanctions	Good evidence on the EU's use of sanctions for modern slavery practices was identified. However, collected evidence on effectiveness in this respect was limited.	The EU rarely uses sanctions to address modern slavery practices. Most of the relevant sanctions applied implement the UN regimes. The implementation of the UN sanctions against Libyan traffickers and smugglers were found to be ineffective by the Panel of Experts. The effectiveness of sanctions against individuals and entities tied to forced labour in the Xinjiang Uyghur Autonomous Region (XUAR) is yet to be measured. While the potential for coercing or constraining targets' activities may	Sanctions should continue to be treated as a measure of last resort, where other measures are frustrated and/or where the conditions of violations require strong responses. The EU should consider establishing transparent criteria to remove sanctions once they are in place, and ensure that all criteria for adoption and removal are clearly communicated and accessible. Likewise, consistency in the application of sanctions towards third countries should be ensured.

		be debated, sanctions generally send a strong message of disapproval, as well as a reassurance of the sender's position vis-à-vis international norms, which can be desired effect. There is some confusion over the conditions that will result in the application or removal of sanctions amongst key stakeholders, and concerns over the consistency of practice in this area.	The EU should continue to support the UN sanction regimes, as offering the most comprehensive coverage, but work with partners to improve implementation.
Multilateral cooperation	Moderate evidence on the use and effectiveness of multilateral cooperation for addressing modern slavery practices was identified in the study.	The main evidence of effectiveness on multilateral cooperation relates to progress in the ratification and use of core labour standards in developing countries. There is also evidence of effectiveness related to ILO projects supported by the EU. The contributions of these projects relate to policy and legal framework strengthening, and institutional capacity-building, as well as knowledge creation and awareness-raising in various areas, including labour administration, industrial relations, employment, migration and social protection.	Although the evidence base on the specific impacts of multilateral cooperation in relation to modern slavery practices is not comprehensive, clear benefits in various areas were identified. The EU should therefore continue multilateral cooperation efforts, as well as considering expanding engagement in other platforms, such as Alliance 8.7 and the Bali Process.
Support to human rights defenders	Limited and scattered evidence on the extent to which support for human rights defenders is directed at addressing modern slavery practices was identified in the study. Similarly, very little evidence on the effectiveness of this support was found.	The EU has a wide toolbox to support human rights defenders (HRDs), although the extent to which it is used to support anti-slavery activists could not be determined. However, several relevant cases were identified, suggesting possible contributions of the EU to desired effects. The EU toolbox for supporting HRDs has been significantly expanded over the years, with more funds also allocated to modern slavery practices. Collected evidence indicates the value of such mechanisms as ProtectDefenders. The overall visibility of anti-slavery human rights defenders as targets of support is low, which may indicate a need for a specific focus and targeted outreach. The research does not point to the need for more tools, but rather for their better and more consistent implementation. There also seems to be a need to develop a more consistent approach towards supporting human rights defenders to avoid it being perceived as a 'political tool'.	Evidence on the impacts of support for HRDs is positive, although somewhat limited in relation to modern slavery practices. The EU should therefore continue to strengthen the implementation of existing tools in line with recommendations formulated in previous research, use existing outreach mechanisms to include anti-slavery activists in EU support mechanisms, and consider further research to determine how the needs of anti-slavery defenders are addressed by the EU foreign policy toolbox.
Promotion of labour standards	Moderate evidence of effectiveness of EU action in promoting labour standards	Evidence collected suggests that supporting labour regulations in third countries can be effective.	Given the absence of robust evidence on these engagement frameworks, the EU could gather EU

	worldwide was identified during the study.	However, navigating the labour rights framework in third countries can be challenging, hampering external actions. Working with local stakeholders in these initiatives is therefore crucial. Gathering 'on field' practices of 'what works' could also improve the protection of labour standards in third countries.	good practices and experiences or/ and develop a guideline on 'how to support labour regulations in third countries' that is consistent with the relevant ILO instruments.
Combatting impunity through transnational criminal justice and criminal cooperation	Strong evidence of the effectiveness of EU action in combatting impunity through transnational criminal justice and cooperation in criminal matters was identified during the study.	The mechanisms that the EU has developed to fight international and transnational crime are considered effective for address modern slavery practices. They help coordinate law enforcement and criminal justice actors. The EU's support for the ICC is also notable. Joint investigation teams and frameworks for intelligence sharing work, although risks and challenges are acknowledged, especially for sharing intelligence. Effectiveness is hindered by differing norms, as well as reliance on interpersonal relationships and particular individuals within law enforcement contexts in third countries.	EU mechanisms supporting transnational criminal justice cooperation were highlighted as effective, although gaps in the extension of these to third countries were noted. The EU should therefore advocate for centralised responsibilities for transnational criminal cooperation in relation to modern slavery cases and extend cooperation frameworks to a wider network of country partners. Operational-level perspectives should be integrated in policy-making processes to include field experiences and reflect practitioner knowledge.
Common Security and Defence Policy (CSDP)	The evidence evaluating the impacts of selected CSDP missions relevant to modern slavery practices is mixed, with different levels of evidence for different missions. Overall, there is little specific consideration of impacts on modern slavery practices in general across initiatives, with the exception of Operation Sophia where trafficking is more substantively assessed.	Despite some positive aspects, Operation Sophia was found not to have substantially contributed to addressing modern slavery practices and evidenced unintended adverse consequence. Evidence of the impacts of Operation Irini is not yet available. EUCAP Sahel Niger and Mali missions were found to have generated some positive impacts, particularly in relation to capacity building and awareness raising, and contributing to dismantling some human trafficking networks. However, relatively little specific consideration of modern slavery practices is included in evaluative evidence, and the sustainability of these initiatives is questioned.	Lessons learnt from Operation Sophia should guide the EU in developing future missions addressing irregular migration and trafficking. Specifically, the EU should reconsider whether military responses are the most effective tools to address these issues and consider increased humanitarian and development programming in concert with security efforts. The EU should also support research examining the effectiveness of EUCAP Sahel Niger and Mali programmes in tackling modern slavery practices and consider adaptations reflecting learnings from this evaluation.
External migration policy	There is a relatively strong but conflicted body of evidence evaluating the effectiveness and impact of the external migration policy in addressing modern slavery in third states.	The evidence reviewed in this study suggests that the externalisation of migration controls has caused a number of negative consequences rather than contributing to eradication of trafficking in persons. Externalisation of border controls increased the vulnerabilities to human trafficking, as well as diverting development funds and priorities and fuelling human rights abuses outside Europe.	The EU should reconsider its approach to externalisation of migration policy as it yielded serious problems in terms of the protection of irregular migrants in third countries as well as preventing modern slavery. Instead of outsourcing its border control, the EU should seek alternative policies to tackle irregular migration in a way ensuring more protections to people in vulnerable situations.

1.2.4 Advancing an overarching approach to addressing modern slavery

Evidence analysed across the policy domains evaluated in this study highlighted the porous nature of borders between different areas of EU external policy. While the 'silo' effect in global antislavery efforts was emphasised as a key barrier to success, the potential for a coordinated, intersectional, and cross-cutting approach to addressing modern slavery in third countries was lauded as central to the future success of EU external policy in this area. Twelve cross-cutting considerations and approaches were identified across the study, applicable in each of the policy domains discussed as well as the broader tapestry of EU policy:

1. Coherence and harmonisation: seeking consistency across the various policy frameworks and tools relevant to addressing modern slavery practices to ensure complementarity, maximise efficiency, and avoid conflicts and tensions between different tools.
2. Intersectionality: recognising the intersectional nature of the issue of modern slavery and policy frameworks relevant to addressing the phenomenon.
3. Coordination and cooperation: ensuring policy frameworks and tools and the various stakeholders engaged are properly connected and may work together where appropriate, and that clear, regular and accessible communication channels are established.
4. Engagement with civil society: engaging with third sector actors in the design, delivery, monitoring, and evaluation of policy frameworks and tools to improve knowledge and effectiveness.
5. Engagement with the private sector: engaging with private sector actors in the design, delivery, monitoring, and evaluation of business-relevant policy frameworks and tools to improve knowledge and effectiveness.
6. Engagement with survivors and vulnerable populations: engaging with people with lived experience of modern slavery practices and relevant vulnerable populations in the design, delivery, monitoring, and evaluation of policy frameworks and tools to improve knowledge and effectiveness, as well as an ethical approach to antislavery policy.
7. Monitoring and oversight: ensuring appropriate and robust monitoring, evaluation, and oversight mechanisms for policy and programming to generate evidence of what works and address potential shortcomings in design and implementation.
8. Balancing 'soft' and 'hard' approaches: deploying a combination of approaches to addressing modern slavery concerns, including those with strict, legal, or mandatory requirements and obligations, as well as those built around constructive engagement without immediate negative consequences.
9. Contextually responsive engagement: ensuring all policy and programming efforts carefully engage with the relevant national and local contexts in which they are intended to operate, considering how context will influence engagement, uptake, and effectiveness of particular measures and tailoring the approach to maximise positive impacts.
10. Adopting sectoral approaches: focusing policy and programming on particular (high-risk) industries, recognising that modern slavery practices can manifest in different ways in different sectoral contexts.
11. Balancing political tensions: recognising the political tensions that may emerge in developing and delivering antislavery policy and programming, including between different political entities as well as between different policy areas, and balancing those tensions as appropriate and necessary.
12. Research and data: developing research, evidence, and data, as well as establishing rigorous monitoring, evaluation, and impact assessment mechanisms to ensure ongoing improvement in efforts to address modern slavery.

These considerations provide an overarching framework for the engagement of the EU in addressing modern slavery in third countries, continuously grappling with new and emerging trends and responding to changes on the ground to maximise potential to meaningfully reshape the lives of those experiencing, or at risk of, modern slavery.

2 Methodological note

This section outlines the methodology of the study. This includes an overview of the objectives of the study, scope of the research, methods adopted in data collection and analysis, and limitations of the approach adopted.

2.1 Objectives of the study

This study is intended to support the European Parliament (EP) in monitoring EU external action and in initiating the refinement of existing or the adoption of new external policy instruments relating to modern slavery. The study provides a review of the different external policy tools available to the EU to contribute to the eradication of modern slavery in third countries, and assesses factors contributing to, and inhibiting, the effectiveness of these measures in practice.

The study sought to answer the following overarching research question:

1. *Which policy instruments used by the EU or its like-minded partners are effective in preventing and eliminating forced labour and modern slavery in third countries?*

This central inquiry was supplemented by additional future-facing research questions:

2. *Do the current instruments used by the EU or its like-minded partners require refinement and if so – why and how should they be refined?*
3. *Do the EU and like-minded partners need new external policy instruments relating to forced labour and modern slavery and if so – what new instruments are needed?*
4. *Beyond human rights, what other policy ‘frames’ are needed by the EU to affect change in third countries?*

The analysis enables better monitoring of EU external action, as well as identifying potential reforms or new external policy initiatives that may contribute to improvements in preventing and addressing modern slavery and forced labour in third countries. After analysing EU and other instruments in their design and implementation, the study proposes concrete and operational recommendations for the European Parliament and other stakeholders. Data collection within the research was oriented practically towards this identification of specific lessons for the future.

2.2 Scope of the study

The study covers a wide range of phenomena under the umbrella term of ‘modern slavery’. As per the Technical Specifications, these include, among others: forced labour, debt bondage, slavery, and slavery-like practices, as well as human trafficking. However, due to their specificity, forced marriage, trafficking for organ removal, and use of children by armed forces or groups are excluded from the central focus of the research. While the study covers different situations of exploitation, the focus is placed on those linked to national and international supply chains. Child labour is included only in so far as it falls under the definition of forced labour or human trafficking, as a comparison, or considered as a related area of programming.

In terms of external policies and instruments, the study adopts a broad perspective encompassing various policy domains and initiatives relevant to addressing modern slavery in third countries. This includes

consideration of policy and programming in the domains of trade, development, and foreign policy. Although areas of antislavery action are organised under these domains, in practice the boundaries between different policy areas are often blurred, and particular actions may cross multiple domains or sit outside them. The study touches on issues related to corporate due diligence and support, rehabilitation, and integration of survivors, but does not examine these areas in depth.

2.3 Data collection and analysis

This study combined four primary methods of data collection and analysis: (1) primary documentary analysis; (2) secondary literature review; (3) secondary data analysis; and (4) semi-structured key informant interviews.

2.3.1 Primary documentary analysis

Primary documentary analysis focused on two categories of documents related to modern slavery practices: (1) international instruments; and (2) EU external policy instruments and tools. Doctrinal analysis of international instruments was supported by analysis of relevant international jurisprudence and supplementary literature review. This provided the conceptual foundations for the research. Instruments were selected on the basis of direct relevance to the research questions examined in the study. EU external policy instruments and tools were collected and assessed through a five-stage process.

Table 4. Primary document review parameters

Review language	English
Publication date	2000-2021
Source	Official online sources of the European Union
Geographic coverage	Global
Inclusion criteria	<p>Records to be included on the basis of two criteria:</p> <ul style="list-style-type: none"> ▪ EU external policy instrument, framework, document, or tool (primary policy document); and ▪ Relevant to modern slavery or any modern slavery practice. <p>This includes records that are either directly related to modern slavery through explicit mention of a relevant practice, or which are relevant through reference to a related broader area of concern. 'External policy' includes, at a minimum, foreign policy, trade policy, and development policy. Relevance to modern slavery includes: modern slavery; forced labour; human trafficking; servitude; domestic servitude; slavery and contemporary forms of slavery; commercial sexual exploitation.</p>
Exclusion criteria	Failure to meet the above inclusion criteria results in exclusion from the review. Records published prior to 01 January 2000 and records for which the full record cannot be identified are also excluded.

Stage 1 (data collection) included a systematic screening of EU online sources for records meeting the established inclusion criteria. Data collection at this stage adopted an inclusive approach intended to capture as many instruments of EU external policy as possible. A total of 535 sources were collected in this stage.

Stage 2 (data filtering) sifted records collected into three categories using targeted key word searching. Sources with explicit reference to the prescribed modern slavery practices were included in the analysis for this study. Sources with relevance to modern slavery through reference to relevant general areas of concern (human rights, labour rights etc) but with no explicit reference to modern slavery practices were reserved for further review. Materials assessed to not be relevant to modern slavery were excluded. Materials identified as secondary sources in this stage were transferred to the secondary literature review.

Stage 3 (quantitative coding) included the establishment of a coding matrix for each primary document type, reduced from six to three overarching areas: agreements and negotiations; resolutions and recommendations; and other instruments. Other instruments included foreign policy key documents, GSP documents, Sustainability Impact Assessments, and other instruments. Initial codes were established prior

to review, with supplementary codes developed inductively in response to new themes identified during coding. In total, 69 primary documents were collected and analysed as directly relevant to modern slavery.

Table 5. Overview of primary policy documents reviewed

Relevance Action	Direct Assessed	Peripheral Reserved	No relevance Excluded	Secondary Transferred	Total
Resolutions and recommendations	14	12	0	0	26
Trade agreements and negotiations	20	21	49	0	90
Sustainability impact assessments	0	78	58	0	136
Foreign policy – key documents	22	40	85	41	188
GSP documents	12	1	10	1	24
Other instruments	1	14	11	45	71
Total	69	166	213	87	535

Stage 4 (analysis) is set out in Annex 12.5.

Stage 5 (supplementary collection and coding) included the collection and coding of policy instruments, frameworks, and documents directly evaluated or considered in the substantive sections of the study. An additional 103 documents were added at this stage and included in updated analysis.

2.3.2 Secondary literature review

A five-stage systematic evidence review was conducted from September to December 2021, examining evidence of the effectiveness of external policy instruments of the EU and like-minded partners in preventing and addressing modern slavery and forced labour in third countries. Review parameters are set out in Table 6 below. Review stages provide for an iterative and phased approach to the review, supplementing early-stage activities in light of learnings from later stages.

Table 6. Review parameters

Review language	English
Publication date	2015-2021
Publication types	Academic literature; grey literature; evaluations and impact assessments Excludes: editorials, newspaper articles, and other forms of popular media
Accessibility	Accessible online, either publicly or with existing institutional permissions
Geographic coverage	Global
Inclusion criteria	Records to be included on the basis of connection to EU external policy related to modern slavery, to the connections between EU external policy and modern slavery more broadly, or to similar matters for like-minded partners. This includes records that: <ul style="list-style-type: none"> Discuss external policy instruments of the EU or like-minded partners with direct relevance to the issue of modern slavery, in that addressing modern slavery practices is a policy objective of the instrument. Consider the impacts of external policy instruments of the EU or like-minded partners on the issue of modern slavery in third countries, irrespective of whether the instrument has addressing modern slavery practices as an explicit policy objective. ‘External policy’ includes, at a minimum, foreign policy, trade policy, and development policy. Relevance to modern slavery includes: modern slavery; forced labour; human trafficking; servitude; domestic servitude; slavery and contemporary forms of slavery; commercial sexual exploitation.
Exclusion criteria	Failure to meet the above inclusion criteria results in exclusion from the review. Records published prior to 01 January 2000 and records for which the full record cannot be identified are also excluded.

Stage 1 (data collection) combined database searching with manual searching of EU sources. Searches drew on a term harvesting template established *a priori* and developed adaptively through the review (see Annex 12.2.1), systematically recording searches in the established search tracking template (see Annex 12.2.2). In total, 64 unique searches were conducted across Google and Google Scholar, resulting in preliminary review of 6,507 records. Of these, 1,070 sources passed through initial screening and were progressed to stage 2.

Stage 2 (initial review) delivered a limited review focused on abstracts, summaries, introductory materials, and conclusions to assess records against the inclusion and exclusion criteria. The approach adopted was inclusive, with marginal cases included rather than excluded. This provided for an initial sift of sources collected in stage 1. In total, 422 records collected through database searching passed through stage 2 screening. Additional records collected through manual and reference searching were contributed at this stage.

Stage 3 (full review and analysis) combined an additional source sifting and prioritisation exercise on the basis of the full text with two key methods of analysing and reporting on sources assessed. To achieve a sufficiently narrow evidence base for review within the parameters of the study, records published prior to 2015 were excluded from the review at this stage, representing 176 records. Records were also sifted by the inclusion and exclusion criteria at this stage, resulting in the exclusion of 2 records. Finally, records were sifted and prioritised by relevance into two tiers. Those assessed to fall within the first tier (high relevance) were analysed within the review. Those assessed to fall within the second tier (moderate relevance) were excluded at this stage of the study. Each first tier record was coded against the literature review coding matrix established *a priori* and qualitatively assessed and summarised through the qualitative review summary template. A total of 147 records were coded and assessed.

Stage 4 (synthesis and reporting) analysed records assessed in stage 3, combining quantitative analysis of the coding matrix with qualitative synthesis of summary templates.

Stage 5 (supplementary literature review) focused on case study contexts, core framing questions of the study, key emerging policy instruments and documents, and policy domains was also conducted. Sources considered in supplementary literature review were also coded in the quantitative coding matrix, with a combined total of 633 sources assessed in this framework from the initial and supplementary reviews. In this stage, all sources cited were included in the coding framework, although methods coding was not conducted on sources not meeting the source type inclusion criteria (including editorials, news media, statements, and web pages). A total of 354 sources satisfied the source type criteria and were coded for research methods as well as for content.

2.3.3 Secondary data analysis

Various secondary datasets were collated and analysed within this study to supplement qualitative analysis. This included an analysis of third country data relevant to modern slavery and EU engagement, which provided the basis for case selection.

Analysis of key international indexes and measures is included in various sections, including ILO and Walk Free Global Estimates of Modern Slavery (sections 3.2 and 3.3), Walk Free national prevalence estimates (section 3.2.2) and government response data (section 5.1.1), UNODC GLOTIP data (sections 3.3.1 and 3.3.2), Counter-Trafficking Data Collaborative data (sections 3.3.1 and 3.3.2), the ITUC Global Rights Index (section 5.1.1), and V-Dem data (section 5.1.1).

Analysis of EU development spending was also conducted, drawing on data collected and collated from the EU Financial Transparency System database (European Commission, 2021a). The Financial Transparency System provides data on the beneficiaries of funding from the EU budget implemented directly by the Commission and other EU bodies such as executive agencies or implemented indirectly by

other international organisations or non-EU countries from 2007-present. Data collection was limited to projects for which NEAR, DEVCO or X-AIDCO were tagged as the responsible department and where the specified modern slavery practices (or child labour) were reported in the 'subject of the grant or contract' field, to ensure relevance to the study's focus on efforts to address modern slavery in third countries. Basic descriptive information on each project was then reviewed, applying the exclusion and inclusion criteria established for the project, based on relevance to the study. From 2015-2021, 476 relevant project reports were identified, and analysed in this study (see section 6.2).

'Sustainable development' spending analysis was conducted to identify projects explicitly related to sustainable development. Data collection was limited to projects for which NEAR or DEVCO were tagged as the responsible department and where sustainable development was reported in the 'subject of the grant or contract' field, to identify the projects related to sustainable development in third countries.² From 2015-present, 121 projects focusing on sustainable development in third countries were identified and analysed in this study.

Further data collection was conducted to identify sector-specific development projects related to certification schemes. Data collection was limited to projects for which NEAR, DEVCO or X-AIDCO were tagged as the responsible department and where 'fairtrade', 'fair trade', 'palm oil', 'cocoa' and 'conflict minerals' were reported in the 'subject of the grant or contract' field. From 2007 to present, 18 projects focusing on fair trade initiatives in third countries were identified and analysed in this study (see section 6.5.2).

2.3.4 Semi-structured key informant interviews

To generate insights from practice, semi-structured key informant interviews were conducted with a variety of relevant stakeholders with particular expertise and experience in areas relevant to the core research questions. Interview respondents were recruited through a purposive sampling of priority stakeholders and expanded through a combination of supplementary purposive and snowball sampling. A range of stakeholders representing EU institutions, international organisations, and civil society organisations were interviewed (see Annex 12.3). In total, 35 interview respondents were included in this study. Interviews were conducted from October 2021 to February 2022.

Interviews focused on areas of external policy of the EU and like-minded partners relevant to modern slavery with which respondents were most familiar, to obtain relevant expert insights in the diverse range of policy domains. The general interview framework therefore began with an exploration of key external policy areas on which respondents had experience, before considering effectiveness of initiatives (see Annex 12.2.5). Interviews focused specifically on case study countries adapted this framework for specific consideration of national dynamics (see Annex 12.2.7). Interviews were conducted and analysed simultaneously to ensure timely delivery of findings and allow for adaptive development of interview questions where new focus areas emerge. In total, the study included 16 general respondents, 16 country case study specific respondents, and 3 respondents addressed both general and country case study specific questions.

Interviews were recorded with consent of the participants, and transcribed. Respondents were provided an opportunity to review and revise responses prior to analysis. Thematic coding and analysis were undertaken using NVivo 12 qualitative analysis software, adopting a mixed deductive-inductive approach. Categorical, thematic, and descriptive indicators established as codes in the development of research protocols during the inception phase (deductive codes) were supplemented by new themes and codes

² X-AIDCO was excluded as analysis was limited to projects from 2015 onwards.

emerging inductively from the data. This allowed for the identification and analysis of novel and unanticipated themes in responses.

2.4 Case selection

Seven case studies were selected to provide additional contextual insights on the effectiveness of external policy measures to address modern slavery and forced labour in third countries (see section 8). Case study research combined supplementary secondary literature review, secondary data analysis, and key informant interviews in line with the methods employed in the study more broadly.

To ensure evidence-driven case selection, mitigate risks of focusing on the most publicised cases, and maximise the ability to draw comparative conclusions between case studies, cases were selected on the basis of preliminary secondary data analysis. Data was collated on all possible cases (non-EU Member States), providing for an aggregate country-level score on two metrics: strength and improvement in the country's modern slavery response; and a proxy measure for EU connectedness (combining trade relations and migration flows).

Modern slavery response data combined three measures assessed over time: Walk Free's vulnerability and government response measures and the US State Department's Trafficking in Persons Report rankings. Both absolute values (strength of response) and changes over time (improvement or deterioration in response) were equally weighted in assessing modern slavery response. EU connectedness data combined four measures, two related to international trade (value of EU exports and imports) and two related to international migration (population of third country migrants in the EU and EU migrants in the third country).³ Countries for which data on each of these measures was not available were excluded.

Countries were organised on a case selection matrix according to these measures, with four groupings representing the relationship between the two deciding variables (modern slavery response and EU connectedness). Each group engages specific questions about the relationships between EU external engagement and modern slavery responses (see Table 7). At least one case study from each group was selected, to allow for comparison of outcomes.

Table 7. Case selection framework

Modern slavery response	High	Group 1: Low EU connectedness with high (better) modern slavery response Central question: What external factors drive improvements in antislavery efforts in the absence of EU engagement? Country case study: Bahrain	Group 2: High EU connectedness with high (better) modern slavery response Central question: What factors have led to the success of EU external engagement efforts in improving antislavery efforts? Country case studies: Bangladesh; Philippines
	Low	Group 3: Low EU connectedness with low (worse) modern slavery response Central question: What factors inhibit engagement of the EU to improve antislavery efforts? Country case study: Sudan	Group 4: High EU connectedness with low (worse) modern slavery response Central question: What factors have prevented EU engagement from having a significant positive impact on antislavery efforts? Country case studies: China; Mexico; Thailand
		Low	High
EU connectedness			

Country case study selections within groups drew on a range of factors, including: (1) access to evidence on the geography in question; (2) economic sector(s) of focus; (3) geography; (4) modern slavery perpetrators; (5) nature and domain of relevant external policy efforts; and (6) inclusion of modern slavery and forced labour in domestic frameworks. Express interest in particular geographies by the EP was also

³ This proxy measure for a third country's level of connectedness to the EU is intended to provide an initial measure of the strength of interactions both in international markets and in society. The limitations of the study required a measure to be generated within a short timeframe. This does not therefore capture many forms of engagement and interaction between the EU and third states.

considered. Multiple case studies were selected in contexts with high EU connectedness (Bangladesh, the Philippines, China, Mexico, and Thailand) to reflect the purposes of the study and the potential for greater learning specific to EU external policy in these contexts.

2.5 Limitations of the study

The diversity, breadth, and quantity of sources assessed in this study provide for a well-rounded overall picture of the effectiveness of external policy efforts by the EU and like-minded partners in eradicating modern slavery in third countries. However, the wide scope of the review combined with the project timeframe necessarily resulted in research at a higher level than would be possible with additional time and resourcing. Many avenues of inquiry, as well as in-depth evaluation of particular cases and programmes, was precluded by the project timeframes, as was more detailed data analytics.

Primary data collected in this study was qualitative in nature, conducted through semi-structured interviews. While this provides expert insights of key informants on the key research questions, it does not provide a representative or overarching picture of the effectiveness of EU policy. This was mitigated through the addition of secondary data analysis and quantitative coding of key qualitative sources. However, further research generating large-scale quantitative insights on the effectiveness of EU policy in addressing modern slavery and forced labour would strengthen the evidence base.

Interview respondents in this study were drawn from across a range of key stakeholder groups, including EU bodies, other international organisations, and international civil society organisations. This helped to ensure a breadth and diversity of perspectives on the core research questions. However, the number of interviews conducted within the study ($n=35$), necessarily limited by the project timeframes, reduced the strength of conclusions generated from these interviews. Responses from a wider cross-section of stakeholders would strengthen the evidence and conclusions generated in this study.

The nature of the study, including the small number of case studies assessed, limited the ability to make causal claims about the broader questions of effectiveness of external policy in eradicating modern slavery and forced labour in third countries. Sufficient time series data on modern slavery and forced labour prevalence to directly assess impacts of policy and programming does not currently exist. Assessments of impacts therefore rely on indirect and proxy measures, or more specific evidence of impacts at a lower level.

Extant evidence assessed in this study provides strong observational findings on relevant aspects of external policy and their impacts in practice. However, a significant proportion of the sources assessed rely primarily on discussion without an empirical basis (44 % of sources for which methods were assessed) or on qualitative analysis (30 % of sources assessed). Observational research designs were likewise common, representing 53 % of records for which methods were coded. However, a substantial proportion of records assessed included primary data collection, with 35 % of records for which methods were assessed being primary studies and 12 % mixed (see further annex 12.2.5). Significant gaps are therefore evident in the evidence base, calling for further targeted research to ensure robust conclusions on both specific initiatives and broader impact considerations.

3 Introduction

This introductory section outlines key concepts relevant to modern slavery and forced labour, and the challenges associated with these. It provides an overview of issues of modern slavery prevalence, as well as examining issues of availability and accessibility in modern slavery data.

Historically, modern slavery and its constituent practices have often been presented as issues of criminal justice. The 1926 Slavery Convention and 1956 Supplementary Convention both establish a primary obligation of prohibition and penalisation. The trafficking conventions—from early instruments addressing trafficking in women for prostitution in the early twentieth century up to the Palermo Protocol at the turn of the twenty-first—primarily situate trafficking in persons within the context of criminal law. The European Court of Human Rights in the case of *L E v Greece* observed that the primary obligation on states under article 4 was one of criminal law (ECtHR, 2016). Forced labour, on the other hand, has been firmly embedded in international labour law since the 1930 Forced Labour Convention, while international human rights law has also provided a host for efforts to address various modern slavery practices.

Despite international foundations in criminal justice, international human rights law, and international labour law, other areas of international policy have also increasingly found representation in efforts to address modern slavery practices. A growing body of international policy specifically seeks to address modern slavery in the context of trade. Modern slavery is likewise seeing growing emphasis in finance and investment. In 2015, the United Nations firmly planted antislavery in the domain of sustainable development through the Sustainable Development Goals. Further, the intersections between modern slavery and various other domains of concern are rising to the surface of global discourse, including connections with migration, security, and environmental policy.

The EU and like-minded partners have adopted a wide variety of external policy instruments relevant to addressing modern slavery. These include not only efforts directly addressing modern slavery practices explicitly in their objectives and terms, but also broader instruments that intersect with modern slavery issues. This includes for instance development initiatives addressing factors that operate as key drivers of modern slavery, such as education, gender, poverty, and healthcare.

3.1 Key concepts and related challenges

A range of different practices are covered under the umbrella of modern slavery, with no established international definition and varying approaches in law, policy, practice, and research. This results in significant deviation in what is 'counted' as modern slavery in different contexts, presenting challenges for harmonising the work of different actors and for comparability of data. Lack of consensus manifest in clashes over the interpretation and definition of different practices also inhibits action, shifting attention and energy from efforts to address exploitation and trafficking. These debates occur not only in discussions of 'modern slavery', but also in relation to human trafficking, servitude, and practices similar to slavery. As Chuang emphasises, '[l]egal definitions matter when it comes to providing a common basis for governments worldwide to collect and share data, facilitate the extradition of criminal suspects, and pursue policy coordination with other governments' (2015).

Table 8. Summary of modern slavery concepts used in this study

Modern slavery	An umbrella term encompassing slavery, servitude, forced or compulsory labour, institutions and practices similar to slavery, and trafficking in persons
Forced labour	All work or service exacted under menace of penalty for which the person has not offered themselves voluntarily, except compulsory military service, normal civic obligations, work exacted as a result of a court conviction, work in times of emergency, and minor communal services.
Slavery	The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
Institutions and practices similar to slavery	Serfdom, debt bondage, specified practices involving the transfer of women in the context of marriage, and delivery of children by their parents or guardians for the purpose of exploitation.
Debt bondage	The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.
Servitude	The obligation to perform services for others imposed by use of coercion, an aggravated form of forced labour falling short of slavery. May include the requirement to live on the premises of another.
Slavery-like practices	A political concept used variously over time to describe a range of different practices with varying connections to slavery, including colonialism and apartheid.
Trafficking in persons	The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

3.1.1 Modern slavery

Two key approaches to the definition of modern slavery are adopted internationally—one treating it as an umbrella term and the other as a holistic concept. In this study, modern slavery is understood as an umbrella term encompassing slavery, servitude, forced or compulsory labour, institutions and practices similar to slavery, and trafficking in persons. Each of these practices are understood in line with the established definitions recognised in international law and outlined in this section.

Despite increasing use of the language of modern slavery in global and national policy discussion, including in UN Sustainable Development Goal Target 8.7, the term is not defined in international law. Thus, a variety of different approaches to defining and understanding the term have emerged.

The most dominant approach to the term modern slavery treats it as an umbrella concept for a range of practices otherwise defined in law, including slavery, servitude, institutions and practices similar to slavery, forced labour, forced marriage, and trafficking in persons. However, the specific practices explicitly included under the umbrella differ between different actors.

The ILO treats modern slavery as constituted by two practices: forced labour and forced marriage, including sexual exploitation and bonded labour within forced labour (2017). The UK's 2015 Modern Slavery Act treats it as four concepts: slavery, servitude, forced labour, and human trafficking. The UK Home Office has further articulated a typology of 17 types of modern slavery offences in the UK, falling with four overarching categories: labour exploitation; domestic servitude; sexual exploitation; and criminal exploitation (Cooper, Hesketh, Ellis, & Fair, 2017). Australia's 2018 Modern Slavery Act encompasses a wider set of practices, namely slavery, servitude, forced labour, deceptive recruitment for labour or services, forced marriage, trafficking in persons, debt bondage, and the worst forms of child labour.

Although many antislavery actors adopt the interpretation of 'modern slavery' as an umbrella term, an alternative approach that treats modern slavery as a coherent and singular concept is also evident in

commentaries. Bales, for instance, describes modern slavery as ‘the state of control exercised over the slave based on violence or its threat, a lack of any payment beyond subsistence, and the theft of the labor or other qualities of the slave for economic gain’ (2005, p. 9). Anti-Slavery International defines modern slavery more simply, as ‘the severe exploitation of other people for personal or commercial gain’, listing forms of exploitation considered to fall within this description (Anti-Slavery International, 2021).

While the ‘social’ (non-legal) definition of modern slavery as a holistic concept has a foothold in antislavery discourse, the umbrella approach is more often evidenced in legal contexts. This approach to the concept of modern slavery allows for the retention of the fundamental definitions of the various practices in international law. As noted by Schwarz, the “umbrella” approach does not fundamentally redefine the core practices under consideration, but provides a framework in which they can be addressed and considered together—a rubric for coordination and cooperation’ (2021). It is therefore this approach to the definition of modern slavery that is adopted in this study.

3.1.2 Forced labour

The 1930 Forced Labour Convention (ILO C029) codified a definition of forced labour for the first time in international law, defining it as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’. The Convention also carves out five exceptions, where compelled labour remains lawful. In brief:

- a. Compulsory military service;
- b. Normal civic obligations in fully self-governing countries;
- c. Work or service exacted as a consequence of a court conviction, supervised and controlled by a public authority and not placed at the disposal of private entities;
- d. Work or service exacted in times of emergency; and
- e. Minor communal services in the direct interest of the community, conditional upon a right to consultation.

Forced labour is also defined in the 1950 European Convention on Human Rights, 1966 International Covenant on Civil and Political Rights, and 1969 American Convention on Human Rights, with slight variations to the permitted exceptions in each of these cases.

The EU Charter of Fundamental Rights of the European Union deviates slightly from this standard approach, expressing an absolute prohibition of forced or compulsory labour without stated exceptions (article 5(2)). However, the Explanation on Article 5 notes that the provision has the same meaning as article 4 of the European Convention on Human Rights and ‘must be understood in the light of the “negative” definitions contained in Article 4(3) of the ECHR’ (the four stated exceptions) (Explanations relating to the Charter of Fundamental Rights, 2007).

3.1.3 Slavery

The authoritative definition of slavery is found in the 1926 Slavery Convention, which defines the practice at article 1(1) as ‘the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’. This definition was reaffirmed in the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and the 1998 Rome Statute of the International Criminal Court. It has also been affirmed in regional human rights jurisprudence by the European Court of Human Rights, Inter-American Court of Human Rights, and ECOWAS Community Court of Justice. The definition is recognised to encompass both *de jure* slavery (slavery established by law) and *de facto* slavery (slavery in fact) (Allain, 2012b).

The Bellagio-Harvard Guidelines on the Legal Parameters of Slavery provide leading insights on the interpretation of the definition of slavery contained in the 1926 Slavery Convention (Research Group on

the Legal Parameters of Slavery, 2012). They explain the exercise of the ‘powers attaching to the right of ownership’ as ‘constituting control over a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person’ and qualify the level of control required as ‘control tantamount to possession’ that ‘will significantly deprive that person of his or her individual liberty for a period of time which is, for that person, indeterminate.’

3.1.4 Institutions and practices similar to slavery

Article 1 of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery defines four practices as falling within the umbrella of this concept. These cover:

- a. Debt bondage;
- b. Serfdom;
- c. Practices involving the transfer of a woman in the context of marriage, in short, sale of a bride, transfer of a wife, and inheritance of a widow; and
- d. Delivery of children by their parents or guardians for exploitation.

These practices may or may not rise to the level of slavery as defined in the 1926 Slavery Convention, depending on the particular facts of the case.

In general terms, the 1956 Supplementary Convention conceives of these practices as forms of servitude—with persons subjected to the practices considered to be in ‘servile status’ (article 7). The 1956 Convention was originally titled the Draft Supplementary Convention on Slavery and Servitude, with alterations to the title resulting from claimed linguistic difficulties translating to Russian and Arabic (Allain, 2008, pp. 219–220). The shift to ‘institutions and practices similar to slavery’ was not considered to change the meaning of the title. The Inter-American Court adopts this understanding when it dates the prohibition of servitude to the 1956 Convention and considers servitude a ‘practice analogous to slavery’ in the 2016 *Case of the Hacienda Brasil Verde Workers v Brazil* (pp. 71–72).

Despite not intending to change the meaning or content of the convention, this shift in language led to fragmentation and confusion in international law between institutions and practices similar to slavery under the 1956 Convention and servitude as captured in international and regional human rights instruments (Allain, 2009). This is evident in jurisprudence of the ECtHR interpreting the definition of servitude under article 4 of the ECHR, which blurs the lines between servitude and serfdom—one of the four institutions and practices similar to slavery (Schwarz, 2021) (see also below).

3.1.5 Debt bondage

Debt bondage is one of the four institutions and practices similar to slavery set out in the 1956 Supplementary Convention, also commonly described as ‘bonded labour’. Debt bondage is defined in article 1(a) of the 1956 Convention as ‘the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined’.

The UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences in 2016 described debt bondage as ‘a type of servitude but can also be characterized as slavery if characteristics denoting ownership are present’ (p. 4). She further noted that debt bondage could also be classified as forced labour according to the ILO definition established in 1930, observing ‘general consensus that the two practices overlap’, and that it opened the door to further abuses as a result of the

power imbalance between employer and worker. Overall, the Special Rapporteur considered the definition of debt bondage established in the 1956 convention to cover:

...the situation of workers trapped in debt bondage in systemic, archaic, feudal systems of slave-labour exploitation, as well as that of migrant workers from developing countries who leave their countries accruing debt to cover the costs associated with recruitment... Debt is considered to be a key source of vulnerability to trafficking and is one of the mechanisms used to force victims to work in exploitative or abusive conditions (pp. 4-5).

Historically and today, debt bondage has occupied a significant position in the record of human exploitation. Tappe and Lindner note that ‘aspects of slavery and servitude, of debt, violence, and precarity, certainly play a significant role for the understanding of bonded labour in general’ (2016, p. 10). However, they further highlight the complexities of debt bondage, recognising the ‘aspirations and agency’ of bonded labourers, and the grey area this creates between chattel slavery and free wage labour. Kara frames debt bondage as ‘the most extensive form of slavery in the world today’ (Kara, 2017, p. 177) and the ILO estimates indicate that 50 % of all victims of forced labour imposed by private actors were affected by debt bondage (ILO and Walk Free, 2017, p. 5).

3.1.6 Servitude

Servitude appears in international human rights law, in the 1948 Universal Declaration of Human Rights, the 1950 European Convention on Human Rights, 1966 International Covenant on Civil and Political Rights, and 1969 American Convention on Human Rights. Servitude is situated alongside slavery in these instruments but is not explicitly defined in any of them.

The European Court of Human Rights has grappled with the definition of servitude in its jurisprudence, labelling it a ‘special type of forced or compulsory labour or, in other words, “aggravated” forced or compulsory labour’ with the ‘fundamental distinguishing feature’ between forced labour and servitude being the victim’s ‘feeling that their condition is permanent’. In *Siliadin v France*, the Court affirmed the interpretation it had offered in *Seguin v France*, describing servitude as ‘an obligation to provide one’s services that is imposed by the use of coercion, and is to be linked with the concept of “slavery”’ (para 124). The Court also considered ‘the obligation for the ‘serf’ to live on another person’s property and the impossibility of altering his condition’ as a key consideration in delineating servitude from forced labour (para 123). The Inter-American Court of Human Rights affirmed this interpretation in the 2016 *Case of the Hacienda Brasil Verde Workers v Brazil* (para 280).

Allain explains the practice of servitude as ‘human exploitation falling short of slavery’, in other words ‘exploitation which does not manifest powers which would normally be associated with ownership, whether *de jure* or *de facto*’ (Allain, 2009, p. 304). This is consistent with the ECtHR’s interpretation of the practice as an ‘aggravated’ form of forced labour falling short of slavery (2021, p. 8), although does not incorporate the additional obligations of either permanence or obligation to live on the property of another. This ECtHR interpretation has been subject to criticism as misunderstanding the history of the concept in international law, as wrongly premised on a misunderstanding of slavery, and as blurring the lines between servitude and serfdom (Schwarz, 2021).

3.1.7 Slavery-like practices

Slavery-like practices are not a clearly defined legal concept. Proposed definitions have shifted and, at different points in time, it has been used to describe a range of practices, including apartheid, colonialism, and child labour. Allain describes slavery-like practices as a ‘political concept’ resulting from the expansion of UN membership connected to decolonisation, providing a platform to criticise colonialism and challenge apartheid, while deflecting attention away from entrenched customs such as child marriage and widow inheritance (Allain, 2012a). The 1967 UN Economic and Social Council Resolution 1232 described

apartheid and colonialism as ‘contemporary manifestations of slavery’, however this approach never found legal footing (Allain, 2012a).

In 1982, the concept was used to describe a range of ‘slavery-like practices involving women, including involuntary marriage and abortion, trafficking in women, exploitation of prostitution, women under apartheid, genital mutilation, sale of women, and killing for reasons of dowry (UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, 1982). In later instances, the term would be conflated with institutions and practices similar to slavery, ultimately losing its meaning and component parts (Allain, 2012a). Slavery-like practices are therefore not generally considered in this study, which focuses on modern slavery practices with legal foundations.

3.1.8 Trafficking in persons

Contemporary definitions of human trafficking stem from the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons supplementing the United Nations Convention against Transnational Organised Crime (Palermo Protocol). The definition of trafficking in persons contained in the Palermo Protocol is comprised of three elements:

1. The act: recruitment, transportation, transfer, harbouring or receipt of persons;
2. The means: threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; and
3. The purpose of exploitation: including, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

This definition is replicated in the Council of Europe Convention on Action against Trafficking in Human Beings, and EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (with minor additions in the latter). While Palermo Protocol obligations relate specifically to offences that are transnational in nature and involve organised criminal groups (article 4), the CoE and EU instruments apply to both transnational and internal trafficking offences.

The construction of the trafficking definition differentiates it from the exploitation offences outlined above, focusing not on the occurrence of exploitation but the commission of the act through stated means for the purpose of exploitation. However, some interpretations suggest that trafficking also operates as an umbrella term for the various forms of exploitation included in its definition. The US Department of State goes further, suggesting that trafficking in persons and modern slavery are ‘interchangeable umbrella terms’ for the same basic practices (in this case presented as sex trafficking and compelled labour/labour trafficking) (Office to Monitor and Combat Trafficking in Persons, 2021).

Box 1. Language used in this study**Language used in this study**

For the purpose of this study, the term modern slavery is employed as an umbrella term encompassing slavery, servitude, institutions and practices similar to slavery, forced labour, and trafficking in persons in line with the definitions outlined above. Trafficking is understood as a specific practice as defined in the relevant international instruments, rather than as an umbrella term. Forced marriage and use of children in armed conflicts are also considered as modern slavery practices and included in key search terms and coding of documents. However, these practices are otherwise outside the scope of the study and are therefore not subject to specific consideration. 'Modern slavery practices' is employed to reflect the fact that measures considered may relate to one or more of the practices falling within the umbrella of modern slavery, rather than all the included practices.

3.2 Prevalence of modern slavery**3.2.1 Global prevalence of modern slavery**

Estimating the prevalence of modern slavery is inherently challenging, confronting a number of inter-related challenges, including: (1) the variable definitions of the concept of modern slavery as set out above; (2) the relatively hidden nature of the phenomenon; and (3) data availability and methodological approaches used to overcome the 'problem of unobservability' (Landman & Garrington, 2022). The hidden nature of modern slavery crimes and hard to reach nature of the population makes generating accurate data on the scale of the problem difficult. The last decade has seen a number of innovative strategies to address these challenges, employing new methods and technologies and expanding the evidence available on modern slavery prevalence both locally and globally. Although various methods are being explored and new methods developed to improve prevalence estimation, significant barriers remain (Gauer Bermudez, Okech, & Prakash, 2021).

The ILO and Walk Free's Global Estimates of Modern Slavery (GEMS) estimate that in 2016, 40.3 million people globally were held in conditions of modern slavery (ILO and Walk Free, 2017). The GEMS are the only measure estimating modern slavery prevalence globally, and supported by both the ILO and IOM. Absolute modern slavery prevalence was found to be highest in Asia and the Pacific (25 million people), followed by Africa (9.2 million) and Europe and Central Asia (3.6 million). However, as a proportion of the population, the highest prevalence of modern slavery was found in Africa (7.6 per 1,000 people), followed by Asia and the Pacific (6.1 per 1,000), and Europe and Central Asia (3.9 per 1,000). These estimates include both forced labour and forced marriage as forms of modern slavery.

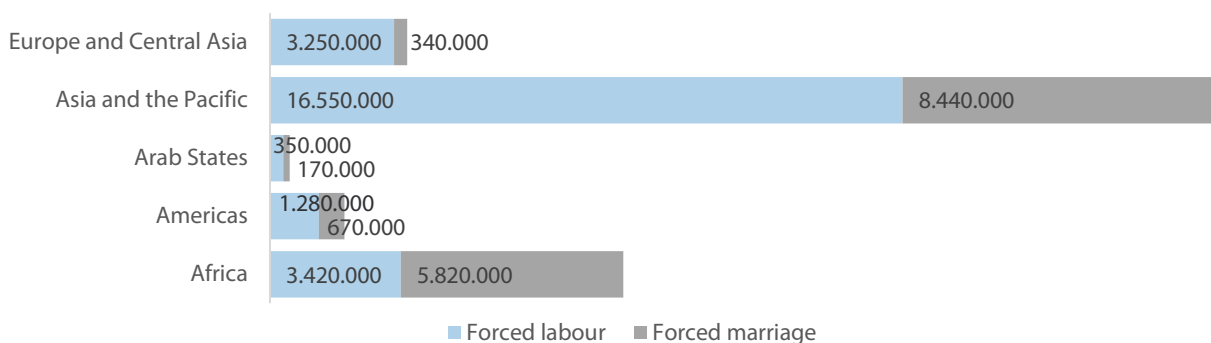
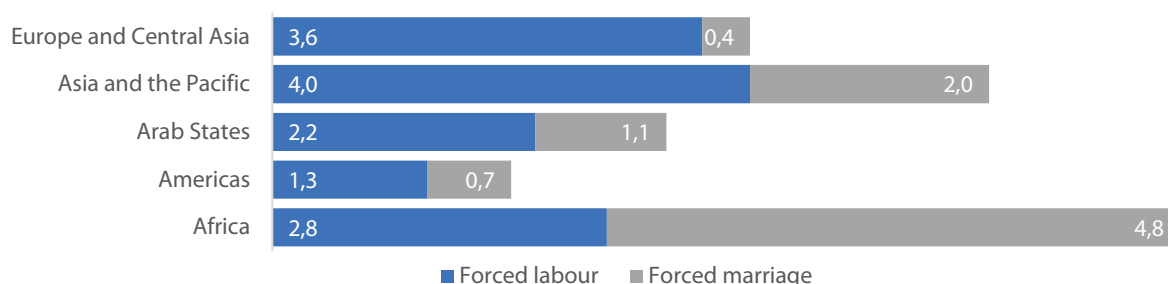
Figure 1. Total prevalence of modern slavery by geographic region (ILO and Walk Free, 2017)

Figure 2. Prevalence of modern slavery per 1000 people by geographic region (ILO and Walk Free, 2017)

Considering forced labour specifically, the highest prevalence both in absolute terms and as a proportion of the population occurs in Asia and the Pacific, with 16.6 million people in total—4.0 per 1000 people in the population. In absolute terms, this is followed by Africa with an estimated 3.4 million people in forced labour, while as a proportion of the population it is followed by Europe and Central Asia with 3.6 people per 1,000.

Walk Free produced three global estimates of modern slavery prevalence prior to the release of the ILO and Walk Free global estimates—in 2013, 2014, and 2016. The 2013 Global Slavery Index estimated a global victim population of 29.8 million people (Walk Free, p. 1). In 2014, the estimate increased to 35.8 million people (Walk Free, p. 5), and in 2016 increased again to 45.8 million (Walk Free, p. 4). The estimated prevalence of modern slavery evidenced in these reports varied significantly, predominantly as a result of significantly changing research methodology. Estimates produced by Walk Free over time are therefore not directly comparable, and do not provide time series data on modern slavery prevalence. The absence of time series data is a significant gap in evidence on modern slavery prevalence, which poses challenges in assessing the effectiveness of interventions in addressing modern slavery.

3.2.2 Prevalence estimation at national level

In addition to research estimating global and regional prevalence of modern slavery conducted by the ILO and Walk Free (in partnership with IOM), Walk Free also provides national level estimates of modern slavery prevalence for the majority of the world's countries. The changing methodologies employed in producing these estimates of the prevalence of modern slavery in 2013, 2014, 2016, and 2018 limits the comparability of this prevalence data over time. Therefore, changes in estimated prevalence for particular countries may not represent changes in real world conditions (increase or decreases in modern slavery). Rather, these variations may be a by-product of the changes in calculation methods.

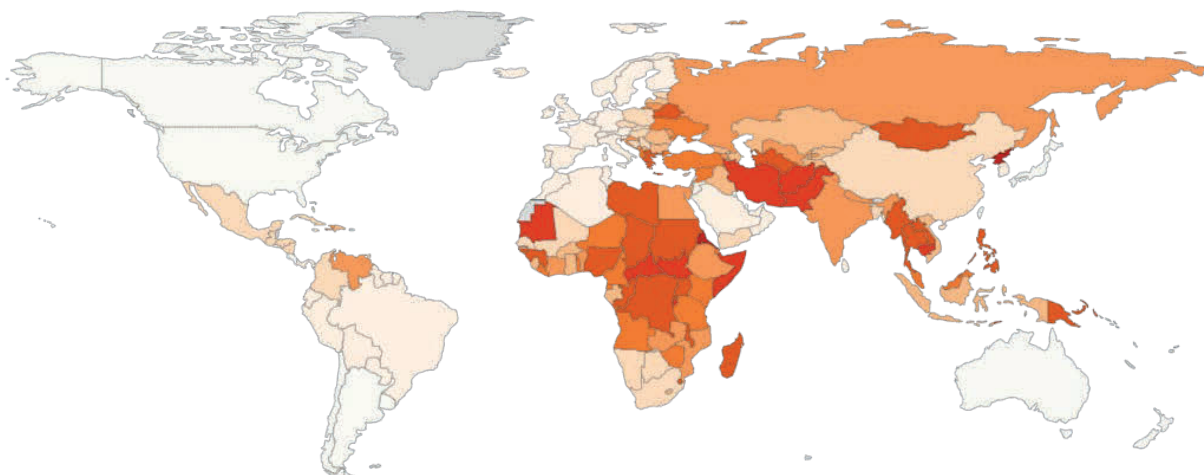
The country with the highest estimated prevalence of modern slavery as a proportion of the population in the most recent report (2018) was North Korea with 104.6 persons estimated in modern slavery per 1,000 people. This was followed by Eritrea (93.0 per 1,000), Burundi (40.0 per 1,000), and Central African Republic (22.3 per 1,000). North Korea was also the country with the highest estimated prevalence in 2016, while Mauritania was estimated to have the highest prevalence in previous reports.

Table 9. Modern slavery prevalence per 1,000 people in 20 most prevalent countries (Walk Free)

2018		2016		2014		2013	
North Korea	104.6	North Korea	43.7	Mauritania	40.0	Mauritania	39.9
Eritrea	93.0	Uzbekistan	39.7	Uzbekistan	39.7	Haiti	20.6
Burundi	40.0	Cambodia	16.5	Haiti	23.0	Pakistan	11.9
Central African Republic	22.3	India	14.0	Qatar	13.6	India	11.3
Afghanistan	22.2	Qatar	13.6	India	11.4	Nepal	9.4
Mauritania	21.4	Central African Republic	11.3	Central African Republic	11.3	Moldova	9.4
South Sudan	20.5	Pakistan	11.3	Pakistan	11.3	Gabon	8.4

Cambodia	16.8	Democratic Republic of the Congo	11.3	Democratic Republic of the Congo	11.3	Benin	8.0
Pakistan	16.8	Sudan	11.3	Sudan	11.3	Côte d'Ivoire	7.9
Iran	16.2	Syria	11.3	Syria	11.3	Gambia	7.8
Somalia	15.5	Iraq	11.3	Congo	11.1	Laos	7.6
Democratic Republic of the Congo	13.7	South Sudan	11.3	United Arab Emirates	10.6	Sierra Leone	7.5
Mongolia	12.3	Afghanistan	11.3	Iraq	10.4	Senegal	7.5
Sudan	12.0	Somalia	11.3	Cambodia	10.3	Cabo Verde	7.5
Chad	12.0	Libya	11.3	Moldova	9.4	Equatorial Guinea	7.4
Rwanda	11.6	Yemen	11.3	Botswana	9.1	Togo	7.4
Myanmar	11.0	Mauritania	10.6	Namibia	9.1	Guinea-Bissau	7.3
Brunei	10.9	Haiti	10.0	Suriname	9.1	Myanmar	7.3
Belarus	10.5	Dominican Republic	10.0	Mongolia	9.1	Eritrea	7.3
Papua New Guinea	10.3	Myanmar	9.6	Nepal	8.2	Burundi	7.2

Figure 3. Prevalence of modern slavery (Walk Free, 2018)



The Global Slavery Index produced by Walk Free provides national prevalence estimates around the globe. To do so, it extrapolates data collected in a sub-set of 70 countries to estimate prevalence in countries for which primary data is not collected based on national vulnerability profiles. The primary data collected on high prevalence countries ($n=70$) are used in second order analysis against a series of 'risk factors' to extrapolate prevalence estimates and associated margins of error. This process of extrapolation reduces the reliability of estimates in countries for which primary data was not collected (Landman & Silverman, 2019).

Other research has been conducted to produce national and local prevalence estimates within specific country contexts, employing a range of methods. For instance, in 2014, multiple systems estimation (MSE) was used in the United Kingdom to produce an estimate of 10,000-13,000 modern slavery victims in the country (Silverman, 2014). However, it has been recognised that the methods adopted in this study face several limitations, including challenges resulting from 'data quality, model assumptions and the intrinsic variability of the multiple systems method used' (Stripe, 2020). MSE also relies on multiple sources of administrative data, meaning that it cannot be used in all national contexts (IOM, 2021b).

Other national level estimations include an MSE study on trafficking prevalence in the Netherlands, estimating 6,250-6500 victims per year in 2014 and 2015—four to five times higher than the recorded numbers of detected victims (van Dijk, Cruyff, van der Heijden, & Kragten-Heerdink, 2016). Steinfatt and

Baker provide estimates of sex trafficking in Cambodia using a cross-sectional observational research design, estimating 1,058 victims (2011, p. 44). Pennington et al used national household-based surveys to estimate human trafficking prevalence in Belarus, Bulgaria, Moldova, Romania, and Ukraine, producing estimates significantly higher than reported cases—12,504, 28,046, 41,818, 25,246, and 115,662 respectively (2008, p. 130).

New methods are being employed to provide national-level estimates of modern slavery across countries. The Global Fund to End Modern Slavery has produced a guide on six different methods for estimating slavery prevalence (Gauer Bermudez, Okech, & Prakash, 2021), while Lavelle-Hill et al employ machine learning to model the prevalence of modern slavery in 48 countries (2021). The study uses the raw data collected on high prevalence countries, interrogates a series of explanatory factors related to the variation in prevalence and selects models with the best 'goodness of fit.'

3.2.3 Prevalence estimation at sub-national and sectoral levels

Various methods have been employed to estimate the prevalence of modern slavery at the sub-national level, in particular geographies, in relation to particular forms of exploitation, or in particular sectors. Using multiple systems estimation, Bales et al provide a trafficking prevalence estimate for the city of New Orleans (2020). Murphy et al adopt a more fine-grained approach, estimating trafficking and exploitative labour prevalence amongst homeless youth in New Orleans (2015). Williamson et al use cross-sectional surveys as the basis of their estimate of domestic victims of sexual exploitation in Ohio (2012), and Zhang used cross-sectional surveys to estimate the prevalence of labour exploitation amongst migrant workers in San Diego County (2012).

Prevalence estimates are most common in developed country contexts. However, a range of studies also provide insights on sub-national and sectoral prevalence in developing country contexts. A 2021 study estimates the prevalence of forced labour in Vietnam's apparel industry based on surveys across the country's three main apparel industry regions, estimating that 4.77-6.95 % of apparel workers in the three regions were in forced labour (Zhang, et al., 2021). In addition to estimating forced labour prevalence in the Vietnamese apparel industry, the study provided analysis of nuances in regional differences (p. 12).

Prevalence of forced labour amongst migrant workers from Vietnam was also the focus of study in 2021 (Zhang, et al., 2021). Using conventional multi-stage probability-based sampling, this research estimated that 8.34 % of workers who had most recently travelled to Japan and 16.09 % of those who had most recently travelled to Taiwan were probable cases of forced labour (p. 5). The study also highlighted key risk and protective factors, finding that being married increased risk by 39 % and borrowing money to finance the trip overseas increased risk by 256 %. On the other hand, trade school training or college education decreased risk by 27 %, using private recruiters decreased risk by 33 % compared against government-registered agencies, and working jobs referred by personal contacts decreased risk by 44% compared against government-sanctioned agencies. Particular sectors were also highlighted as increasing or decreasing risk. Workers in fish farms were 274 % more likely to experience forced labour, apparel/textile industry by 60 %, and construction by 33 % relative to manufacturing (the most common destination job). Healthcare sector and food processing workers faced 40 % and 41 % lower risk respectively (p. 6).

A recent study conducted by NORC at the University of Chicago estimates the prevalence of commercial sexual exploitation of children in coastal Kenya using link-tracing (Keaveney, Vincent, Lord, & Kysia, 2021). This provides a pre-intervention estimate of the scale of modern slavery in the regions, enabling a more rigorous evaluation of intervention impacts. The study estimates that 6,356 children in Kilifi, Kwale, and Mombasa were currently engaged in commercial sexual exploitation at the time of study (p. 10).

A state-level study in India used hybrid methods (combining Network Scale-Up Method, Respondent-Driven Sampling, and Time-Location Sampling) to estimate prevalence of child sex trafficking in

Maharashtra (GFEMS, 2020). The study estimated that approximately 7,900 children (under 18) were involved in commercial sexual activity in the state (p. 2).

A respondent-driven sampling study in Uganda estimated that 26.3-29.3 % of individuals engaged in the sex industry in Kampala were under the age of 18 (ICF, 2021b, pp. 18-19). Of these, 22.5 % were estimated to be male (p. 21). A related study in Karamoja used household surveys to estimate prevalence of Commercial Sexual Exploitation of Children (CSEC) in the region, concluding that 20.9 % of children in the region were at high risk of CSEC and 11.9 % of children had experienced CSEC (ICF, 2021a, pp. 33, 37). Prior reports had estimated that 'between 7,000 – 12,000 children' were subjected to commercial sexual exploitation in Uganda (ILO and Ministry of Gender, Labour, and Social Development, Uganda, 2004, p. 30) and that the number had risen to 18,000 (UYDEL, 2011, p. 21). However, the basis for these estimations was not outlined in the reports.

Sub-national and sectoral prevalence can provide a narrower and more focused estimate of modern slavery prevalence and dynamics within a specific context, producing more reliable estimates. However, the limitations of prevalence estimation for modern slavery still present challenges—the hidden nature of victim populations, barriers to reporting, diverging understandings of exploitative practices, and the challenges of obtaining a representative sample remain.

3.3 Data on modern slavery

Data on modern slavery is limited and diverges significantly between different contexts. Conceptual confusion, divergence in understandings of the different practices, and the different focus of data and response efforts in different contexts pose significant challenges to the comparability of data. Landman highlights three key challenges in measuring modern slavery: (1) modern slavery is hidden from direct observation; (2) sources of data available are inherently biased; and (3) proxy measures cannot always capture sites and objects that are not yet visible (2020, pp. 311-312). However, he further notes the potential for modern slavery measurement strategies to draw from existing human rights and social sciences approaches to overcome these barriers (2020, pp. 312-313).

While the ILO and Walk Free estimates seek to understand the total prevalence of modern slavery, other measures collect data only on known or identified cases, an approach that necessarily introduces significant bias. The UNODC's Global Report on Trafficking in Persons (GLOTIP), for instance, reports on recorded trafficking cases and detected trafficking victims. The Counter Trafficking Data Collaborative (CTDC) likewise collates and presents case data contributed by a range of organisations around the world, reporting on actual cases identified rather than seeking to estimate the entire population of trafficking victims. This is also the approach adopted by the European Commission in data collection on trafficking in human beings (European Commission, 2020g).

GLOTIP collates official data on trafficking in persons globally, presenting a global picture of trafficking patterns and flows alongside regional analysis and country profiles (UNODC, 2020, p. 24). In 2020, this included official statistics from 148 countries, reporting on 49,032 detected victims, 9,429 persons investigated, suspected, or arrested, 7,368 persons prosecuted, and 3,553 persons convicted for 2018 or the most recent year for which data was available (p. 25). Reporting only on officially identified cases, GLOTIP data is not necessarily representative of victim and perpetrator populations generally and subject to skewing effects resulting from the focus of official anti-trafficking efforts. Further, data is limited to actual cases identified and does not indicate prevalence of the phenomenon more broadly.

Similarly, CTDC collates data on 156,330 individual cases across 189 countries of exploitation and representing 187 nationalities (IOM, 2021a). Where GLOTIP data represents official national statistics, CTDC data is drawn from non-governmental and international organisations. Case management data is contributed by antislavery organisations, including the IOM, Liberty Asia, Polaris, A21, and the Observatório do Tráfico de Seres Humanos. This dataset records victims supported by the contributing organisations

and is reflective of their particular geographies of operation and priorities. Therefore, it does not provide a representative sample of victim populations either within the included geographies or more generally.

3.3.1 Gender in modern slavery data

Modern slavery experiences are often significantly influenced by gender. Patterns of perpetration, as well as response efforts by governments, civil society organisations, and international institutions are shaped by gender dynamics. Initiatives to address trafficking in persons in particular have a history of focusing on women and children as prospective victims—including in the framing of international instruments. The full title of the Palermo Protocol articulates a focus ‘especially women and children’, the American Convention on Human Rights speaks specifically of ‘traffic in women’ and not other forms of trafficking (article 6), and the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) highlights the ‘special situation of women and children’ in identification measures (article 10) and emphasises efforts to discourage demand in relation to these victims in particular (article 6).

Figure 4. Gender and age profiles of detected trafficking victims (UNODC, 2020)

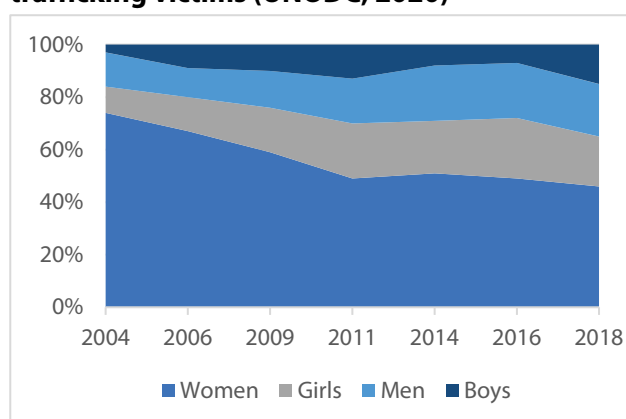


Figure 5. Gender and age profiles of identified trafficking victims (CTDC, 2021)

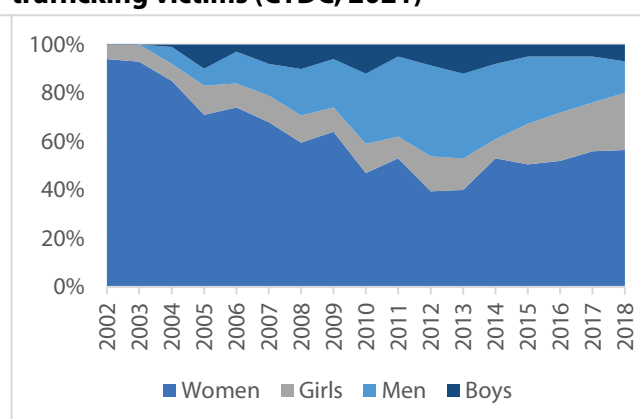
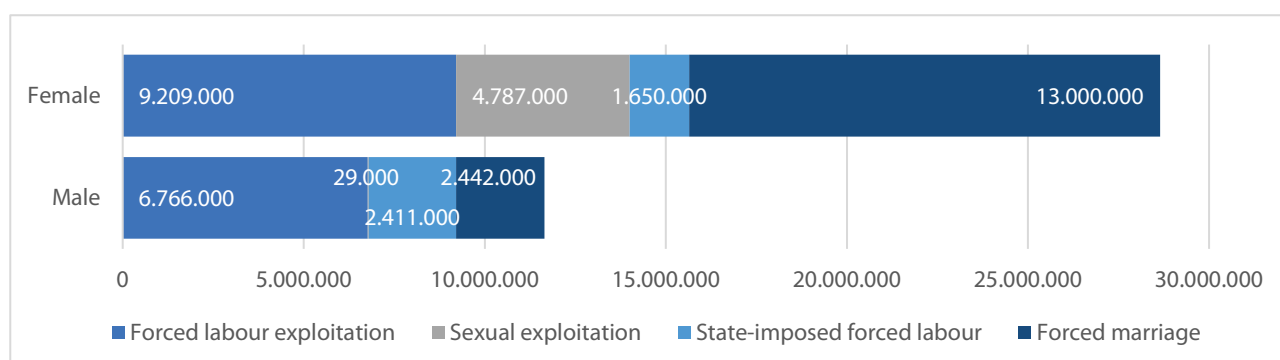


Figure 6. Estimated modern slavery victims in 2016 by gender and exploitation type (ILO and Walk Free, 2017)



Females made up 74 % of detected victims in GLOTIP data from 2004-2018 (see Figure 4) and 74 % of recorded victims in CTDC data from 2002-2018 (see Figure 5). The ILO and Walk Free estimates also suggest that 71 % of all modern slavery victims globally are female (2017, p. 5), driven predominantly by their high representation in forced marriage and sexual exploitation (see Figure 6). However, male victims are considered to make up the majority of cases of state-imposed forced labour.

The focus on women and children evident in many antislavery initiatives has been noted to result in a biasing of intervention efforts, which in turn skews data on trafficking cases. The image of the ‘ideal victim’—predominantly (innocent) females and children subjected to sexual exploitation—has historically resulted in a focus in anti-trafficking efforts on particular victim populations to the exclusion of others (Schwarz & Geng, 2018); (Wilson & O’Brien, 2016); (De Shalit, Heynen, & van der Muelen, 2014); (Arocha,

2010). In recent years, however, increasing emphasis has been placed on labour exploitation as a form of human trafficking and modern slavery. In many datasets, the proportion of male victims identified has increased as a result of this widening scope of interventions—identified in both CTDC and GLOTIP reporting.

In addition to women being considered disproportionately at risk of modern slavery, studies have suggested that gender inequality also acts as a predictor of modern slavery and key risk factor (Cameron, Hemingway, Tschida, Kaur Heer, & Jacquin, 2021). A country's capacity to protect the physical security of women is further emphasised as a predictive factor for modern slavery by Lavelle-Hill et al (2021).

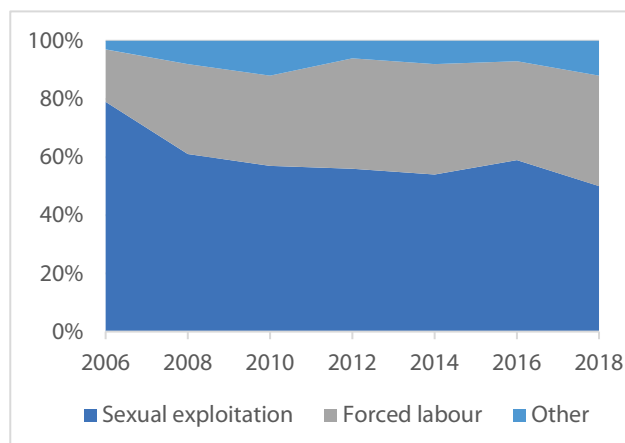
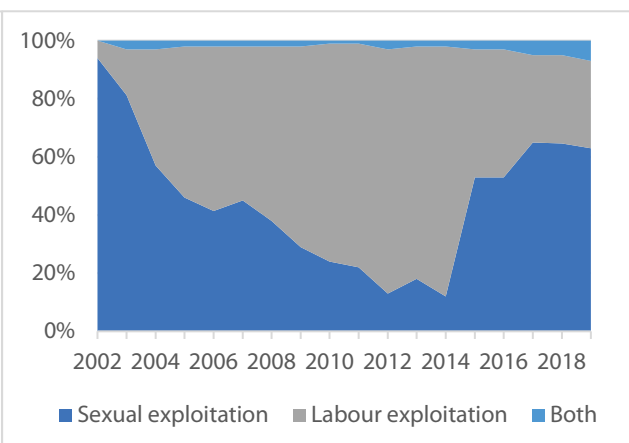
Contrary to the general trends identifying females as the dominant population of victims of modern slavery and human trafficking, data on 'slave labour' in Brazil shows a vast majority of identified victims to be male (Suzuki, Casteli, & Teruel, 2021). Brazil's antislavery data infrastructure and integration of 'big data' into official antislavery efforts is notable (de Assis, 2018); (de Assis, 2018). In a recent study, Cavalcante Rangel and Schwarz highlight the gender disparities in Brazil's data compared against global and regional data, noting the skewing effect of particular legal constructions and interventions, oversight of sectors in which female workers are more prevalent, and unintended specialisation of antislavery actors (Cavalcante Rangel & Schwarz, forthcoming). While deviating from the general trend emphasising exploitation of women and children, this demonstrates that intervention priorities and focuses can significantly skew data on modern slavery.

3.3.2 Exploitation type in modern slavery data

Exploitation type, and in some instances sector or industry of exploitation, is often an additional central concern of modern slavery data. However, diverging approaches to the core exploitative practices assessed in modern slavery datasets produces a lack of comparability in reporting of these variables. The ILO and Walk Free Global Estimates report on forced marriage and forced labour, with the latter divided into three forms: forced labour exploitation, sexual exploitation, and state-imposed forced labour (2017). Forced marriages represent 38 % of estimated cases, while forced labour make up the remaining 62 % (see Figure 6).

UNODC GLOTIP data divides cases into three exploitation categories: trafficking for forced labour, trafficking for sexual exploitation, and trafficking for other forms of exploitation (UNODC, 2020, p. 34). Like CTDC data, GLOTIP data evidences an initially significant emphasis on sexual exploitation, which shifts over time with increasing attention on labour exploitation as a form of trafficking (see Figure 7).

CTDC data divides cases into several categories: sexual exploitation, forced labour, forced marriage, forced military service, organ removal, slavery and similar practices, and other, although sexual and labour exploitation make up the vast majority of cases recorded (see Figure 8.). CTDC notes the historical emphasis on trafficking for sexual exploitation skewing identification towards victims of this exploitation type, with increasing emphasis on labour exploitation producing a related increase in cases of labour exploitation identified. This is seen in the increasing proportion of labour exploitation cases identified in the dataset over time.

Figure 8. Forms of exploitation for detected trafficking victims (UNODC, 2020, p. 34)**Figure 7. Victims of trafficking for sexual and labour exploitation (CTDC, 2021)**

CTDC further reports on sector of labour exploitation for cases recorded, reporting the highest number of cases in domestic work, construction, and agriculture. Victims of forced labour exploitation in construction are reported to be predominantly male, representing 80-100 % of reported cases in this sector each year. This contrasts with each of the other sectors recorded, in which females make up the majority of reported cases. The only other exception to the predominance of females is reported in agriculture, which demonstrates a gender balanced workforce (CTDC, 2021).

Across all G20 countries, top five products imported in terms of total import value at risk of modern slavery were identified as: cotton; apparel and clothing accessories; cattle; sugarcane; gold; carpets; coal; fish; rice; timber; cocoa; diamonds; and laptops, computers, and mobile phones (Walk Free, 2018). Source countries associated with products at risk of forced labour in this assessment are identified in Table 10.

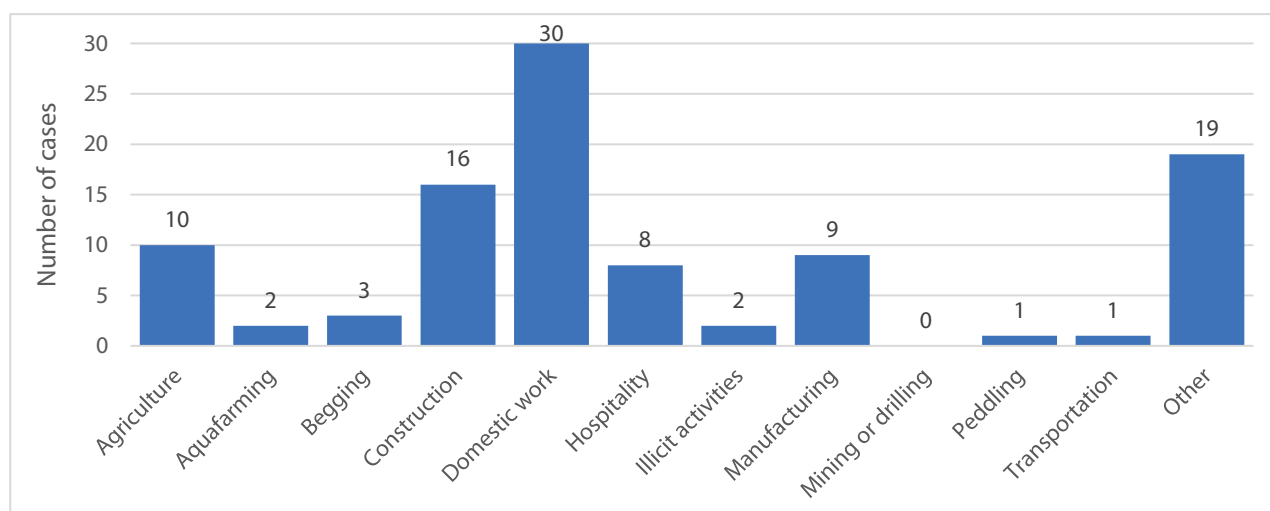
Figure 9. Sector of labour exploitation (CTDC, 2021)

Table 10. List of products with identified risk of forced labour by source countries (Walk Free, 2018)

Product	Source countries
Cotton	Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan
Bricks	Afghanistan, India, Myanmar, Nepal, Pakistan
Garments – apparel and clothing accessories	Argentina, Brazil, China, India, Malaysia, Thailand, Vietnam
Cattle	Bolivia, Brazil, Niger, Paraguay
Sugarcane	Brazil, Dominican Republic
Gold	Democratic Republic of the Congo, North Korea, Peru
Carpets	India, Pakistan
Coal	North Korea, Pakistan
Fish	Ghana, Indonesia, Thailand, Taiwan, South Korea, China, Japan, Russia
Rice	India, Myanmar
Timber	Brazil, North Korea, Peru
Brazil nuts / chestnuts	Bolivia
Cocoa	Côte d'Ivoire, Ghana
Diamonds	Angola
Electronics – laptops, computers, and mobile phones	China, Malaysia

The US Department of Labour (USDOL) maintains a list of goods produced by child and forced labour, intended to assist in global efforts to address child and forced labour risks in supply chains. In 2020, USDOL reviewed information on 154 countries, territories, and areas to identify 155 goods from 77 countries assessed to be at risk of child or forced labour (USDOL, 2020). Listed goods are predominantly produced in agriculture sectors, representing 29 of the products at risk of forced labour (USDOL, 2020, p. 25). This is followed by manufacturing and mining/quarrying representing 20 and 13 of the goods listed at risk of forced labour respectively.

US Customs and Border Protection (CBP) also produces a list of Withhold Release Orders (WROs) and 'Findings' related to forced labour (US Customs and Border Protection, 2022). WROs represent a determination of 'reasonable evidence of the use of forced labour', allowing for the detention of products unless importers can prove the absence of forced labour in the product's supply chain (burden of proof on the importer). Findings are a stronger determination recognising 'conclusive evidence of the use of forced labour' and enables seizure of the product. US Customs and Border Protection is currently enforcing 54 active Withhold Release Orders (WROs) and 9 Findings globally (see Figure 10).

Figure 10. Active Withhold Release Orders and Findings (US Customs and Border Protection, 2022)

4 Human rights obligations of states and responsibilities of businesses

This section maps the obligations and responsibilities of states and businesses with regard to modern slavery practices. It outlines the core obligations and standards established in both binding legal instruments and 'soft law' frameworks and considers developments to these frameworks currently proposed or underway. This provides the overarching normative framework for consideration of modern slavery obligations and responsibilities.

4.1 State obligations

States and private actors have a myriad of responsibilities and obligations in relation to modern slavery and forced labour. Since the turn of the twenty-first century, international instruments have been developed to address the diverse practices considered under the umbrella of modern slavery. These instruments span across various branches of international law—including international human rights, labour, and criminal law, as well as law on transnational organised crime. Schwarz describes this 'patchwork of international norms' as having emerged from 'different directions, driven by different organs and institutions within the international system, as well as being championed by different groups of States, organisations, and individuals' (2021, p. 125). This creates overlaps and gaps in international frameworks addressing modern slavery, complicating questions of international and domestic governance.

4.1.1 Global frameworks

A patchwork of global international instruments relevant to forced labour have developed over the course of the twentieth and twenty-first centuries, covering a variety of specific exploitative practices across a range of distinct legal regimes. Core obligations of prohibition of the various practices are found across these instruments, with additional obligations of prevention, suppression, protection, and prosecution emerging in various instruments.

Table 11. Summary of obligations of states under binding instruments of international law

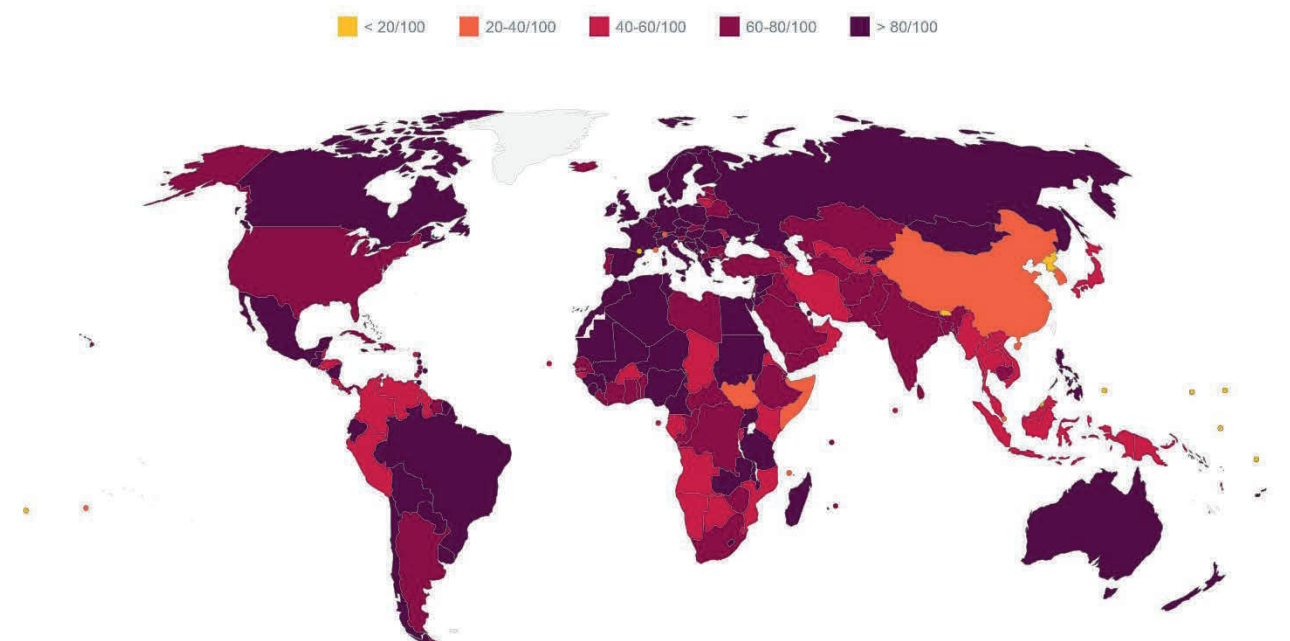
Instrument	Exploitative practices addressed	Summary of obligations
1926 Slavery Convention	<ul style="list-style-type: none"> Slavery Slave trade 	<ul style="list-style-type: none"> Prevent and suppress slave trade Abolish slavery in all its forms (progressively and as soon as possible) Prevent forced labour from developing to conditions analogous to slavery Make provision for punishment and impose severe penalties for infractions Cooperate and give assistance to secure abolition of slavery and slave trade
1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	<ul style="list-style-type: none"> Slavery Slave trade 'Institutions and practices similar to slavery', namely: <ul style="list-style-type: none"> Serfdom Debt bondage Specified practices involving the transfer of women in the context of marriage 	<ul style="list-style-type: none"> Take measures to bring about complete abolition or abandonment of institutions and practices similar to slavery Criminalise conveying slaves transnationally with severe penalties Criminalise mutilating, branding, or marking a slave or person of servile status Criminalise enslaving and reducing persons to servile status Prescribe minimum ages for marriage, encourage facilities for ensuring consent, and encourage registration of marriages Prevent ships and aircraft from conveying slaves Cooperate internationally and exchange information

	<ul style="list-style-type: none"> ○ Delivery of children for exploitation by parents or guardians 	
1930 Forced Labour Convention	<ul style="list-style-type: none"> ▪ Forced or compulsory labour 	<ul style="list-style-type: none"> ▪ Suppress forced labour in all its forms ▪ Punish illegal exaction of forced labour as a penal offence ▪ Ensure penalties imposed by law are adequate and strictly enforced
1957 Abolition of Forced Labour Convention	<ul style="list-style-type: none"> ▪ Forced or compulsory labour for prescribed purposes 	<ul style="list-style-type: none"> ▪ Suppress and refrain from forced or compulsory labour for prescribed purposes ▪ Secure immediate and complete abolition of forced or compulsory labour for prescribed purposes
2014 Protocol to the Forced Labour Convention	<ul style="list-style-type: none"> ▪ Forced or compulsory labour 	<ul style="list-style-type: none"> ▪ Prevent and eliminate forced labour ▪ Adopt prescribed measures for the prevention of forced labour ▪ Provide protection, support, and access to appropriate and effective remedies to victims ▪ Sanction perpetrators of forced labour ▪ Develop a national policy and plan of action for suppression of forced labour with employers' and workers' organisations ▪ Cooperate internationally to prevent and eliminate forced labour
1966 International Covenant on Civil and Political Rights	<ul style="list-style-type: none"> ▪ Slavery ▪ Slave trade ▪ Servitude ▪ Forced or compulsory labour 	<ul style="list-style-type: none"> ▪ Prohibit slavery, slave trade, servitude, and forced labour ▪ Respect and ensure rights without discrimination ▪ Ensure access to justice and remedy in instances of violations
1966 International Covenant on Economic, Social and Cultural Rights	<ul style="list-style-type: none"> ▪ Unfree work ▪ Economic and social exploitation of children ▪ Unjust and unfavourable conditions of work 	<ul style="list-style-type: none"> ▪ Safeguard right to freely chosen work ▪ Recognise right to enjoyment of just and favourable conditions of work ▪ Protect children and young persons from economic and social exploitation ▪ Positive obligations under international human rights law encompass obligations of effectivité, including criminalisation, investigation, prosecution, punishment, and effective remedy
1989 Convention on the Rights of the Child	<ul style="list-style-type: none"> ▪ Child exploitation ▪ Sale and traffic in children 	<ul style="list-style-type: none"> ▪ Combat illicit transfer and non-return of children abroad ▪ Take legislative, administrative and educational measures to protect the child from exploitation, including sexual abuse ▪ Protect children from all forms of sexual exploitation and abuse ▪ Prevent abduction, sale, and traffic of children ▪ Provide support for children in the event of mistreatment ▪ Promote recovery and social reintegration of mistreated children
1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	<ul style="list-style-type: none"> ▪ 'Worst forms of child labour' (WFCL), namely: <ul style="list-style-type: none"> ○ Slavery ○ Practices similar to slavery ○ Sale and trafficking of children ○ Debt bondage ○ Serfdom ○ Forced or compulsory labour ○ Forced or compulsory recruitment for use in armed conflict ○ 'Child prostitution' and 'pornography' ○ Use of children in illicit activities 	<ul style="list-style-type: none"> ▪ Provision and application of penal and other sanctions ▪ Prevention of WFCL, identification and outreach for those at risk ▪ Direct assistance for removal of children from WFCL, rehabilitation, and social integration ▪ Ensure access to free basic education, and where possible vocational training, for children removed from WFCL ▪ Cooperate and give assistance internationally

	<ul style="list-style-type: none"> ○ Work likely to harm health, safety, or morals 	
2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons supplementing the United Nations Convention against Transnational Organised Crime (Palermo Protocol)	<ul style="list-style-type: none"> ▪ Trafficking in persons 	<ul style="list-style-type: none"> ▪ Criminalise human trafficking ▪ Provide information and assistance for victims ▪ Provide for physical safety of victims ▪ Ensure possibility of victims obtaining compensation for harms ▪ Consider measures to grant victims residence ▪ Facilitate and accept repatriation of victims ▪ Prevent trafficking and alleviate vulnerability factors ▪ Adopt measures to discourage demand for trafficking ▪ Train law enforcement, immigration and other officials ▪ Strengthen border controls for prevention and detection of victims ▪ Cooperate internationally and exchange information
2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	<ul style="list-style-type: none"> ▪ Sale of children ▪ 'Child prostitution' ▪ 'Child pornography' ▪ Child trafficking 	<ul style="list-style-type: none"> ▪ Criminalise and prosecute practices with appropriate penalties ▪ Establish liability of legal persons for offences ▪ Adopt measure for seizure and confiscation of goods and proceeds ▪ Protect rights and interests of child victims in all stages of criminal justice process and ensure all appropriate assistance ▪ Ensure training for persons working with victims ▪ Protect safety and integrity of persons and organisations working in prevention, protection, and rehabilitation ▪ Ensure measures for victims to seek compensation ▪ Prevent offences and promote social awareness ▪ Cooperate internationally and ensure greatest measure of assistance in investigation and extradition

Overall, ratification of international instruments related to modern slavery is relatively high—almost all UN Member States have ratified at least one of the core international instruments addressing modern slavery practices. With particularly high engagement, the ICCPR, 1930 Forced Labour Convention, and Palermo Protocol each have over 170 ratifications (Schwarz & Allain, 2020, p. 8). EU Member States have a relatively high rate of ratification of international instruments related to modern slavery, while Asia and the Pacific has comparatively lower rates of treaty ratification (Schwarz & Allain, 2020, p. 10).

Instruments directly addressing modern slavery practices are situated within the broader normative frameworks of international law, including in particular the frameworks of international human rights, labour, and criminal law. The wider range of instruments operating in these spheres are therefore relevant in the consideration of state obligations connected to modern slavery. Frameworks addressing discrimination against women, including the Convention on the Elimination of All Forms of Discrimination against Women, bear direct relevance to modern slavery given the established connections of modern slavery risk and resilience with gender discrimination and protection of women. Likewise, the connections between modern slavery and other forms of discrimination—whether based on race, class, disability, or other key factors—have a bearing on efforts to address modern slavery.

Figure 11. Ratification of international instruments relevant to modern slavery (Schwarz & Allain, 2020)⁴

The framework of international labour rights (ILO) conventions also provides an important foundation for consideration of efforts to address modern slavery. Instruments such as the 1947 Labour Inspection Convention (ILO C081), the 1949 Migration for Employment Convention (ILO C097), 1973 Minimum Age Convention (ILO C138), 1975 Migrant Workers (Supplementary Provisions) Convention (ILO C143), and 2011 Domestic Workers Convention (ILO C189) are clear examples of international labour instruments with a close connection to modern slavery issues. This is similarly true for the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The broader framework of labour protections established in international law is also relevant to consideration of modern slavery. Labour rights protections broadly act as key protective factors against modern slavery, as well as providing response mechanisms in the instance of violations.

4.1.2 European and regional frameworks

Regional frameworks provide additional obligations and nuance to the global regime on modern slavery practices. A range of EU and European instruments and frameworks provide additional structure to states' efforts to address modern slavery, both internally and internationally. Likewise, regional instruments in other areas of the world provide supplementary mechanisms for addressing modern slavery.

Table 12. Summary of obligations of states under European and regional (internal) instruments

Region	Instrument	Exploitative practices addressed	Summary of obligations
Council of Europe	1950 European Convention on Human Rights	<ul style="list-style-type: none"> Slavery Servitude Forced or compulsory labour 	<ul style="list-style-type: none"> Criminalise specified exploitative practices Investigate, prosecute, and punish violations Provide victim support and protection Ensure access to remedy
Council of Europe	2005 Council of Europe Convention on Action	<ul style="list-style-type: none"> Trafficking in persons 	<ul style="list-style-type: none"> Criminalise trafficking, including liability for legal persons, with proportionate sanctions Provide for non-criminalisation of victims

⁴ Country ratification scores are out of a total possible score of 100 for all instruments relevant to modern slavery considered in the dataset, and therefore reflect the percentage of relevant instruments the country has ratified.

	against Trafficking in Human Beings		<ul style="list-style-type: none"> ▪ Identification and protection for victims ▪ Provide unconditional assistance for victims ▪ Provide recovery and reflection period for victims ▪ Provide residence to non-national victims where necessary ▪ Ensure access to compensation ▪ Facilitate safe repatriation ▪ Adopt prevention measures ▪ Cooperate internationally and with NGOs, facilitate information exchange
European Union	2000 Charter of Fundamental Rights of the European Union	<ul style="list-style-type: none"> ▪ Slavery ▪ Servitude ▪ Forced or compulsory labour ▪ Trafficking in human beings 	<ul style="list-style-type: none"> ▪ Criminalise specified exploitative practices ▪ Investigate, prosecute, and punish violations ▪ Provide victim support and protection ▪ Ensure access to remedy
European Union	2011 EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims	<ul style="list-style-type: none"> ▪ Trafficking in human beings 	<ul style="list-style-type: none"> ▪ Criminalise trafficking with a penalty at least 5 years, including specified aggravating circumstances and liability of legal persons ▪ Adopt measures for seizure and confiscation of proceeds of offences ▪ Non-penalisation of victims ▪ Investigate and prosecute offences, and train relevant authorities ▪ Provide specified assistance and support for victims ▪ Protect victims in criminal proceedings ▪ Ensure access to compensation schemes ▪ Adopt prevention measures ▪ Establish a national rapporteur or equivalent ▪ Coordinate and share information with the Union
Americas	1969 American Convention on Human Rights	<ul style="list-style-type: none"> ▪ Slavery ▪ Involuntary servitude ▪ Slave trade ▪ Traffic in women ▪ Forced or compulsory labour 	<ul style="list-style-type: none"> ▪ Criminalise specified exploitative practices ▪ Investigate, prosecute, and punish violations ▪ Provide victim support and protection ▪ Ensure access to remedy
Americas	1994 Inter-American Convention on International Traffic in Minors	<ul style="list-style-type: none"> ▪ International traffic in minors 	<ul style="list-style-type: none"> ▪ Criminalise and severely punish international traffic in minors ▪ Institute an international mutual legal assistance system for prevention and punishment
African Union	1981 African Charter on Human and Peoples' Rights	<ul style="list-style-type: none"> ▪ Slavery ▪ Slave trade 	<ul style="list-style-type: none"> ▪ Criminalise specified exploitative practices ▪ Investigate, prosecute, and punish violations ▪ Provide victim support and protection ▪ Ensure access to remedy
South Asian Association for Regional Cooperation (SAARC)	2000 SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution	<ul style="list-style-type: none"> ▪ Trafficking in women and children for prostitution 	<ul style="list-style-type: none"> ▪ Criminalise trafficking ▪ Provide means, training, and assistance to authorities for investigation and prosecution ▪ Provide specified assistance and support for victims ▪ Establish frameworks for repatriation
Association of East Asian Nations (ASEAN)	ASEAN Convention against Trafficking in Persons, especially Women and Children	<ul style="list-style-type: none"> ▪ Human trafficking 	<ul style="list-style-type: none"> ▪ Criminalise trafficking, including specified aggravating factors ▪ Ensure necessary measures to facilitate prosecution and extradition

- Provide assistance and support for victims in line with specifications
- Non-detention of victims
- Adopt prevention measures
- Cooperate internationally in prevention, detection, and law enforcement

Regional human rights jurisprudence of the European Court of Human Rights, Inter-American Court of Human Rights, and ECOWAS Community Court of Justice has significantly developed understandings of modern slavery practices in international law and provided for the positive obligations of states in relation to slavery, servitude, forced labour, and human trafficking. Although not explicitly referenced in the ECHR, the European Court of Human Rights determined the prohibition of human trafficking to fall within the remit of article 4 in the case of *Rantsev v Cyprus and Russia*.

4.1.3 Non-binding international instruments ('soft law')

A range of non-binding international instruments cover modern slavery and the various practices engaged therein. These 'soft law' instruments create a tapestry of state commitments to address and prevent modern slavery practices, provide support for victims, facilitate corporate responsibility, and cooperate internationally.

The 1948 **Universal Declaration of Human Rights** includes the prohibition of slavery, slave trade, and servitude (article 4) as well as the right to free choice of employment and just and favourable conditions of work (article 23).

In 2002, the OHCHR released its **Recommended Principles and Guidelines on Human Rights and Human Trafficking**, providing a framework and reference point for the work of the OHCHR on trafficking-related issues. They aim to promote and facilitate the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies, and interventions, as well as to provide practical, rights-based policy guidance on the prevention of trafficking and the protection of victims of trafficking. States and intergovernmental organisations are encouraged to make use of the guidelines.

The 2017 **Call to Action to End Forced Labour, Modern Slavery and Human Trafficking** launched at the 72nd meeting of the United Nations General Assembly articulates a commitment amongst signatories to eradicate forced labour, modern slavery, human trafficking, and the worst forms of child labour to achieve UN Sustainable Development Goal (SDG) Target 8.7. As of the date of writing, 87 States had endorsed the Call to Action (UNU-CPR).

A number of countries have also signalled an intention to accelerate efforts towards SDG Target 8.7 as ILO **'Pathfinder Countries'**, committing to improve and implement legislation, national action plans, and policies, translate public commitments to concrete action, and ratify international human rights and labour standards (Alliance 8.7, 2018). There are currently 26 Pathfinder countries, namely: Albania, Cameroon, Chile, Costa Rica, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Fiji, France, Germany, Ghana, Guatemala, Honduras, Madagascar, Malawi, Mauritania, Mexico, Morocco, Nepal, the Netherlands, Nigeria, Peru, Sri Lanka, Tunisia, Uganda, and Vietnam.

Various soft law instruments provide frameworks for the provision of support, protection, and assistance to victims of modern slavery. These instruments outline core standards, best practice, and guiding principles in victim protection.

Table 13. Summary of commitments in soft law instruments related to victim protection

Instrument	Summary of commitments
1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power	The Declaration establishes a framework for justice and fair treatment for all victims of crime and abuse of state power, irrespective of whether the perpetrator has been identified, prosecuted, or convicted.
2005 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 (UNBPG)	The UNBPG establishes a remedy and reparation framework for victims of gross violations of human rights law or serious violations of humanitarian law. The UNBPG reiterates states' obligations of respecting, ensuring respect for, and implementing international human rights and humanitarian law, including through prevention, investigation, intervention, and remedy. The UNBPG affirm that statutes of limitation should not apply in cases of gross or serious violations of these frameworks, and provide guiding principles for access to information, justice, and reparation.
2006 UNICEF Guidelines on the Protection of Child Victims of Trafficking	The UNICEF Guidelines establish standards for good practice in protecting and assisting trafficked children. The aim of these guidelines is to assist governments and State actors, international organisations and NGOs, for developing human rights-based policies and practices aimed at child victims of trafficking.
2019 UN Protocol on the Provision of Assistance to Victims of Sexual exploitation and Abuse	The Protocol aims to facilitate a common set of norms and standards for assisting and supporting victims of sexual exploitation and abuse, applying to all UN system entities.

4.2 Business responsibilities

In recent years, the responsibility of businesses to contribute to the fight against modern slavery—and ensure human rights, labour, and environmental standards more broadly—has been brought to the fore of international antislavery. The recognition of modern slavery as a profit-driven activity in many contexts, and embedded in global supply chains, has given rise to greater attention on the role of the private sector in addressing the phenomenon. These frameworks recognise private enterprises both as potential violators of human rights—as perpetrators or beneficiaries of modern slavery violations—and as potential protectors of human rights and antislavery champions.

While modern slavery practices broadly are found in a panoply of binding international instruments, international legal frameworks establishing the responsibilities of business in relation to addressing these violations remain in their nascency. While regional and domestic frameworks exist imposing responsibilities on companies in relation to human rights abuses, at the global level the domain of business and human rights is largely occupied by 'soft law' instruments. The 2011 United Nations Guiding Principles on Business and Human Rights are a landmark framework in this regard, outlining the responsibilities of both states and businesses in protecting and respecting human rights, and remedying violations.

In June 2014, the Human Rights Council initiated a process aiming towards the negotiation and adoption of a binding international treaty on business and human rights. In 2021, the Third Revised Draft of the proposed treaty was published (OHCHR, 2021). The EU is noted to have participated in negotiations, albeit in a limited way—a move that has been welcomed by some stakeholders (Renfrey, 2021). Although still in negotiations, the adoption of this instrument would represent a significant advancement in the global business and human rights regime.

Table 14. Summary of commitments in international frameworks related to business and human rights

Instrument	Summary of commitments
1977 Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (amended in 2017)	<p>Provides guidelines for Multinational Enterprises (MNEs), governments, and employers' and workers' organisations for employment, training, work conditions, and industrial relations, founded on principles of ILO conventions. The guidelines are intended to enhance the 'positive social and labour effects' of MNEs' operations and governance to achieve decent work for all.</p> <p>Governments should:</p> <ul style="list-style-type: none"> Take measures to eliminate forced labour, provide protection and remedies for victims, and sanction perpetrators. Develop a national policy or plan of action in consultation with employers' and workers' organisations. Provide guidance and support for employers and enterprises in identifying, preventing, mitigating, and accounting for how they address risks of forced labour. <p>MNEs and national enterprises should:</p> <ul style="list-style-type: none"> Take immediate and effective measures to prohibit and eliminate forced labour in their operations. Take immediate and effective measures within their competence to prohibit and eliminate the worst forms of child labour urgently. Respect the right of workers to have grievances processed and examined without prejudice.
2011 United Nations Guiding Principles on Business and Human Rights (UNGPs)	<p>The UNGPs provide global guidance for preventing and addressing risks of negative impacts on human rights linked to business activities, and enhancing standards and practices related to business and human rights. The UNGPs rest on three pillars:</p> <ul style="list-style-type: none"> Protect (state duty to protect human rights). Respect (corporate responsibility to respect human rights). Remedy (access to remedy for victims of business-related abuses). <p>States should:</p> <ul style="list-style-type: none"> Prevent, investigate, punish, and ensure redress for business-related abuses. Clearly set out expectations and provide guidance for business to respect human rights. Exercise adequate oversight over businesses in relation to human rights. Provide non-judicial grievance mechanisms and facilitate non-State mechanisms. <p>Business enterprises should:</p> <ul style="list-style-type: none"> Avoid causing or contributing to adverse human rights impacts. Address adverse impacts when they occur. Prevent or mitigate adverse impacts directly linked to their operations, products, or services (even where they did not contribute to those impacts). Adopt appropriate policies, due diligence processes, and remediation processes. Track the effectiveness of their response and communicate externally. Establish or participate in grievance mechanisms.
2016 Recommendation CM/Rec(2016)3 of the Committee of Ministers to Member States on Human Rights and Business	<p>This Council of Europe Recommendation supplements the UNGPs, providing more specific guidance to assist Member States in preventing and remedying human rights violations by businesses, insisting on measures to induce businesses to respect human rights. It provides additional detail on access to judicial remedies in this context, and emphasises the additional protection needs of workers, children, indigenous people, and human rights defenders.</p>
2011 OECD Guidelines for Multinational Enterprises	<p>These OECD Guidelines set out recommendations for MNEs, establishing non-binding principles and standards for responsible business conduct. In 2020, the OECD Working Party on Responsible Business Conduct (WPRBC) initiated a stocktaking exercise to assess the OECD Guidelines, their implementation and the OECD's work on Responsible Business Conduct.</p>
2018 OECD Due Diligence Guidance for Responsible Business Conduct	<p>This OECD guidance provides practical support for businesses in implementing the OECD Guidelines for Multinational Enterprises, explaining due diligence recommendations and associate provisions. This includes practical explanations, tips, and examples of due diligence.</p>

4.2.1 European Union standards

The Non-Financial Reporting Directive (EU Directive 2014/95/EU) requires disclosure of non-financial and diversity information by large companies in relation to social matters and treatment of employees, as well as respect for human rights. The Directive applies to companies with more than 500 employees, encapsulating around 11,700 companies and groups across the EU. This includes listed companies, banks, insurance companies, and others (European Commission, n.d.). The European Commission Guidelines on Non-Financial Reporting provide guidance for companies in implementing the Directive, with reference to the UN Sustainable Development Goals and the Paris Agreement (European Commission, 2017a).

On 21 April 2021, the Commission adopted a proposal for a Corporate Sustainability Reporting Directive, which would amend the existing reporting requirements of the NFRD (Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting, 2021). As outlined by the European Commission (Corporate sustainability reporting), the proposal:

- Extends the scope to all large companies and all companies listed on regulated markets (except listed micro-enterprises);
- Requires the audit (assurance) of reported information;
- Introduces more detailed reporting requirements and a requirement to report according to mandatory EU sustainability reporting standards; and
- Requires companies to digitally 'tag' the reported information, so it is machine readable and feeds into the European single access point envisaged in the capital markets union action plan.

In 2017, the EU adopted a **conflict minerals regulation** which came into force on 1 January 2021. The regulation is a binding instrument on EU-based companies importing gold, tungsten, tin, and tantalum into the EU from conflict-affected regions. These companies are required to disclose information as to whether the imported minerals are linked to conflict and human rights breaches (Addaney & Lubaale, 2021). Small-scale businesses are not in the scope of this regulation. Further, the regulation does not address all the conflict-affected minerals; it only covers tin, tungsten, tantalum and gold (otherwise labelled as '3TG') (European Commission, 2020f). This aligns with the approach adopted by the US through the Dodd-Frank Act (section 1502), outlined in section 4.2.2 below.

The function of the conflict minerals regulation is twofold: first, making it more difficult for armed groups and criminals to rely on conflict minerals as a source of income funding their activities; and second, tackling human rights abuses (ibid). The regulation draws on OECD rules and guidance for addressing conflict minerals, outlined in the Due Diligence Guidance for Responsible Supply Chains from Conflict-Affected and High-Risk Areas (OECD, 2016). In the regulation, relevant companies are required to carry out due diligence following the five-step framework of the OECD. These steps require importers to:

- Establish strong company management systems;
- Identify and assess risk in the supply chain;
- Design and implement a strategy to respond to identified risks;
- Carry out an independent third-party audit of supply chain due diligence; and
- Report annually on supply chain due diligence (European Commission, 2020f).

The regulation further establishes different rules for 'downstream' and 'upstream' companies.

In 2021, the EC and EEAS published **Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains** (EEAS, 2021g). The Guidance is intended to reflect international standards and 'enhance companies' capacity to eradicate forced labour from their value chains by providing concrete, practical advice on how to identify, prevent, mitigate and address its risk' (European Commission, 2021t). It further provides a framework for forced labour due diligence in advance of the legislative proposal on Sustainable Corporate Governance (EEAS, 2021g, p. 3).

4.2.2 Domestic frameworks

A range of domestic frameworks have been introduced in recent years to govern business conduct in relation to modern slavery. Instruments enacted to date fall within three overarching categories: (1) measures focused on imports and trade; (2) transparency obligations; and (3) due diligence frameworks.

Transparency in supply chains obligations in the context of modern slavery specifically first emerged in the California Transparency in Supply Chains Act 2010. This state-level legislation mandated companies with an annual turnover of over \$100 million (US) to produce and publish a disclosure outlining information on five topics related to human trafficking in their product supply chains. Within this framework, companies are required to report on the extent to which they:

1. Engage in verification of product supply chains to evaluate and address risks of human trafficking and slavery;
2. Conduct audits of suppliers to evaluate compliance with company standards on trafficking and slavery in supply chains;
3. Require certification by direct suppliers of compliance with laws related to human trafficking and slavery;
4. Maintain internal accountability standards and procedures for employees and contractors failing to meet company standards regarding slavery and trafficking; and
5. Provide employees with supply chain management responsibilities with training on trafficking and slavery.

Companies are not required to take action in any of the specified areas, but rather only to report on action taken.

The California Transparency in Supply Chains Act was a springboard for other transparency in supply chains frameworks in relation to modern slavery abuses, including notably section 54 of the UK's Modern Slavery Act and the 2018 Australian Modern Slavery Act. The latter built on the 2015 UK legislation by introducing the disclosure requirement in the context of public procurement in addition to private enterprise, which had been omitted from the 2015 UK legislation. Canada's BILL S-216, An Act to enact the Modern Slavery Act and to amend the Customs Tariff also adopts this approach, proposing a reporting regime similar to those adopted in California, the UK, and Australia. However, unlike the UK legislation, the proposed Bill does create financial liability for non-compliance.

Adopting a more geographically limited and sector-specific approach, the US Dodd-Frank Act (Section 1502) places requirements on publicly traded companies to trace and audit mineral supply chains to ensure raw minerals used to make their products are not connected to conflict in the Democratic Republic of the Congo (provisions therefore apply to sourcing from the DRC and adjoining countries). Section 1502 is intended to prevent armed groups from financing themselves through the exploitation of conflict minerals, specifically tungsten, tin, tantalum, and gold. This provision is not intended to bar minerals from the DRC entering the US, focusing instead on disclosure by companies of sourcing of conflict minerals. Addaney and Lubaale suggest that this framework has been more effective than other voluntary regulations due to its binding nature (2021).

In comparison to reporting regimes, a growing number of domestic frameworks create mandatory due diligence frameworks for companies—requiring particular forms of action to identify, mitigate, and address risks of abuse. France’s 2017 Corporate Duty of Vigilance Act, for instance, requires large French companies to publish annual ‘vigilance plans’ establishing measures to identify risks and prevent severe impacts on human rights and the environment resulting from the company’s activities or subsidiaries. Measures include ‘risk mapping, tailored actions to mitigate risks or prevent severe impacts, an alert mechanism, and a system to monitor the effectiveness of measures implemented’ (BHRRC, 2021a). The Dutch Child Labour Due Diligence Law (due to come into effect in mid-2022), advances the due diligence framework through the inclusion of a dedicated regulator and imposition of criminal sanctions for failure to carry out due diligence. Germany’s Act on Corporate Due Diligence in Supply Chains is due to enter into force in 2023, initially covering corporations with 3,000 employees or more, with companies with 1,000 or more employees bearing obligations from 2024.

The US Trade Facilitation and Trade Enforcement Act of 2015 created the first comprehensive authorisation of US Customs and Border Protection (CBP) with the overall objective of ensuring a fair and competitive trade environment. The Act prohibits all products made by forced labour from being imported into the US. The CBP implements section 307 of the 1930 Tariff Act, issuing ‘Withhold Release Orders’ and findings to prevent goods produced using forced labour from being imported into the country. As of 30 September 2021, 7 Findings and 49 Withhold Release Orders were active, with 1,469 shipments detained in 2021 (US Customs and Border Protection, 2021) (see Figure 10). The Human Trafficking Legal Center highlighted this framework as having ‘the potential to be a game-changer in the fight against forced labor’ (Syam & Roggensack, 2020). Canada’s proposed legislation—BILL S-216, An Act to enact the Modern Slavery Act and to amend the Customs Tariff—also advances an import ban prohibiting the importation of goods manufactured or produced by child or forced labour.

4.3 Challenges

Although a tapestry of international, regional, and domestic legal instruments and standards governing state and business conduct in relation to modern slavery practices is in place, challenges in design and implementation of these frameworks remain. The diversity of international and regional instruments operates as both a strength and a shortcoming of the current landscape. On the one hand, instruments have developed responsively to address particular areas of concern to international and national actors. This helps to ensure broad coverage of international frameworks, addressing newly emerging priorities in the antislavery agenda and bringing tools from across different branches of international and domestic law to bear in addressing the challenge of modern slavery. However, this also results in fragmentation of response efforts, a level of complexity in the system that can inhibit understanding, and challenges in coordinating across regimes (Schwarz, 2021).

Different terminology is associated with different policy and governance domains—trafficking in criminal justice and security frames, forced labour in labour and employment frames (as well as human rights), and modern slavery predominantly in an amorphous political frame. Not only does this result in confusion amongst international stakeholders, but can also result in different operational mechanisms within states being engaged in different aspects of modern slavery governance. This creates a coordination problem, as different practices often end up in ‘silos’.

The relative nascency of business and human rights frameworks in the global antislavery regime also poses challenges, as rigorous evidence of what works is limited and awareness raising and capacity building at the most basic level amongst the organisations bearing responsibilities is necessary in many contexts. The environment of corporate conduct also poses particular challenges in designing and implementing antislavery policy, as incentives may pull in different directions (for instance, concerns about liability, reputation, stock prices, and maximising profit for shareholders may not align with antislavery imperatives or disclosure regimes). In some instances, this may go so far as to undermine efforts to address modern

slavery, causing businesses to ‘clam up’ rather than advance antislavery in meaningful ways. Careful navigation of this field is therefore necessary.

The complexities of the phenomenon of modern slavery, in its various manifestations, also present significant challenges. This is particularly true where abuses intersect with significant global challenges such as conflict, migration, and environment, and where these intersecting policy domains evidence tensions. Careful coordination across policy levels—global, regional, external, and national—is therefore necessary to advance antislavery efforts. However, this itself further complicates the already complex tapestry of modern slavery policy.

5 Addressing modern slavery in trade policy

This section evaluates evidence of the effectiveness of trade policy instruments of the EU and like-minded partners in addressing modern slavery practices in third countries. Evaluation includes a review of relevant instruments, considering evidence of their effectiveness in changing law, policy, and practice drawn from the documentary review, secondary data analysis, and key informant interviews.

Attempts to advance human and labour rights through trade instruments and relationships have gained traction in recent years, manifesting in multiple different forms across different policy and geographic contexts. Such efforts have emerged in a variety of agreements and schemes, and the treatment of human and labour rights concerns in the context of trade policy has evolved over time as the system matures. The EU has situated human and labour rights—and sustainable development more broadly—at the core of its international trade policy, increasingly building these concerns into bilateral and multilateral trade agreements, unilateral preferences, and export controls policy (European Commission, 2015b). This positioning recognises the direct impact of demand for products and services within Europe on exploitation outside Europe.

Trade policy was identified by interviewees in this study as a key priority area for EU external policy to address modern slavery in third countries, and a source of optimism in terms of the EU’s capacity and leadership in global antislavery. The direct connection between the EU and exploitation in third countries through imports was highlighted, and a responsibility on the part of EU actors—public and private sector alike—to recognise and redress risks of modern slavery in global trade and supply chains seen as a direct consequence of that connection. The value of trade in advancing efforts was particularly highlighted in relation to issues that would not yet succeed in international frameworks more broadly; where it might currently be impossible to achieve an international agreement on a particular topic or issue, trade may provide an entry point within the context of specific trading relationships.

Non-Trade Policy Objectives (NTPOs)—as Borchert et al label human rights, labour, and environmental standards in trade contexts—are increasingly used in EU trade policy (2020). The imperative to advance NTPOs in EU trade is supported by article 21(1) of the Treaty on European Union as amended by the Treaty of Lisbon, requiring EU action on the ‘international scene’ be guided by principles of democracy, rule of law, and human rights (2012). In 2019, Ursula von der Leyen emphasised using trade tools to support sustainable development as a central element of the mission of the EU Commissioner for Trade (2019). Yet, traditional trade-related objectives and the antislavery imperative do not always receive equal attention and in practice the goals can conflict.

The traditional objectives of trade include facilitating access to commodities where such are lacking, providing a market for goods produced in abundance, and ‘maximising the availability of inexpensive goods’ (Briskin, 1993). Along this vein, the EP have identified the ‘main goal of the EU’s trade policy’ as increasing ‘trading opportunities for European companies by removing trade barriers such as tariffs and

quotas and by guaranteeing fair competition’ (European Parliament, 2019). While the goal of promoting ‘human rights, social and safety standards, respect for the environment and sustainable development’ is also highlighted by the EP (ibid), this is presented as secondary to the more traditional ‘trade-related’ objective.

The European Commission’s 2021 Trade Policy Review outlined three core medium-term objectives for EU trade policy: (1) supporting the recovery and fundamental transformation of the EU economy in line with its green and digital objectives; (2) shaping global rules for a more sustainable and fairer globalisation; and (3) increasing the EU’s capacity to pursue its interests and enforce its rights, including autonomously where needed (European Commission, 2021j). Six areas of focus for EU trade policy are outlined, including imperatives to promote responsible and sustainable value chains. Yet, despite recognition that ‘EU trade policy should use all the tools at its disposal to support social fairness and environmental sustainability’ in the review (ibid, p 10), relatively little consideration is given in the proposed framework to stepping up action in relation to human and labour rights concern. Significant attention is paid to green and digital transitions, but considerations of human development (which would include modern slavery practices) are underrepresented.

While trade policy has been highlighted as an arena of significant opportunity in advancing efforts to address modern slavery in third countries, tensions and conflicting incentives can operate in this domain. Actions taken in the pursuit of traditional trade objectives may facilitate or enable modern slavery practices. Vice versa, approaches driven by the goal of addressing modern slavery practices may impair open trade in particular circumstances. It is therefore necessary to recognise that the antislavery imperative may not be simply ‘added on’ to trade relations without considering the competing priorities thereby created, and how these must be balanced.

Box 2. The scope and boundaries of the trade policy domain

The scope and boundaries of the trade policy domain

Despite a general consensus over the importance of trade policy in addressing modern slavery amongst participants, the boundaries of the trade domain were recognised to be blurred. That is to say, exactly what falls within the umbrella of ‘trade policy’ differs depending on the person or institution in question. However, uncertainty over the exact parameters of trade is not necessarily a barrier to effective antislavery engagement across relevant policy interventions and initiatives. Rather, trade policy is interconnected with other areas of external policy relevant to addressing modern slavery. The exact boundaries of trade, or the labels applied to particular practices, then become less relevant than coordinated activities across different areas and types of external policy.

Overall, policies and interventions addressed within this section fall within two overarching categories. First, measures intended to directly influence the behaviour of actors in third countries. This includes the integration of human rights, labour rights, and modern slavery concerns in bilateral and multilateral trade agreements, generalised systems of preference, import restrictions, and international trade dialogues. Second, measures intended to influence the behaviours of businesses within the EU that are connected to third countries through imports or subsidiaries. This includes transparency and reporting obligations as well as due diligence frameworks. These categories address fundamentally different subjects—in the former case, addressing third country stakeholders directly and in the latter addressing EU-based enterprises (thereby connecting indirectly to third country enterprises).

The umbrella of trade policy in this study is considered to encapsulate both these categories of intervention, although the latter are often designed and considered as part of corporate regulation and governance (or other areas of law) rather than as trade tools. The latter tools were not a significant focus of the study, and the internal dimensions of these frameworks in particular were not evaluated. However, evidence that emerged in interviews and secondary literature reviewed on this topic are addressed in section 5.4.

Table 15 below provides an overview of policy tools considered in this section and summarises the strength of evidence available on their effectiveness in addressing modern slavery in third countries.

Table 15. Summary of evidence and findings on addressing modern slavery through trade policy tools

Policy tool	Strength of evidence	Summary of Evaluation	Proposals for ways forward
Essential elements clauses in trade agreements	A relatively rich evidence base considered the role of essential elements clauses in addressing human and labour rights issues in third countries.	Perspectives on the role of essential elements clauses in improving human and labour rights in practice are varied. They represent an important fundamental commitment to human and labour rights, including modern slavery practices. However, in practice issues of selectiveness, transparency, and consistency are considered to undermine their efficacy. Overall, they are conditionally effective, with moderate influence in countries more heavily dependent on EU trade.	The fundamental structure of essential elements clauses may be maintained. However, this could be usefully supplemented through the production of a clear framework outlining the conditions triggering the clause, consistently and transparently applied in practice.
TSD chapters in trade agreements	A wide body of evidence considers the impacts of TSD chapters on human and labour rights issues in third countries. However, limitations in available evidence and research design, as well as the variety of third country contexts, present challenges for robust conclusions.	TSD chapters are a crucial mechanism in trade agreements for the advancement of modern slavery efforts in third countries. However, the implementation of these frameworks in practice demonstrates mixed results in different contexts. While in some cases, positive impacts are observed, these are not universally present and may take many years to manifest.	Strengthening the practical infrastructure for implementation and enforcement of TSDs would help maximise their effectiveness in addressing modern slavery practices. A wide range of reforms based on rigorous scientific review are needed to achieve the full potential of these tools.
The Generalised Scheme of Preferences	A wide body of evidence considered the role of the GSP in addressing human and labour rights issues in third countries. However, limitations in available evidence and research design, as well as the variety of third country contexts, present challenges for robust conclusions.	The GSP is a crucial mechanism for the advancement of modern slavery efforts in third countries and avoids concerns over potentially discriminatory practice in line with WTO rules. The combination of 'carrot and stick' represented by the combination of positive and negative conditionality is a key strength. However, lack of clarity, consistency, and transparency in application as well as challenges in monitoring and enforcement are inhibiting the realisation of the GSP's antislavery potential.	Strengthening the GSP as an antislavery tool is a key priority for EU external policy in combatting modern slavery in third countries. Greater clarity and consistency in the conditions triggering the withdrawal of preferences would support improved application, combined with strengthened monitoring and enforcement mechanisms engaging CSOs in close cooperation.
Import restrictions	A growing body of evidence considers the role of import restrictions in addressing modern slavery in third countries. However, the evaluative strength of this evidence remains somewhat limited, as robust studies on the impacts of sanctions (particularly in the	Import restrictions are a promising tool in addressing modern slavery in third countries, and an important option on the table even in circumstances where they are not ultimately adopted. They may play an important role in engaging private sector, as well as government, interests in addressing modern slavery concerns in a timely manner. In particularly severe cases, they	Import restrictions should be considered and pursued in cases of significant modern slavery abuses. However, the approach adopted must be heavily contextualised, engaging closely with the particular case at hand and involving rigorous evaluation of evidence and potential impacts prior to adoption to mitigate risks of negative impacts on vulnerable populations.

	medium-long term) are scarce.	provide an important moral signal that can help maintain the EU's international reputation on human rights issues.	The EU should explore options to engage like-minded partners globally to address challenges in the practical infrastructure of modern slavery import bans broadly, in particular investigative capacity.
Transparency in supply chains (TISC) frameworks	A strong evidence base exists evaluating the impacts of TISC frameworks in relation to modern slavery practices. This draws on over five years of learning across multiple contexts.	TISC frameworks may facilitate some improvements within particular corporate contexts. However, they have not been effective in delivering widespread or meaningful change in modern slavery practices in global supply chains.	TISC frameworks may be understood as a useful stepping stone towards more stringent requirements on private sector enterprises in relation to modern slavery risks in their supply chains. However, they are not sufficient to deliver meaningful action. The EU should therefore continue to pursue more robust responsibility frameworks.
Mandatory due diligence frameworks	An emerging evidence base considers the impacts of mandatory due diligence frameworks on addressing modern slavery practices in third countries. However, the evidence base is nascent and relatively limited evaluative evidence of impacts is currently available.	Mandatory due diligence frameworks are widely recognised as an important and timely development in addressing modern slavery practices both within the EU and in third countries. The coverage and scope of these frameworks, in addition to enforcement mechanisms adopted, are likely to be central to their impact.	The EU should continue to advance the process for the adoption and implementation of an EU framework for mandatory human rights and environmental due diligence. Specific and dedicated attention should be paid to modern slavery practices in implementation and enforcement, and ongoing review of the operation of this mechanism pursued to maximise its potential for addressing modern slavery.
Certification for conflict minerals	The study did not find any evaluation reports or studies assessing the effectiveness of the Conflict Minerals Regulation. This is because the Regulation came into effect on 1 January 2021.	It is too early to assess the effectiveness of the EU Conflict Minerals Regulation. However, the evidence assessing the effectiveness of the Section 1502 of US Dodd Frank Act found unintended consequences causing civilians who rely on the mining and extractive industry for their livelihood to suffer, as well as increasing likelihood of violent conflict in affected territories.	The EU should conduct a formal review of the impact of Conflict Minerals Regulation in order to avoid unintended consequences by building on lessons learnt from Section 1502 of US Dodd Frank Act.

5.1 Trade agreements

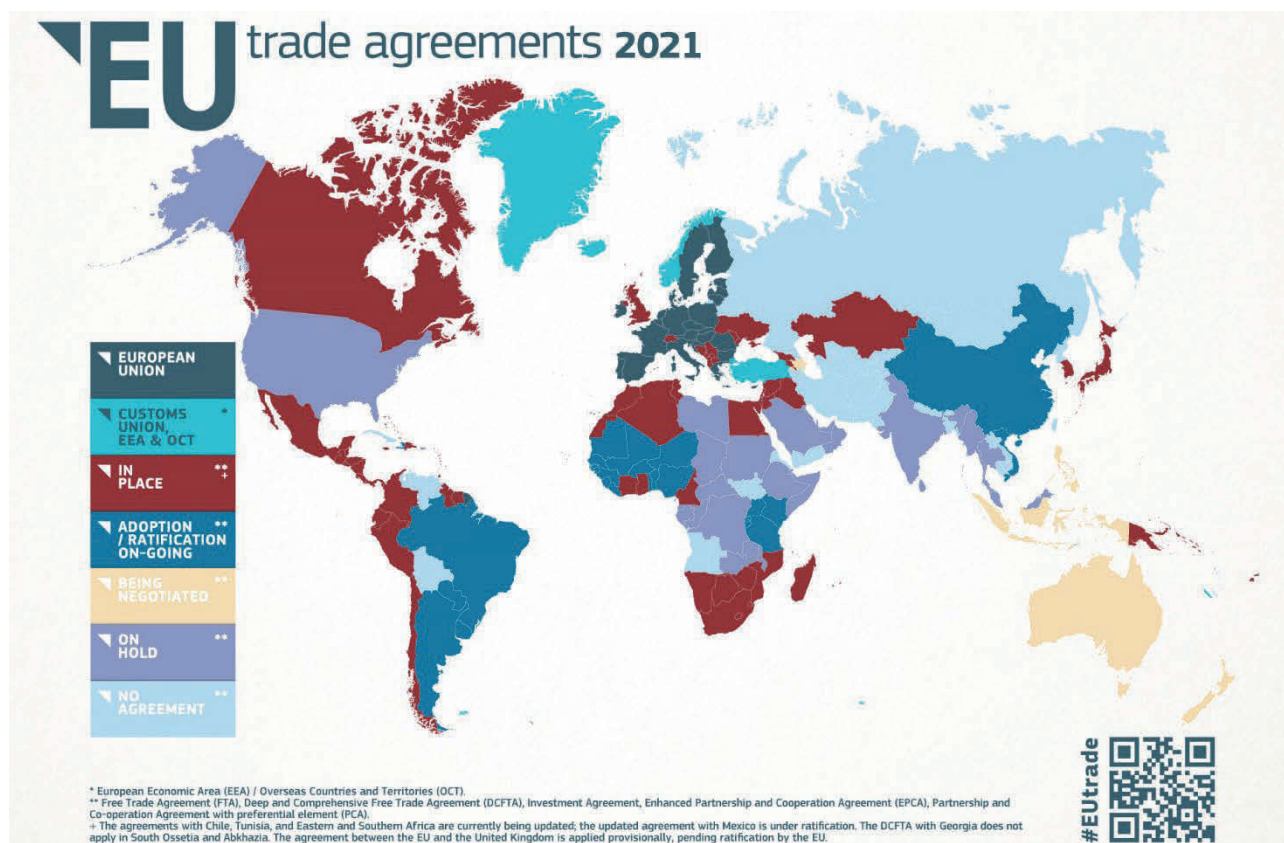
Bilateral trade agreements have formed part of the EU's more recent trade strategy, applicable from 2006, which uses 'Trade and Sustainable Development Chapters' (TSD chapters) within comprehensive new generation Free Trade Agreements (FTAs) (Landman, Schwarz, & Peake, 2019). These new generation FTAs are particularly relevant for countries graduating from GSP preference bands into higher middle-income country status. Bilateral FTAs can also act as building blocks towards multilateral agreements, for instance in the negotiation of an EU-ASEAN trade agreement. The EC's 2021 Trade Policy Review further highlighted the importance of consolidating EU partnerships—particularly in key growth regions—by concluding negotiations and ratifying outstanding agreements (European Commission, 2021j, p. 21). The Commission emphasised the importance of unlocking the benefits of EU trade agreements through strengthened implementation and enforcement, in light of the 'wave' of new agreements adopted in recent years (ibid, p. 19).

Bilateral and multilateral trade agreements, unlike generalised and unilateral schemes, allow for a more tailored approach to the challenges of engaging with particular third countries and regions, both with

regard to the dynamics of trade itself and in the interest of advancing modern slavery efforts in these jurisdictions. They further offer the opportunity for direct engagement with third countries, and the development of context-responsive, bespoke approaches to grappling with human rights challenges in the state or region. This can be particularly valuable in contexts where historical resistance to human rights has an ideological dimension that must be managed carefully and responsively. However, they may require more careful balancing in light of the core principle of non-discrimination in international trade law than is necessary in relation to generalised systems of preference.

5.1.1 Overview of EU trade agreements and partners

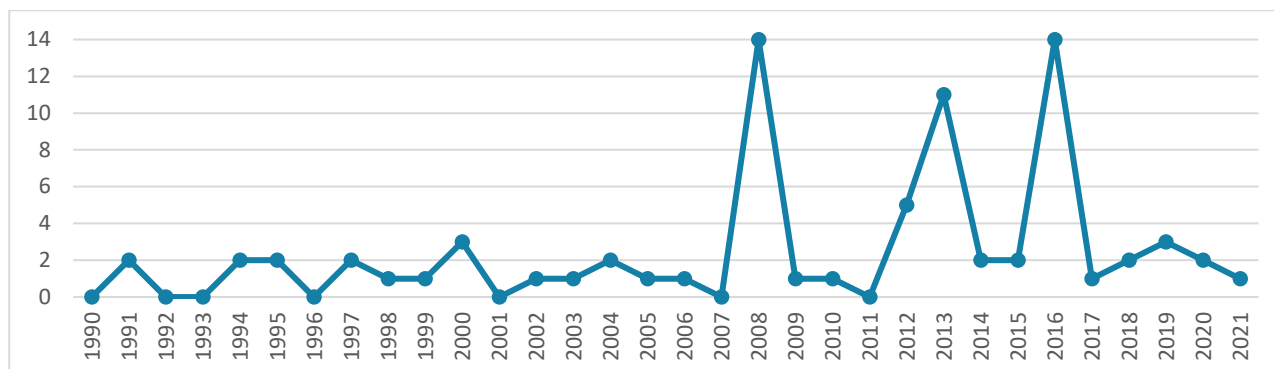
Figure 12. EU trade agreements 2021 (Council of the European Union, 2021b)



As of 18 November 2021, the EU had trade agreements in place with 78 third countries (European Commission, 2021s). With one exception (agreement with Switzerland in force since 1973), all recorded agreements in place applied from or entered into force in the period from 1990-2021 (see Figure 13. Number of countries for which new agreements entered into force or provisionally applied (1990-2021)). Spikes in the number of new agreements entering into force or provisionally applied are largely explained by multilateral negotiations. This includes the Economic Partnership Agreement between the CARIFORUM States and the EU in 2008 (covering 14 states), the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other in 2013 (6 states), and the Economic Partnership Agreement with SADC (5 states) in 2016.

In 2021, agreements were being adopted or ratified with an additional 24 countries new agreements were being negotiated with five—Australia, China, Indonesia, New Zealand, and the Philippines—and negotiations had begun but been placed on hold (paused, suspended, or further negotiations not scheduled) with a further 24 countries. This means that EU trade negotiations have been conducted with 131 third countries—representing 77 % of all non-EU UN Member States (as well as Faroe Islands, Palestinian Authority, and Kosovo). Agreements are in place with 45 % of non-EU UN Member States (as well as Faroe Islands, Palestinian Authority, and Kosovo).

Figure 13. Number of countries for which new agreements entered into force or provisionally applied (1990-2021)



EU trading partners reflect significant diversity in relation to modern slavery issues, and more broadly with regard to human rights, labour rights, and democracy. Among the 102 trade agreement partner countries—countries for which agreements are in place (in force or provisionally applied) or currently being adopted or ratified—significant deviation in levels of respect for rights is evident.

The Walk Free assessment of government responses to modern slavery in 2019—Measurement, Action, Freedom (MAF)— shows differing levels of commitment to addressing the issue of modern slavery amongst the EU's trade agreement partner countries (Walk Free, 2019).⁵ Some were assessed amongst the strongest global performers in addressing modern slavery, with 12 partner countries rated 7 (the highest rating achieved in 2019). This represented 12.4 % of the EU trade agreement partner countries for which MAF data was available ($n=97$). However, others were situated at the bottom of the scale. Five partner countries (5.2 %) were rated 2 (meeting less than 20 % of the governance indicators), twelve countries (12.4 %) rated 3, and 21 countries (21.6 %) rated 4 (see Figure 14).

The International Trade Union Federation's (ITUC) Global Rights Index shows that respect for workers' rights in trading partner countries of the EU is likewise varied (see Figure 15). Only three trade agreement partner countries (3.8 %) for which ITUC data is available ($n=79$) were assessed to have only sporadic violations of rights (rating 1) (ITUC, 2021). At the opposite end of the spectrum, two partner countries (2.5 %) were assessed to provide no guarantee of rights due to breakdown of the rule of law (rating 5+). A relatively even distribution of trading partner countries were assessed to fall in rating 2 (repeated

Figure 14. 2019 Walk Free government response ratings of EU trade partner countries

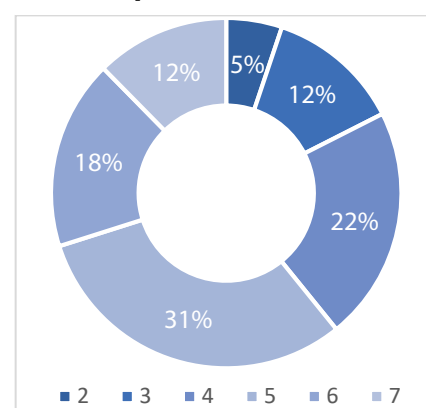
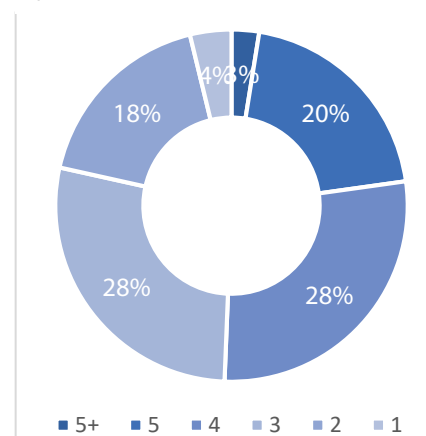


Figure 15. 2021 ITUC Global Rights Index ratings of EU trade agreement partner countries



⁵ The MAF report assesses government responses to modern slavery on a scale from 1-10, measuring government action against 102 indicators organised into 28 activities and 5 milestones: (1) survivors are identified and supported to exit and remain out of modern slavery; (2) criminal justice mechanisms function effectively to prevent modern slavery; (3) coordination occurs at the national level and across borders, and governments are held to account for their response; (4) Risk factors, such as attitude, social systems, and institutions that enable modern slavery, are addressed; and (5) government and business stop sourcing goods and services produced by forced labour.

violations of rights), rating 3 (regular violations of rights), rating 4 (systematic violations of rights), and rating 5 (no guarantee of rights).

Trade agreement partner countries also evidence significant diversity in regime-type, spanning from liberal democracies such as Costa Rica, Japan, and Switzerland to closed autocracies such as Eswatini, Jordan, and Morocco (V-Dem Institute, 2021). For trade agreement partner countries which 2020 V-Dem regime classifications are available ($n=87$), 4.6 % are closed autocracies, 36.8 % electoral autocracies, 44.8 % electoral democracies, and 13.8 % liberal democracies (see Figure 16).

The diversity in regimes, rights frameworks and protections, and modern slavery governance efforts evidence the balancing of economic interests and values by the EU in pursuing trade agreements with third countries. The EU continues to pursue trade relations with countries assessed to have demonstrably poor records in relation to modern slavery practices, and which evidence little effort to improve in this area. The EC's approach to this intersection between trade and human rights is premised on the expectation that trade agreements are a mechanism through which dialogue on democracy and human rights issues may be addressed, and that economic liberalisation facilitated by the agreements will have positive impacts on human rights (Zamfir, 2019, p. 6).

5.1.2 Overview of modern slavery in EU trade agreements

In this study, 90 trade negotiation and agreement documents published between 2000 and 2021 were reviewed to assess the extent of reference to modern slavery in these frameworks.⁶ Of these documents and instruments, 49 (54 %) made no explicit reference to either modern slavery practices or other variables considered closely relevant to addressing modern slavery. Documents making reference to variables relevant to modern slavery represented 21 of the documents assessed (23 %), specifically dealing with issues such as human rights and labour rights broadly—which encompass modern slavery practices—but without explicit reference to modern slavery practices themselves.⁷ In total, 20 documents (22 %) made explicit reference to modern slavery practices (see Annex 12.5).

No document reviewed made explicit reference to 'modern slavery' as such, instead referring to a variety of the modern slavery practices considered in this study. Forced labour was the most commonly referenced modern slavery practice, found in fourteen of the twenty documents (70 %). This was followed by human trafficking, referenced in twelve documents (60 %). All documents in this group referenced either forced labour or human trafficking, with six documents referencing both, making these the dominant frames for consideration of modern slavery issues in EU trade. Other modern slavery practices

Figure 16. 2020 V-Dem regime classification for EU trade agreement partner countries

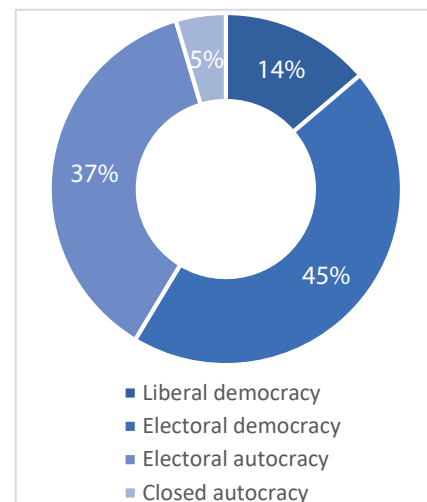
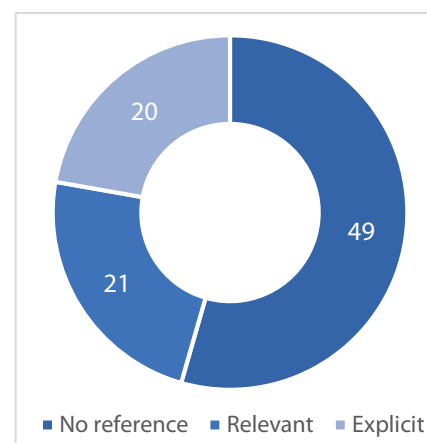


Figure 17. Connection to modern slavery in trade policy documents assessed



⁶ Documents were collected from the European Commission's trade negotiations and agreements website (European Commission, 2021s) and consisted (*inter alia*) of trade agreements, association agreements, agreements in principle, agreement negotiations and investment negotiations. Negotiation documents include any written recordings that include negotiating directives, initial text proposals, round reports on agreement negotiations, and factsheets on progress made.

⁷ A general reference to 'decent work', 'core labour standards', or 'human rights' would therefore be recorded as relevant, but not as an explicit reference to a modern slavery practice. However, a document referencing, for instance, the Forced Labour Convention as a fundamental labour rights convention would be recorded as an explicit reference.

were less strongly represented, with sexual exploitation specifically appearing in three of the twenty documents (15 %), the worst forms of child labour appearing in two (10 %), and forced marriage appearing in one (5 %). No explicit references to servitude, debt bondage, or use of child soldiers were identified in these documents.

Half of the documents assessed referenced only one modern slavery practice (either forced labour or human trafficking), while eight referenced two practices (most commonly referring to both forced labour and human trafficking) and two referenced three practices (see Figure 18). References to sexual exploitation and forced marriage always intersected with reference to human trafficking, and likewise the forced marriage reference intersected with reference to sexual exploitation. The two references to the worst forms of child labour naturally intersected with reference to forced labour. Overall, this shows that consideration of modern slavery practices within trade policy documents from 2000-2021 did not comprehensively engage the full set of modern slavery practices considered in this study, instead focusing on either the forced labour or human trafficking frame to the exclusion of other modern slavery practices.

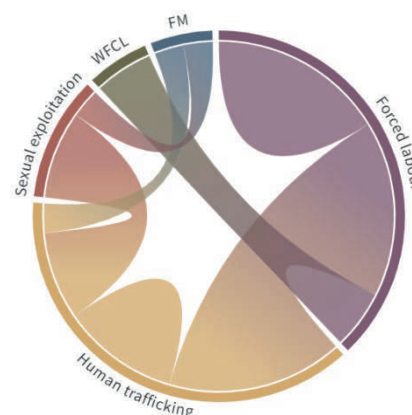
The inclusion of human trafficking may be seen as encompassing the various modern slavery practices addressed in this study, in line with the interpretation of trafficking as an umbrella offence covering various forms of exploitation. On this understanding, reference to human trafficking may be seen as fulfilling the same (or similar) function as consideration of modern slavery or the full range of distinct modern slavery practices. However, it should be noted that interpretations of the trafficking definition differ and that international obligations in relation to trafficking (articulated in the Palermo Protocol) apply only to instances of trafficking that are transnational in nature and with a connection to organised criminal groups (Palermo Protocol, article 5). While regional conventions operating in Europe extend this definition, many third states' international obligations in relation to trafficking are primarily delineated by the Palermo Protocol and are therefore subject to this limitation.

5.1.3 Essential elements clauses

Prior to the 2006 EU global trade strategy (European Commission, 2006, p. 9), the EU integrated human rights in its bilateral trade agreements primarily through essential elements clauses, conventionally stating that human rights would be an essential element of the agreement. In 1995, the EU adopted a formal policy of including operative human rights clauses in new cooperation and trade agreements (European Commission, 1995) and in 2009 expressed a preference for framework agreements to be concluded to address 'political clauses' prior to the adoption of trade agreements (Bartels, 2014, p. 7). As Zamfir highlights, where political framework agreements exist, the EU's policy is to include the clause in this framework agreement, to which free trade agreements would then be linked (2019, p. 4). In the absence of such, the clause would be included in the free trade agreement itself (ibid). The former approach was presented as making human rights clauses more acceptable to states reluctant to include a human rights clause in a trade agreement (Bartels, 2014, p. 7).

Rather than seeking to establish new human rights standards, essential elements clauses reaffirm parties' commitment to existing international obligations. Article 1 of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, provides an example of a typical essential elements clause (European Union, 2021a):

Figure 18. Intersections in modern slavery practices referenced in trade policy



Respect for democratic principles and fundamental human rights, as laid down in the Universal Declaration of Human Rights, and for the rule of law, underpins the internal and international policies of both Parties and constitutes an essential element of this Agreement.

While the EU-Central America Association Agreement premised its human rights commitments on the Universal Declaration of Human Rights (UDHR), other instruments have elevated additional fundamental instruments into the essential elements clause. Article 1 of the EU-South Korea Framework Agreement, for instance, refers to the UDHR and ‘other relevant international human rights instruments’ (EEAS, 2013). Agreements with Council of Europe and OSCE states include references specific to those institutional contexts, including for instance the European Convention of Human Rights, the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe, and the Charter of Paris for a New Europe of 1990 in the agreements with Georgia and Moldova (Bartels, 2014, p. 10).

Essential elements clauses are coupled with non-execution clauses which allow for ‘appropriate measures’ to be taken if a trade partner violates an essential elements clause. This provides flexibility for responses to human rights abuses, although the degree to which the substance of expectations and obligations are clearly delineated remains limited. Measures undertaken in the event of non-fulfilment of the essential elements clause obligations should align with international law and be proportionate to the violation, with wholesale suspension of the agreement a measure of last resort (Zamfir, 2019, p. 8). The EU has not activated the essential elements clause to suspend trade preferences under any of the trade agreements in force or applied, although CSOs and the EP have encouraged the EC to use essential elements clauses to respond to serious human rights breaches in a more robust way (Zamfir, 2019).

Although essential elements clauses have not been used to suspend trade preferences under a trade agreement entirely, they have been engaged to suspend some activities and pressure partner countries towards compliance. For instance, the Council of the European Union used Article 96 of the Cotonou Agreement to suspend development aid to Zimbabwe in 2010 (ibid). The Council also suspended technical meetings under the Partnership and Cooperation Agreement with Uzbekistan in 2005 (Council of the European Union, 2005).

Distinct monitoring mechanisms to review implementation of essential elements clauses are not generally established in EU agreements, although sub-committees on human rights and democratic principles may be established on an *ad hoc* basis in the absence of formal structures (Bartels, 2014, p. 10). Formally constituted sub-committees on human rights may also be established in relation to agreements. For instance, the ‘first ever’ Sub-Committee on Good Governance, Rule of Law and Human Rights under the EU–Philippines Partnership and Cooperation Agreement met in February 2021 (EEAS, 2021f). While the Sub-Committee expressed ‘joint commitment in the fight against human trafficking’ in addition to considering other issues (ibid), the extent to which this Sub-Committee contributes to effectively addressing modern slavery practices is not yet evident. Interparliamentary committees established under association agreements may also address issues in the implementation of essential elements clauses. Civil society organisations may also play an important role in monitoring implementation of trade agreements—including the essential elements clause—although the role of CSOs varies significantly between agreements.

Perspectives on the role of essential elements clauses in addressing human rights concerns—including modern slavery—in third countries vary. They have been reported not to have been effectively used to improve human rights, and particularly ineffective in States with ideological resistance to outside influence in this area, including human rights. On the other hand, they can be described as fundamental commitments within the agreements with significant consequences. Borchert et al describe essential elements clauses as a ‘hard mechanism to sanction trading partners’ but note that these provisions have rarely been used even in instances of blatant human rights violations (Borchert I. , Conconi, Ubaldo, & Herghelegiu, 2020). As an anonymous interviewee explained:

The essential elements clause but that's a nuclear bomb you can withdraw the entire agreement for it. And as you know we're now...trying to lift up also the Paris agreement into that clause. Admittedly it has barely been used but it is certainly an avenue.

Prickartz and Staudinger observe that EU practice in implementation and enforcement of essential elements clauses has varied, raising questions about selectiveness, transparency, and consistency that undermine the EU's credibility as a normative actor (2019). Meissner and McKenzie likewise highlight the EP's 'mixed record of standing by its commitment to human rights' in the context of trade negotiations (2019). However, they also emphasise the central role played by the EP in advancing human rights conditionality within EU-Canada negotiations for the Comprehensive Economic and Trade Agreement, there the Commission and the Council were more concerned with commercial matters (ibid).

In a comprehensive analysis of EU relations with developing nations, Donno and Neureiter found that human rights clauses in EU trade agreements were conditionally effective—improving political freedom and physical integrity rights only in countries more heavily dependent on EU aid (2018). Enforcement actions were identified to be more effective in aid-dependent states. They further noted that the EU typically responded to violations of political rights (coups and flawed elections) to a greater extent than other violations (ibid).

5.1.4 Trade and sustainable development (TSD) chapters

After 2006, with the rise of new generation FTAs and the EU's new global trade strategy, a new approach to integrating human rights in international trade surfaced (European Commission, 2017c, p. 7). As opposed to the simple essential elements clauses, a growing number of Free Trade Agreements have Trade and Sustainable Development (TSD) chapters, committing signatory parties to uphold the economic, environmental and social pillars that comprise sustainable development (European Commission, 2020k); (Titievskiaia, 2021). This reflects the importance of human rights within the United Nations' larger ambitions of sustainable development. TSD has become a 'buzzword' in trade, allowing for a 'large political consensus' to accept the inclusion of human rights in trade agreements despite historical controversy over their incorporation (Van Den Putte & Orbie, 2015, p. 282). This approach gives additional legitimacy to the EU's actions in including human and labour rights elements in trade agreements.

By connecting the advancement of rights to the global sustainable development agenda, TSD chapters mitigate the challenges of resistance in particular third countries to attempts to expand the reach of human rights. Motivating trade partners to implement international labour and environmental standards, TSD chapters seek to 'maximize the leverage of increased trade and investment on issues like decent work, environmental protection or the fight against climate change to achieve effective and sustainable policy change' (European Commission Services, 2018).

A model for this approach to positioning human rights in international trade, the EU's TSD chapters have been described as a 'blueprint' for future trade agreements (Campling, Harrison, Richardson, & Smith, 2016, p. 377). EU TSD chapters contain clauses on three different groups of obligation: those based on existing agreements; those related to existing domestic legislation; and more 'aspirational' clauses referring to higher levels of protection (Bronckers & Gruni, 2021). TSD chapters include both substantive and procedural commitments, with the former referring to minimum expectations applicable to both parties to implement obligations contained in international instruments (including ILO core labour standards), and the latter referring to dialogue, cooperation, and transparency (Borchert I. , Conconi, Ubaldo, & Herghelegiu, 2020); (Barbu, Campling, Smith, Harrison, & Richardson, 2018). The European Commission summarises the approach and purpose of TSD chapters as follows (European Commission, 2021v):

The approach in these TSD chapters is based on three pillars: binding commitments by Parties to a range of multilateral environmental agreements and conventions of the International Labour Organisation, structures to involve civil society organisations in the implementation of those commitments and a dedicated dispute settlement mechanism in which independent arbitrators make findings public of fact regarding compliance. The ultimate objective is to foster real and lasting change on the ground, though the effective application of enhanced social and environmental standards, to the direct benefit of the citizens of our FTA partners.

TSD chapters do not deal directly and explicitly with modern slavery, generally focusing on broader labour rights concerns such as freedom of association. However, forced labour conventions are included within these frameworks and references to fundamental rights of work encompass the prohibition of forced or compulsory labour.

The incorporation of international guidelines (including of the OECD and UN) is a valuable feature of TSD chapters contributing to coherence and harmonisation. TSD chapters were also noted by research participants to act as important awareness raising mechanisms for expectations on business, including the proposed EU due diligence framework. An anonymous interviewee for instance noted that this enabled the use of trade interlocutors to create an awareness of the need for pressure to be exerted domestically within trade partner countries to enable businesses to continue trading with the EU.

Overall, the European Commission has stated that TSD chapters have been effective in broad terms, recognising that the nature and extent of activities under the TSD chapters differs between partners and depends on the amount of time they have been operative, and that progress in implementation has been gradual (European Commission, 2017e). At the same time, the EC noted that work on trade and sustainable development was yet to realise its full potential (ibid).

Although large-N studies (Postnikov, 2014) suggest that free trade agreements that include labour provisions do improve labour rights, detailed sector-specific case studies do not necessarily prove the same (Orbie, Van den Putte i Martens, 2017). Findings of a study on the impact of the EU–Peru–Colombia FTA show that legal improvement, institution building, and empowerment impact in promoting labour rights through the EU’s trade agreement with Peru has been non-existent (Orbie, Van den Putte i Martens, 2017). In terms of explanations for the non-impact of the trade agreement, authors point to the role of the Peruvian government, interests of the agro-export sector, and the traditional anti-union climate. They do, however, draw attention to the lack of robust and strict language in the FTA and the EU being relatively responsive to the Peruvian and Columbian governments’ reservations voiced during the negotiation process. Authors of the study Orbie, Van den Putte, and Martens present empirical evidence from several sources, including field research, showing that the Peruvian government failed to implement the labour rights commitments in several respects. They criticise the EU’s reluctance to take firm action against violations of trading partners’ (core) labour rights, a reluctance that was present already during the GSP+ trading regime with Peru that preceded the FTA (Orbie, Van den Putte i Martens, 2017).

Similarly, *ex-post* evaluation of the EU-Chile Association Agreement demonstrated limited social impacts (SarI, 2012). However, consideration predominantly focused on employment, income, and resources. Despite dedicating a whole chapter to social issues, the evaluation did not specifically consider labour or human rights issues (ibid). *Ex-post* evaluation of the EU-Mexico Free Trade Agreement did specifically consider impacts on decent work and human rights, but identified no clear evidence of impact on labour rights and limited evidence of impact on human rights (Ecorys, 2017). The evaluation further noted that the commitments to human rights in the agreement ‘lack effective mechanisms through which HR could be better monitored and defended’, that civil society dialogue throughout the implementation of the FTA had not been institutionalised, and that mechanisms for reporting, addressing, and combatting violations were not in place for citizens or companies (ibid, p. 161).

Box 3. Human rights concerns in the EU-Vietnam agreement

Human rights concerns in the EU-Vietnam agreement

Vietnam is a trading partner with a ‘problematic human rights and democratic record’ (Zamfir, 2019, p. 5). The EP resolution related to the EU-Vietnam FTA in 2015 expressed concern about the human rights situation in the country (European Communication, 2015). In 2018, 32 MEPs sent a joint letter advocating for then European Commissioner for Trade, Commissioner Malmström, to ‘push for robust progress in Vietnam’s human rights record’ (Tremosa, 2018). The Commission addressed concerns related to Vietnam’s human rights record during negotiations in collaboration with CSOs, noting the enhanced human rights dialogue associated with the EU-Vietnam Comprehensive Partnership and Co-operation Agreement—which hosts the essential elements clause to which the FTA is connected (House of Lords European Union Committee, 2016).

The essential elements clause enforcement provides for ‘measures taken in accordance with international law which are proportionate to the failure to implement obligations under this Agreement’ giving priority to measures that ‘least disturb the functioning of this Agreement’, but does not specifically provide for suspension (Art 57(4) (Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part, 2017). Human rights considerations in relation to Vietnam continue to be addressed through, *inter alia*, EU-Vietnam Human Rights Dialogue. While this may, as Zamfir suggests, indicate that human rights concerns were a factor in negotiations and approval of the FTA with Vietnam (2019), and it remains early in the process to fully examine the impacts of the agreement on human and labour rights, several concerns continue to emerge.

In 2021 the EP called on Vietnam to provide a credible roadmap for implementation of ILO Convention 105 on the Abolition of Forced Labour and stressed that reform of the Criminal Code was necessary to ensure effective implementation of ILO Conventions 98 and 87 (European Commission, 2021i). Each of these instruments are classified as fundamental ILO Conventions (European Commission, 2021i), and are included under article 13.4(3)(a) of the EU-Vietnam FTA which requires parties take ‘continued and sustained efforts towards ratifying, to the extent it has not yet done so, the fundamental ILO conventions’ (Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam (ST/6051/2019/INIT), 2020). Parties are further required to ‘effectively implement in its domestic laws and regulations and practice the ILO conventions ratified’ (article 13.4(4)). In addition to the fundamental conventions noted above, Vietnam has not yet ratified the 2014 Protocol to the Forced Labour Convention (ILO, 2022e), of particular significance in considering modern slavery issues.

The EP has noted that by January 2021, DAGs on the FTA were not yet operational and called on the EC and EEAS to ‘swiftly carry out a comprehensive human rights impact assessment on what the EVFTA could mean for human rights, which is what Parliament asked for in its resolution on the ratification of the agreement’ (European Commission, 2021i). The EP reported an ‘intensifying crackdown’ in Vietnam and ‘failure to abide by its human rights obligations’ (ibid). Navasartian further noted that both substantial and procedural guarantees contained in the TSD chapter are ‘rather weak’, leaving success dependent on the ‘good will of the Parties’ (Navasartian, 2020).

Despite these concerns, one interview respondent, a representative of international organisation reported on the benefits of the TSD chapter in the EU FTA with Vietnam:

...our work with Vietnam, it's been super helped by the fact that there is now a Free Trade Agreement between the EU and Vietnam which includes a sustainability chapter, which really directs Vietnam towards the OECD standards as a kind of tool that they can just take and use... being able to demonstrate the use and implementation of the tool will support that kind of reporting against these requirements under the trade agreement.

In 2020, the first TSD Board meeting bringing together representatives from Singapore and the EU took place, followed by engagement with civil society (European Commission, 2021g). The EU-Singapore FTA provides a period of two years from entry into force for fulfilment of obligations, and the EC reported that the EU ‘continues to encourage Singapore to present a roadmap’ towards ratification of ILO conventions 87, 105, and 111 (ibid). It should be noted however that Singapore remains non-party to each of these instruments, having denounced convention 105 (Abolition of Forced Labour Convention) in 1979 (ILO, 2022d). Singapore has likewise not ratified the 2014 Protocol to the Forced Labour Convention, of particular relevance in considering modern slavery issues.

The EC have highlighted the need for reforms to ensure the domestic legal system in Ukraine complies with ILO standards, including conventions 81 and 129 on labour inspection, and the overall record in relation to labour rights was mixed (European Commission, 2021g). Amendments to labour laws in Georgia were noted to bring the country closer to the EU and international standards (although falling short of recognising general compliance) (ibid). No relevant improvements in labour rights were reported for Moldova, Kosovo, Serbia, Bosnia and Herzegovina, Montenegro, Albania, North Macedonia, Switzerland, Norway, Turkey, although these issues were not typically explicitly considered in the reporting on these states. Commission information sheets on implementation of trade agreements in relation to Mediterranean and Middle Eastern neighbouring countries in 2021 further made no reference to modern slavery issues, labour rights, or human rights despite many of the countries involved having concerning records in this regard (European Commission, 2021g). Consideration of implementation issues instead focused on trade barriers and related issues (ibid). Forced labour was identified as an issue of particular concern in the implementation of the TSD chapter of the Association Agreement with Central America (European Commission, 2021g).

Box 4. TSD dispute settlement under the EU-Korea FTA

TSD dispute settlement under the EU-Korea FTA

On 17 December 2018, the EC initiated formal consultation with South Korea under the SDC in the EU-South Korea FTA (Navasartian, 2020), connected to freedom of association and collective bargaining rights (European Commission, 2019a). Initial consultations were not considered to have secured satisfactory results, leading to an EU request to establish a panel of independent experts (ibid). In January 2021, the panel of experts found Korea to be in breach of labour rights commitments in the TSD chapter, and that the commitments were legally binding and must be respected irrespective of their impact on trade (European Commission, 2021u).

The Panel found Korea not to have breached the article 13.4(3) requirement of continued and sustained efforts towards ratification of core ILO conventions accounting for efforts undertaken since 2017 (Murray, Boisson de Chazournes, & Lee, Report of the panel of experts proceeding under EU-Korea FTA, 2021). However, they did find the country in breach of other aspects of its obligations under article 13.4(3) in relation to provisions of Korea’s Trade Union and Labour Regulations Adjustment Act (TULRAA) considered inconsistent with the fundamental right of freedom of association (ibid). The panel made a range of recommendations to bring Korea’s domestic framework into compliance with its obligations under the FTA, through amendments to the inconsistent provisions of the TULRAA.

This process was heralded as the EU’s ‘first victory in challenging the Trade and Sustainable Development (TSD) obligations of a contracting party under the FTA dispute settlement mechanism’ (Walker R. , 2021). However, it should be noted that the recommendations are not legally binding, and the EU cannot suspend tariff concessions if Korea does not implement the recommendations (Melin & Woo Kim, 2021). Thus, although the decision may exert pressure on Korea to comply with recommendations, it lacks ‘teeth’ to enforce such (Walker R. , 2021). Compliance will,

however, be monitored by a Committee on Trade and Sustainable Development established under article 15.2(1)(e).

In December 2020, Korea's National Assembly passed a number of legislative amendments to the TULRAA aiming to bring it into compliance with the right to freedom of association (European Commission, 2021g). Korea further completed the ratification process for ILO conventions 87 (Freedom of Association and Protection of the Right to Organise), 98 (Right to Organise and Collective Bargaining), and 29 (Forced Labour). The Forced Labour Convention will enter into force for Korea in April 2022 (ILO, 2022c). It was further agreed that ratification of the outstanding ILO convention 105 (Abolition of Forced Labour) would be addressed in a technical meeting in late 2021 or early 2022. South Korea remains non-party to this instrument (ILO, 2022d).

In advancing the ratification of fundamental ILO conventions, EU trade agreements with TSD chapters have a mixed record. For the most part, ILO fundamental conventions have high levels of ratification given their elevated status (see Table 16). Most countries that are party to EU trade agreements with TSD chapters ratified these instruments years prior to the inception of trade negotiations with the EU. Ratifications amongst post-colonial states (particularly in Latin America), for instance, are often correlated with states gaining independence and joining the international community, rather than with contemporary trade negotiations.

Across the relevant trade agreement partner countries, only 15 ratification gaps existed at the beginning of the year from which the relevant agreement applied. Seven of these gaps were addressed in the year the agreement was applied or in subsequent years: Canada ratified C098; Mexico ratified C098, C138, and C182; and South Korea ratified C029, C087, and C098. However, 8 gaps remain: Brazil has yet to ratify C087; Japan C105 and C111; Singapore to ratify C087, C105, and C111 (having denounced C105 in 1979); South Korea to ratify C105; and Vietnam to ratify C087. Although ratification does not constitute the full extent of labour rights commitments under TSD chapters—which encompass consideration of the *de facto* implementation of these international frameworks as well as *de jure* ratification—it is significant that 50 % of the ratification deficit in these arrangements is yet to be addressed.

The experience of TSD dispute settlement under the EU-Korea FTA (see Box 4) demonstrates the mixed success of TSD chapters in securing ratification of listed international conventions. Overall, the dispute settlement process was declared a victory in the ultimate result that Korea ratified ILO conventions 29, 87, and 98 and passed amendments to domestic legislation. However, it took ten years from provisional application of the agreement before these three fundamental conventions were ratified and a decade on C105 remains to be ratified. The lack of legally binding status of Panel recommendations and the inability to suspend tariff concessions in the event of non-compliance raise questions about the capacity of these mechanisms to facilitate change more broadly in EU trade relations. The EESC further concluded that the case had 'confirmed that vague terminology was insufficient' (European Economic and Social Committee, 2021a, p. 1).

The case of Peru illustrated one of the main doubts around FTA's and their impact on promotion of international standards and ratification. Although aiming to promote international standards, they lack an effective enforcement mechanism and binding dispute settlement procedures (Bayer, Pietropaoli, Torres, Vinet, & Watson, 2021). Fully relying on cooperative mechanisms, they require parties to undertake 'continued and sustained efforts towards ratification of the fundamental ILO Conventions' but lack any strict obligations in terms of ratification. Accordingly, parties to the FTAs are under an 'on-going obligation' to make efforts to ratify the conventions, which 'afford leeway for the Parties to select specific ways to make continued and sustained efforts' short of actually ratifying the conventions (Murray, Boisson de Chazournes, & Lee, 2021). As a consequence, the ability of FTAs to encourage trade partners to meet their commitments in relation to ratification of core ILO conventions is limited (Bayer, Pietropaoli, Torres, Vinet, & Watson, 2021).

Table 16. Ratification of fundamental ILO Conventions and P029 by trade partner countries with TSD Chapters⁸

Trade agreement partner country	TA applied	ILO convention, year of adoption, and total ratifications								
		C029*	C087	C098	C100	C105*	C111	C138	C182*	P029 ^{9*}
		1930 179	1948 157	1949 168	1951 173	1957 176	1958 175	1973 173	1999 187	2014 57
Argentina (Mercosur)	-	1950	1960	1956	1956	1960	1968	1996	2001	2016
Brazil (Mercosur)	-	1957	-	1952	1957	1965	1965	2001	2000	-
Canada	2017	2011	1972	<u>2017</u>	1972	1959	1964	2016	2000	<u>2019</u>
Colombia (with Ecuador and Peru)	2013	1969	1976	1976	1963	1963	1969	2001	2005	-
Costa Rica (Central America)	2013	1960	1960	1960	1960	1959	1962	1976	2001	<u>2020</u>
Ecuador (with Colombia and Peru)	2013	1954	1967	1959	1957	1962	1962	2000	2000	-
El Salvador (Central America)	2013	1995	2006	2006	2000	1958	1995	1996	2000	-
Georgia	2016	1993	1999	1993	1993	1996	1993	1996	2002	-
Guatemala (Central America)	2013	1989	1952	1952	1961	1959	1960	1990	2001	-
Honduras (Central America)	2013	1957	1956	1956	1956	1958	1960	1980	2001	-
Japan	2019	1932	1965	1953	1967	-	-	2000	2001	-
Mexico	2000	1934	1950	<u>2018</u>	1952	1959	1961	<u>2015</u>	<u>2000</u>	-
Moldova	2016	2000	1996	1996	2000	1993	1996	1999	2002	-
Nicaragua (Central America)	2013	1934	1967	1967	1967	1967	1967	1981	2000	-
Panama (Central America)	2013	1966	1958	1966	1958	1966	1966	2000	2000	<u>2016</u>
Paraguay (Mercosur)	-	1967	1962	1966	1964	1968	1967	2004	2001	-
Peru (with Colombia and Ecuador)	2013	1960	1960	1964	1960	1960	1970	2002	2002	<u>2021**</u>
Singapore	2019	1965	-	1965	2002	1965***	-	2005	2001	-
South Korea	2015	<u>2021**</u>	<u>2021**</u>	<u>2021**</u>	1997	-	1998	1999	2001	-
Ukraine	2016	1956	1956	1956	1956	2000	1961	1979	2000	-
Uruguay (Mercosur)	-	1995	1954	1954	1989	1968	1989	1977	2001	-
Vietnam	2020	2007	-	2019	1997	2020	1997	2003	2000	-
*Agreements of specific relevance to modern slavery										
**Entering into force in 2022										
***Denounced on 19 April 1979 (not in force)										

Although not classified as a fundamental ILO convention as such, ratification of the Protocol to the 1930 Forced Labour Convention (P029) is particularly relevant in considering modern slavery practices. Less than a decade old, this relatively new instrument currently has 57 ratifications, covering 5 of the 22 TSD chapter trade agreement partner countries (23 %).¹⁰ The ILO has emphasised ratification of P029 as a key priority in achieving UN Sustainable Development Goal 8.7 (ILO, 2021b). In efforts to address modern slavery in TSD chapters moving forward, the EU may likewise consider including P029 in the list of ILO conventions trade partner countries are required to ratify.

To have a direct impact on the ratification processes, TSD provisions should impose a strong obligation on the parties to ratify the instruments, in contrast to mere reference to ‘continued and sustained efforts towards ratification’ (Murray, Boisson de Chazournes, & Lee, 2021). Roadmaps with milestones and

⁸ Ratification data (ILO, 2022b); agreements with TSD Chapters as outlined by the European Commission (European Council, 2020).

⁹ Although not itself classified as a fundamental convention, ILO P029 is protocol to the 1930 Forced Labour Convention which is a fundamental convention, and both are directly relevant to modern slavery.

¹⁰ This is slightly lower than the total proportion of UN Member States having ratified the Protocol, which currently sits at 30%.

concrete, verifiable objectives in terms of the ratification process could provide clarity and measurable indicators of the necessary progress.

The 15-point TSD Action Plan published in February 2018 provides guidance on improving the implementation and enforcement of TSD chapters in EU trade agreements, providing a consistent framework and strategy. Then Commissioner for Trade, Cecilia Malmström, described the plan as ‘a revamped approach to our current policy – a collective commitment to reinforce and do more with the tools at hand. I am confident that these actions can be quickly implemented to drive progress for the respect of labour and environment goals’ (European Commission, 2018b). The 2018 non-paper of the Commission highlights a ‘clear consensus that the implementation of TSD chapters should be stepped up and improved’ as the foundation for the 15-point TSD Action Plan (European Commission, 2018e). A review of the plan is currently underway, taking into account developments in trade policy and the response needed to the Covid-19 pandemic (European Commission, 2021v).

While the concerns presented above have not yet been effectively addressed, the review of the Action Plan on improving the implementation and enforcement of Trade and Sustainable Development chapters in EU Free Trade Agreements remained on the EU agenda for 2021 (EEAS, 2020). Public consultation on the review of the 15-point action plan concluded in 2021. The EESC in October 2021 outlined a list of proposals to strengthen TSD in EU trade, advocating for a ‘much needed change of mind-set to deliver sustainable trade for future generations’ (European Economic and Social Committee, 2021a). The EESC set out a list of recommendations for the future of TSD in EU trade, including (*inter alia*):

- Tackling non-compliance and improved implementation of TSD commitments, stepping up enforceability.
- Setting ambitious TSD benchmarks with like-minded trade partners ready to lead.
- Breaking down ‘silos’, treating all three dimensions of TSD as intertwined.
- Revamping sanctionable enforcement with stronger civil society monitoring, using innovative instruments.
- Making ‘next generation TSD’ an integral part of the EU trade strategy, applying to current and future negotiating mandates.
- Securing pre-ratification commitments of international core conventions or binding and enforceable roadmaps within the TSD chapter itself, with clear timelines on their ratification.
- Utilising leverage of additional policy instruments in combination with TSD chapters, including public procurement allocation, mandatory due diligence, and foreign investment regulation.
- Revamping the Panel of Experts mechanism with the possibility of financial penalties or sanctions and an active role for DAGs in its activation, as well as improving DAGs overall
- Establishing a staged tariff reduction for partner countries’ implementation of TSD commitments, with the possibility of withdrawal in the event of breaches.

Improving the TSD chapter framework broadly is likely to have positive impacts for addressing modern slavery practices, as these fall within the general scope of concern in these chapters. However, specific attention on modern slavery practices is required in addition to general efforts on human rights, labour rights, and sustainable development.

5.1.5 Human rights and sustainability impact assessment for trade agreements

Demand for human rights impact assessments (HRIAs) in trade negotiations has been evident amongst various international stakeholders for decades. The United Nations High Commissioner for Human Rights has called for HRIAs to determine the extent to which ‘trade liberalization can promote and protect human rights’ (OHCHR, 2003); (Economic and Social Council, 2017). CSOs have likewise framed HRIAs as a way to improve human rights compliance by states (Hunt & MacNaughton, 2006), facilitate stakeholder engagement (Harrison J., 2011), and embed human rights in policy processes (Zerk, 2019). The UN Guiding Principles on Human Rights Impact Assessments of Trade and Investment Agreements provide a general framework for considering HRIAs in the trade context (De Schutter, 2011). For its part, the ILO provides specific labour rights guidance in its Handbook on Assessment of Labour Provisions in Trade and Investment Arrangements (ILO, 2017a).

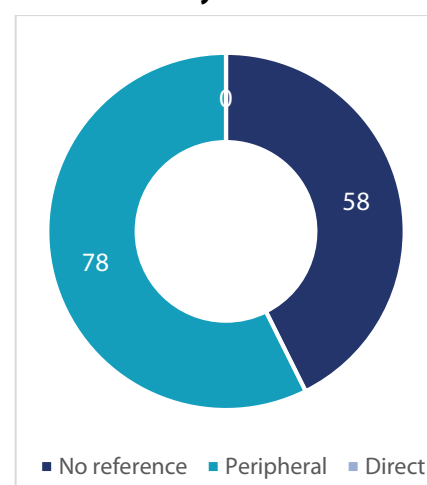
Since 2012, the EC has extended sustainability impact assessments (SIAs) to include human rights considerations (Zerk, 2019). The approach adopted is outlined in the EC’s Handbook for Trade Sustainability Impact Assessment and is intended to ‘bring to the attention of negotiators the potential impacts of the trade measures under negotiation and thus to support sound policymaking’ (European Commission, 2016b, p. 21). As Zamfir summarises (2019, p. 6):

The Commission weighs the overall (positive and negative) impacts of trade agreements, including with respect to human rights, in the ex ante impact assessments it draws up before opening negotiations on such agreements. With the help of its guidelines on the analysis of human rights impacts in impact assessments, the Commission evaluates the likely impact of trade liberalisation either on the human rights of individuals in the countries or territories concerned, or on the ability of the EU and partner countries to fulfil or progressively realise their human rights obligations. Sustainability impact assessments are further carried out during negotiations, including a detailed qualitative analysis on the potential impact on human rights.

Zerk outlines the importance of *ex ante* human rights impact assessments (HRIAs) of trade agreements, although notes that HRIAs to date have ‘struggled to provide compelling analyses of the relationships between trade agreements and the enjoyment of different human rights’, or a clear roadmap on what policymakers and trade negotiators should do in these contexts (2019). Walker provides an analysis of human rights in the trade and sustainability impact assessment for the proposed Deep and Comprehensive Free Trade Agreement between the EU and Tunisia, finding that although many of the formal requirements of HRIA were satisfied, shortcomings were evident in the human rights analysis, recommendations, and consultation and participation of individuals and groups (2018). Bonanomi further outlines a range of limitations of past practice in EU SIAs, including the scope of consideration and recommendations, the approach to balancing identified ‘trade-offs’ and setting priorities, and clarity, consistency, and ‘measurability’ of indicators (2017). Although the EC’s updated SIA Handbook may address some of these concerns, the extent to which this has addressed identified shortcomings remains to be systematically studied.

In this study, 136 EU SIA documents published from 2000-2021 were reviewed for connections to modern slavery issues. While 78 documents (57 %) contained references to issues considered relevant to modern slavery in this study, including labour rights and human rights broadly, none contained explicit reference to modern slavery practices. Further, 58 SIA documents reviewed (43 %) contained neither direct reference to modern slavery practices, nor mention of any of the variables considered closely relevant to modern slavery in this study. While a lack of consideration of modern slavery as a framework for considering exploitation issues is unsurprising, the lack of reference to, for instance, forced labour and human trafficking issues in these documents raises questions about the extent to which the EU considers these issues in the context of trade negotiations. Given the profile of trade agreement partner countries outlined in section 5.1.1 above, this is a significant omission in EU external policy efforts to address modern slavery in third countries.

Figure 19. Connection to modern slavery in EU SIAs



5.1.6 Negotiating modern slavery in trade agreements

Introduction of human rights and sustainable development standards in FTAs is not without challenges. Negotiating power within trade relations shapes what can be achieved in integrating meaningful efforts to address modern slavery in third countries, with ‘power to convince’ correlated to trade reliance. Barbu et al highlight the important role played by geo-political and geo-economic contexts in negotiations of FTAs, particularly in terms of the effective integration of labour provisions (2018). This is characterised as cutting both ways—where the third country has a greater interest in trade with the EU, an increased ability to leverage that interest into greater modern slavery protections exists. However, where the EU has ‘greater economic interests and the commercial imperatives to agree an FTA’, the third country has a greater scope ‘to negotiate how deep the labour provisions in the FTA’ would be (Barbu, Campling, Smith, Harrison, & Richardson, 2018).

Difficulties concluding the EU-India FTA illustrate the lack of acceptance of the EU’s human rights agenda and the divergence between EU and Indian perspectives (Orbie & Khorana, 2015). India’s rejection of human rights elements stems from a concern that the EU’s negotiation position would damage India’s economic interest, a protectionist fear (p. 262). In addition, similar experiences were found in the negotiation and conclusion of the EU-Singapore FTA. Here, the EU’s values of human rights and linking these to conditionality were an area of contention. There was a side letter recognising Singapore’s human rights practices at the time of the agreement, which limited the EU’s ability to use conditionality on issues like the death penalty (McKenzie & Meissner, 2017). The EU experience in these cases (and others) demonstrates the fact that incorporating sustainable development into FTAs remains a contentious process.

This has further drawn criticism from commentators over the extent to which the EU is really committed to human rights and labour rights broadly. Tran, Bair and Werner for instance consider the failure of the EU to make demands of its trade partners in the area of labour compliance a condition of ratification, as well as the lack of binding dispute settlement procedures or trade-related sanctions in the case of alleged violations of the social content of the agreements, to be specific shortcomings of current approaches (2017). As an anonymous interviewee noted, the question is ultimately one of priorities: ‘I think the question is essentially political one, like how far do you want to go and what do you want to use your trade agreements for?’ In this context, compared to the EU, the US appears to be more proactive in pushing the labour rights agenda during trade agreement negotiations, using ‘pre-ratification conditionality’ to place

pressure on the partner states (Harrison J. , 2019). This has already proven to be an effective approach, as some countries have been noted to have hired more labour inspectors prior to FTAs coming in force (ibid).

Collectivising approaches were presented by interviewees as a potential solution or mitigating measure where trade reliance was more limited or where risks of diversion to other markets were more significant. Consideration of partnering with other countries that are significant export markets for the third country in question may enable more coordinated and therefore more effective negotiations. In this domain, increasing international coordination and coherence with like-minded partners was presented as a useful priority for EU external policy moving forward.

5.1.7 Constructing modern slavery protections in trade agreements

Protections relevant to modern slavery captured in trade agreements tend to focus more on general human and labour rights frames than they do on modern slavery practices specifically, although the prohibitions against forced labour and the worst forms of child labour are addressed within the frameworks of ILO fundamental conventions. This is both a strength and a potential shortcoming of current efforts. On the one hand, engaging modern slavery through broader labour rights protections addresses structural conditions closely interconnected with modern slavery abuses—where labour protections broadly are strong, modern slavery violations are less likely to occur on a significant scale. This approach incorporates explicit reference to the prohibition of forced labour—a core modern slavery practice. It may further avoid the pitfalls of international anti-trafficking efforts, which have been repeatedly criticised for over-prioritising criminal justice responses (Schwarz, Valverde-Cano, & Baumeister, 2020).

However, the benefits of specific attention on modern slavery practices in external policy efforts was also highlighted by interview respondents. Concern was raised that the more general approach—considering labour and human rights as a broad package without requiring targeted attention on modern slavery—does not significantly direct attention towards modern slavery practices as a key priority. Forced labour is considered as one of the collection of core labour rights covered by essential elements clauses and TSD chapters, and has received relatively little specific attention in monitoring efforts. European Commission information sheets on the implementation of EU Trade Agreements in 2021, for instance, only considered the substantive issue of forced labour in relation to 3 of the 36 agreements reported on—the EU-Colombia/Ecuador/Peru, EU-Central America, and EU-CARIFORUM Agreements (European Commission, 2021g). If addressing modern slavery and forced labour are considered to be a priority for the EU, then specific dedicated attention on these practices is necessary.

Overall, emphasis was placed by interview respondents on the construction of relevant obligations and expectations in trade agreements being as clear and concrete as possible. This was considered in terms of basic standards, monitoring, and enforcement frameworks, with flow-on effects from clarity in drafting to implementation observed. While instruments may appear clear from the perspective of specialised officials, practitioners and civil society organisations reported challenges in understanding the specific content and obligations established in trade arrangements. This is exacerbated where language translation requirements exist—in some cases requiring translation not only into an alternative national language, but local languages as well.

TSD chapters are ‘anchored in multilateral standards’ (European Commission, 2017h, p. 2). The TSD chapters bolster the role of the UN and the ILO, integrating frameworks such as the ILO’s 1998 Declaration and thus imposing on the EU’s trade partner an obligation to respect ILO standards. This approach, referencing external universal standards and frameworks is beneficial in establishing the legitimacy and sincerity of human rights commitments in the context of trade.

Unlike in previous trade agreements, the TSD chapters treat human rights on an equal footing with the environment. Some commentators suggest that this harms the principle of the indivisibility of human rights (Van Den Putte & Orbie, 2015, pp. 282-283). However, in practice, it has allowed for greater

engagement on a wider range of human rights issues in the sustainable development framework. The labour protection provisions in the agreements, for instance, have been found to lead to increased enforcement of minimum labour standards in contexts where this was previously limited due to a lack of political will to monitor, implement, or enforce labour rights provisions (Araujo, 2018).

5.1.8 Communicating trade agreements

An important consideration highlighted by interviewees representing civil society in particular was the translation of agreements defining trade relations to relevant organisations and individuals within the partner country. In connection with the private sector in particular, the importance of communicating agreed standards and expectations to facilitate changes in behaviour on the ground was emphasised. This was also true within third country governments, as lack of communication between ministries, for instance, was reported to inhibit progress in implementation.

They need to be communicated you know. Trade agreements are very often not fully comprehended or understood by companies, by the ordinary people, by you know different organisations. So, I think there is a good part to be done on awareness raising and education (Representative of an international organisation).

5.1.9 Monitoring trade agreements

Monitoring and oversight over implementation of standards and expectations set in trade agreements was highlighted by interviewees as a central priority in ensuring the effectiveness of these frameworks. Although promising in their design, institutional frameworks for monitoring created within EU TSD chapters have been criticised for failing to reach their full potential due to issues like capacity constraints (European Commission, 2017h). Further, TSD chapters are not generally included in dispute resolution mechanisms, which is noted to eventually weaken parties' commitment to compliance (Bayer, Pietropaoli, Torres, Vinet, & Watson, 2021). Unlike the EU's FTAs, labour provisions contained the US trade agreements are part of the dispute resolution mechanism, enabling the US to better ensure *de jure* and *de facto* compliance with labour rights (Harrison J., 2019).

While *ex ante* impact assessments have been a central focus of consideration, *ex post* monitoring has been the subject of less attention. As Dommen emphasises, monitoring and assessment frameworks are the 'only way to know whether strategies, programmes, and legislative measures constitute progress towards—and not regression from—full enjoyment of human rights' (2014). The human rights impacts of trade agreements can be particularly difficult to predict in *ex ante* assessments and may only manifest over time, calling for monitoring and mitigation frameworks 'with longevity in mind' (Zerk, 2019).

For the past two decades, mechanisms for the participation of civil society organisations have increasingly been integrated into trade policy at various stages in the process (LSE Consulting, 2021, p. 93). LSE Consulting provide a comparative review of TSD provisions in trade agreements among a selection of non-EU countries, highlighting the different ways in which civil society organisations are included in implementation and enforcement of TSD provisions (see Table 17). Labour unions were identified to be the most common non-business stakeholder included in CSO mechanisms, evidencing the prominence of labour rights in TSD frameworks (LSE Consulting, 2021, p. 93). However, a plethora of different organisations (representing human rights, environmental, indigenous rights, and women's rights concerns) were noted to be entering these frameworks as the focus of TSD expands (ibid). Stakeholder selection across the seven countries considered by LSE was found to be primarily FTA-specific and issue-driven (ibid, p. 94). Civil society participation is rarely institutionalised or harmonised across FTAs (ibid, p. 97).

Table 17. Civil society inclusion for the implementation and enforcement of TSD provisions (LSE Consulting, 2021, pp. 95-96)

	Civil society mechanisms	Issues	Level	Membership	Scope
EU	Domestic Advisory Groups	Social and environmental issues	EU-level	Unions, NGOs, business	FTA-specific
	Civil Society Forum	Social and environmental issues	Transnational	Unions, NGOs, business	FTA-specific
US	National advisory committee	Labour	National	Unions, NGOs, business, academic experts	Cross-FTAs
Canada	Issue-based mechanisms, including for CETA DAG and Civil Society Forum (CSF)	Social and environmental issues	National for DAG, transnational for CSF	In CETA DAG: Unions, NGOs, business, academic experts	FTA-specific
New Zealand	No formal civil society mechanism (ad hoc consultations)	Social and environmental issues	National	Unions, NGOs, business, academic experts etc.	FTA-specific
Chile	No formal civil society mechanism (ad hoc consultations)	Social and environmental issues	National	Unions, NGOs, business, academics etc.	FTA-specific
Australia	No formal civil society mechanism (ad hoc consultations)	Social and environmental issues	National	Unions, NGOs, business, consumer organisations, academics	FTA-specific
Switzerland	EFTA Consultative Committee (and broader ad hoc consultations)	Labour and social issues	Regional (EFTA countries)	Unions, business	Cross-FTAs, but not trade specific
Japan	No formal civil society mechanism, except for EU-Japan DAG and Civil Society Forum (CSF)	Social and environmental issues	National for DAG, transnational for CSF	Unions, business, NGOs	FTA-specific

The European Commission continues to provide assistance to the Domestic Advisory Groups (DAGs) to enable them to be more involved in the implementation of trade agreements (European Commission, 2020b). Facilitating the monitoring role of civil society in the implementation and enforcement of TSD chapters was identified as a priority in the EC's 15-point action plan, further noting that social partners have a particularly important role in organising and monitoring of the labour market and working rights (European Commission, 2018e).

The European Economic and Social Committee (EESC) on the role of Domestic Advisory Groups in monitoring the implementation of Free Trade Agreements highlighted the role of CSOs in monitoring the impacts of trade agreements, recognising also that DAGs have strengthened civil society processes (EESC, 2019). These impacts translate not only into improved monitoring of the human and labour rights implications of trade arrangement through engagement with civil society, but can also more broadly support in strengthening CSOs in contexts where they receive little support or recognition from their own governments (Zerk, 2021).

One representative of an EU body interviewed reported significant advances in engaging with civil society organisations to facilitate monitoring of trade agreements, characterising the role of civil society in this context as 'crucial', particular in relation to modern slavery. Another representative of an EU body further emphasised the role of civil society in monitoring the impacts of trade agreements, recognising that these

organisations were positioned to identify the impacts of trade agreements and trade relations at the local level. Structured dialogues on sensitive issues, joint projects, enhanced interaction with international bodies and dedicated civil society engagements are all aspects that have been highlighted as best practice in leading to some improvements in labour and environmental conditions in trade partner countries (European Commission, 2017h). However, a range of shortcomings with civil society mechanisms have also been identified, including operational failings, lack of resourcing, insufficient meeting time to address labour concerns, and a lack of clarity over purpose and function (Harrison J. , 2019); (Van Den Putte, 2015); (Marx, Lein, & Brando, 2016); (Orbie & Van Den Putte, 2016).

In 2019, the EESC made a range of recommendations in relation to DAGs of relevance for improving civil society engagement and monitoring in relation to human and labour rights issues in trade agreements, including modern slavery practices (EESC, 2019). These included extending the scope of DAG monitoring to all aspects of the agreements, emphasising parties' respect for core labour standards and fundamental ILO conventions, mandating DAGs to monitor impacts of all aspects of the agreements, improving selection mechanisms to ensure representativeness and competence, consolidating consultation mechanisms, and adequately financing and supporting civil society bodies. Overall, the EESC outlined that:

DAGs should be advisory, consultative, institutionalised, competent to cover all provisions in the agreement, made up of a balance membership of all three sectors, representative, responsible and independent role in monitoring and evaluating EU agreements. All these criteria are essential to the empowerment civil society, its visibility and its capacity to draft structured proposals that can effectively influence the decision-making.

In 2021, the EESC provided further recommendations on strengthening and improving the functioning of DAGs, highlighting key shortcomings in the current composition, organisation, coordination, collaboration, transparency, funding, priorities, activities, efficiency, and clarity of DAGs and outlining prospective solutions (European Economic and Social Committee, 2021b). This aligned with the reflections of participants in this study, who called for improvements to civil society engagement to address modern slavery in third states broadly, including through strengthening DAGs, increasing transparency and representativeness, and providing funding and support for CSO participation.

Improving the capacity and competence of DAGs to monitor human and labour rights impacts of trade agreements has direct bearing on the EU's efforts to address modern slavery in third countries. While advancing these rights frameworks broadly has bearing on efforts to address modern slavery, it should be noted that modern slavery issues are often overlooked in processes adopting these broader frames without specific modern slavery mandates. Specific consideration of modern slavery issues (as intersecting with other human rights, labour rights, and sustainability concerns) in the design and implementation of these frameworks could therefore mitigate the risk that modern slavery is overlooked.

5.1.10 Enforcing standards set in trade agreements

Monitoring mechanisms are largely meaningless without frameworks for enforcement, whether these involve strict sanctions or 'soft' enforcement. The EU's new generation FTAs typically enforce human rights standards through softer enforcement than the negative conditionality mechanism of the GSP. Marx et al highlight the explanation for this in light of the different underpinning relationships represented by trade agreements compared to GSPs: in contrast to GSP schemes, trade agreements are considered partnerships between equals, indicating their inherent dissimilarity to a preferential market in terms of conditionality and compliance monitoring (2016). The enforcement represents the EU's 'historically "soft" approach' towards trade and human rights, based on dialogue and cooperation, 'rather than 'hard' prescriptive rules' (Araujo, 2018). However, there has been critique that engagement 'rarely results in any concrete outcomes except to maintain the status quo at best and to enrich rogue regimes at worst' (Ewing-Chow, 2007, p. 154).

Borchert et al further note the lack of strict consequences through suspension of the agreement in the event of violations, resulting from the fact that TSD chapters are not elevated into essential elements clauses or defined as essential elements of the agreement (Borchert I. , Conconi, Ubaldo, & Herghelegiu, 2020). Although the agreements still contain essential elements clauses, they do not entail the level of detail and nuance established in TSD chapters. Thus, the strength of this approach in meaningfully advancing fundamental human rights for the citizens of third countries (including modern slavery practices) has been called into question. Further, concerns have been raised that too much cooperation and engagement may send a signal that the EU is overly-paternalistic (Fierro, 2003, p. 103).

This 'soft' approach provides a deliberate counterpoint to the more strict approach adopted by the US, which provides for use of sanctions in the event of a breach of commitments (European Commission Directorate-General for Trade, 2016). Under the EU's 'soft' enforcement mechanisms, complaints are taken to a Panel of Experts, which discusses issues highlighted in a trade partner and produces recommendations. The recommendations are public and monitoring of implementation occurs (European Commission, 2017h, p. 3). They are intended to be professional and transparent, theoretically leading to more objective recommendations (Van Den Putte & Orbie, 2015, p. 268). However, these recommendations are non-binding, leaving considerable scope for non-compliance. The status of these approaches as enforcement mechanisms has, therefore, been questioned and some have called for trade sanctions to the tune of conditionality, or improvements in implementation such as in training (European Commission, 2017h, pp. 4-5).

The EC's 15-point action plan noted the call from Member States, the EP, and stakeholders for more assertive enforcement of the commitments under TSD chapters, highlighting complaints that the existing dispute settlement mechanism had not been triggered at that point in time (European Commission, 2018e, p. 7). While this dispute settlement mechanism has now been engaged in the context of the EU-Korea FTA with positive results (see Box 4), concerns over the EU's general reluctance to trigger these frameworks and their overall efficacy remain. In its 2021 Trade Policy Review, the European Commission committed to strengthening the enforcement of trade and sustainable development commitments (European Commission, 2021j, p. 13). Further action in this regard is being considered in the ongoing review of the 15-point action plan, covering 'all relevant aspects of TSD implementation and enforcement, including the scope of commitments, monitoring mechanisms, the possibility of sanctions for noncompliance, the essential elements clause as well as the institutional set-up and resources required' (ibid).

5.2 Generalised schemes of preferences

The Generalised System of Preferences is one of the most dominant trade instruments globally—a regime of tariff preferences granted to developing countries with the aim of fostering economic development within their borders. Established in 1971 by the WTO, and replaced in 1979 by an Enabling Clause that governs it, the Generalised System of Preferences is an exemption to the WTO's Most-Favoured Nation principle,¹¹ allowing developing countries more favourable treatment than might be accorded on the basis of trade interests alone. This system therefore introduces supplementary values into the regulation of international trade relationships, namely the economic development of a particular set of countries. The EU, the US, and Canada, among other WTO members, all grant benefits on the basis of generalised schemes, each with their own entry conditions and forms of conditionality.

The approach adopted in the European Union's Generalised Scheme of Preferences (GSP) echoes the WTO system. The scheme avoids the process of negotiating and obtaining consensus on the terms of a trade agreement by creating a unilateral scheme of benefits applicable to developing countries. By providing a

¹¹ The MFN principles mandates that all WTO members must treat other members equally in relation to trading benefits granted, with only limited non-trade exemptions.

set of benefits to these third states, the GSP incentivises compliance by potential trading partners while avoiding the need to negotiate a specific set of terms with the explicit consent of these partners. The GSP gives developing countries access to the EU market and decreases or removes duties on exports to the EU. In exchange for these benefits, trading partners are obliged to comply with the established terms of the Scheme.

The GSP allocates benefits to third States on a sliding scale, with different groups of countries eligible for various preferences according to the specific characteristics of that country. Three schemes are set out in the EU's GSP Regulation: (1) Standard GSP which grants tariff preference to low and lower-middle income countries; (2) GSP+ which grants more favourable tariff preferences for exports conditional upon compliance with certain norms to vulnerable low and lower-middle income countries; and (3) EBA (Everything But Arms) providing duty-free and quota-free access to the EU market for UN-classified least developed countries (European Parliament and the Council, 2012). This allows the scheme to respond to the divergent needs of countries falling within each band, enabling flexibility and responsiveness in the approach taken to trade, whilst also preserving the generalised unilateral approach. Having a triple-layer of GSPs depending on the beneficiary's development status ensures that the GSP complies with WTO rules requiring objective criteria for differentiation, and is a method of reacting to specific development needs of third countries.

Table 18. GSP beneficiary countries (European Commission, 2019b)

Standard GSP
Congo, Cook Islands, India, Indonesia, Kenya, Micronesia, Nauru, Nigeria, Niue, Samoa, Syria, Tajikistan, Tonga, Uzbekistan, Vietnam
GSP+
Armenia, Bolivia, Cape Verde, Kyrgyzstan, Mongolia, Pakistan, Philippines, Sri Lanka
EBA
Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, DRC, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao PDR, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Myanmar/Burma, Nepal, Niger, Rwanda, Sao Tome & Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, South Sudan, Sudan, Tanzania, Timor-Leste, Togo, Tuvalu, Uganda, Vanuatu, Yemen, Zambia

All GSP beneficiary countries are required to respect the principles of the fifteen core human rights and labour rights conventions listed in the GSP regulation, including the 1930 Forced Labour Convention and 1957 Abolition of Forced Labour Convention, the 1999 Worst Forms of Child Labour Convention, and the ICCPR—all of which contain specific obligations related to modern slavery (see section 4.1.1). Specified instruments also include other relevant instruments, notably the ICESCR, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination Against Women, and Convention on the Elimination of All Forms of Racial Discrimination, and ILO conventions on freedom of association, right to organise, equal remuneration, discrimination in employment, and minimum age for employment (Part A, Annex VIII). GSP+ countries are further required to ratify 27 international conventions and cooperate with the EC in monitoring implementation of such. Bayer et al describe this as a 'strong pre-ratification mechanism' (Bayer, Pietropaoli, Torres, Vinet, & Watson, 2021). An interviewee representative of an EU body emphasised the value of linking up to international frameworks in the GSP:

...the strength is that we link up to international standards, which makes it very good (and this is also what we also do in trade agreements) because you can rely on international experts, so we give credibility in a way to the ILO. We are able to say if you fix these things and if you engage in these programmes with the ILO [and] they are happy, we will probably be happy, they're the experts... But I think it's a policy choice that is still the right way to go because otherwise we are imposing EU standards.

In addition to ensuring that the EU's economic interests are protected through advancing trade relationships with third parties, the GSP aims to promote sustainable development and good governance in developing countries, and to contribute to poverty eradication (European Commission, 2021n). This is particularly important in countries like Cambodia, where substantial human rights abuses have manifested in the past, and significant concerns remain. Thus, human rights are situated within the GSP, but framed in relation to the trade interests of the third State. The GSP does this through conditionality, the prospect of revocation of tariff preferences if a country violates certain standards, including human rights norms, as negative conditionality, and the grant of additional preferences in the GSP+ as positive conditionality.

GSP provides a unique framework for addressing modern slavery in third countries combining both 'carrot' and 'stick' into a single framework. As Borchert et al highlight, the GSP is capable both of rewarding good behaviour (through access to preferential treatment) and of punishing bad behaviour (through withdrawal of preferences) (2020). Cases of both temporary and partial withdrawal further reinforce this dynamic.

Box 5. The new EU Generalised Scheme of Preferences framework

The new EU Generalised Scheme of Preferences framework

In September 2021, the European Commission adopted the legislative proposal for the new GSP for 2024-2034 (European Commission, 2021f). This is intended to improve key aspects of the GSP framework, reflecting learnings from the application of the current GSP. This includes:

- A transition process for graduating LDCs to apply for GSP+ if they commit to strong sustainability standards.
- Lowering product graduation thresholds.
- Expanding the list of international conventions.
- Improvements to compliance monitoring with GSP+ requirements.
- Increased transparency and greater involvement of civil society in application.
- Introduction of a procedure for urgent withdrawal of preferences in exceptionally grave circumstances.
- Socio-economic impact assessments on withdrawal to consider potential for adverse impacts on vulnerable populations.

This proposal is awaiting discussion by the European Parliament and Council, and evaluative evidence is not yet available. The proposed changes are therefore not significantly assessed in this paper.

5.2.1 Positive conditionality in the GSP

GSP+ engagement is usually quite an effective tool, because governments are from beneficiary countries are ready to engage in human rights discussions, which may perhaps without the GSP incentive might not be the case. So perhaps also with GSP+ countries, in particular those that have forced labour issues or in general labour rights issues, I think engagement is quite positive (Representative of an EU body).

The EU's GSP+, a measure of positive conditionality, is enforced through two mechanisms: a score-card and dialogue. GSP+ monitoring allows for contact with governments and civil society, alongside coordination meetings (European Commission, 2018f, p. 9). The 'scorecard' is a list of 'the most salient shortcomings' identified by the 'respective international monitoring bodies...for each convention' (ibid). Notably, this is not the shortcomings identified by the EU, ensuring the EU embeds its approach within the international human rights system. GSP+ dialogue includes GSP+ monitoring missions whereby the EU engages with governments over shortcomings and remedial actions. In making assessments, the EU relies on reports and recommendations from international monitoring bodies, such as the ILO and the UN, including meeting

with civil society organisations. If it is found that the GSP+ beneficiary is failing to meet its obligations as such, then it can be downgraded to standard GSP status, a less impactful move than withdrawal of the GSP EBA or standard GSP.

This approach reflects the difficulties and obstacles of advancement of human rights in lower income countries. It enables a process that avoids the imposition of hard sanctions and therefore maintains constructive dialogue with countries with more limited capacity. This has additional benefits where resistance is, in part, against the perceived imposition of external values, rather than the norms themselves. In such cases, working together with third countries in an ongoing manner is likely to be more effective than requirements perceived to be unilateral, top-down. One interviewee representative of an EU body highlighted engagement as a key strength of the EU's approach, as the underlying ethos of EU external policy, and as central to efficacy:

...this is a conviction. I just don't believe in isolation. It may help as part of overall exerting pressure, but to simply say "I close the door and it will be solved by itself"... you will not help the poorest of the poorest countries. So, I think the strength is this constant engagement.

5.2.2 Negative conditionality in the EU GSP

Conditionality is a vital element of enforcement of a GSP, ensuring that the standards set are implemented in practice. The EU, US and Canadian GSPs all adopt a negative conditionality approach towards enforcement. This entails the prospect of the granting country initiating a GSP investigation where potential violations exist, which could lead to the withdrawal of tariff preferences. In the EU GSP, negative conditionality is engaged where the EU finds there are 'serious and systematic' violations of standards contained within the list of conventions annexed to the GSP Regulation.

Negative conditionality is, ultimately, a sanction. It is therefore politically and economically sensitive. This is especially the case when the trade partner applying the mechanism is a large economy (Carnegie Endowment for International Peace, 2001, p. 4). Perhaps for this reason, it has rarely been used by the EU. In the past, the EU has exercised negative conditionality on only four occasions: (1) Myanmar, in response to forced labour in 1997; (2) Belarus, in response to violations of freedom of association in 2007; (3) Sri Lanka, in response to human rights violations in the civil war in 2010; and (4) Cambodia in response to human rights violations in relation to political participation and to freedoms of expression, and peaceful assembly and association. The withdrawal of preferences from Cambodia represented the first instance of a partial withdrawal of tariff preferences (European Commission, 2020I). The circumstances of these cases, and failures to apply negative conditionality in many others, has resulted in criticism of the EU's consistency in applying sanctions (Beke & Hachez, 2015, p. 11).

In the Canadian GSP, flaws in the approach to negative conditionality derive not only from the implementation of the GSP, but also from the basic framework of the scheme. There is a lack of clarity in the structure of conditionality and the legislative framework for the removal of preferences is ambiguous. However, preferences have been removed in practice for human rights reasons, including for example against Belarus in 2007. Uncertainty over the situations in which negative conditionality will be applied creates the potential for inconsistent application, opening the door to criticism and the alienation of trading partners. The lack of a stable 'yard-stick' for measuring compliance undermines efforts to secure human rights advances—if the standards are unclear, constructive engagement with States already resistant to human rights and globalisation becomes more difficult (Landman, Schwarz, & Peake, 2019). A lack of clarity in the standards set and perception of inconsistent application was further highlighted as a key challenge by interview respondents, particularly from the perspective of grassroots organisations working on the ground in beneficiary countries.

The US approach to conditionality differs from that adopted by the EU, requiring that GSP beneficiaries must have taken, or be taking, steps to 'afford internationally recognised worker rights' (Office of the

United States Trade Representative, 2017). This approach leaves open the potential for protectionist criticism and may be perceived as lacking legitimacy because it does not root rights in the international context. It risks crossing the threshold of the WTO's objective criteria requirement, as well as creating ambiguities in the specific requirements placed on beneficiary countries.

Box 6. Forced labour in Uzbekistan's cotton harvest

Forced labour in Uzbekistan's cotton harvest

Uzbekistan was added to the list of GSP+ beneficiaries in November 2020, considered by the EC to meet the eligibility requirements (European Council, 2020). This followed the adoption of the EU-Uzbekistan Textiles Protocol (EUTP) in 2016, which introduced reciprocal MFN treatment in transit, commodity warehouses, customs duties, payments, taxes and other internal charges applicable to imported Uzbek textile products, and removed quantitative restrictions with regard to trade in textiles (Committee on International Trade, 2011). In 2011, the EP had decided to postpone its decision on consent to the EUTP, adopting an interim report requiring monitoring and reform in the country (European Parliament, 2016a). In 2016, the EP considered significant (and sufficient) progress had been made to address forced labour in Uzbekistan's cotton harvest, including through dialogue and monitoring mechanisms and reductions in both child and forced labour (Europol, 2016a).

The most recent Universal Periodic Review (UPR) of Uzbekistan at the time Uzbekistan was added to the list of GSP+ beneficiaries considered the issue of child and forced labour directly. The national report submitted by Uzbekistan indicated that the 'use of child labour had been eliminated in the cotton harvest, as had the use of forced labour in the country', and outlined additional steps undertaken to address the issue (UNGA, 2018). However, stakeholder submissions indicated systematic use of forced labour in the cotton sector in the years since 2013, and highlighted increases in forced labour of adults as a result of reductions in child labour (UNGA, 2018, p. 9). Reprisals for activities monitoring forced labour and risks of imprisonment of journalists covering forced labour issues were also noted (ibid, pp. 7-8).

ILO third party monitoring of child and forced labour during the 2018 cotton harvest in Uzbekistan likewise outlined 'major progress in the eradication of child and forced labour', finding that systematic or systemic forced labour was not exacted by the government in the 2018 cotton harvest (ILO, 2019). Similar progress was reported in relation to the 2019 and 2020 seasons, although 'a considerable number of forced labour cases were observed' in the review of the 2019 season (ILO, 2020d) and about 4 % of cotton pickers were found to be subject to forced labour in the 2020 season (ILO, 2021a). An evaluation of ILO third party monitoring in Uzbekistan published in 2018 found 'substantive and significant' flaws in monitoring design, methodology, and analysis that were assessed to 'seriously undermine the credibility, accuracy, and ethicality' of the 2017 harvest report (Lasslett & Gstrein, 2018).

In December 2020 Human Rights Watch (HRW) suggested that shortcomings identified by the EC were ongoing and continued to cause 'grave human rights violations' that could 'constitute serious failures of Uzbekistan's obligations to abide by core human rights treaties', including ongoing forced labour in the 2020 cotton harvest (2020). HRW therefore advocated for, at minimum, enhanced follow-up and monitoring mechanisms to evaluate the country's performance of human rights obligations under the GSP+ and identify 'specific recommendations and time-bound benchmarks'. Likewise in 2016, a coalition of human rights organisations had urged the international trade committee not to consent to the EUTP on the basis that the forced labour system in fact had continued (Human Rights Watch, 2016). According to this coalition, the evidence was 'unequivocal' that there had been a 'change in strategies aimed at maintaining and concealing the continued use of forced labor rather than substantial results in its eradication' (ibid).

These conflicting reports over the state of forced labour in Uzbekistan's cotton harvest highlight a key issue in establishing an evidentiary foundation on forced labour issues: challenges in data collection and analysis, and conflicting reports on the current state of play.

Including negative conditionality in trade instruments needs to be approached with caution as to its effects. Strict sanctions and negative conditionality can lead to harmful economic and social effects for the population (Fierro, 2003, p. 103). As an example of such negative externalities, the US previously designed a 'Harkin Bill', which was intended, if enacted, to prohibit import of certain products produced by child labour (Ewing-Chow, 2007, p. 173). The threat of this resulted in the laying-off of tens of thousands of children in Bangladesh, many of whom then turned to more hazardous activities such as prostitution (ibid).

The Commission retains 'ample discretion' in decision-making (Portela & Orbie, 2014, p. 66). This is valuable as the process involves weighing a number of factors and requires outside engagement with the UN and other institutions in order to be legitimate. The latter is especially important owing to enduring critique that in imposing conditions through the GSP, the EU becomes the 'prosecutor, judge, jury and executioner' (Nherere, 1995, p. 291).

The EU is perceived not to have applied the withdrawal mechanisms consistently or transparently in all cases (DEVELOPMENT Solutions Europe, 2018), risking undermining credibility of decisions and the effectiveness of the scheme in addressing modern slavery concerns. While in some instances of significant violations the EU has acted to withdraw preferences, in others negative conditionality has not been exercised (DEVELOPMENT Solutions Europe, 2018). Borchert et al describe application of negative conditionality to GSP recipients as 'scattered' and 'selective' (2020). This can undermine perceptions of the EU as a normative actor in relation to modern slavery practices and create confusion on application at the expense of the effectiveness of these frameworks in addressing modern slavery in third countries.

5.2.3 Monitoring and oversight

Monitoring and oversight are essential for implementation and enforcement of the standards and expectations established in the GSP. However, challenges in delivering effective monitoring emerge in this context as they do in others. In the first instance, monitoring mechanisms require resourcing. Operating across a significant number of third country contexts, delivering effective monitoring presents a challenge for the EU. Engaging with local and international stakeholders alike can help address this resourcing gap, providing a broader framework of reporting mechanisms coordinated within the GSP.

...the EU has limited resources for effective monitoring on the ground... we cannot rely on only the capacity of EU delegations... that are working more closely with third countries. But it is crucial that there is involvement, and it has involvement of stakeholders in in the monitoring. I think this is the spirit of the, you have seen, the proposal for the new GSP regulation, that's the spirit (Representative of an EU body).

The 2018 EU report on the GSP+ highlighted a need to improve transparency in GSP+ monitoring and better involve civil society in the EU and beneficiary countries (European Commission, p. 8). This would involve regular stakeholder consultations with local civil society. The mid-term evaluation of the GSP further found a need for improvement in the transparency of the EU's GSP+ monitoring, particularly about the list of issues discussed in dialogue (DEVELOPMENT Solutions Europe, 2018). This is addressed in the proposed new GSP framework, although the extent to which it will generate improvements in practices remains to be seen.

A representative of an EU body highlighted the value of connecting with international monitoring mechanisms in delivering oversight of compliance with GSP standards. Taking advantage of the international infrastructure can help drive efficiency in monitoring, calling for greater coordination and communication between such frameworks. The need for more regular international reporting on modern slavery issues—for instance the ILO's reports on forced labour—was emphasised. Engagement with other international reporters to support coordinated monitoring may therefore present a valuable opportunity for improving oversight across the board.

While tailored engagement with each GSP beneficiary country is not feasible, the framework for enhanced engagement with countries of serious concern provides an opportunity for much more responsive engagement. The EU is increasingly adopting forms of enhanced engagement, such as its response to the Bangladeshi Rana Plaza factory collapse of April 2013 (European Commission, 2018f), where instead of negative conditionality, it adopted a soft-law initiative characteristic of experimentalist, bottom-up governance—the Bangladesh Sustainability Compact. This has been shown to have some positive impact on labour rights in Bangladesh’s Ready-Made Garment Industry—the primary focus of the mechanism in the aftermath of Rana Plaza (Kenner & Peake, 2017). The Compact was a way of responding to international concerns in partnership with the UN and other trade partners, the government and civil society (see further section 8.2, Bangladesh case study). The EU has currently ‘stepped up’ engagement with Bangladesh, Cambodia, and Myanmar (European Commission, 2021n). This demonstrates the importance of deep and sustained engagement in countries of concern in relation to modern slavery practices.

5.3 Import restrictions

Increasingly at the centre of international policy conversations, import restrictions are seen as an important tool for addressing modern slavery in third countries. For the purpose of this study, import restrictions as a category are understood to encompass all prohibitions and restrictions applying to imports as a consequence of their connection (or potential connection) to modern slavery practices. This therefore overlaps with trade-related sanctions imposed by the EU (discussed further in section 7.3). However, it also encompasses specific tools employed to prevent the importation of goods related to modern slavery practices and enable seizure of such goods. The EP has called for such a framework, namely a new EU instrument establishing an effective traceability mechanism and allowing for import bans on products related to severe human rights violations such as forced and child labour (European Parliament, 2022). (Vanpeperstraete, 2021).

US enforcement of the Tariff Act in relation to goods produced by forced labour is a particularly notable example of modern slavery relevant import restrictions in this context, with 1,469 shipments detained by the beginning of October in 2021 in conjunction with forced labour ‘Withhold Release Orders’ (US Customs and Border Protection, 2021). Imported goods are being more heavily scrutinised for evidence of forced labour (Biesenthal, Ellsworth, & Darmer, 2020), and the Department for Homeland Security in its 2020 Security Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation outlined various action steps to ‘strengthen international, interagency, and non-governmental coordination to interdict illicit goods in our supply chains’ (Homeland Security, 2020, p. 21).

The prominence of this import restriction framework in global antislavery discourse has prompted various other national and international actors to consider the imposition of import restrictions in connection to modern slavery issues—including Canada through BILL S-216, An Act to enact the Modern Slavery Act and to amend the Customs Tariff, and the EP (European Parliament, 2021a).

Overall, the impacts of import restrictions were highlighted to be twofold: first, in directly affecting businesses engaged in the imports; and second in raising awareness of the issues and ‘providing civil society with the focus of advocacy on these particular goods that we know are produced with forced labour’ (interview with CSO representative).

5.3.1 The influence of import restrictions

[Trade bans] have gigantic effects on the supply chain management community... just because they are highly disruptive, right? And it does not just affect the business in the sense that it affects someone somewhere in the compliance department, it affects the operations. It's very noticeable at the shop floor level that supply has just been disrupted, and then there's questions [as to] why. And you know you, as a company, then have to go and explain to your customers that you're not delivering because your stuff is stuck in a trade ban against forced labour. That's embarrassing and disruptive. So I think in terms of the impact on your business community is very effective (Advisor to an international organisation).

Import restrictions were highlighted by several interviewees as extremely effective in engaging the business community in supply chain mapping, due diligence, and addressing risks of modern slavery in their supply chains. The significant disruption presented by seizure of goods in particular was emphasised as catalysing business action in ways that other measures had not achieved.

Import restrictions were also identified by interviewees as effective in catalysing government action in third countries. This is particularly true where addressing modern slavery issues in the country requires government action, whether because the state itself is participating in the modern slavery violations or because the state is not playing its role in regulating labour conditions. For instance, in relation to medical gloves supply from Malaysia, the failure of the state to recognise particular international conventions and play its role in protecting workers was highlighted as a key contributing factor in labour exploitation (Bhutta, et al., 2021). In response, US Customs and Border Protection issued forced labour findings and Withhold Release Orders against several Malaysian glove manufacturers (US Customs and Border Protection, 2021). The Canadian government likewise paused imports from specific entities in response to forced labour concerns (Chu, 2021). In such contexts, import restrictions were noted to provide important potential motivators for government and private sector action to address modern slavery. For instance, Supermax—one of the Malaysian glove manufacturers subject to US and Canadian restrictions—introduced a new foreign worker management policy, enhanced its human resources policies, began refurbishment and renovations to improve working and living conditions, adopted an equal pay and benefit structure for foreign workers, and raised its minimum wages in response to restrictions (Lee, 2022). In 2020, Heidi Hautala and six other MEPs wrote a joint letter highlighting ‘systemic and documented forced labour concerns’ in Malaysian medical glove manufacturing, and called on the EU to use its leverage to address the situation (Hautala, et al., 2020). However, the EU has not been reported to have adopted any restrictive measures on these products.

As in the case of other trade policy instruments, the capacity of import restrictions to effectively engage both public and private sector actors to address modern slavery is tied to the value of the importing market to the source country. A higher market share of exports from the country correlates with greater influencing power in trade relations and increases the likelihood of import restrictions successfully instigating positive action. This is true in relation to US efforts in this domain, and likewise relevant for the EU as a significant international trading market. The collectivised approach of the EU to international trade therefore represents a significantly positive factor in maximising potential to influence modern slavery efforts in third countries. However, it does limit the possibility of engaging such mechanisms for countries for which the EU is a less significant trade partner. Diplomatic consequences are also unevenly experienced in these contexts—where larger trading powers may be able to bear the diplomatic consequences of restrictions, others may not. As summarised in interview with an advisor to an international security organisation, trade bans and import restrictions ‘may only be suitable for countries that have the trade clout to push them through’. The influence of import restrictions may be engaged irrespective of whether measures are actually imposed. In some instances, the threat or real possibility of such sanctions being imposed may be sufficient in catalysing action against modern slavery.

Despite positive indications about the possibility of import restrictions supporting EU efforts to address modern slavery in third countries, evidence of the prospective impacts of these frameworks in relation to modern slavery practices is mixed. A 2013 Staff Working Paper of the European Commission concluded that ‘trade was not a primary vector’ in the worst forms of child labour, and therefore that tackling these practices required ‘incentives or disincentives that directly nurture or target the interests of families’ rather than import restrictions (European Commission, 2013a). The Commission considered poverty as the key driver of the worst forms of child labour, and therefore concluded that increasing (rather than restricting) trade flows was ‘the most powerful way in which trade policy can help’ (ibid, p. 11). However, this paper oversimplifies the complex drivers of the worst forms of child labour, the conditions that enable such, and the different circumstances in which they manifest. Further, the worst forms of child labour should not be conflated with child labour more broadly.

In 2021, EU Executive Vice-President and Trade Commissioner Valdis Dombrovskis called for caution in regard to the proposal to ban products made using forced labour, suggesting that such a framework may be seen as discriminatory and require the EU to revise its customs code, as well as questioning the effectiveness of such measures in stopping human rights abuses (Khan, 2021). Dombrovskis suggested that the corporate sustainable governance legislation alone was an effective way to address human rights violations in value chains (ibid). This position does not account for the potential complementarity of due diligence legislation and import restrictions, nor the ways in which the design of the due diligence measures may leave significant room for the importation of goods produced using modern slavery into the EU market. Although overlapping, the different focal points of the two frameworks creates significant spheres of distinct application between them. Further, import restrictions have a track record in international trade—the possibility of designing a framework in compliance with the core principle of non-discrimination is therefore established.

5.3.2 Practical infrastructure supporting import restrictions

The application and effectiveness of import restrictions relies on practical infrastructure for implementation—they do not work simply based on a declaration but require mechanisms for ensuring compliance. Four key considerations in establishing the infrastructure of import restrictions have been identified in this study: (1) a clear framework for decision making, both in relation to imposing restrictions and for lifting them; (2) investigative capacity; (3) addressing chain of custody issues; and (4) including remediation procedures.

The value of establishing a clear framework for decision making across all stages of the import restriction life cycle was highlighted by interview respondents. Businesses and governments alike need to understand the reasons why restrictions have been imposed and what they need to do for them to be lifted if measures are to be effective in activating changes in behaviour. Clear frameworks for decision making also serve a signalling function for actors not currently subject to restrictions—they provide a framework for behaviour that may prevent import restrictions from being imposed in the first place, and thereby can help structure relations even where they are not directly engaged.

The risk of import restriction decisions becoming heavily political was noted by interviewees as a threat to their credibility, and to the process of remediating the modern slavery situation to ultimately lift the restriction. The heavy focus by the US on imposing restrictions on China was noted as an example of this. Although recognised to be undergoing a process of diversification in terms of the focus of restrictions, the apparent focus on China and overlooking of other contexts in which violations occurred was reported to result in these measures being ‘caught up in the broader geopolitics’ of US-China relations (interview with CSO representative). Respondents therefore suggested greater equality in the treatment of different situations of modern slavery in line with a clear decision-making framework, to preserve the credibility of measures and their chance of success.

Monitoring and implementation of import restrictions relies on a level of investigative capacity by the entity responsible for the measure—if there is no mechanism through which to identify and sanction goods being imported in contravention of the restriction, then the effect of the measure is dampened. An interviewed advisor to an international security organisation highlighted gaps in existing investigative infrastructure beyond the US context, questioning whether any other international actor was currently positioned to deliver the necessary investigative function needed to implement such measures. This was particularly identified as a concern in relation to potential EU import restrictions, recognising the differential capacities of different Member States as well as different political positions in relation to issues such as labour protections in trade. A centralised EU investigative body was noted to have the strongest likelihood of success in implementing such a mechanism, albeit limited by the prerequisites for political support within the EU and appropriate resourcing.

Additional strategies for improving investigation and implementation of import restrictions identified by interviewees included facilitating increased international intelligence sharing in this particular area. The lack of existing infrastructure for sharing intelligence related to import restrictions—for instance as to modern slavery risks, supply chain mapping, identification of connected products and companies—was highlighted as a key gap in the international coordination and efficiency of import restrictions. A significant opportunity to establish such infrastructure was therefore noted to exist amongst like-minded partners considering such mechanisms—a potential area where the EU could add significant value internationally in external policy efforts to address modern slavery.

Civil society organisations can also serve as an important source of intelligence in monitoring and investigation in the context of import restrictions. Engaging with both international and local civil society organisations can provide valuable on-the-ground insights on trends and risks, augmenting information generated by governmental and multilateral actors. The move towards providing funding for civil society organisations to support this activity in the US context was highlighted by interviewees as a positive step towards a more effective investigative framework.

The complexity of global supply chains means that simply imposing restrictions on particular materials or goods from a specific context does not cover the full range of internationally traded products connected to that context. As highlighted by an interviewed advisor to an international security organisation, many products are not imported in the raw material stage—they are processed in other contexts in between, ‘so instead of importing timber from the Amazon, you’re actually importing books’. This creates a traceability challenge, in that addressing modern slavery risks requires either that all processing contexts also impose similar import restrictions or that restrictions are in place also on processed goods that incorporate the high-risk material or product. To maximise effectiveness in addressing modern slavery, import restrictions must engage with this chain of custody, which itself requires a more nuanced investigative capacity.

The success of import restrictions in addressing modern slavery in third countries ultimately relies on actors within those countries changing their behaviour. As in other contexts, these changes in behaviours were noted by interviewees to face challenges in particular contexts, connected not only to their willingness to change but also to the capacity of relevant actors to effect the necessary adaptations. The importance of establishing remediation procedures as a component of import restrictions was therefore identified, working both with businesses importing relevant goods and third country actors. Mechanisms that engaged private sector actors in the destination country in supporting third country exporters to improve practices were highlighted as particularly promising.

5.3.3 Potential negative externalities of import restrictions

While import restrictions were broadly viewed as a positive option in the toolkit of external policy to address modern slavery in third countries, the potential for negative externalities of these measures increases the threshold for engaging them. As reported for all ‘hard’ responses to modern slavery

challenges, the potential for import restrictions to harm the people they were intended to protect was raised by interviewees and in records assessed as a significant concern and consideration in the application and design of such measures. For instance, Addaney and Lubaale highlight the negative impacts of the US Dodd-Frank Act—which resulted in a ‘de facto’ ban on sourcing from DRC—on already vulnerable populations, reporting financial, health, and education issues emerging as a result of people’s reliance on mining for their livelihoods (2021). An interviewed representative of an international organisation emphasised this point, recognising the promise of such measures but also the need to be cautious in engaging them:

...these kind of more tariff-based legislations, they come with a certain amount of risk of negative consequences. So, you have to be a bit careful... at the end of the day, they might not necessarily lead to improvements in the supply chain on forced labour issues. So, it may just reduce the market demand because the brands keep finding their product being stopped at customs, and they're just like "we just can't source from that country because we just don't have the right diligence." But is that actually going to resolve the issue for the worker in that country, who is in bonded labour? No.

The inclusion of remediation infrastructure may help to address this concern over the negative externalities of bans on vulnerable workers, as can the coupling of these measures with other forms of constructive engagement and programming.

5.4 Supply chains frameworks targeting EU businesses

Although not the central focus of this study, a significant body of evidence speaking directly to the issue of supply chains frameworks targeting EU based businesses with the intention or effect of addressing modern slavery in third countries was assessed in the research. These measures were at the forefront of interviewees’ minds, and evident across a range of secondary sources reviewed. This reflects both the timing of the study in conjunction with the development of the EU’s mandatory human rights and environmental due diligence framework and the general emphasis currently placed on corporate responsibility and action in the global antislavery movement.

The importance of establishing frameworks applicable to EU businesses was highlighted as a central responsibility of the EU, as well as a credibility concern in international relations. Interviewees consistently emphasised the importance of internal efforts to address modern slavery risks and responsibilities within the EU, not only in the interests of eradicating modern slavery in Member States but also in facilitating effective engagement in third states.

Optimism about the potential for effective frameworks addressing modern slavery risks in global supply chains was closely connected to the current moment of policy development, and the evidence generated over the course of the past decade of increasing engagement of corporations in meaningful efforts to address modern slavery risks. The proposed binding EU legislation on this topic was heralded as generating significant ‘positive impacts’ (interviewee representative of an international organisation). Likewise, another interviewee representative of an international organisation highlighted increased capacity of companies to engage in the lower tiers of their supply chains, and their efforts to ‘keep their supply chains clean’ at a level that would have been seen as ‘impossible’ ten years ago.

5.4.1 Reporting and transparency obligations

While a wealth of evidence related to reporting and transparency obligations connected to modern slavery has accrued in the ten years since the adoption of the California Transparency in Supply Chains Act, evidence reviewed in this study and the perspectives of respondents evidenced an important shift in global antislavery beyond reporting towards mandatory standards. Arguments for a more graduated approach were common at the introduction of the UK and Australia’s Modern Slavery Acts, often based on the

perceived lack of capacity to engage immediately in meaningful due diligence efforts, the claimed inscrutability of complex supply chains, and the risks of companies ‘clamming up’ rather than opening up about risks present in their supply chains. However, these arguments are significantly less dominant across the evidence reviewed in this study—particularly in more recent commentaries. As explained by an interviewed advisor to an international security organisation:

I think in 2015 the reporting obligation was appropriate. To say, “okay... you need to give companies some time to learn about this, they're not prepared for this.” But now they had seven years. There's a lot of infrastructure, advice, guidance... It's part of the curriculum. So I think now, seven years later, you can probably say “look, you had enough time to learn” and now it needs something with a bit more bit more teeth.

Reporting obligations were therefore characterised as ‘outdated’, requiring the next step to be taken in advancing corporate responsibility for addressing modern slavery. A body of existing academic research has likewise highlighted major weaknesses in transparency-based approaches (Re:Structure Lab, 2021). Reporting is noted to focus on surface-level compliance rather than meaningful change, existing legislative and regulatory frameworks do not provide disincentives for noncompliance (Sjåfjell, 2020), are poorly enforced (Nolan & Bott, 2018) and do not provide for remedies and redress for victims (Chambers & Vastardis, 2021), and compliance has been possible without changing corporate behaviours or business models (LeBaron, 2020).

5.4.2 Mandatory due diligence

Significant attention was paid across relevant evidence in the study to the role of mandatory due diligence frameworks in addressing modern slavery in third countries. Multiple interviewees described EU mandatory human rights and environmental due diligence legislation as a ‘game changer’ for efforts to address modern slavery in third countries. The leverage created by mandatory standards applicable to EU enterprises in engagement with businesses in third countries was particularly emphasised, facilitating action both by third country governments and businesses to retain access to EU markets.

Within the context of mandatory due diligence frameworks, the importance of establishing clear thresholds for responsibility was particularly emphasised. Overall, ten key considerations for the development and implementation of due diligence frameworks were identified in the evidence assessed:

1. **Ensuring coherence and harmonisation** across national and international due diligence frameworks, to facilitate corporate engagement with these obligations and avoid inefficiencies and duplication of effort. The need for coherence with other relevant policy tools was also noted, ensuring that policies are ‘pulling in the same direction’ and ‘reverse incentives’ are not created (OECD representative).
2. **Including SMEs**, as a large proportion of the market and therefore a significant cohort in terms of systematic attempts to address modern slavery risks in the private sector.
3. **Including traders, financial institutions, and investment actors** as heavily involved and influential in shaping business conduct.
4. **Including public procurement** as a particularly significant purchaser within EU contexts, and in the interests of maintaining credibility.
5. **Scaling responsibilities to the size of the business** to ensure responsibilities and expectations are appropriate and feasible for the enterprises in question.
6. **Establishing a monitoring and oversight framework**, engaging with multi-stakeholder initiatives to deliver effective and efficient information on compliance and risk.

7. **Establishing an enforcement mechanism** with named authorities bearing responsibility and clearly delineated roles.
8. **Including remediation requirements** to facilitate constructive engagement of EU businesses with third country businesses, and thereby effect change in practices in the sourcing contexts.
9. **Including compensation and remediation for victims**, to ensure instances of modern slavery are appropriately redressed. Consideration of mechanisms to enable victims to be supported by trade unions and civil society organisations to seek redress in EU home countries were noted to be particularly beneficial in overcoming barriers in accessing justice in third countries.
10. **Monitoring impacts** to generate evidence on the effectiveness, strengths, and potential weaknesses of frameworks introduced and facilitate ongoing improvement both in policies and in complementary programming.

The relevance, appropriateness, and feasibility of criminal responsibility for corporate actors in relation to due diligence frameworks and human rights abuses in supply chains is as an important consideration for the future. The Dutch framework enabling criminal responsibility in this context provides an example of where such an approach had been adopted, although limited evidence of its impact in practice is currently available.

The connection to development programming, financing, and other forms of support in third countries was specifically identified by interviewees, including awareness raising and support directly related to new standards imposed as well as broader initiatives. The potential for due diligence frameworks to facilitate EU companies sharing some the effort of addressing risks of modern slavery in third country businesses is a key strength of the mechanisms. The potential for business engagement, capacity building, support, and remediation to be more agile than international development funding creates the potential for synergistic complementarity between the two approaches. In that regard, an increasing role for EU enterprises in facilitating short-term development within particular supply chain contexts may be particularly valuable, and potentially further enable a shift in development programming that could increase overall effectiveness.

5.4.3 Certification for conflict minerals

In 2000, the United Nations found that there is a connection between the mining of tin, tantalum, tungsten, and gold and the funding of non-state armed conflicts in the Democratic Republic of Congo (DRC). It was identified that armed groups controlled mines and forced individuals to work in them (Sinclair, 2021). As such, conflict minerals were contributing to the funding of armed groups and causing serious human rights abuses, including child and forced labour.

To address this issue, the US enacted a due diligence law to prevent the use of conflict minerals. In 2010, the US passed the Dodd Frank Wall Street Reform and Consumer Protection Act, Section 1502 of which introduced a disclosure requirement for companies to determine whether conflict minerals were used in their products by conducting supply chain due diligence. Section 1502 of Dodd Frank Act does not impose a ban or penalty on the use of conflict minerals. Rather, it requires disclosure as to whether companies source tantalum, tin, tungsten, and gold from DRC or adjoining countries (see further section 4.2.2). A similar supply chain due diligence initiative was also introduced by the EU.

In 2017, the EU adopted the Conflict Minerals Regulation, which came into effect on 1 January 2021 (Regulation (EU) 2017/821). Both the US and the EU legislation aim to address the same human rights abuses, including forced labour, forced resettlement, and various forms of violence (Koch & Burlyuk, 2020). Like Section 1502 of Dodd Frank Act, the EU Regulation covers only tantalum, tin, tungsten, and gold, seeking to ensure that they are responsibly sourced and conflict-free. However, the scope of the EU regulation is much broader than the Section 1502 of Dodd Frank Act—the former addresses conflict

minerals from any Conflict-Affected and High-Risk Areas (CAHRAs), whereas the latter encompasses only DRC and surrounding Great Lakes territories. A group of external experts is tasked by the EC to provide an indicative, non-exhaustive list of CAHRAs under the EU Conflict Minerals Regulation.¹²

Under the EU Conflict Minerals Regulation, EU importer companies are required to conduct due diligence in their supply chains to identify any links to conflict-affected tantalum, tin, tungsten, and gold, and if any, to take measures to prevent the flow of finance to armed groups. The importers should disclose information about their supply chain due diligence policies and practices, including any steps taken to identify and address conflict minerals in their supply chains, their risk management approach, and the summary report of third-party audits. The EU regulation applies to 600 to 1,000 companies importing tantalum, tin, tungsten, and gold minerals and metals into the EU regardless of whether they are EU based or non-EU based companies (Anthesis, 2021). Although the regulation does not impose a mandatory due diligence obligation on manufacturers, importers, and sellers of finished products and components containing tantalum, tin, tungsten, and gold, they may provide voluntary reports (Cherepanova, 2021).

It is too early to assess the effectiveness of the EU Conflict Minerals Regulation. However, the impact of the Section 1502 of Dodd Frank Act was assessed by several studies, finding unintended outcomes of this legislation over civilians in the Democratic Republic of Congo (DRC). For example, Addaney and Lubaale found that an unintended consequence of the US legislation was a de facto ban of companies sourcing minerals from the DRC (2021). This resulted in ‘the suffering of millions of civilians’ who heavily relied on the mining and extractive industry for their livelihood (ibid). Further, Stoop, Verpoorten and van der Windt found that Dodd Frank Act increased the likelihood of violent conflict in affected territories with a 44 % increase in incidence of battles, 51 % increase in looting and 28 % increase in violence against civilians, compared to pre-Dodd Frank averages (2018).

5.5 An overarching approach to addressing modern slavery in trade policy

Efforts to address modern slavery in third countries through trade mechanisms are varied and diverse. However, they draw on a shared set of considerations and approaches that can assist in maximising the effectiveness of interventions and facilitating constructive engagement. As in the case of cross-domain considerations and approaches outlined in section 9, evidence assessed and reviewed in this study provided a range of cross-cutting insights relevant in designing, implementing, and monitoring antislavery initiatives in the context of trade. Each of the cross-domain considerations outlined in section 9 are applicable to the trade policy context. However, four further domain-specific considerations or nuances were identified: combining fundamental values with economic incentives; coherence and coordination in trade; contextualised engagement in trade; and non-discrimination.

5.5.1 Combining fundamental values with economic incentives

Relatively unique to the trade policy domain, external policy efforts to address modern slavery in this context combine two distinct motives: commitment to fundamental values and economic incentives. While the former often takes the fore in global antislavery discourse, the importance of the latter in engaging actors in this context is fundamental. Dasgupta goes so far as to suggest that interests in establishing linkages between labour standards and trade policy (for the US and EU in particular) are not fundamentally driven by humanitarian reasons (2020).

Addressing modern slavery in third countries in the context of trade is particularly linked to the objective of ‘levelling the playing field’—that is avoiding the competitive market advantage obtained by producers exploiting modern slavery in their productions. In this sense, human rights and labour protections are seen

¹² The current list of conflict-affected and high-risk areas is available at: <https://www.cahraslist.net/>

as in the private interests of EU companies and not merely as a benefit to vulnerable populations in third countries.

I think it's win-win you know. For companies and employers, it equalises the playing field. It eliminates or reduces unfair competition. Because if you have a company that's respecting the laws of the land and international conventions and agreements on labour rights and human rights and then you have one that doesn't, of course they have a lower operating cost. So, I think it's good for companies as well in the long term, even if some don't realise or admit it. And also it's good for the country itself because you know it's protecting and is pushing for labour rights and human rights. And, it's protecting workers (Representative of an international organisation).

5.5.2 Coherence and coordination in trade

Trade engagement provides a unique entry point for facilitating increased coordination in third countries. One representative of an EU body interviewed reported the balance of administrative power within third country governments as often skewed towards trade ministries over, for instance, labour ministries. Trade engagement can therefore operate as a gateway leveraging engagement of trade actors with other relevant parts of the third country government, as well as with civil society and business. As in other areas, coherence and coordination is essential to the effectiveness of efforts to address modern slavery in third countries within the trade domain. In facilitating this, trade actors in-country can provide a particularly valuable entry point and lever.

Within the EU, current separation of trade policy from other areas of competence was highlighted by interviewees as a barrier to effective coordination across policy domains within the EU. The value of US approaches, which more effectively integrate trade approaches within the panoply of modern slavery responses (notably including foreign policy), was highlighted. Addressing modern slavery in the trade context is already a nexus between domains, operating at the intersection of business and human rights.

5.5.3 Contextualised engagement in trade

The challenges of engaging with different third countries and strategies for delivering more effective responsive policy manifest in the trade context as they do in other domains. Within trade specifically, the relevance of trading power is particularly emphasised. That is to say, the influence of the EU (or another like-minded partner) is directly linked to the significance of the market to a particular third country's exports. Trade agreements are often seen as an entry point to modern slavery efforts in third countries because of the unique leverage they provide to international relations with the country. This leverage is characterised as fundamentally important to advancing antislavery in contexts where other mechanisms have proved to be ineffective. However, this must be viewed in light of the actual leverage exerted in the particular third country market.

And Europe where we came from, that everybody wanted to engage in Europe. I think that we should nuance that a bit. We are still a big partner but it's not that the world will only look at the EU to make changes. So, this is the balance where you need to look if you talk about Bangladesh, if we don't engage and we plug out it goes to China. There's no doubt about it. And that's a choice with many of these countries (Representative of an EU body).

The risk of third countries diverting to other markets (particularly China and Russia) tempers the leverage open to EU institutions. In some contexts, the EU market may be significant enough, or global supply chains so extensively integrated, that the risk of diversion is minimal and trade leverage is maintained. An interviewed advisor to an international security organisation highlighted such a dynamic in relation to Brazilian beef exports, for instance. However, in other contexts attempts to apply pressure to advance

labour and human rights standards through trade may require contextual nuancing and a balancing of factors.

Interviewees highlighted the need to temper expectations as to what trade, considered in isolation, can achieve and to include approaches that integrate other policy domains. This was particularly emphasised in complex contexts, where government incentives pulled in different directions and where the state itself was involved or complicit in modern slavery.

5.5.4 Non-discrimination in trade

Addressing issues internally (within the EU) as a central element of establishing international legitimacy for external policy is a concern that cuts across domains. However, in the context of trade specifically this is situated in relation to the core principle of non-discrimination, which necessitates the application of standards sought in third countries through trade to be assured internally. As Cottier and Oesch summarise, the ‘essence of non-discrimination in international economic law’ is the ‘creation of equal conditions of competition among domestic and foreign products and competitors, with respect to trade in goods and services, investment and labour’ (2011, p. 5). Both the legality and the legitimacy of modern slavery standards established in the context of trade are therefore contingent upon the equal application of standards internally and externally, as well as between third states.

Internal EU efforts to address modern slavery issues are therefore presented as intertwined with external efforts in trade, and any modern slavery standards established in this context must adhere to the core principle of non-discrimination.

6 Addressing modern slavery in development policy

This section evaluates evidence of the effectiveness of selected development policy instruments of the EU and like-minded partners in addressing modern slavery in third countries. Evaluation includes a review of the relevant instruments, considering evidence of their effectiveness in changing law, policy, and practice drawn from the documentary review, secondary data analysis, and key informant interviews.

In 2015, the United Nations positioned modern slavery as an issue of sustainable development through SDG Target 8.7, calling upon States to:

Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms (UNDESA, 2015).

This was further reinforced in additional SDG targets addressing modern slavery practices, including Target 16.2 (End abuse, exploitation, trafficking and all forms of violence against and torture of children), Target 5.2 (Eliminate all forms of violence against women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation), and Target 5.3 (Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation). The 2017 Call to Action to End Forced Labour, Modern Slavery and Human Trafficking calls for modern slavery to be treated as a ‘priority’ in United Nations development action (2017, p. 2(ii)). Despite these connections, a 2021 study examining the interconnections between antislavery and development observed that ‘development sector voices are often notable for their absence from global antislavery discussions’ (Cockayne, 2021b, p. xi).

The relationship between modern slavery and broader development is bi-directional: development factors operate as key vulnerability or resilience factors contributing to (or protecting against) modern slavery; and modern slavery impacts on wider development factors. Walk Free's Vulnerability Model measures systemic, individual, and environmental risk factors that contribute to modern slavery across five dimensions: governance, lack of basic needs, inequality, disenfranchised groups, and effects of conflict (Walk Free, 2018). IOM's determinants of migrant vulnerability likewise include development factors such as gender, access to resources, socioeconomic status, education, employment, health and social care services, and environmental factors (IOM, 2019). These measures show the centrality of development factors in driving and enabling modern slavery.

Engaging the other side of the relationship between modern slavery and development, the Developing Freedom report highlights ten ways in which slavery impedes development: (1) reducing productivity; (2) creating intergenerational poverty; (3) institutionalising inequality; (4) weakening multiplier effects; (5) discouraging innovation in production; (6) producing a capital market failure; (7) hitting the public purse; (8) weakening governance; (9) fuelling corruption and illicit financial flows; and (10) harming the environment (Cockayne, 2021b, pp. xiii-ix).

In 2014, the ILO estimated the illicit profits obtained by forced labour globally to represent \$150 billion (US) per year (ILO, 2014, p. 13). The UK government in 2018 estimated the economic and social costs of modern slavery within the UK to be between £3.3 and £4.3 billion (Reed, Roe, Grimshaw, & Oliver, 2018). On the other hand, research has shown positive flow-on effects from modern slavery programming on development. Researchers in 2020 estimated providing extended support to survivors of modern slavery in the UK to produce a net benefit to the public purse between £10.4 and £25.1 million (Nicholson, Schwarz, Landman, & Griffith, 2020). In 2020, the IMF estimated that eliminating child marriage would significantly improve economic growth, with an estimated increase of 1.05 percentage points to annual per capita real GDP growth in emerging and developing countries (Mitra, Pondi Endengle, Pant, & Almeida, 2020). As a 'process of expanding the real freedoms that people enjoy' as advanced by Amartya Sen (1999, p. 3), development provides a crucial pathway for addressing modern slavery—at its heart a fundamental violation of human freedom.

This section considers a selection of development policy tools engaged by the EU relevant to addressing modern slavery in third countries—through direct and specific focus on modern slavery practices, as well as through more indirect attention to conditions that act as drivers of modern slavery and to broader frameworks within which modern slavery is situated. Table 19 below provides an overview of policy tools considered in this section, focusing on links to supply chains, and summarises the strength of evidence available on their effectiveness in addressing modern slavery in third countries.

Table 19. Summary of evidence and findings on addressing modern slavery through development policy tools

Policy tool	Strength of evidence	Summary of Evaluation	Proposals for ways forward
Support for CSOs	The evidence evaluating the effectiveness of the EU's support for CSOs in the context of forced labour and modern slavery is limited. Only a handful of reports and studies evaluating projects funded by the EU and implemented by CSOs were identified and discussed. The impact of CSOs is not evaluated thoroughly, and the majority of sources focus on particular projects rather than	Key EU policy documents on support for CSOs do not make any explicit references to modern slavery practices, although they do play an important role in addressing the root causes of modern slavery. The evidence reviewed in this study suggests that CSOs are important development partners of the EU and contribute to addressing forced labour and modern slavery by conducting projects on the ground. This finding is also supported by	The EU should more clearly elaborate the role to be played by CSOs in eliminating and preventing modern slavery practices so as to develop more focused and concrete engagement with CSOs in the antislavery context. The EU should also facilitate research assessing the effectiveness and impact of CSOs in their efforts in eliminating modern slavery practices, and

	broader policy or programming in this area.	interviews emphasising the importance of CSOs in addressing modern slavery practices.	further ensure that all evaluation reports are made publicly available in accessible formats in a centralised location.
EU SDG Multi-Stakeholder Platform	Evidence on the effectiveness and impacts of the EU Multi-Stakeholder Platform is limited. No evaluation reports or studies assessing the effectiveness of the Platform were identified in the study. However, CSOs have outlined benefits of the platform in response to its termination.	Modern slavery practices were not explicitly addressed in any specific recommendations or contributions of the EU SDG Multi-Stakeholder Platform. Rather, the Platform addressed issues directly linked to human rights and labour standards, which are relevant to modern slavery in a broader sense.	The termination of the EU SDG Multi-Stakeholder Platform in 2019 has been criticised by CSOs, as it was considered an effective tool enabling relevant stakeholders and CSOs to contribute to the implementation of the SDGs. Therefore, the EU should consider the re-establishment of SDG Multi-Stakeholder Platform.
EU multi-stakeholder dialogue for sustainable cocoa	The study did not find any evaluation reports or studies assessing the effectiveness of the EU multi-stakeholder dialogue for sustainable cocoa. This is likely because it is a relatively new instrument created in 2020, and evidence of impacts may emerge in coming years.	EU multi-stakeholder dialogue for sustainable cocoa (Cocoa Talks) is an important initiative to eliminate child labour and child trafficking in the cocoa sector. Although it is very soon to assess its effectiveness, relevant stakeholders express their willingness to contribute to sustainable cocoa.	The EU should continue to provide support for Cocoa Talks to ensure its effectiveness for sustainable cocoa, and for the elimination of child labour and child trafficking in cocoa sector. The EU should also pursue a framework for monitoring and evaluating the impacts of the framework, generating evidence on what works in this context.
Support for certification schemes	There is a strong body of evidence evaluating the effectiveness of certification schemes. Some evidence specifically considers modern slavery practices, often in the context of broader consideration of labour rights. This study mainly focused on the effectiveness assessment of certification schemes to the extent they are relevant to addressing modern slavery practices.	The evidence reviewed in this study presents conflicting findings in terms of the effectiveness of certification schemes in preventing and eliminating modern slavery practices. Some empirical studies have found that fair trade certification initiatives contribute to good labour practices in compliance with national and international labour standards, while others found no improvement in working conditions and living standards in certified production sites compared to non-certified. Impacts are often context and sector specific, rather than generalisable across all certification contexts. The evidence also points out that the existing voluntary private certification schemes have significant limitations and flaws.	Since voluntary certification schemes have been effective in certain sector-specific contexts, the EU should continue to provide support for them. Further, the EU should create a mechanism reviewing the accuracy of information attached by labels on products certified by existing voluntary certification scheme. This also requires the EU to be more involved in standard-setting and monitoring of existing voluntary certification schemes. More importantly, the EU should consider the advantages of creating a European certification scheme as a complementary measure to the existing non-EU schemes, and explore the synergies of certification schemes with new due diligence requirements.
Certification for palm oil	There is a strong body of evidence evaluating the effectiveness of certification schemes for sustainable palm oil.	The evidence reviewed in this study indicates that certification schemes for palm oil have failed to effectively address labour exploitation in the palm oil sector. Certification schemes have certified plantations sites where child labour, forced	The shortcomings of the existing voluntary certification schemes indicate the need for the EU to consider working towards the establishment of a single certification scheme and/or increasing involvement of the EU

		labour, and trafficked migrant workers are found.	in standard-setting and monitoring of existing voluntary certification schemes.
Certification for cocoa	There is a strong body of evidence evaluating the effectiveness of cocoa certification.	The evidence reviewed in this study reveals conflicting results in relation to the effectiveness of certification schemes for cocoa. Although some studies found that certification schemes have contributed to an increase in living standards of producers, reducing poverty, and promoting the working conditions in the cocoa sector, others noted significant shortcomings in cocoa certification.	In order to address the shortcomings of voluntary certification schemes, the EU should be more pro-active in this area. As in the case of palm oil, the EU should consider working towards the establishment of a single certification scheme and/or increasing involvement of the EU in standard-setting and monitoring of existing voluntary certification schemes.

6.1 Modern slavery in the EU development cooperation framework

The EU's development toolbox aims at changing the broader governance and legislative context as well as corporate conduct. This interacts with both trade and foreign policy instruments, as each pursue EU values in third countries. The EU's overarching approach to development provides the context in which efforts relevant to modern slavery are adopted and implemented. This section therefore provides an overview of the EU's approach to development and key instruments—some of which are further explored in subsequent sections and in the country case studies set out in section 8. Specific tools used in development cooperation addressing modern slavery specifically, and in particular with a link to supply chains, are considered.

In the Action Plan on Human Rights and Democracy 2020-2024, the EU makes significant commitments to address forced labour and other forms of modern slavery (European Commission, 2020h). It is asserted that the EU will promote a zero-tolerance policy on child labour and the eradication of forced labour by providing support for labour rights in EU trade relations, as well as promoting due diligence in global supply chains and ratification of the ILO Forced Labour Protocol. Support is also outlined to improve working conditions of migrant workers to prevent them from being subject to forced labour and labour exploitation, as well as preventing trafficking in human beings and assisting and protecting all victims (ibid).

The European Consensus on Development sets out overarching objectives and principles for the EU and Member States' development cooperation on the basis of the SDG framework and makes specific reference to modern slavery practices (European Commission, Directorate-General for International Cooperation and Development, 2018). It is stated that 'Eradicating poverty, tackling discriminations and inequalities and leaving no-one behind are at the heart of EU development cooperation policy' (ibid, para 22). The EU and Member States have committed themselves to provide support to end poverty, inequality, and discrimination as well as promoting universal access to quality education and training, adequate and sustainable social protection, and decent work for all (ibid). Through the Partnership Framework approach, the EU and Member States will tackle human smuggling and trafficking in persons as well as addressing the root causes in a comprehensive manner (ibid, para 40). Support will also be provided to eliminate all forms of sexual and gender-based violence and discrimination including forced, early and child marriage (ibid, para 33). In relation to the implementation of SDGs, the EU and Member States have made a commitment to cooperation and partnership with an understanding of 'working better together' (ibid, paras 72-97).

The human rights based approach (HRBA) to EU external action is crucial, as it requires the mainstreaming of rights considerations in all external action, covering both economic, social, and cultural rights and civil and political rights (European Commission, 2021h). The HRBA Toolbox 'A rights-based approach,

encompassing all human rights for EU development cooperation’ was updated in July 2021 to reflect a working methodology placing human rights and rights-holders at the centre of EU external action (ibid, p. 2). The HRBA aims to advance cooperation to support partner countries in fulfilling their human rights obligations and commitments, in compliance with the principle of aid effectiveness and national ownership (ibid, p. 3). ‘Do no harm’ is a key element, which, together with the Risk Management Framework, is also crucial for avoiding negative impacts leading to forced labour and modern slavery.

The Neighbourhood, Development and International Cooperation Instrument (NDICI) - Global Europe Regulation also has a strong focus on human rights, and addresses decent work and modern slavery practices, in particular in Article 10 on Scope of Geographical programmes, Article 11 on Scope of the thematic programmes, Article 27 on Forms of Union Funding, Article 31 on EFSD+, the External Action Guarantee, budgetary guarantees and financial assistance to third countries, and Annex II on Areas of cooperation for geographical and thematic programs (European Union, 2021b).

A further breakdown of priorities is included in Commission Delegated Regulation (EU) 2021/1530, supplementing Regulation (EU) 2021/947 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe (European Commission, 2021d). Although the Commission Delegated Regulation does not specifically address modern slavery, it makes significant references to trafficking in persons and human rights in value chains, as well as addressing root causes and promoting human rights, the rule of law, independent judiciary, governance and oversight, and the fight against corruption.

A wide variety of general development tools used by the EU are of importance in addressing modern slavery practices in third countries. For example, the EU supports third countries in the area of governance and rule of law, including capacity building for public institutions, and support for sectoral reforms such as agriculture, rural development, and employment. Technical assistance and support are also provided by the EU and Member States to contribute to reform and institutional capacity building in third countries. The EU supports targeted modern slavery programming within the field of development in a number of areas and geographies. The following sections and case studies therefore consider various aspects of EU development programming relevant to addressing modern slavery practices in third countries, with both direct (explicit) connections to modern slavery practices and indirect connections through addressing broader issues to which modern slavery is connected.

6.1.1 Modern slavery in selected Multiannual Indicative Programmes (MIPs) under the Global Europe instrument¹³

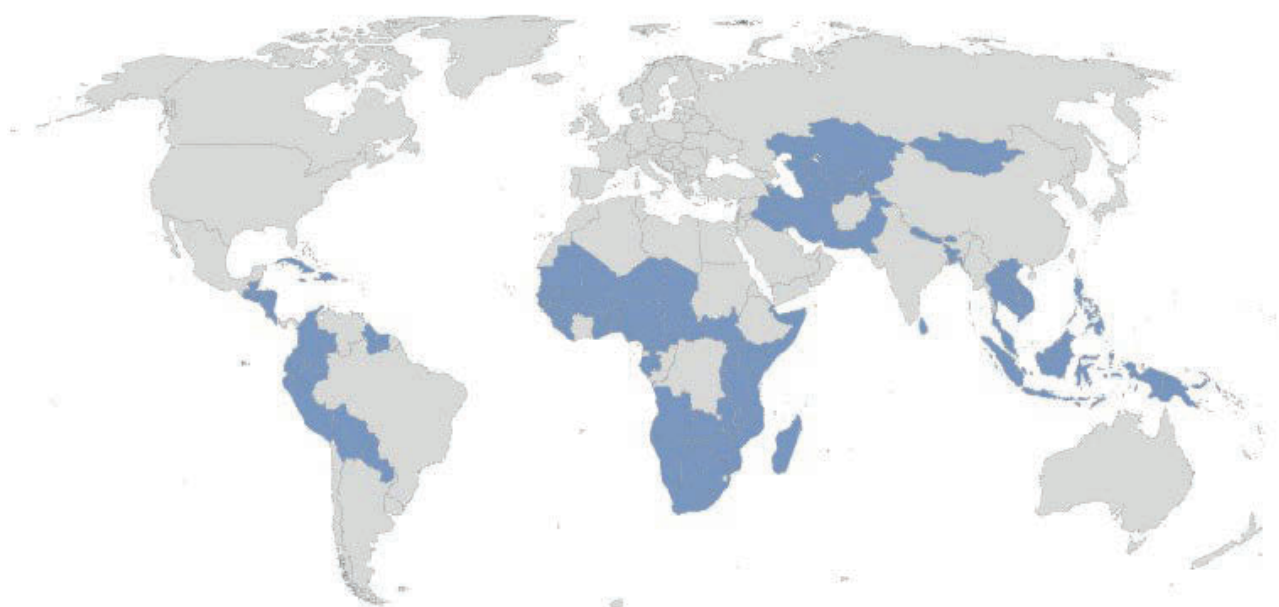
The thematic Multiannual Indicative Programmes (MIPs) for Global Challenges, Civil Society Organisations, Peace, Stability and Conflict Prevention, and Human Rights and Democracy (2021-2027) are relevant to addressing modern slavery in third countries. The thematic MIP for Human Rights and Democracy 2021-2027 explicitly addresses eradicating forced labour and human trafficking by supporting actions contributing to monitoring, preventing, remediating, and raising awareness on forced labour and modern slavery (European Commission, 2021w). The thematic MIP for Peace, Stability and Conflict 2021-2027 substantively addresses the issue of human trafficking, recognising that ‘fragile countries and regions affected by violent conflict or crises, offer fertile grounds for violent extremism, organised crime, illicit trafficking, and other threats to security and peace’ (European Commission, 2021q). Fighting the global and trans-regional aspects of organised crime is therefore identified as a priority in this MIP. The Global Challenges thematic MIP (2021-2027) likewise emphasises modern slavery issues, with a specific objective

¹³ This section analyses selected MIPs under the Global Europe programme. This includes geographic MIPS in Sub-Saharan Africa, Asia and the Pacific, and Americas and the Caribbean (implementation led by DG INTPA), as well as four thematic MIPs (Human Rights and Democracy; Civil Society Organisations; Peace, Stability and Conflict Prevention; and Global Challenges). MIPs for countries and regions under responsibility of DG NEAR have not been assessed in this study.

to eradicate child labour and forced labour including by addressing root causes (European Commission, 2021r).

The EU defines its priority areas and specific objectives with each partner country and region in geographic MIPs (European Commission, n.d.). MIPs also include indicative financial allocations along with results and indicators to measure the effectiveness of the EU intervention in the partner countries. Geographic MIPs are prepared through dialogue with partner countries, Member States, CSOs, women and youth organisations, local authorities, private sector actors, and other key stakeholders (ibid). For the period of 2021-2027, the EC adopted three region-specific geographic MIPs for the regions under responsibility of DG INTPA (Asia and the Pacific, Sub-Saharan Africa, and the Americas and the Caribbean) as well as 82 country specific geographic MIPs (see Figure 20).

Figure 20. Geographic distribution of MIPs (implementation lead DG INTPA) (European Commission, n.d.)



Region and country-specific geographic MIPs are significant as they reflect the EU's focus and priority areas in partner countries and regions. For the purpose of this study, all 85 geographic MIPs were reviewed for explicit reference to modern slavery practices.¹⁴ Of 85 geographic MIPs, explicit references to modern slavery practices were found in 42 documents (49 % of documents reviewed). Trafficking in persons was addressed in the highest number of MIPs, appearing in one region-specific (Asia and the Pacific) and 30 country-specific MIP documents. Forced labour was only referenced in one region-specific (Sub-Saharan Africa) and six country-specific MIPs. Sexual exploitation and worst form of child labour were each referenced in five MIPs, while debt bondage and forced marriage were each referenced in only one MIP. Slavery, servitude and use of children in armed conflict (child soldiers) did not appear in any of the MIPs reviewed. To date, no MIP has used the language of modern slavery or modern forms of slavery.

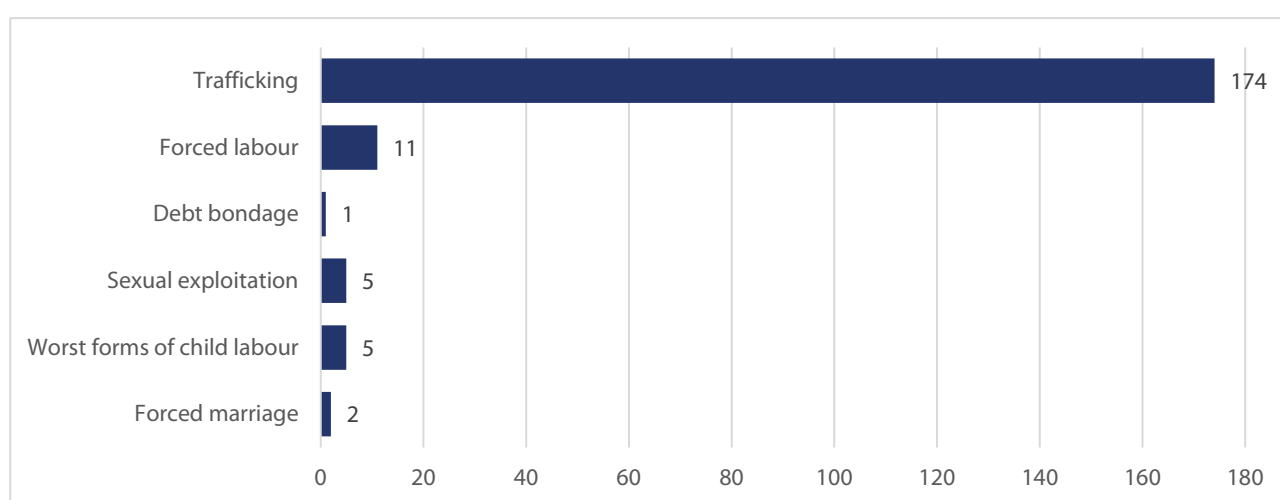
The extent to which modern slavery practices are referenced within each MIP also varies. Trafficking in persons was referenced 174 times across all geographic MIPs (see Figure 21). However, the majority of documents contained only a small number of references to trafficking—twenty of the 31 documents referencing trafficking (65 %) contained five or fewer references to the practice, six with only one reference,

¹⁴ References to broader human rights, labour rights, and sustainable development concerns are also found in these documents and may be directly relevant to addressing modern slavery in the context in question. However, these are not substantially considered in this analysis as a result of the limitations of the study.

seven with two references, and six with three references. This demonstrates that the majority of MIPs referencing trafficking do so only in a passing manner, and do not substantively engage the issue. The MIPs for Senegal, Côte D'Ivoire, and Mauritania contain the most extensive references to trafficking, reflecting nineteen, sixteen, and fifteen references to the practice respectively. The regional MIP for Asia and the Pacific likewise considered trafficking more significantly, with fifteen references to the practice.

All other modern slavery practices referenced in MIPs were considered only in passing or to a limited extent. Sexual exploitation and worst form of child labour were each referenced five times across five MIPs—with only one reference to the practice included in the MIPs in which it appeared. Forced marriage was referenced twice within one MIP (Lesotho) and debt bondage referenced only once (Pakistan). Forced labour was referenced eleven times across seven MIPs, typically referenced only once, although appearing twice in the regional MIP for Sub-Saharan Africa and four times in the Uzbekistan MIP.

Figure 21. Number of modern slavery practices referenced in country and region-specific MIPs for 2021-2027



The analysis of region and country-specific geographic MIPs reveals that there is more focus on trafficking in persons compared to other modern slavery practices. This aligns with the general approach of the EU in utilising the language and framing of trafficking in addressing modern slavery broadly. This is evident, for example, in the MIP for Asia and the Pacific in which trafficking in persons was referenced fifteen times (European Commission, n.d.). In this document, trafficking in persons was mentioned in the context of the EU's priority areas or specific objectives along with, among others, gender equality, support for democracy and the rule of law, addressing people smuggling, organised crime, cybercrime and drugs trafficking, and combatting terrorism. While the dominance of trafficking language is expected in line with EU framing on modern slavery, the absence of significant reference to forced labour is notable.

The MIPs are programmes for the period from 2021 to 2027. Therefore, evidence of their impacts or effectiveness in general—or in relation to specific modern slavery considerations—is not yet available. However, the relatively limited reference to modern slavery practices across a large number of countries in which specific modern slavery concerns exist is notable. Serious engagement with modern slavery issues in MIPs to meaningfully address the phenomenon in its contextual manifestations would require specific consideration and appropriate prioritisation.

6.2 EU development funding

The EU is the largest international aid donor globally, collectively providing over EUR 50 billion annually to address poverty and advance global development (European Commission, n.d.). The countries benefitting from the highest gross disbursements of EU Overseas Development Assistance (ODA) funding in 2019

included Turkey (which was the recipient of more than twice the level of funding received by the next country), India, Syria, Morocco, and Iraq (European Commission, 2022b).

Considering alignment with UN Sustainable Development Goals, the highest allocation falls as expected in connection to SDG 1 addressing poverty. This is followed by SDG 16 (peace, justice, and strong institutions), SDG 8 (decent work), and SDG 5 (gender equality). This broadly aligns with key priorities related to modern slavery, with the three latter goals hosting the targets directly addressing modern slavery practices (5.3, 8.8, and 16.2).

Figure 23. Gross ODA disbursements to top ten recipients 2019 (European Commission, 2022b)

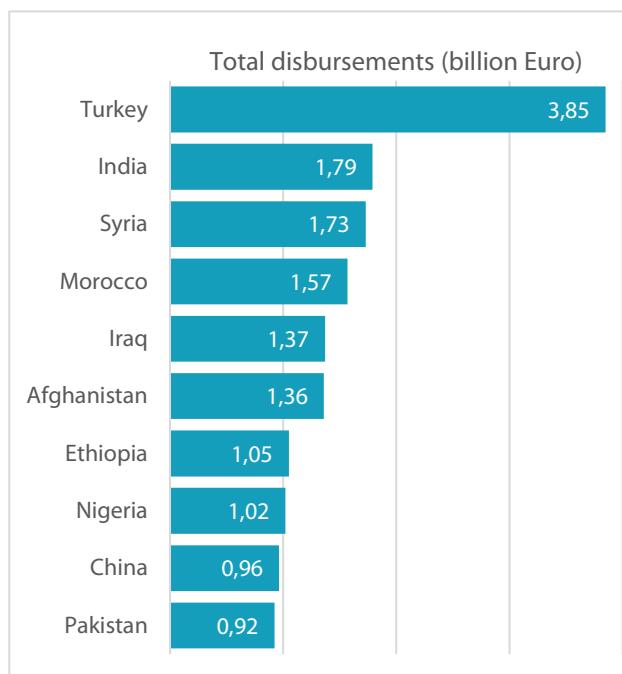
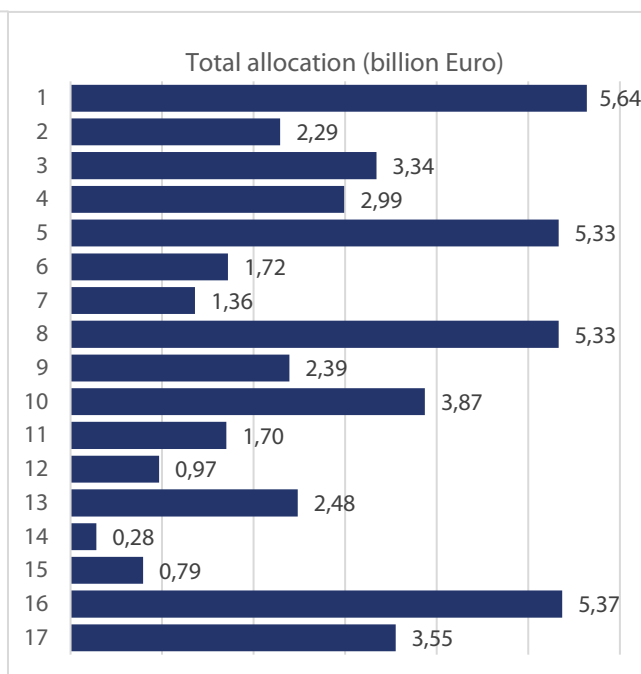


Figure 22. Allocation of EC aid by SDG form 2015-present (European Commission, 2022b)



EU development spending from 2015-2021 was reviewed in this study to identify the extent to which modern slavery practices were addressed in existing development funding.¹⁵ In total, 252 projects explicitly connected to modern slavery practices in the subject matter of the grant or contract were identified in this study, working across 79 different countries. Regional projects in Sub-Saharan Africa, Southeast Asia, and Africa were also identified, in addition to projects with a global remit.

Turkey was the action location for the largest proportion of modern slavery-related development funding by a substantial margin, with EUR 301.5 million contracted and EUR 299.4 million spent on projects from 2015-2021. Projects related predominantly to supporting Syrian and refugee communities in Turkey, with the bulk of the total contracted funding associated with the Promoting Integration of Syrian Children into Turkish Education System (PICTES) project (representing EUR 300 million contracted). Bangladesh was the

¹⁵ Analysis of EU development spending related to modern slavery practices draws on data collected and collated from the EU Financial Transparency System database (European Commission, 2021). The Financial Transparency System provides data on the beneficiaries of funding from the EU budget implemented directly by the Commission and other EU bodies such as executive agencies or implemented indirectly by other international organisations or non-EU countries from 2007-present. Data collection was limited to projects for which NEAR, INTPA, DEVCO or X-AIDCO were tagged as the responsible department and where the specified modern slavery practices (or child labour) were reported in the 'subject of the grant or contract' field, to ensure relevance to the study's focus on efforts to address modern slavery in third countries. Basic descriptive information on each project was then reviewed, applying the exclusion and inclusion criteria established for the project, based on relevance to the study. No projects for INTPA were included in the database.

second most-funded action location, with EUR 25.8 million contracted and EUR 10.6 million spent (see Figure 24). Action locations for development funding connected to modern slavery practices were geographically diverse, covering a wide range of states in Africa, Asia, the Balkans, Central and South America, Eastern Europe, and the Pacific (see Figure 25).

Figure 24. EU development funding directly related to modern slavery by action location for top 20 recipients after Turkey (2015-2021)¹⁶

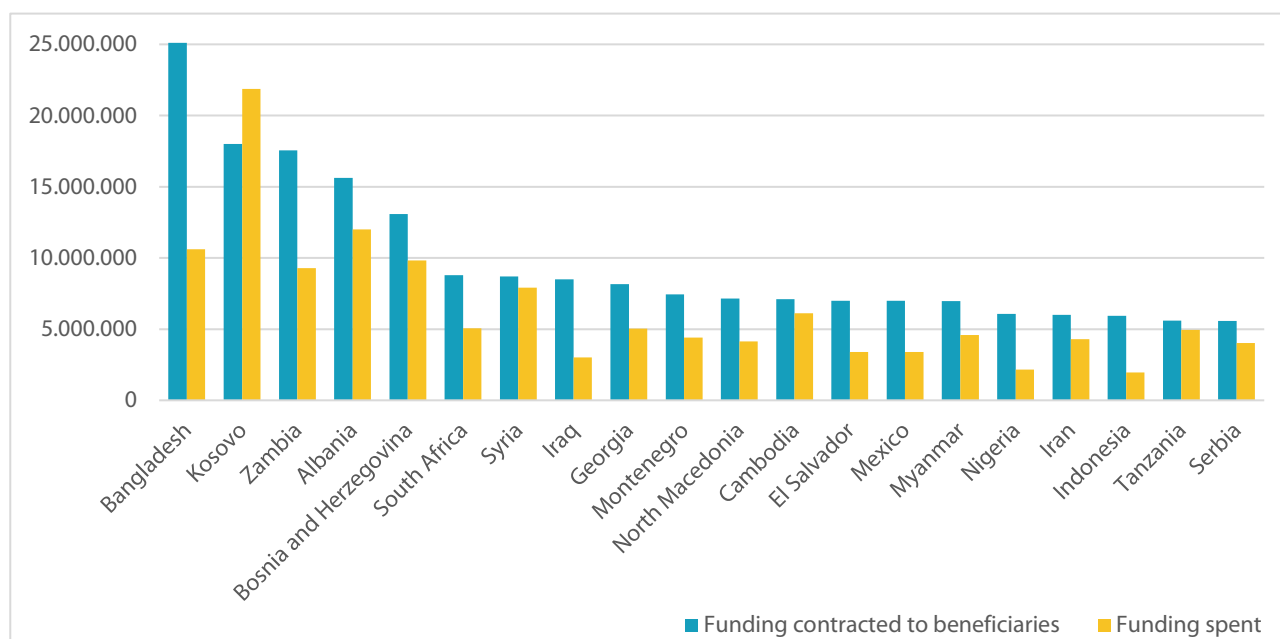
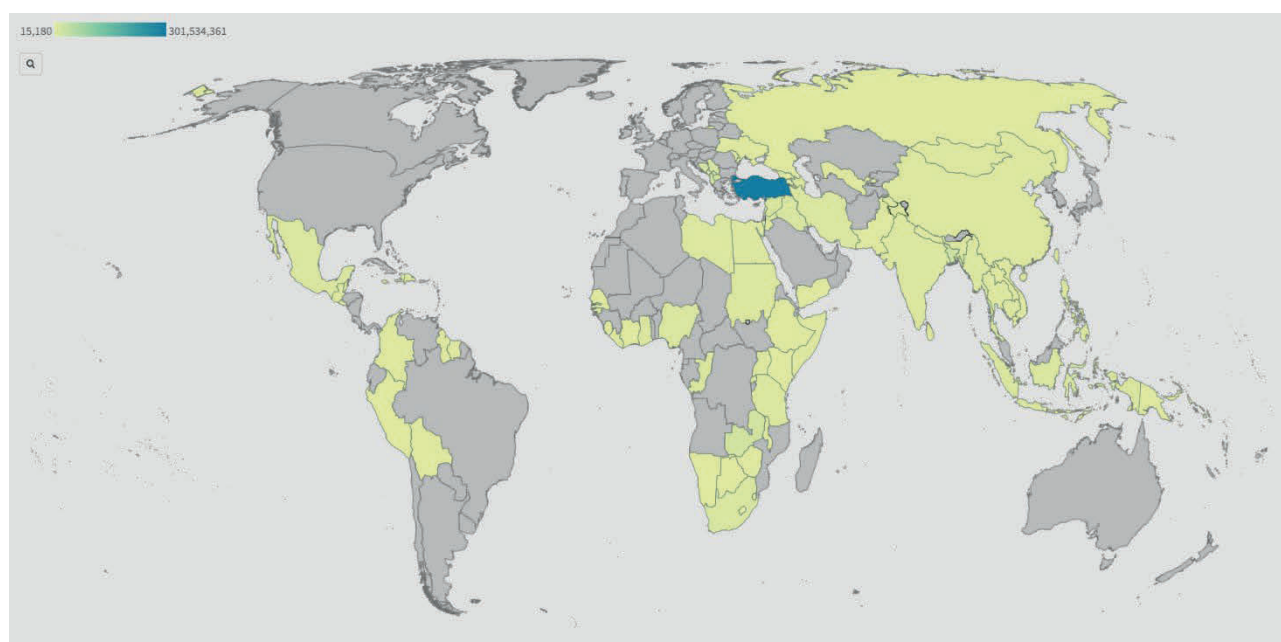


Figure 25. EU development funding directly related to modern slavery by action location (2015-2021)¹⁷

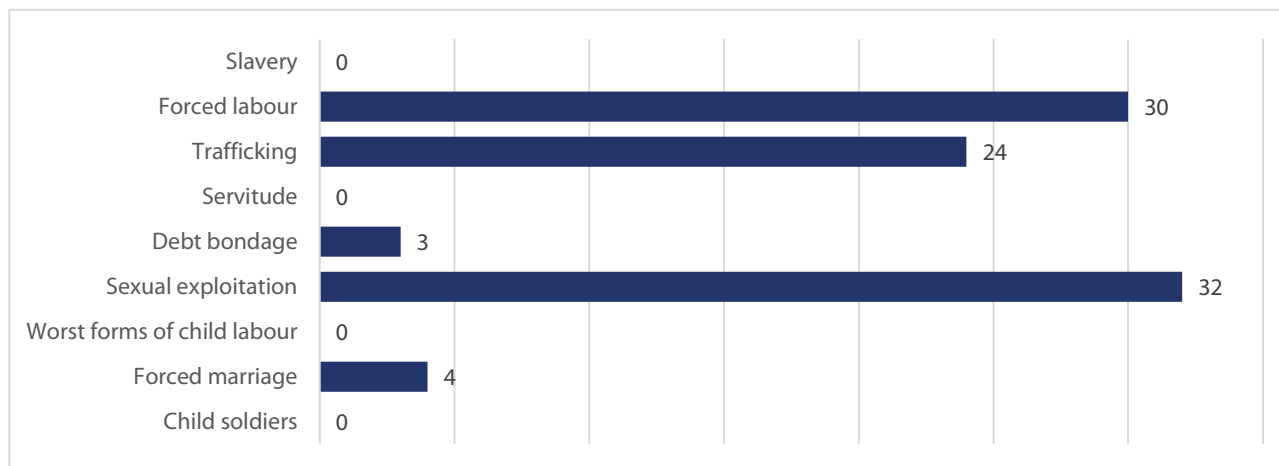


¹⁶ 80 distinct action locations were recorded for development funding related to modern slavery, with contracted amount for Turkey being magnitudes higher than for the next highest states. Figure 24 displays contracted amounts and spend for the top 20 action locations after Turkey.

¹⁷ Visualisation based on amount contracted to beneficiaries.

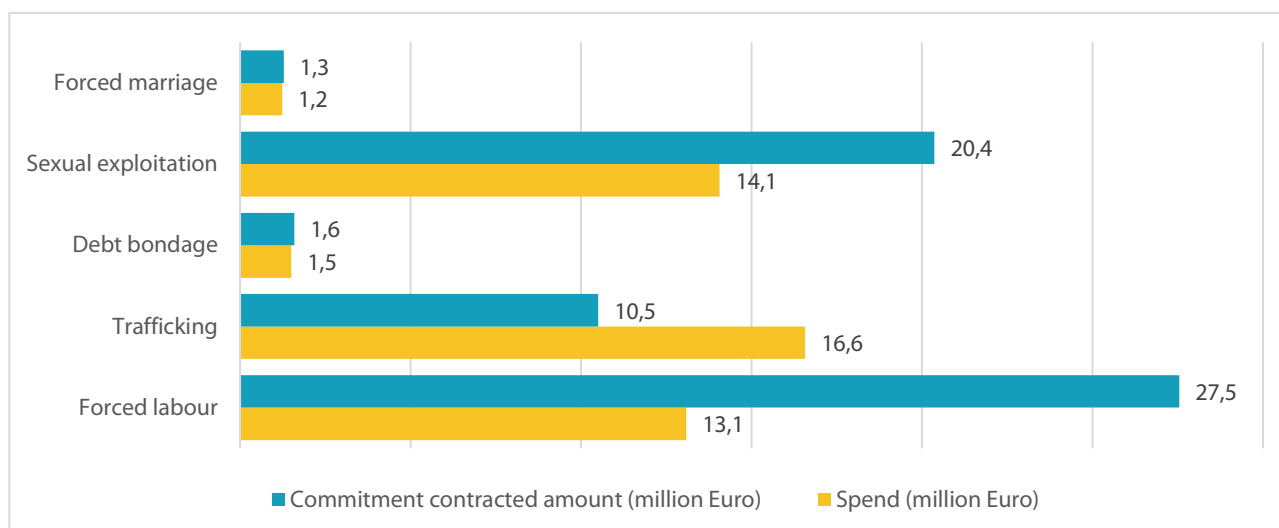
The review of development funding included projects for which child labour was referenced in the subject of the grant or contract. This was the most dominant practice in projects assessed, connected to 159 of the 252 projects identified (63.1 %). Sexual exploitation was addressed in 32 projects (12.7 %), forced labour in 30 (11.9 %), and trafficking in 24 (9.5 %) (see Figure 26). Forced marriage was referenced in only four projects (1.6 %), while debt bondage featured in three (1.2 %). Slavery, servitude, the worst forms of child labour, and use of child soldiers (use or recruitment of children in armed conflict) were not tagged as the subject of the grant or project for any identified development programme. This does not mean, however, that no actions were funded which are relevant to these practices (see for examples of EU work on child soldiers highlighted in chapter 6.3).

Figure 26. Number of EU development projects by modern slavery practice (2015-2021)



Projects connected to child labour represented EUR 450.6 million in contracted EU development funding, with EUR 399.4 million spent from 2015-2021. Funding for child labour was significantly higher than funding for modern slavery practices, with forced labour the subject of EUR 27.5 million in contracted funding, sexual exploitation EUR 20.4 million contracted, and trafficking EUR 10.5 million contracted. This demonstrates a relatively low prioritisation of modern slavery practices compared against child labour, with all modern slavery practices combined receiving only one eighth of the amount directed towards child labour.

Figure 27. EU development funding by modern slavery practice (2015-2021)



6.3 Support for civil society organisations

Civil Society Organisations (CSOs) are crucial development partners of the EU because of their close engagement with populations on the ground. The EC has emphasised the importance of CSOs, recognising that 'As CSOs are on the frontline in most crises, they are key partners in implementing a comprehensive agenda to tackle conflict and crises, focusing on fragility and human security, and targeting the most vulnerable' (European Commission, 2017g, p. 42). The EU does not have a specific funding instrument providing support for CSOs working on modern slavery practices. Rather, the EU's support for CSOs is provided through a wide range of instruments from security-focused programmes to development instruments (European Court of Auditors, 2017). This makes it difficult to identify and analyse the full extent of the EU's support for CSOs in relation to modern slavery. This is coupled with a dearth of evidence evaluating the effectiveness of the EU's support for CSOs in addressing modern slavery practices. To overcome this challenge, this section considers the broader development cooperation framework in so far as it is concerned with the EU's support for CSOs working directly on modern slavery practices or addressing root causes of modern slavery.

The EU has emphasised the importance of CSOs' work on the eradication of poverty, promotion of justice, human rights and democracy, gender equality, and sustainable development in several policy documents. Such emphasis is significant because it is a recognition of the role played by CSOs in addressing the root causes of modern slavery practices. For example, in its 2012 Communication on the Roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations, the EC recognised that CSOs are development actors in their own right, with increasing power and capacity to address challenges of poverty, inequalities, social exclusion, and unsustainable development (European Commission, 2012a). The 2012 Communication was an important policy document because it departed from the traditional view that CSOs were only meant to implement development projects, adopting a new approach towards involving them in societal decisions and delivery of social services, with a particular focus on disenfranchised and marginalised groups (European Commission, 2021w).

Following the 2012 Communication, the EP's Resolution on Local Authorities and Civil Society: Europe's Engagement in support of Sustainable Development was adopted in 2013. Through this Resolution, the EP emphasised 'the key added value of CSOs in all countries', stressing that they have the 'capacity to interpret the needs and rights of poor and marginalised groups and to provide innovative solutions for their benefit, while raising awareness and political support for addressing the root causes of poverty, inequality and exclusion' (European Parliament, 2016b). Similarly, the Multiannual Indicative Programme for the Thematic Programme 'Civil Society Organisations and Local Authorities' for the period 2014-2020 set out the EU's support for CSOs to contribute to 'global attempts to eradicate poverty and promote justice, human rights and democracy, social responsibility, gender equality, and sustainable development strategies in partner countries' (European Commission, 2014a). Under the mandate of this thematic programme, the EU contracted EUR 7.5 billion to CSOs in development cooperation, representing around 10 % of total cooperation during the period 2014-19 (European Commission, 2021w).

The importance of CSOs in promoting the EU's development policies and programmes is consistently mentioned in EU policy documents and instruments. In the Mission Letter published in 2019, Jutta Urpilainen, the Commissioner for International Partnerships, underlined the importance of 'a dedicated focus on supporting civil society around the world', stating that CSOs as the experts on the ground should be given 'a far greater role in designing and implementing European policies, programmes and projects' since they 'often lead the way on sustainable development' (Urpilainen, 2019). In 2015 alone, the EU funded 1,165 projects to support CSOs in 118 countries, where CSOs' participation in domestic policies were strengthened. This support for CSOs was considered to have contributed to 'concrete changes in constitutions and laws, on inequalities and poverty, and on day-to-day practices affecting citizens' well-being or dignity' (European Commission, 2017g, p. 10).

As key development partners of the EU, CSOs are also given the utmost importance in the EU's forward looking development policies. In its Thematic Programme for Civil Society Organisations Multiannual Indicative Programme 2021-2027, the EC affirmed that the EU will provide increasing financial support for CSOs (European Commission, 2021w). The EU allocated EUR 1.5 billion to support CSOs during the period 2021–2027. This funding will be specifically made available to CSOs outside of the EU as independent governance and development actors in their own right (European Commission, 2021p). In this thematic programme, it was acknowledged that CSOs are key actors in addressing the root causes of modern slavery, as the EC affirmed that CSOs play a role in boosting domestic accountability through free and accessible information, promoting human rights (including the rights of children and vulnerable groups), and by monitoring human rights violations, the respect for the rule of law, corruption and the implementation and impact of policies.

It follows from the EU's policy documents that CSOs are considered key players in EU efforts to address modern slavery practices in third states as they address the root causes of modern slavery and forced labour by tackling human rights violations, poverty, conflict, fragility, humanitarian need and forced displacement on the ground (ibid, 42), as well as engaging in specific efforts to combat modern slavery and support victims. This is also emphasised in the EU Anti-trafficking Directive, paying particular attention to the role of CSOs in policymaking initiatives, information and awareness-raising campaigns, research and education programmes, and monitoring and evaluation of the impact of anti-trafficking measures.

In 2013, the EU Civil Society Platform against Trafficking in Human Beings was launched to bring together CSOs and other participants from across the EU and beyond (European Commission, 2013c). As a complementary initiative, the EU Civil Society e-Platform against Trafficking in Human Beings was launched in 2014. The e-Platform was intended to provide a space for regular and sustainable dialogue for CSOs to foster information exchange and its dissemination, while overcoming logistical and budget constraints (European Commission, 2014b). The EC invites CSOs working on trafficking in human beings in EU Member States and selected non-EU neighbouring countries to express their interest to participate in the Platform (European Commission, n.d.).

The Office of the EU Anti-trafficking Coordinator organises two annual meetings where CSOs are encouraged to make contributions to interactive workshops. The aim of this Platform and the meetings is to facilitate the creation of partnerships and synergies in fighting trafficking in human beings. In this regard, the EC recognised that 'participation of civil society organisations from neighbouring priority non-EU countries constitutes an important element to enhance cooperation between civil society organisations working on human trafficking and ensure synergies in terms of the internal and external dimensions of the EU work against human trafficking as appropriate' (European Commission, 2018c).

Over years, the EU has provided financial support for CSOs working to address modern slavery in a wide variety of third country contexts. From 2004-2015, the EC funded 321 anti-trafficking projects, allocating a total of EUR 158.5 million (Walby, et al., 2016).¹⁸ Of these projects, 102 were carried out by principal grant holders located in non-EU countries, representing one third (32 %) of the total funded projects with funding of EUR 52 million. Of these 102 projects, 64 were conducted by CSOs in non-EU countries, representing funding of EUR 25.5 million between 2004 and 2015 (ibid).

For example, the EU contributed EUR 1,760,000 in funding to a project called 'SANYUKT - Regional Project on Case Management and Fight against Trafficking within and from South Asia', which focused on the prevention of unsafe migration and trafficking in children and adolescents and the rehabilitation of victims trafficked from India, Nepal, and Bangladesh (European Commission, n.d.). The project was implemented by CSOs from Bangladesh and India, and led to fact finding of trafficking cases, repatriation and legal

¹⁸ This figure excludes allocations in the context of the response to the 'migration crisis'.

support for victims, social reintegration of survivors as well as hotline operation and cross border collaboration meetings (Rights Jessore, 2018).

The EU provided EUR 188,000 for a project called 'Enhancing capacity to address trafficking especially in children from a human rights perspective in nine provinces and Phnom Penh municipality of Cambodia' (European Commission, 2013b). This project was implemented by twelve CSOs and the Cambodian National Council for Children in ten provinces and cities in Cambodia. The CSOs carried out a number of activities, including promoting regional networking among specialised journalists, training of CSOs in building advocacy on child rights violations, raising awareness in cooperation with the media and vulnerable groups, and providing guidance for actions and training to address child trafficking.

In the Democratic Republic of Congo, the EU funded a project implemented by War Child, seeking the rehabilitation of female child soldiers who were kidnapped by rebel militia, and turned into sex slaves (European Commission, 2017g, p. 45). The project aimed to provide psycho-social support and medical care to freed female victims, as well as temporary shelter for those at risk (*ibid*). These projects demonstrate the practical measures to address modern slavery in third country facilitated by EU funding for CSOs, with tangible outcomes in the delivery of support services for victims and survivors of modern slavery, capacity building and training, awareness raising, policy advocacy, and identification infrastructure.

A report by CARE Cambodia evaluating 'Safe Migration and Reduced Trafficking SMART' found that this project was 'clearly successful at building the capacity of civil society and local authorities to prevent unsafe migration and trafficking and empowering at-risk groups to make informed decisions' (Mauney, 2015). Implemented in six districts within the two provinces of Prey Veng, Kampong Cham, the project helped increase the capacity of CSOs and local authorities to deliver safe migration messages to communities, and to respond to cases of trafficking by increasing their understanding of their duties in preventing unsafe migration and trafficking and responding to problems faced by migrant workers. The project was found to have contributed to increasing awareness of safe migration practices as well as reporting cases of trafficking.

In 2017, the European Court of Auditors (ECA) evaluated the effectiveness of 35 human trafficking-related projects in 19 countries in South/South-East Asia funded by the EU between 2009 and 2015, representing a total amount of EUR 31 million funding (European Court of Auditors, 2017). The ECA found that the EU's support contributed to strengthening community-based CSOs working on fighting against trafficking in persons. For instance, the projects funded by the EU helped consolidate a coalition of local CSOs active in the fight against trafficking in persons in Indonesia and Cambodia by increasing the coalition's capacity as well as improving its international visibility and outreach (*ibid*, p. 31).

Between 2004 and 2014, the EU spent more than EUR 1 billion on 400 projects conducted by CSOs working on migration. Half of these projects were implemented in African countries. Through these projects, CSOs worked towards supporting migration policy development, labour migration, countering trafficking in persons, protecting migrants and refugees, facilitating access to healthcare, and enhancing the positive impact of migration on development (European Commission, 2017g, p. 47). For example, the EU funded a project to strengthen local CSOs combatting arbitrary arrests, extortion, rape, kidnapping, and murder committed by criminal organisations against the 500,000 undocumented migrants from Central America crossing into Mexico each year (*ibid*). The project aimed at providing basic humanitarian assistance and shelter to migrants and supporting local CSOs by improving their relationship with law enforcement and protecting those at risk (*ibid*). The established connection between migration and modern slavery practices makes this programming highly relevant in considering support for CSOs addressing modern slavery.

Further emphasis on the EU's support for CSOs was made in the Thematic Programme on Human Rights and Democracy Multi-Annual Indicative Programming 2021-2027. In this thematic programme, specific

references were made to the role played by CSOs in addressing child labour, forced labour, and modern slavery. The EC stated that the thematic programme on human rights and democracy will promote full respect for and implementation of international labour standards by supporting CSOs in their contributions to 'decent working conditions, fair wages and reasonable working time, universal social protection, healthy and safe working environment, appropriate training for the changing skills, needs and equal treatment' (European Commission, 2021w). The EU's support will reinforce the work of trade unionists and human rights advocates in improving working conditions and encouraging decent work creation. The EC affirmed that the Thematic Programme on Human Rights and Democracy will contribute to the elimination of child labour, forced labour, and human trafficking in the informal economy and local and global supply chains through EU support for CSOs' actions and activities in 'monitoring, preventing, remediating and raising awareness on child labour and forced labour' (ibid). It was further stated that EU support for CSOs will contribute to the prevention of child labour and forced labour by strengthening the engagement of civil society with the private sector to establish responsible business conduct standards in business operations and supply chains (ibid).

The EU has provided significant support for CSOs in addressing modern slavery in third countries and consistently affirmed the crucial role of the third sector in international programming. A variety of programmes and projects related directly and indirectly to modern slavery issues have been supported by the EU, often involving funding and collaborating with CSOs. However, the lack of an overarching EU strategy or framework for supporting CSOs in relation to modern slavery is notable. This can result in a patchwork of short to medium-term projects supporting CSOs in various locations, delivering important and meaningful work, but without an underlying strategic agenda targeting meaningful and sustainable reductions in the prevalence of modern slavery.

6.4 Examples of EU support for multi-stakeholder alliances

6.4.1 EU SDG Multi-Stakeholder Platform

In May 2017, the EC established the Multi-Stakeholder Platform on the implementation of the Sustainable Development Goals (EU SDG Multi-Stakeholder Platform),¹⁹ consisting of high-level experts from civil society, the private sector, and academia, as well as observers from international organisations (European Sustainable Development Network, n.d.). The aims of the EU SDG Multi-Stakeholder Platform are to:

1. Support and advise the EC and all stakeholders involved on the implementation of the SDGs at the EU level;
2. Support the EC with respect to events in sustainable development and the preparation of an annual sustainability award; and
3. Provide an environment for exchange of experience and best practice on the implementation of the SDGs across sectors and at local, regional, national, and EU level (European Commission, n.d.).

Throughout 2018, the EU SDG Multi-Stakeholder Platform and its subgroups conducted a series of meetings to consider sustainable development issues, covering: SDGs at local and regional level; governance, policy coherence for sustainable development, and the rule of law; environment and natural resources, including agriculture; global dimensions of SDGs, including trade and migration; corporate social responsibility; monitoring, assessing, and reporting progress on SDGs; and equality, justice, inclusion, and decent work. These meetings produced a set of recommendations on various sustainable development issues and made contributions to the EC's Reflection Paper 'Towards a sustainable Europe by

¹⁹ EC Decision on setting up the multi-stakeholder platform on the implementation of the Sustainable Development Goals in the EU (C(2017) 2941 final, Brussels, 22.5.2017).

2030' on the follow-up to the UN Sustainable Development Goals, including on the Paris Agreement on Climate Change (EU SDG Multi-Stakeholder Platform, 2018).

The contributions of the EU SDG Multi-Stakeholder Platform included an indication of priority actions to be taken by the EU, and cross-cutting and sector-specific recommendations with respect to the implementation of Sustainable Development Goals. Specifically, it was recommended that the EU should:

1. Develop 'an overarching visionary and transformative Sustainable Europe 2030 strategy, guiding all EU policies and programmes';
2. 'Reinvent its governance system' to adopt a coherent approach to sustainable development; and
3. Advocate for a territorial approach for the delivery of the SDGs on the basis of 'a two-way dialogue where European and national strategies associate regional and local authorities as well as civil society and professional organisations in a multi-level and multi-stakeholders governance approach' (ibid).

Modern slavery practices were not explicitly addressed in any recommendations or contributions of the EU SDG Multi-Stakeholder Platform. However, it was emphasised that 'More than 90 % of the SDG targets are directly linked to human rights and labour standards, and are underpinned by legally binding obligations' (ibid). As such, sustainable development should go hand in hand with the achievement of human rights, including addressing modern slavery practices.

The mandate of the EU SDG multi-stakeholder platform ended on 31 December 2019. Its suspension since 2019 has been criticised by civil society, as the platform was considered an effective tool that enabled CSOs to contribute directly to the implementation of the SDGs (WWF, 2021). Therefore, civil society has advocated for the reestablishment of the platform to advise the EC on the implementation of SDGs, and to allow the civil society to make contribution in that regard. As outlined by Rebecca Humphries, Senior Public Affairs Officer at the WWF European Policy Office:

The previous former multi-stakeholder platform was a crucial forum for fostering exchange between stakeholders, and to allow civil society to hold the Commission to account on SDG implementation. The Commission must heed Member States' call to urgently re-establish the platform. Without it, civil society risks being shut out of the development of EU solutions for sustainable development, which runs counter to the principles of the 2030 Agenda (ibid).

The impact of the EU SDG Multi-Stakeholder Platform was also mentioned at the Council level. In its Council Conclusions of 22 June 2021, the Council underlined the importance of the EU SDG Multi-Stakeholder Platform in contributing to 'the debate on how to make progress toward the SDGs and on existing policy trade-offs and synergies and the possible solutions that could be envisaged at the local, sub-national, national and European levels' (General Secretariat of the Council, 2021a, p. 13). It called upon the EC to establish 'a new and improved platform' to allow all stakeholders both at the EU and global levels to engage with EU's work towards achieving SDGs, and to facilitate the 'approach to enhance action and delivery on the SDGs' (ibid). Thus, although formal evaluative evidence of the impacts of the Platform is limited, the perspectives of relevant parties and actors suggests an added value of the framework.

6.4.2 EU multi-stakeholder dialogue for sustainable cocoa

In 2020, the EC initiated an informal EU multi-stakeholder dialogue for sustainable cocoa (Cocoa Talks) (European Commission, 2020i). The main objective of Cocoa Talks is to provide support for the elimination of child labour and child trafficking, the protection and restoration of forests, and a living income for cocoa farmers. This builds on initiatives in Côte d'Ivoire and Ghana, as well as existing initiatives of EU Member States, partner countries, and international organisations (ibid). The EC held a series of Cocoa Talks roundtables during 2021, covering the following issues:

- Living Income Differential (09 February 2021);

- Standards (23 February 2021);
- Traceability, transparency and accountability with regards to deforestation and child labour (16 March 2021);
- Regulations, with a focus on due diligence (20 April 2021);
- Sustainable cocoa production practices (5 May 2021); and
- Development cooperation and finance (25 May 2021).

Cocoa Talks has already generated some impact through stakeholder willingness to contribute to sustainable cocoa. The European Chocolate, Biscuits and Confectionery Industry Association and the European Cocoa Association wrote a joint letter to express their support for the Cocoa Talks (2021). They stated that it was ‘an important initiative that brought together many key stakeholders in the cocoa and chocolate sectors’ and expressed their interest to continue to engage with the initiative ‘in order to contribute to a truly sustainable cocoa supply chain’ by also outlining their expectations from and proposals for next steps of the Cocoa Talks (ibid).

Although it is too soon to assess the impact of Cocoa Talks, it can be said that the EU has committed to contributing to sustainable cocoa, and addressing the issues and challenges surrounding it, including the elimination of child labour and child trafficking in the cocoa sector. However, concerted monitoring and evaluation efforts are needed to fully understand the impacts of Cocoa Talks, and the strengths and shortcomings of the mechanism.

6.5 Support for certification schemes

Fair trade initiatives aim to contribute to better pricing, decent working conditions, and a fairer deal for producers and workers in developing countries through certification schemes that ensure a set of standards are met in the production and supply of a product or ingredient. The primary goal of fair trade is to contribute to development and poverty alleviation by establishing a system in which producers in developing countries are enabled to earn more money to sustain their businesses, are given more control over their work and lives, and are better organised, resourced, and supported (Fairtrade International, n.d.).

Table 20. Corresponding meaning of different spellings of fair trade (Martens & Orbie, 2018)

Fairtrade	‘Fairtrade’ usually refers to product certifications carried out by Fairtrade International, one of the most recognised and widely used certification organisation globally.
fair trade	The term ‘fair trade’ usually refers to the social movement, concept, and market.
‘Fair Trade’	The term ‘Fair Trade’ is used as an umbrella term for broader philosophies and practices committed to fairness in global trade.

Fair trade initiatives are intended to contribute to the alleviation and/or prevention of forced labour and modern slavery by creating a sustainable socioeconomic environment for producers and workers in developing countries. As Antislavery International summarises:

FAIR TRADE is the only guarantee that products, such as chocolate, are “slave free” and have not been made using forced labour. All fair trade products have to meet strict conditions, including ensuring that no forced or illegal child labour has been used. Fair trade goods also give producers a fair price for their produce, thus helping to challenge the unfair trading systems that keep people in poverty and often force them into slavery (Antislavery International, n.d.).

Fair trade certification organisations such as Fairtrade International have committed to address the key root causes of modern slavery, including poverty (Fairtrade International, n.d.) by enabling smallholder producers to ensure decent pay and working conditions for their worker (Dennis, 2018). Since people in economic hardship are more vulnerable to modern slavery, living wages and living incomes are crucial tools in the fight against modern slavery. Ensuring living wages for workers at every stage of the supply

chain decreases the likelihood of them becoming victims of forced or child labour (Fairtrade Norge, n.d.). In this respect, Fairtrade International's standards on Fairtrade Minimum Price and Fairtrade Premium are designed to ensure a minimum price for goods and the payment of a dividend to producers to enable them to take control of their own business (Peace Hub, 2020).

Box 7. Fair trade certification scheme: Fairtrade International

Fair trade certification scheme: Fairtrade International

Fairtrade is one of the most recognised and established fair trade labels globally. Fairtrade certification is designed to ensure: (1) prices covering the average costs of sustainable production and living; (2) premium payments for producers to invest in business development; (3) options for partial advance payments, if so requested by producers; (4) opportunity for long-term planning and sustainable production; and (5) decent working conditions and a ban on discrimination, forced labour, and child labour (Fairtrade International, n.d.). The Fairtrade label is awarded to goods and products imported from producers in developing countries once it is satisfied that the relevant Fairtrade Standards have been respected in the production, manufacturing, and supply chains of goods and products.

Fairtrade has dedicated standards for small-scale producers, hired labour organisations, contract production, small-scale artisanal mines, and traders, as well as a Climate Standard for Fairtrade Carbon Credits and a Textile Standard for the complete textiles supply chain. Fairtrade certification focuses predominantly on agricultural products, covering both primary and secondary products. Products included in Fairtrade's product classification system include cereals, cocoa, coffee, cotton, flowers and plants, fruit and vegetables (fresh, prepared, and preserved), gold and precious metals, herbs and spices, honey, nuts, oilseeds and oleaginous fruit, sports balls, sugar, and tea.

Fair trade initiatives can play a key role in addressing forced labour and modern slavery by setting minimum entry requirements based on core international labour standards. For example, Fairtrade International sets standards on the basis of core ILO conventions on forced labour and the Palermo Protocol (Fairtrade International, n.d.). Fairtrade International's standards ensure that Fairtrade certified products adhere to strict guidelines to preclude modern slavery from their supply chains by requiring everyone buying, selling, or producing these products (from raw material to packaging) to comply with these standards (CARE, 2018). Further, where forced labour and modern slavery are endemic within a particular sector or region, Fairtrade International encourages producer organisations to develop a written policy and a monitoring system to address forced labour and modern slavery, as well as gender-based and other forms of violence (Fairtrade International, n.d.). This is intended to make 'businesses a first line of defence in identifying and addressing instances of modern slavery within their supply chains' through self-governing and community-based monitoring (Dennis, 2018).

6.5.1 The EU's approach to fair trade certification initiatives

At the EU level, there is no specific legislation or policy focused on fair trade. The EU's approach to fair trade has varied significantly among different EU institutions and over time (CLAC, 2015). While the EP has been more proactive in pursuing the introduction of a comprehensive EU fair trade policy, the EC has appeared reluctant to act in this regard. The EP has consistently elaborated the need for a European fair trade label or increased involvement of the EU in determining minimum standards for existing (non-EU) certification schemes (Martens, 2016). The EC, on the other hand, has taken a 'hands-off approach' to fair trade labelling (ibid).

Fair trade consideration at the EU level goes back to 1991, when the EP adopted a resolution on coffee consumption as a means of active support for small Third World coffee producers and the introduction of that coffee within European institutions (European Parliament, 1991). In this resolution, the EP expressed its concern regarding the disastrous effects of low world coffee prices on small producers' incomes and

recommended the introduction of a label for coffee purchased on fair terms direct from small producers, along the lines of the Max Havelaar label. The EP further urged the EC to ensure that a quota system guaranteeing minimum earnings for exporting countries would be reintroduced (European Commission, 1991).

In its resolution on promoting fairness and solidarity in North-South trade, adopted in 1994 (European Parliament, 1994), the EP suggested that the concept of fair trade should become part of EU development and cooperation policy through financial support to fair trade organisations and producers in the South (European Commission, 1994). This was followed by the Economic and Social Committee issuing an opinion on the 'European fair trade marking movement' in 1996, supporting fair trade labelling initiatives and calling on the EC to create a dedicated Budget Line to support fair trade activities (Economic and Social Committee, 1996).

In its resolution on fair trade adopted in 1998, the EP urged the EC 'to adopt the facilitation of fair trade as an integral element of the EU's foreign policy, aid cooperation policy and trade policy' (European Parliament, 1998). It further suggested that the promotion of fair trade should be included as a development instrument in a new agreement with the African, Caribbean, and Pacific (ACP) States as well as in the cooperation agreements with countries covered by the ALA Regulation (ibid). In the 1998 resolution, the EP reiterated the importance of the creation of a common European fair trade label and recommended the creation of a separate budget line for fair trade (ibid). Specifically, the EP called on the EC to use resources devoted to fair trade in developing countries, including measures to: open new fair trade projects; provide technical assistance, including appropriate technical assistance and training in market forecasting and developing business plans; establish revolving credit schemes based on low interest rates; encourage moves into manufacturing (value-adding); and build capacity to comply with European health and safety standards (ibid).

The first response from the EC with respect to fair trade was delivered in a Communication issued in November 1999 (European Commission, 1999). In this Communication, the EC outlined the fair trade movement and its objectives, acknowledging increasing political and consumer interests in fair trade (Cremona & Durán, 2012). The EC recognised that:

"Fair trade" is an example of development occurring through trading relationships and improved commercial opportunities to bridge the gap between developed and developing countries and to facilitate the better integration of developing countries in the world economy.

"Fair trade" initiatives give consumers the opportunity to contribute towards sustainable economic and social development in developing countries through their purchasing preferences (European Commission, 1999).

The EC then explained EU activities on fair trade, highlighting its financial support for consumer awareness-raising projects, funding for fair trade initiatives for traditional ACP banana producers, and the promotion of codes of conduct for businesses on labour standards (European Commission, 1999). More importantly, the EC indicated that only voluntary fair trade initiatives could be considered consistent with WTO rules, stating that:

To the extent that fair trade initiatives remain private initiatives and operate through voluntary participation fair trade is consistent with a non-discriminatory multilateral trading system, as it does not impose import restrictions or other forms of protectionism (...) If governments were to introduce regulatory mechanisms based on fair trade concepts they would need to take their WTO obligations into account, so as to ensure in particular the transparent and non-discriminatory functioning of such schemes (European Commission, 1999).

The EC's Communication in 1999 was an early sign that the EC was reluctant to play a key role in developing a comprehensive EU policy on fair trade or establishing a European fair trade label. The concern over non-discrimination in trade is significant in this statement. However, it should be noted that fair trade certification and import restrictions are distinct, that import restrictions can exist in compliance with the core principle of non-discrimination (see further section 5.3), and that such concerns should now be considered in light of developments in import restriction and mandatory due diligence frameworks.

Despite EC reluctance in relation to an EU fair trade framework, the EP continued to address the issue of fair trade in its resolution on 'Fair Trade and development' adopted in 2006 (European Parliament, 2006). In this resolution, the EP reiterated its position on fair trade by calling for a European fair trade label with minimum criteria, underlining the importance of legislative and financial supports for fair trade, and stressing the need for coherence and coordination within the EU (Martens, 2016). The EP further suggested that fair trade should be taken into account in procurement policies (European Parliament, 2006). The EP took a broader approach to fair trade in this resolution compared to its previous resolutions, suggesting that fair trade should not only be considered within development policy but should also be integrated in all EU policies, including development, trade, employment and social affairs, consumer protection, internal market, and agriculture (ibid).

In 2009, the EC issued a new 'Communication on Contributing to Sustainable Development: The role of Fair Trade and nongovernmental trade-related sustainability assurance schemes' (European Commission, 2009). In this Communication, the EC stated that an important feature of private fair trade initiatives was that they were an 'essentially voluntary, dynamic mechanism that develops along with societal and consumer awareness and demands' (ibid). The EC indicated that government involvement in fair trade initiatives would risk the dynamic element of private initiatives in the field of fair trade and would prevent the further development of fair trade and other private schemes and their standards (ibid). The EC sustained its 'hands off approach' to fair trade by arguing that voluntary private fair trade schemes were consistent with a non-discriminatory multilateral trading system. The EC reiterated that 'Any government intervention or regulatory mechanisms relating to such labelling schemes, while not problematic per se, need to take account of WTO obligations, in particular to ensure their transparent and non-discriminatory functioning' (ibid). As such, it concluded that the EC 'should not take a role in ranking or regulating criteria related to private trade-related sustainability assurance schemes, and their relevance in relation to sustainable development objectives' (ibid). However, the EC continued to express its commitment to financial support for projects focusing on fair trade on a demand-driven basis.

Although the EC adopted a more restrictive approach to fair trade, some EU Member States were more ambitious in considering fair trade criteria in their public tender policies (Martens, 2016). The inclusion of fair trade considerations in public tender was challenged before the Court of Justice of the European Union (CJEU) on multiple occasions (Cremona & Durán, 2012). In its judgment in *European Commission v. the Netherlands* (Case C-368/10, 2012), the CJEU accepted the inclusion of fair trade criteria in public tender by holding that the requirement of a fair trade label can constitute a contract performance element under public contracts (Martin-Ortega & O'Brien, 2017). This decision was considered an important victory by fair trade organisations and contributed to the stronger expression of social criteria provisions in the 2014 EU public procurement directives (European Union, 2014).

The 2014 public procurement directives allow greater flexibility to use environmental and social criteria as well as fair trade labels in public spending. This enabled more direct links between public procurement and sustainable development, social, environmental, and labour law considerations. More specifically, the directives require the exclusion of economic operators from participation in a procurement procedure upon a conviction of child labour or trafficking in human beings (ibid, Art 57.1(f)). In this respect, the 2014 EU public procurement directives were considered an important way forward in terms of the promotion of fair trade by the EU (Martin-Ortega & O'Brien, 2017, p. 73).

In 2016, the EP called for the creation of a certified ‘abuse-free’ product label at EU level to promote awareness among producers and consumers (European Parliament, 2016c). The EP suggested that an ‘abuse-free’ product label would aim to verify and certify that no human rights abuses were committed at any stage in the chain of production of the relevant good (ibid).

In recent years, EU institutions have made some important references to fair trade in development policy documents. For example, the New European Consensus on Development ‘Our World, Our Dignity, Our Future’ adopted in 2017 stated that development cooperation will provide ‘support for fair and ethical trade, and to further develop policies to ensure responsible management of supply chains’ (European Commission, Directorate-General for International Cooperation and Development, 2018). Further, in its Communication on Achieving Prosperity through Trade and Investment - Updating the 2007 Joint EU Strategy on Aid for Trade (European Commission, 2017b), the EC recognised that the promotion of fair and ethical trade and responsible business practices makes a strong contribution towards the 2030 Agenda (para 4.3). The EU’s contribution to sustainable development through fair trade interventions in the cotton sector in India, Nepal, and Sri Lanka was given as an example of EU’s support for fair trade supply chain development. The Explanatory Memorandum to the EC’s 2017 Communication on Achieving Prosperity through Trade and Investment stated that the EU’s activities on sustainable development through fair trade interventions in the cotton sector in these three countries have established trade linkages between local SMEs with EU fair trade players, which in turn generated nearly EUR 2 million worth of fair trade cotton, benefitting nearly 1,000 farmers organised under 175 producer groups.

Despite the EP’s consistent initiatives for the promotion of fair trade and the appearance of fair trade in recent EU development policy documents (see section 6.5.2 below), there is still a lack of specific EU legislation or policy addressing fair trade. In practice and in principle, EU institutions have taken diverse approaches towards fair trade..

6.5.2 EU financial support for certification schemes and fair trade

The EU provides financial support for fair trade and other sustainable trade related activities through its development cooperation instruments (European Commission, 1999); (European Commission, 2009). The EU’s primary engagement with fair trade has always centred around financial support for fair trade initiatives. The EU has funded fair trade certification organisations for their activities in promoting new product lines, as well as other CSOs conducting fair trade and sustainable development related projects. The EU’s financial support has focused on consumer awareness campaigns, educational activities, capacity building, and promotional activities on fair trade and sustainable development. EU funding on fair trade related projects has been provided mainly on a demand-driven basis, responding to grant requests from CSOs (European Commission, 2009).

Prior to 2000, the EU had already allocated a significant amount of budget to be spent on fair trade initiatives. In 1997, EUR 2.9 million was spent in support of 15 awareness-raising projects on fair trade, while around EUR 3.7 million was proposed for both fair trade and ethical trade projects in 1998 (European Commission, 1999). The EU’s financial support continued to increase in subsequent years. For example, the EU allocated EUR 19.4 million between 2007 and 2008 for various CSOs implementing and conducting activities in the field of awareness-raising within the EU (European Commission, 2009). More specifically, EUR 1 million in both 2008 and 2009 were allocated for actions directly related to fair trade in the credits for trade budget, with an aim of topping up the financing under the development instruments (ibid).

Table 21 below outlines a sample of EU-funded projects related to fair trade initiatives in third countries supported in recent years. This shows the EU’s continued financial support for fair trade projects in third countries. Such support is important given the absence of specific legislation or policy setting out EU engagement with fair trade either within the EU or externally.

Table 21. Sample of EU funded projects related to fair trade²⁰

Year	Title	Summary	Budget
2019-2023	Unlocking the Power of Producers and Workers to Drive Inclusive Trade and Development through Fairtrade	This project was funded by the EC to strengthen the governance of the Fairtrade system, promote inclusion and efficiency within the network, increase advocacy influence and improve internal capacities to better support producers and workers around the world.	€7,000,000
2018-2021	Switch-Asia Project - Switching India's consumption to fair and sustainable goods	This project was funded by the EU to look into sustainable consumption challenges in India with an overall objective to contribute to sustainable development and poverty reduction through greater sustainable consumption.	€875,500
2014-2017	Promoting fair trade in Vietnam	This project was funded by the EU to develop and enhance capacity of fair trade business in Vietnam to comply with European market access requirements.	€428,645
2014-2016	Handicraft and business through regional integration and fair trade market	This project was funded by the EU to contribute to the development of the Tajik and Kyrgyz private sectors with a special focus on regional integration of the handicraft sector with a fair trade focus to promote environmental sustainability.	€499,106
2011	Fair Trade, Fair Peace	This project was funded by the EU to support Palestinians in creating and developing local economic opportunities.	€500,000
2011	Local Plants for Global Markets - Developing organic and fair trade certified high value crops and under-utilised plants to improve sustainable agriculture practices and food security in Zimbabwe	This project was funded by the EU to support sustainable agriculture practices and food security in Zimbabwe.	€800,000
2011	The LANDMARK Project: anchoring verification schemes and training programmes in public procurement to purchase fair trade products	This project was funded by the EU to look into anchoring verification schemes and training programmes in public procurement to purchase fair trade products. The project focused on China, India, South Africa, and several European countries.	€606,589
2010-2013	Promoting Fair Trade and sustainable Consumption in India – PRO SUSTAIN	This project was funded by the EU to create a consumer market for fair trade products in India. It aimed to support rural livelihoods and producers through sustainable production practices.	€749,071
2011	Opportunity analysis on fair trade and organic niche markets	This project was funded by the EU to support opportunities for fair trade and organic niche markets in Vanuatu.	€77,665
2007	Empowering Emerging Farmers through fair trade development in South Africa	This project was funded by the EU to support emerging farmers by promoting fair trade development in South Africa.	€1,000,000
2007	Fair Trade Plus, India	This project was funded by the EU to promote fair trade in India.	€236,984

²⁰ This table includes projects related to fair trade initiatives outside the EU. These projects are identified from the data provided by the EU Financial Transparency System, as well as from manual online searches. Projects focusing on fair trade initiatives within the EU are excluded.

6.5.3 Evidence on the effectiveness of certification schemes

Fair trade schemes have evidenced some success in changing consumers' purchasing decisions, and consumer awareness of the impact of fair trade on compliance with core labour standards is increasing. Several studies demonstrate consumers' willingness to pay a price premium for fair trade certified products (Campbell, Heinrich, & Schoenmüller, 2015); (Hertel, Scruggs, & Heidkamp, 2009); (Ma, Littrell, & Niehm, 2012). In a 2016 study, Vlaeminck, Vandoren and Vranken found that consumers were willing to pay higher prices for chocolate made of cocoa produced under good labour conditions which are regularly inspected, up to a price premium of EUR 0.84/100g for fair trade certified chocolate (2016). A survey conducted in 2015 asked 30,000 consumers in 60 countries throughout Asia-Pacific, Europe, Latin America, the Middle East, Africa, and North America about their willingness to pay more for products committed to a positive social and environmental impact, and found that 66 percent of the respondents were willing to do so (Nielsen, 2015). In 2014, Tully and Winer found that consumers' willingness to pay for fair trade products increases in circumstances where fair trade contributes to good labour practices (2014).

Fair trade labels are also documented to offset consumers' less favourable attitudes towards products produced in developing countries (Rashid, 2017). Rashid and Byun found that although consumers may have negative views on products based on country of origin, this can be counterbalanced by fair trade labels (2018). They found that fair trade labels change consumers' behaviour in terms of their brand attitude, purchase intention, and brand trust, contributing to consumers' evaluation of products produced in developing countries on equal footing with products produced in developed countries.

Empirical studies have documented the contribution of fair trade certification initiatives to good labour practices through ensuring compliance with national and international labour standards. For example, Reynolds found that Fairtrade certification has been an effective tool in reinforcing ILO standards and national laws in Ecuadorian flower farms (2014). In this context, she noted limited collective capacity, lack of worker organisations in rural areas, job insecurity, and discrimination. Fairtrade certification was found to have contributed to improvements in these areas by setting higher standards than national laws and conducting regular audits to ensure the compliance with these standards in flower farms.

A study conducted by Krumbiegel, Maertens, and Wollni likewise found that Fairtrade certification ensured higher wages and better working conditions for hired laborers on Ghanaian pineapple plantations (2017). Similarly, Granville and Telford's study on the wine industry in South Africa suggested that workers in Fairtrade certified grape producing farms received payments more than minimum wage and observed that there was an increase in their living standards and participation in joint body activities and decision making (Granville & Telford, 2012).

While several studies demonstrate positive impacts of certification schemes in particular contexts, others call into question the effectiveness of certification schemes in improving labour conditions and preventing modern slavery. Some studies demonstrate no improvement in workers' incomes and living standards in fair trade certified production sites compared to non-certified farms. For example, Cramer et al found no evidence that the Fairtrade initiative had made a significant contribution to the wages and working conditions of workers in Fairtrade certified tea, coffee, and flower farms in Uganda and Ethiopia (2014). A large-scale study of the cocoa and tea sectors found ethical certification schemes to be largely ineffective in combatting labour exploitation and forced labour in cocoa and tea supply chains (LeBaron, 2018). LeBaron found routine violations of certification standards by employers, cheating on audits and inspections, and confusion amongst workers and producers (particularly in cocoa) as to whether their worksites were certified and how certification operates. Greenpeace suggests that fair trade certification schemes should not be relied on to make a significant change in commodity sector due to their weaknesses and flaws (Greenpeace International, n.d.).

An increasing number of certification schemes have entered the market in recent years. The Ecolabel Index lists 455 ecolabels in 199 countries and 25 industry sectors (Ecolabel Index, n.d.). Different certification schemes adopt varying scopes and standards, with limited comparability from one label to the next. A range of factors influence both the standards set and the compliance processes involved, from geography and products covered to the intended focus of the scheme. Changing Markets Foundation suggests that the surge in diverging fair trade certification initiatives ‘creates confusion for consumers and the industry and is standing in the way of genuinely sustainable consumption’ (2018). Many schemes do not require corporate group level compliance with the relevant standards, which can result in consumers being offered fair trade certified products produced by companies linked to human rights and labour rights violations (Greenpeace International, n.d.).

Establishing effective auditing mechanisms has proven to be a significant challenge for fair trade certification schemes. Pre-scheduled auditing reflects only ‘a snapshot of conditions at a particular location, at a specific time’ under the circumstances where producers prepared for the audit (Greenpeace International, n.d.). Producers have been found to ‘cheat’ audits and inspections, instructing workers to alter working practices to meet standards during annual audits, but then reverting to non-compliant behaviour as soon as inspections conclude (LeBaron, 2018).

The independence of certification organisations is also called into question because they are usually paid by their clients, raising concerns that this prevents them from conducting a rigorous and impartial inspection. This is compounded by a lack of transparency and product traceability (Greenpeace International, n.d.). Most certification schemes do not provide an unbroken traceability system showing the journey of products from source to end products. Greenpeace argues that certification organisations should ensure a comprehensive traceability mechanism for the products certified by them, providing maps of certified areas and relevant details about the ownership of certified companies (ibid).

The cost of obtaining and maintaining fair trade certifications can place a significant financial burden on farmers and cooperatives (Leitz & Ruf, 2021). Many small-scale producers and farmers are not in a position to bear the cost of certifications for their products, nor do they sustain the financial ability to maintain such certifications after getting them once. Combined with the fact that small scale producers and farmers are not effectively represented in the governance of certification schemes—rather, corporate power is entrenched in governing bodies (ibid)—this results in schemes ill-suited to meet the needs of producers at the farthest end of the supply chain and most at risk of modern slavery practices.

(a) Certification for palm oil

The palm oil sector is highly relevant in assessing the effectiveness of certification schemes in addressing modern slavery practices because palm oil production is noted to demonstrate high levels of exploitation, forced labour, and other labour and environmental abuses. The US Department of Labour (USDOL) has found palm oil produced in both Indonesia and Malaysia (the two biggest palm oil producers) to be linked to child labour and forced labour (USDOL, 2020, p. 22). USDOL reported that thousands of individuals in the production of palm oil in Indonesia are subject to forced labour. Most workers are internal migrants paying high recruitment fees leading to debt. They work in ‘remote, isolated plantations with limited freedom of movement and communication’ and are forced to meet daily targets by working overtime with no extra payment, with the threat of wage deduction if they do not work (ibid, p. 70). The Fair Labor Association likewise found indicators of forced labour in palm oil estates and supply chains in Indonesia and Malaysia, where practices such as threats, violence, ambiguity of employment terms and conditions, dependency on the employer, debt bondage, high recruitment fees, and involuntary overtime were ‘widely’ reported (2018, p. 2).

The main drivers of forced labour in the palm oil industry include poor economic conditions, lack of education, absence of alternative income, lack of regulation, misuse of power, lack of penalties for

violations of existing laws and regulations, and power imbalances in favour of employers (ibid). Further, workers' identity documents are regularly seized by employers and recruitment fees deducted from their wages. Lack of unions prevents workers from benefitting from collective bargaining (ibid).

With modern slavery practices and other labour abuses in the sector having received significant international attention, several certification schemes for sustainable palm oil have been established, including the Roundtable on Sustainable Palm Oil (RSPO), Indonesian Sustainable Palm Oil (ISPO), and Malaysian Sustainable Palm Oil (MSPO). At present, there is no EU-level requirement for sustainability certification for palm oil. Rather, European companies can choose to benefit from voluntary certification schemes.

Established in 2004 as a not-for-profit association, RSPO is the most widely used certification scheme for palm oil (RSPO, n.d.). As a voluntary scheme, RSPO certified 19 % of total global palm oil production in 2019 (RSPO, 2019), and 69 % of palm oil entering the EU market in 2016 (European Parliament, n.d.). RSPO applies a set of environmental and social standards with which companies must comply to be RSPO certified, covering compliance with fundamental labour rights including payment of a decent wage, zero child labour, and the prohibition of forced or trafficked labour (RSPO, n.d.). In 2017, RSPO established a new Labour Task Force to address poor working conditions in palm oil plantations, such as excessive working hours, occupational health and safety hazards, child labour, forced labour, and the trafficking of migrant workers (RSPO, 2017). Other palm oil certification schemes have developed similar standards for labour rights compliance as well as the prevention of child labour and forced labour in the industry (McInnes, n.d.); (Majid, Zaimah, Sarmila, & Awang, 2021).

Evidence suggests that certification schemes have failed to effectively address labour exploitation in the palm oil sector. Rather, it is found that some global companies source palm oil produced under conditions associated with labour exploitation, including the use of child labour, forced labour, and trafficked migrant workers from RSPO-certified palm oil plantations (Rainforest Action Network, n.d.). A 2015 Wall Street Journal investigation revealed the existence of slavery and human trafficking in Malaysian palm oil plantations certified by RPSO, where foreign workers were trafficked from Bangladesh and Myanmar and forced to work with no payment or payment below minimum salary, with their passports being removed, and with no health and safety measures taken (Al-Mahmood, 2015).

In 2016, Amnesty International investigated labour conditions on palm oil plantations supplying Wilmar, an RSPO member, and found serious human rights abuses including forced labour and child labour, gender discrimination, and exploitative and dangerous working practices (Amnesty International, 2016). Amnesty pointed out that 'abuses identified were not isolated incidents but due to systemic business practices by Wilmar's subsidiaries and suppliers' (ibid, p.5). Further, Amnesty found that RSPO certifications and audits failed to ensure labour standards compliance. On this basis, Amnesty stated that 'Membership of the RSPO and certification assessments cannot and should not be used as proof of compliance with workers' human rights' (ibid, p.11). Similarly, Kiezebrink found in 2017 that serious labour rights and human rights violations occurred in RSPO-certified palm oil companies, where workers without proper contracts were forced to work unpaid overtime, under poor occupational safety and health, with payment below the minimum wage (Kiezebrink, 2017). Other studies have also found similar shortcomings of certification schemes for palm oil and questioned their effectiveness in addressing forced labour and modern slavery (Kusumaningtyas, 2017).

In its Resolution on Palm Oil and Deforestation of Rainforests adopted in 2017, the EP acknowledged the role of certification schemes in promoting sustainable palm oil. However, it also noted that the existence of different schemes causes consumer confusion (European Parliament, 2017b). After highlighting the shortcomings of the existing voluntary certification schemes, the EP called upon the EC to work towards the establishment of a single certification scheme that would ensure an EU-wide commitment of sourcing 100 % certified sustainable palm oil by 2020 (ibid). However, the EC has not taken any action in that regard.

(b) Certification for cocoa

Cocoa is an important source of income and employment for rural populations, especially for small-scale farmers. However, poverty remains an issue in most cocoa production areas, leading to the use of child labour, forced labour, and other human rights violations (Walk Free, 2018, pp. 56-59). The Global Slavery Index (GSI) found that in Ghana there were approximately 3,700 adult victims of forced labour and 1,000 victims of child forced labour in cocoa agriculture in medium to high production areas between 2013 and 2017 (ibid, p. 57). During the same period, there were approximately 10,000 adult victims of forced labour and 2,000 victims of forced child labour in cocoa agriculture in Côte d'Ivoire (ibid, p. 58).

As explained in section 6.4.2 above, the EC initiated an informal multi-stakeholder dialogue for sustainable cocoa in 2020 (European Commission, n.d.). The main objective of this dialogue is to provide support for the elimination of child labour and child trafficking, the protection and restoration of forests, and to ensure a living income for cocoa farmers. There have already been a number of roundtable meetings, called Cocoa Talks, where stakeholders gathered to consider a wide range of issues for sustainable cocoa.

A range of voluntary certification schemes for cocoa products exist. However, Fairtrade, UTZ Certified, and Rainforest Alliance are most widely used. These schemes have different requirements with different scopes in terms of the type of intervention needed to certify sustainable production outcomes (Jackson & Balema, 2020). For example, UTZ and Rainforest Alliance focus on encouraging cocoa farmers to utilise good production practices to increase productivity and improve working conditions for labourers. Meanwhile, Fairtrade places greater emphasis on providing economic stability to producers. UTZ and Rainforest Alliance determine prices for cocoa beans based on market rates, while Fairtrade ensures minimum and premium prices as economic incentives for producers (ibid).

Several studies have found voluntary certification schemes to have contributed to an increase in living standards of producers, reducing the prevalence of poverty and promoting the working conditions of labourers in the cocoa sector. For example, Nelson et al found that improvements in health and safety hazards for labourers were more significantly reported by certified cocoa farmers in Ghana compared to non-certified farmers (2013). They also pointed to improvements in the working conditions of hired labourers, while noting that no change was identified for the use of child labour (ibid). Chiputwa et al found that living standards for smallholder coffee farmers in Uganda increased by 30 % in Fairtrade certified farms through the reduction of the prevalence and depth of poverty (Chiputwa, Spielman, & Qaim, 2015). After analysing certified and non-certified cocoa farmers as well as assessing farmers' pre-certification and post-certification situations to evaluate the impact of certification on cocoa farmers in Côte d'Ivoire, Jackson and Balema found voluntary certification schemes to be 'a useful tool to enhance the livelihoods of cocoa farmers through prices and improve environmental outcomes' (2020).

While several studies indicate positive impacts of certification schemes in the cocoa sector, LeBaron found significant shortcomings in cocoa certification across 74 cocoa communities (2018). This study revealed significant confusion at the base of the cocoa supply chain; 95 % of cocoa workers did not know whether the farm they were working on was certified or not. While ethical certifications are often held at the co-operative level, Ghana's cocoa industry is constituted predominantly of smallholder farmers, creating more space for confusion. The exclusion of hired labourers—some of the most vulnerable cocoa workers—from certification schemes, the high costs of compliance, and weak verification systems further undermined the capacity of these schemes in reducing labour exploitation in Ghana's cocoa sector (p. 43).

6.6 EU initiatives to address modern slavery in the garment sector

The garment sector evidences a complex production model with significant downstream, upstream, and related activities, as well as involving different industries from raw materials to processing and manufacturing (European Commission, 2017e, p. 5). Although millions of workers find employment opportunities in the garment sector, the industry is often linked to labour-intensive and low-skill

production, contributing to labour exploitation and forced labour (ibid, p. 5). For example, the 2018 Global Slavery Index found that garments are one of the 'top five' products imported into G20 countries at risk of having been made using forced labour (along with electronics, fish, cocoa and sugarcane) (Walk Free Foundation, 2018). Recent studies have also highlighted that workers' labour and living conditions in the garment sector 'have severely worsened during the pandemic' as they experienced 'severe economic hardship and labour abuse', which increased their vulnerability to forced labour (LeBaron, Kyritsis, Leal, & Marshall, 2021, p. 5).

The EU has developed a sector-specific approach to the garment industry through a series of policies and actions addressing decent work and workers' vulnerabilities in the sector (European Commission, 2019b). In its 2017 Staff Working Document on Sustainable Garment Value Chains through EU Development Action, the European Commission set out three main thematic priorities and three intervention areas to address key challenges in the garment sector (European Commission, 2017e). The three thematic priority areas are: (1) women's economic empowerment; (2) decent work and living wages; and (3) transparency and traceability in the value chain. The three intervention areas are: (1) providing financial support; (2) promoting social and environmental best practices; and (3) reaching out to consumers and awareness-raising (ibid, p. 3). The 2017 Staff Working Document identified a series of actions focusing on these areas by supporting programmes and projects at bilateral, regional, and global level.

The EU provides financial support to prevent labour exploitation and improve working conditions in the garment sector. For example, the EU made a EUR 7.5 million contribution to the CLEAR Cotton project, combined with a EUR 1.5 million contribution by the ILO (ILO, 2018). This project is implemented by the ILO in collaboration with the Food and Agriculture Organization and aims to eliminate child labour and forced labour in the cotton, textile, and garment value chains in Burkina Faso, Mali, Pakistan, and Peru (ILO, 2022c). The CLEAR Cotton project strengthens policy, legal, and regulatory frameworks in these countries, as well as providing support for local governments, public service providers, and other relevant stakeholders to take effective action to stop child labour and forced labour in the cotton, textile, and garment sector (ILO, 2018). The ILO has reported the project to be effective in addressing child labour and forced labour, reporting that:

As part of past and ongoing initiatives, governments, employers' and workers' organizations, private companies, producers and their organizations, and civil society organizations are reshaping their roles to strengthen the governance and the sustainability of the supply chain, including appropriate mechanisms to eliminate child labour and forced labour (ILO, 2018).

Another EU funded project addressing poor working conditions in the garment sector is the SMART TaG - Sustainability, More Consumer Awareness, Responsibility and Transparency in the Textile and Garment Sectors (European Commission, n.d.). The EU provided a EUR 1.35 million contribution to SMART TaG. The project aims to improve compliance with social and environmental standards and transparency at factory level in Myanmar and increase consumers' knowledge and awareness of sustainable fashion in Germany, Belgium, France, and the Netherlands (ibid). The project contributes to improving working conditions of 200,000 workers in the Myanmar garment and textile sector, with EU support for 220 factories, micro, small, and medium enterprises in applying sustainable consumption and production practices (ibid). It has also contributed to increasing awareness of sustainable fashion among 380,000 EU consumers (ibid).

The EU made a EUR 1.4 million contribution to the Bottom UP! - Promoting a Sustainable Cotton & Garment Value Chain from Ethiopian Cotton to European Consumers project (European Commission, n.d.). This project was intended to contribute to a sustainable, inclusive, and transparent value chain in the cotton and garments industry in Ethiopia to generate business growth, improve working conditions, and promote labour and environmental standards (ibid). A variety of activities were implemented under the project, benefitting 2,000 cotton farmers, 2,200 rural workers and 17,000 garment workers (Cotton Made in Africa, 2019).

The EU has also provided EUR 1.2 million for a project called Filling the Gap: Achieving Living Wages through Improved Transparency (European Commission, n.d.). Implemented by the Clean Clothes Campaign, the project aimed at reducing the wage gaps in garment and footwear supply chains between wages paid and living costs, as well as between wages paid to female and male workers in Indonesia, China, and India (ibid).

To improve working conditions of informal and home-based workers in global value chains in the apparel and footwear sectors in Nepal, Pakistan, and India, the EU contributed EUR 1 million to a project called Hidden Homeworkers – Improving Transparency and Traceability to Improve Working Conditions of Homeworkers in Apparel and Footwear Chains (European Commission, n.d.). The project was reported to have made a significant impact in improving the working conditions of 12,600 women homeworkers in the apparel and footwear sectors in these countries, as well as increasing awareness of apparel and footwear brands and multi-stakeholder alliances in understanding of the needs and rights of homeworkers (ibid).

Over the years, the EU has carried out a number of cooperation programmes to strengthen the capacity of garment producing countries to implement international standards, as well as supporting the private sector in managing its supply chains responsibly (Richero & Ferrigno, 2016). This effort has been reported to be effective, as Richero and Ferrigno noted that '[the EU's] vital work contributes to improving workers' conditions in garment producing countries and it should not be discontinued' (ibid, p. vi).

6.7 An overarching approach to addressing modern slavery in development

Efforts to address modern slavery in third countries through development mechanisms are varied and diverse. However, they draw on a shared set of considerations and approaches that can assist in maximising the effectiveness of interventions and facilitate constructive engagement. As in the consideration of cross-domain issues and approaches outlined in section 9, evidence assessed and reviewed in this study provided a range of cross-cutting insights relevant in designing, implementing, and monitoring antislavery initiatives in the context of development. Each of the cross-domain considerations outlined in section 9 are applicable to the development policy and programming context. However, four further domain specific considerations or nuances were identified, related to: coherence and intersectionality in development policy; constructive engagement with local contexts; programming for sustainable and long-term solutions, and monitoring and evaluation.

6.7.1 Coherence and intersectionality in development policy

Intersectionality and coherence were particularly highlighted within the context of development policy to address modern slavery, with three dimensions: (1) ensuring intersectional development policy across key areas of development concern; (2) delivering complementarity with other areas of EU policy; and (3) facilitating coherence with international development policy efforts. Establishing coherence and an intersectional approach across these three dimensions was reported to be the most promising and effective approach to addressing modern slavery in third countries through development policy.

Evidence assessed in this study, both interview responses and secondary literature, as well as primary instruments, emphasised the fundamental importance of an intersectional approach to sustainable development as advanced by the UN Sustainable Development Goals. Intersectionality in development policy was identified as engaging two key considerations, the first looking across the range of development policy concerns to consider the points at which development factors converge in modern slavery situations. This is evident in relation to development indicators from poverty, gender inequality, and addressing discrimination, to health and environmental and climate action. Interviewees universally prioritised addressing root causes and structural conditions enabling modern slavery as a central consideration for EU external policy. Development policy was viewed as a key mechanism for such efforts.

Second, intersectionality in development programming in connection to modern slavery was noted to engage critical consideration of potential tensions and negative externalities that might result from development initiatives. While consideration of intersectional development approaches often elevates synergies and interconnections between different development areas, evidence of tensions in priorities and initiatives is also emerging. For instance, initiatives that might be good for environmental development may exacerbate modern slavery risks. This tension emerges in considering transitions to renewable energy, for instance in the push towards expanding solar capacity given the connection between polysilicon produced in the Xinjiang province of China (representing 35-45 % of global supply) and state-imposed forced labour. At the more individual level, programming is noted to present potential risks to already vulnerable populations, that must be identified and mitigated.

Delivering complementarity with other areas of EU policy is likewise not without tensions, as the risk of perceiving development as a mechanism for advancing national interests can undermine international trust in these frameworks and the legitimacy of engagement. An interviewed CSO representative highlighted a growing trend across different national contexts of ‘narrowing of focus from just development for development’s sake and into more of a trade and benefit to the country’ approach, suggesting that decoupling the two interests provided for ‘a much more powerful policy’. This emphasis on ensuring the purpose of development policy continues to centre development itself does not, however, detract from the overall emphasis on complementarity across EU external policy in connection with the objective of addressing modern slavery in third countries. Development may continue to pursue intersecting, cross-domain objectives provided that development objectives remain at the core.

As in all policy domains assessed in this study, the importance of international coordination and (where appropriate) harmonisation of development initiatives is a key concern for EU external policy moving forward. Not only does this enable more effective programming through joined up approaches, but could also deliver greater value for money. Inefficiencies generated by a lack of systematic tracking and coordinated reporting of development initiatives exist. Recognising the significant number of development initiatives delivered by different actors internationally, this calls for international actors to collaborate to deliver a new framework for tracking development projects in real time and in ways that could influence funding decisions in an ongoing manner (rather than relying, for instance, on annual reporting).

Broadly the value of engaging with international actors and institutions—including UN agencies and other organisations such as the OECD and OSCE—was highlighted by interviewees, not only from the perspective of improving coordination of efforts, but also in providing an additional layer of legitimacy for initiatives. In some contexts, international institutions may be better received than EU actors as a result of a myriad of factors shaping local perceptions. Working through both international and local organisations in such contexts can provide for more constructive engagement in third countries, as well as bringing valuable expertise to bear in addressing modern slavery challenges.

6.7.2 Constructive engagement with local contexts

Engagement in local contexts is multi-faceted and requires responsive approaches that recognise the specificities of the particular country while still aligning with core overarching principles. Both effectiveness and sustainability in development programming are connected to this engagement in the specific third country context. Working closely with local partners ensures that initiatives reflect relevant contextual knowledge and expertise. It also fosters a level of ownership over projects that cannot be achieved otherwise. By engaging with community norms, as well as research and evidence highlighting patterns and trends, the capacity of initiatives to deliver change is maximised.

Engaging in particular third country contexts often necessitates a significant level of awareness raising, capacity building, and facilitation of coordination of different actors across different stakeholder groups

from government, civil society, and businesses to the general public. In some contexts, this needs to operate from the most basic level of understanding what modern slavery practices are and how they manifest in the context. In others, support is required for more advanced aspects of antislavery, for instance building technical skills in data systems and coordination.

Urban-rural divides in third countries were highlighted by interviewees as a particularly relevant consideration in engaging with local contexts, noting that programming, capacity, and funding is often concentrated in urban centres when rural communities are most at-risk of exploitation. Facilitating coordination between national and local stakeholders within third countries was identified by a representative of an EU body interviewed as one potential solution to some of the challenges of urbanisation of development effort, recognising that in many contexts this coordination could be weak or almost entirely absent.

Facilitating multi-sectoral coordination in third country contexts was likewise identified as a key priority for EU development programming to address modern slavery in third countries. Increasing evidence demonstrates the value of multi-sectoral coordination frameworks in delivering effective antislavery. Schwarz et al highlight a body of evidence establishing connections between cross-sectoral coordination and collaboration between antislavery actors and improvements in both criminal justice outcomes and survivor identification and support (2020, pp. 24-26, 70-72). The nuances of multisectoral coordination frameworks established should reflect the realities of the third country contexts, both in terms of considerations of the features of those stakeholders and the priorities identified for programming, underpinned with an ethos of shared learning and respectful engagement.

6.7.3 Programming for sustainable long-term solutions

While a breadth and variety of international development initiatives were reported and identified across the study, a tendency towards shorter term programming was noted by interviewees. Compared against the significant structural challenges presented by development problems, the relatively short-lived initiatives delivered in this space risk producing small scale or short-term changes without advancing structural shifts. While resource limitations are inevitably a significant challenge in this context, several potential solutions were identified across the study. The first being a shift towards longer-term strategic programming, prioritising the quality of intervention over quantity. Such prioritisation requires reference to (and generation of) research and evidence to ensure that the potential for value of these longer-term projects is maximised and resources targeted where they have the highest chance of meaningful success.

Increasing coordination of international development programming could also assist in overcoming the resource limitations of development funding in considering longer-term programmes. This can be achieved in two ways. First, through pooling of resources to enable greater investment in long-term strategic programmes. Second, through reducing inefficiencies of duplication in development efforts, allowing organisations to balance resources across key priority areas without the level of overlap currently evidenced in some contexts. This further helps open opportunities for currently under-resourced contexts to be identified as potential sites of support.

6.7.4 Monitoring and evaluation

In recent years, increasing emphasis has been placed on robust monitoring and evaluation (M&E) of interventions and programming. Generating rigorous evidence of what works (and what does not), properly conducted M&E can provide for a significant and evidence-based step-change in interventions. Although donors are increasingly requiring higher standards of monitoring and evaluation, significant knowledge and capacity gaps remain in organisations' ability to deliver M&E to the level of rigour required to meaningfully reshape interventions. This further results in significant evidence gaps on fundamental questions of 'what works' in interventions to address modern slavery in different contexts. Additional effort is therefore required to ensure the necessary emphasis on scientifically rigorous M&E moving forward, to

build the capacity needed to deliver such, and to ensure transparency and accessibility of data and evidence generated. In particular, the EU may consider following in the footsteps of international donors such as the Global Fund to End Modern Slavery and the US Office to Monitor and Combat Trafficking in Persons, adopting strategic frameworks for evaluating impacts through prevalence estimation studies deployed both prior and subsequent to programming initiatives.

7 Addressing modern slavery in foreign policy

This section analyses foreign policy instruments adopted by the EU that can be used to address forced labour and modern slavery. The specific instruments reviewed include: human rights dialogues, EU sanctions, and cooperation in multilateral fora on promoting international standards. The section also examines how different foreign policy instruments are used to support human rights defenders, as well as exploring the intersections between migration policy and modern slavery. To the extent possible and warranted by collected evidence, which in most cases is rather limited, an attempt is made to determine the effectiveness of specific foreign policy instruments in addressing modern slavery and forced labour in third countries.

In this section, selected foreign policy instruments that can be employed to advance the commitments of the EU Action Plan on Human Rights and Democracy (2020-24) as related to modern slavery are explored. The sub-sections attempt to establish the extent to which these instruments are used to address modern slavery and whether they prove effective in achieving this objective. Overall, compared to other sections, the amount of evidence on foreign policy instruments used to tackle modern slavery and the strength of this evidence is limited. Conclusions as to the instruments' effectiveness are therefore generally cautious. Table 22 below provides an overview of policy tools considered in this section and summarises the strength of evidence available on their effectiveness in addressing modern slavery in third countries.

Table 22. Summary of evidence and findings on addressing modern slavery through foreign policy tools

Tool	Strength of evidence	Summary of evaluation	Proposals for ways forward
Human rights dialogues	Rather limited and scattered evidence on the use of human rights dialogues specifically for addressing modern slavery practices was identified in the study. The identified body of evidence on effectiveness of those dialogues was even more limited.	Dialogues are perceived in line with the EU's character as an international actor which supports partners to reach their goals. The 'soft' character of these instruments is both an advantage and disadvantage. Dialogues offer a platform for parties to meet as equals and jointly develop assessments and solutions. However, they do not provide a 'stick' to generate stronger incentives for compliance. Synergies can be achieved when other tools—especially related to development and trade—are applied in concert with dialogues. The dialogues are perceived more favourably and as more effective than sanctions in many instances.	The EU should continue to use human rights dialogues as an instrument opening cooperation. These measures should be understood as supporting other tools, rather than as standalone measures. Ongoing efforts to ensure dialogues work in tandem with other measures to address modern slavery practices should therefore be advanced. The EU should also consider systematic collection and centralisation of press releases for all dialogues (including these involving modern slavery eradication efforts) to track progress and effectiveness, and enable better follow-up.
Sanctions	Good evidence on the EU's use of sanctions for modern slavery practices was	The EU rarely uses sanctions to address modern slavery practices. Most of the relevant sanctions	Sanctions should continue to be treated as a measure of last resort, where other measures are frustrated

	identified. However, collected evidence on effectiveness in this respect was limited.	applied implement the UN regimes. The implementation of the UN sanctions against Libyan traffickers and smugglers were found to be ineffective by the Panel of Experts. The effectiveness of sanctions against individuals and entities tied to forced labour in the Xinjiang Uyghur Autonomous Region (XUAR) is yet to be measured. While the potential for coercing or constraining targets' activities may be debated, sanctions generally send a strong message of disapproval, as well as a reassurance of the sender's position vis-à-vis international norms, which can be desired effect. There is some confusion over the conditions that will result in the application or removal of sanctions amongst key stakeholders, and concerns over the consistency of practice in this area.	and/or where the conditions of violations require strong responses. The EU should consider establishing transparent criteria to remove sanctions once they are in place, and ensure that all criteria for adoption and removal are clearly communicated and accessible. Likewise, consistency in the application of sanctions towards third countries should be ensured. The EU should continue to support the UN sanction regimes, as offering the most comprehensive coverage, but work with partners to improve implementation.
Multilateral cooperation	Moderate evidence on the use and effectiveness of multilateral cooperation for addressing modern slavery practices was identified in the study.	The main evidence of effectiveness on multilateral cooperation relates to progress in the ratification and use of core labour standards in developing countries. There is also evidence of effectiveness related to ILO projects supported by the EU. The contributions of these projects relate to policy and legal framework strengthening, and institutional capacity-building, as well as knowledge creation and awareness-raising in various areas, including labour administration, industrial relations, employment, migration and social protection.	Although the evidence base on the specific impacts of multilateral cooperation in relation to modern slavery practices is not comprehensive, clear benefits in various areas were identified. The EU should therefore continue multilateral cooperation efforts, as well as considering expanding engagement in other platforms, such as Alliance 8.7 and the Bali Process.
Support to human rights defenders	Limited and scattered evidence on the extent to which support for human rights defenders is directed at addressing modern slavery practices was identified in the study. Similarly, very little evidence on the effectiveness of this support was found.	The EU has a wide toolbox to support human rights defenders (HRDs), although the extent to which it is used to support anti-slavery activists could not be determined. However, several relevant cases were identified, suggesting possible contributions of the EU to desired effects. The EU toolbox for supporting HRDs has been significantly expanded over the years, with more funds also allocated to modern slavery practices. Collected evidence indicates the value of such mechanisms as ProtectDefenders. The overall visibility of anti-slavery human rights defenders as targets of support is low, which may indicate a need for a specific focus and	Evidence on the impacts of support for HRDs is positive, although somewhat limited in relation to modern slavery practices. The EU should therefore continue to strengthen the implementation of existing tools in line with recommendations formulated in previous research, use existing outreach mechanisms to include anti-slavery activists in EU support mechanisms, and consider further research to determine how the needs of anti-slavery defenders are addressed by the EU foreign policy toolbox.

		targeted outreach. The research does not point to the need for more tools, but rather for their better and more consistent implementation. The also seems to be a need to develop a more consistent approach towards supporting human rights defenders to avoid it being perceived as a 'political tool'.	
Promotion of labour standards	Moderate evidence of effectiveness of EU action in promoting labour standards worldwide was identified during the study.	Evidence collected suggests that supporting labour regulations in third countries can be effective. However, navigating the labour rights framework in third countries can be challenging, hampering external actions. Working with local stakeholders in these initiatives is therefore crucial. Gathering 'on field' practices of 'what works' could also improve the protection of labour standards in third countries.	Given the absence of robust evidence on these engagement frameworks, the EU could gather EU good practices and experiences or/ and develop a guideline on 'how to support labour regulations in third countries' that is consistent with the relevant ILO instruments.
Combatting impunity through transnational criminal justice and criminal cooperation	Strong evidence of the effectiveness of EU action in combatting impunity through transnational criminal justice and cooperation in criminal matters was identified during the study.	The mechanisms that the EU has developed to fight international and transnational crime are considered effective for address modern slavery practices. They help coordinate law enforcement and criminal justice actors. The EU's support for the ICC is also notable. Joint Investigation Teams and frameworks for intelligence sharing work, although risks and challenges are acknowledged, especially for sharing intelligence. Effectiveness is hindered by differing norms, as well as reliance on interpersonal relationships and particular individuals within law enforcement contexts in third countries.	EU mechanisms supporting transnational criminal justice cooperation were highlighted as effective, although gaps in the extension of these to third countries were noted. The EU should therefore advocate for centralised responsibilities for transnational criminal cooperation in relation to modern slavery cases and extend cooperation frameworks to a wider network of country partners. Operational-level perspectives should be integrated in policy-making processes to include field experiences and reflect practitioner knowledge.
Common Security and Defence Policy (CSDP) - missions	The evidence evaluating the impacts of CSDP missions relevant to modern slavery practices is mixed, with different levels of evidence for different missions. Overall, there is little specific consideration of impacts on modern slavery practices in general across initiatives, with the exception of Operation Sophia where trafficking is more substantively assessed.	Despite some positive aspects, Operation Sophia was found not to have substantially contributed to addressing modern slavery practices and evidenced unintended adverse consequence. Evidence of the impacts of Operation Irini is not yet available. EUCAP Sahel Niger and Mali missions were found to have generated some positive impacts, particularly in relation to capacity building and awareness raising, and contributing to dismantling some human trafficking networks. However, relatively little specific consideration of modern slavery practices is included in evaluative evidence, and the sustainability of these initiatives is questioned.	Lessons learnt from Operation Sophia should guide the EU in developing future missions addressing irregular migration and trafficking. Specifically, the EU should reconsider whether military responses are the most effective tools to address these issues and consider increased humanitarian and development programming in concert with security efforts. The EU should also support research examining the effectiveness of EUCAP Sahel Niger and Mali programmes in tackling modern slavery practices and consider adaptations reflecting learnings from this evaluation.

External migration policy	There is a relatively strong but conflicted body of evidence evaluating the effectiveness and impact of the external migration policy in addressing modern slavery in third states.	The evidence reviewed in this study suggests that the externalisation of migration controls has caused a number of negative consequences rather than contributing to eradication of trafficking in persons. Externalisation of border controls increased the vulnerabilities to human trafficking, as well as diverting development funds and priorities and fuelling human rights abuses outside Europe.	The EU should reconsider its approach to externalisation of migration policy as it yielded serious problems in terms of the protection of irregular migrants in third countries as well as preventing modern slavery. Instead of outsourcing its border control, the EU should seek alternative policies to tackle irregular migration in a way ensuring more protections to people in vulnerable situations.
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7.1 EU Action Plan on Human Rights and Democracy 2020-24

The EU Action Plan on Human Rights and Democracy is a valuable tool, framing EU external policy efforts to address modern slavery in third countries. Building on two prior action plans (adopted in 2012 and 2015 respectively), the Action Plan outlines priorities of the EU and Member States in their relationship with third countries, aiming to promote human rights and democracy in a consistent and coherent manner across all areas of EU external action. The Action Plan calls for the ‘systematic and coordinated use of the full range of instruments at the EU’s disposal, including dialogues, GSP monitoring, geographical instruments, human rights fora, public diplomacy and communication, dialogue with civil society and the private sector, and coordination with multilateral institutions (European Commission, 2020c). The Action Plan therefore speaks to various policy domains addressed in this study, and its relevance is not limited to the specific instruments of foreign policy considered below.

The Action Plan outlines five lines of action: protecting and empowering individuals; building resilient, inclusive, and democratic societies; promoting a global system for human rights and democracy; harnessing opportunities and addressing challenges in relation to new technologies; and delivering by working together. Within this framework, the following points related explicitly to modern slavery practices are identified:

- Advocate for the elimination, prevention, and protection from sexual and gender-based violence, including harmful norms and practices, such as female genital mutilation, infanticides for girls, child, early, and forced marriage, and discrimination. Encourage the swift ratification and implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).
- Develop EU approaches ensuring accountability, in particular for serious human rights violations and abuses, linking national and international efforts, building on EU policies, for instance on children and armed conflict, survivors of conflict-related sexual violence, transitional justice, the fight against torture and other ill-treatment, and the International Criminal Court.
- Counter impunity for all perpetrators involved in trafficking in human beings, with a view to preventing and fully eradicating it. Assist and protect victims, in particular women and children.
- Promote a zero-tolerance policy on child labour, and the eradication of forced labour, including by supporting partnerships at all levels, labour rights in EU trade relations, the promotion of human rights due diligence in global supply chains, and efforts to promote ratification of the ILO Forced Labour Protocol.
- Improve the working conditions of migrant workers, including by eradicating all forms of forced labour and exploitation. Empower migrant workers, especially women, and their communities to defend their rights, report, seek justice, and organise for advocacy.

A range of additional actions relate closely to efforts to address modern slavery, both within broader categories (for instance, child labour and addressing all forms of violence against children) and in the context of interconnected issues and actions (for instance, addressing discrimination). A dedicated section on business sector engagement further emphasises corporate social responsibility, due diligence, accountability, and access to remedies in a participative manner.

In line with the overarching approach and cross-cutting considerations identified in this study, the Action Plan places a strong emphasis on coordination and cooperation, both between EU bodies and with external actors, including multilateral institutions and civil society. It provides a framework for advancing EU external policy efforts to address modern slavery in third countries.

7.2 Human rights dialogues

Evidence of specific results from dialogues is scarce. However, there was general agreement among interviewees on the importance of this ‘soft’ approach in addressing modern slavery and forced labour. In this respect, there was no visible distinction between state and non-state sponsored modern slavery practices drawn by respondents—dialogue was seen as a central tool in both cases. The soft nature of dialogues fits well in the EU external policy DNA, at least in the perceptions of interviewees, and dialogues are seen as a starting point. As expressed by an interviewed representative of an EU body:

I think that the European Union institutions have adopted a more responsive approach. There is more political will to tackle the problem and our role is to accompany the willingness of partner countries to tackle the problem. So, that's why the dialogue through our European Union delegations is so important. We have to start first of all with the political dialogue. And, as the European Union Delegations coordinate with EU Member States, I think we have a strong role to play.

While the EU conducts various types of dialogues with third countries, below we concentrate on human rights dialogues as a dedicated forum for raising concerns related to human rights violations, which include modern slavery practices.

Human rights dialogues are one of the primary mechanisms through which EU external policy is implemented, in line with the Action Plan (Council of the European Union, 2021c, p. 2). Dialogues exist in various different forms, some based on treaties and agreements and others established through agreed terms of reference or conducted informally. The Council of the European Union reported approximately 60 human rights dialogues and consultations with partner countries and regional groupings in 2021 (Council of the European Union, 2021c, p. 3). Dialogues share common features but also involve tailoring in the response to the particular framework and third country context.

Various factors make distilling and assessing the effectiveness of human rights dialogues difficult, including limited information available and the fact that they are usually applied in conjunction with other instruments. It is even more challenging to determine their specific effectiveness in addressing modern slavery. Very limited evidence was identified on this matter in the study. This evidence is briefly presented below, alongside additional considerations.

EU human rights dialogues are generally guided by the priorities set out in the Action Plan on Human Rights and Democracy and those identified in the human rights and democracy country strategies, which are not public. Since the Action Plan refers to various phenomena falling under the umbrella of modern slavery, there is clearly space to take up such themes in these dedicated bilateral or multilateral discussions, especially if they have been identified by the EU or a given third country itself as key issues of concern. However, assessing the extent to which modern slavery and forced labour are, indeed, part of the dialogues poses challenges due to the *in camara* nature of this instrument.

Publicly available information on the content of human rights dialogues is mostly limited to press releases, issued either jointly by the EU and its interlocutor country, or solely by the EU. These are not centralised in any repository, making tracking the subjects of subsequent discussions challenging. The Guidelines on Human Rights Dialogues with third countries state that a joint press release is developed 'where possible', identifying 'areas of cooperation and follow up stemming from the human rights dialogue' (Council of the European Union, 2021c, p. 9). Such releases are usually very general in the formulation of the problems discussed. If there is no agreement between the parties on a joint press release, 'an EU press release may be issued as a way of informing the public'. The lack of information and transparency in communication related to human rights dialogues has been criticised by civil society organisations, including prior to the EU's revision of the Guidelines (Human Rights & Democracy Network, 2020).

Evidence collected in this study confirms that the EU has used its human rights dialogues (but also other dialogues, such as political, security or labour dialogues) to promote the eradication of modern slavery practices. In its 2017 special report on EU support to fight human trafficking in South/South-East Asia, the European Court of Auditors noted that for all ten countries, 'there was at least one dialogue which included at least one aspect related to human trafficking' (European Court of Auditors, 2017, p. 19). Engagement with the subject often relates to the decent work agenda, including the EU's zero tolerance policy on child labour. For example, in 2020, child labour was discussed during the human rights dialogues with Myanmar, Vietnam, Kyrgyzstan, Moldova, Georgia, Tajikistan, and Uzbekistan (EEAS, 2021c, pp. 104-105). In the case of Tajikistan and Uzbekistan, forced labour was also addressed. Discussions of labour issues were continued with Moldova, Georgia, and Kyrgyzstan in 2021. However press releases concerning these human rights dialogues referred to that focus area only briefly, underlining the importance of actions or welcoming progress made (Delegation of the European Union to the Kyrgyz Republic, 2021); (Moldova, 2021); (EEAS, 2021e). In 2021, the EU also discussed the situation of expatriate and domestic workers, as well as commitments to workers' rights and combatting trafficking in human beings during its 3rd human rights dialogue with Qatar (Gulf Times, 2021).

Acknowledging the dialogue's central role in the EU's human rights engagement with third countries, an EU official interviewed for the study confirmed that the Union has 'specific dialogues with many countries on human rights in which labour rights is usually an item. And of course, business and human rights [...] more and more is becoming a standard item in our dialogues with third countries'. Though this may be the case, the trend is not fully reflected in the 2020 Human Rights and Democracy in the World country updates (EEAS, 2021d). For one, while trafficking in human beings has been recognised among key issues in some countries, the country updates do not list modern slavery (or specific modern slavery practices such as trafficking in persons) among topics covered in specific human rights dialogues. Only sparsely do they mention labour rights or business and human rights (for instance, in relation to Georgia and the African Union). However, the report notes that some relevant phenomena (such as forced labour) are in fact part of exchanges in other formats (especially political dialogues).

This evidence base assessed in this study provides little evaluative insight into the effectiveness of human rights dialogues in relation to modern slavery eradication. However, this does not mean that the dialogues are not useful in practice. In particular, evidence gathered in interviews with representatives of international institutions points out that human right dialogue can be useful for starting cooperation in that area or supporting other existing instruments.

Box 8. Human rights dialogue and forced labour in Turkmenistan**Human rights dialogue and forced labour in Turkmenistan**

A notable example of when dialogues were used to discuss modern slavery and forced labour is bilateral relations with Turkmenistan. During the 2019 dialogue, Turkmenistan committed itself, *inter alia*, to continuing cooperation with the International Labour Organisation to eradicate forced labour (EEAS, 2019). Forced labour was again part of the discussions in the 2021 dialogue. The EU stressed the importance of eliminating the practice and underlined its zero tolerance policy on child labour.

Turkmenistan, in turn, provided information on specific measures that had been or would be taken, including through cooperation with the ILO (EEAS, 2021a). The measures included the implementation of the new National Action Plan on Human Rights for 2021–25, which contains a chapter on forced labour, and the adoption of the Plan of Cooperation with International Organizations for 2021–23. As the Turkmen government explains in its communication with the ILO, ‘one of the provisions of this plan suggests introducing a new form of cooperation with the ILO, namely the development of a yearly cooperation programme on specific topics’ (The Government of Turkmenistan, 2021). The increasing mechanisation of the cotton harvest is another relevant country-level development.

Some actions implemented by the government of Turkmenistan align with the postulates formed by the EU during the dialogues and the EU may have contributed to improvements in practice. However, it is not possible to clearly attribute those results to human rights dialogues, or even wider EU intervention. Additionally, as evidenced in the US 2021 TIP report, the government of Turkmenistan ‘does not fully meet the minimum standards for the elimination of trafficking’ (US Department of State, 2021). The country was ranked as Tier 3 and the report notes that ‘the government continued to direct policies that perpetuated the mobilization of adults and children for forced labor in the annual cotton harvest, in public works projects, and in other sectors in some areas of the country’ (US Department of State, 2021).

Since 2018, EU and Taiwan hold annual human rights dialogues where labour issues, especially in the fisheries sector remain central. In 2018, Taiwan made the first step to regulate the working environment of fishers. In 2019, the parties organised the EU-Taiwan Workshop on Working and Living Conditions for Fishers and as soon as in 2020 Taiwan participated in the EU’s Technical Assistance and Information Exchange instrument (TAIEX), supporting amendments of national legislation in line with the requirements of the ILO Work in Fishing Convention No 188 (MOFA, 2018); (MOFA, 2019); (MOFA, 2020). During the last meeting in 2021, the parties discussed the preparation of the Taiwanese National Action Plan on Fishing and Human Rights (MOFA, 2021). While the progress in improving working conditions in fisheries cannot be attributed only to the human rights dialogue, the dialogue can be seen to have supported that process to some extent as part of a combination of EU external policy measures. This perception was shared by an interviewee, who noted positive developments on the side of Taiwan, such as amended legislation, strengthening of labour inspections, and revision of the fines imposed on ‘managers or owners of the vessels who commit serious labour rights violations’.

The 2017 special report of the European Court of Auditors concluded that human rights dialogues have proven to be a particularly useful tool for addressing human trafficking, although no specific results were linked to its use. The auditors observed that the effectiveness of the dialogue ‘resides in its capacity to feed other policy areas, such as development cooperation and trade, and higher-level political dialogues’ (European Court of Auditors, 2017, p. 19). For instance, they noted that discussions were used by the EEAS as referencing for EIDHR programming.

While attribution of specific results to human rights (or other) dialogues may not be possible, some interviewees for this study echoed the quoted Court of Auditors, noting that combining dialogues with other instruments, especially trade and GSPs, strengthens the observable effects of EU action. Indeed, the

EU Guidelines on human rights dialogues with third countries themselves note that dialogues are not self-standing or isolated engagements, but should be embedded in the broader framework of engagement with particular third countries and ‘used effectively in conjunction and synergy with other instruments’ (Council of the European Union, 2021c, p. 4). Particularly emphasised is the ‘mutually supportive leverage’ between dialogues and the GSP+ scheme. The Council noted that the GSP+ acts as ‘a catalyst for renewed interest by the partner country in holding meaningful and structured human rights discussions with the EU and the former offering a strong platform for discussing GSP+ related objectives’ (Council of the European Union, 2021c, p. 4). This synergistic relationship, in which the GSP+ encourages other parties’ involvement in discussions on human rights, was echoed in at least one of the interviews for this study (a representative of an EU body).

Some respondents in this study underlined the importance of third countries’ willingness to engage in discussion with the EU as an important factor in the effectiveness of dialogues (two interviews, both representatives of EU bodies). As one interviewee put it, ‘the success of these very often depends on the receptiveness of the country that we’re dealing with’ (representative of an EU body). The incentives that the EU can use vary. The extent of trade relations or enlargement processes were noted as elements that could be leveraged to increase effectiveness. When these existed, interviewed EU officials observed ‘a really honest willingness to move and try to engage with the EU and then therefore fulfil also these requirements. If there’s a little bit of a looser relationship then of course the EU has less leverage’ (representative of an EU body). In cases with limited ‘leverage’, the EU can mobilise its partnerships with like-minded countries, such as the US, and establish a concerted effort towards shared antislavery goals. The importance of establishing clear understanding of other countries’ interests was also highlighted, in particular how they can profit economically and in terms of recognition on the international scene through increasing their compliance with human rights standards (another representative of an EU body).

While some countries may feel less incentivised to engage with the EU (for instance due to weaker trade relations) others may contest the dialogue at the level of values. Yet, external factors, such as the willingness or not of the third country to talk, are not the only factors negatively impacting the effectiveness of this instrument. When a conflict of values is at stake, such as in the case of EU-China relations, the dialogue’s process and EU officials’ conduct come strongly into play. The EU-China Human Rights Dialogue, which has tackled forced labour issues, has been repeatedly denounced as largely ineffective and strongly criticised by civil society organisations (Taylor, 2020). Based on a series of interviews with EU officials, Taylor notes that this was partly due to the Chinese obstruction of EU efforts, resulting in a ‘*hostile environment* for promoting human rights’. However, he also observes that the ‘EU contributes to these dynamics through ineffective diplomatic approaches and insufficient political backing by member states’ (Taylor, 2020, p. 2). In his view the selected diplomatic approaches ‘seemed to counterproductively fuel China’s obstructiveness’ (Taylor, 2020, p. 6), as they could have been ‘(mis)interpreted by interlocutors as Eurocentric and/or neo-colonial’ (Taylor, 2020, p. 9).

Taylor’s observations echo previous research on the challenges involved in human rights dialogues, such as a perception that human rights dialogues interfere with countries’ sovereignty, double standards, universality and cultural diversity, and indivisibility (Majtényi, Sosa, & Timmer, 2016, p. 72). In addition to critically examining the approach, Taylor also highlights two other problems, namely that the EU itself sometimes sacrifices its values in pursuit of other interests in relations with China and that the same is true of some Member States. The discord between the EU stance and the actions of specific Member States also poses challenges to the effectiveness of dialogues, as well as other EU actions, for instance those taken in international multilateral fora.

Importantly, dialogues are a discussion platform and, as such, cannot in themselves eradicate modern slavery. It is the strength of the follow-up activities that plays a decisive role in determining their effectiveness. As the Council observed in the Guidelines, ‘dialogues do not always produce immediate,

measurable and visible outcomes. This fuels criticisms about their usefulness, in particular from civil society—hence, the need to proactively identify operational results and set up follow-up mechanisms’ (Council of the European Union, 2021c, p. 10). The main precondition for such mechanisms to work is ensuring joint and sufficiently detailed annual reporting by parties outlining actionable commitments (in an annual and longer-term perspective) and providing information on progress in their implementation. In considering modern slavery practices specifically, existing international measures and indexes can be used to guide the process and review progress. Indexes that provide regular reporting against stable indicators, such as the Walk Free Global Slavery Index, US State Department Trafficking in Persons Report, and UNODC GLOTIP reports, among others, are particularly valuable in this regard. However, the respective limitations of each of these measures must be recognised.

Finally, engagement with civil society is a central component of the EU’s Guidelines on human rights dialogues with third countries (Council of the European Union, 2021c, p. 7). Civil society actors are recognised to be well placed to provide insights on the domestic human rights situation in a third country, to possess specialist and technical expertise, and to be positioned to contribute to better implementation between dialogues, for instance through their national advocacy. One interviewed representative of an EU body further highlighted that this contributed to the sustainability of actions and created potential for leveraging wider-scale activities in a third country when engaging directly with local advocacy organisations. Yet, representatives of civil society do not always feel sufficiently included in the dialogue process (Human Rights & Democracy Network, 2020). In line with the recognition of the role of CSOs in addressing modern slavery in third countries discussed in section 6.3, improving the role of CSOs in dialogues may provide an important pathway for strengthening antislavery efforts.

7.3 Sanctions against entities or countries responsible for modern slavery

The EU has more than forty sanctions regimes in place—some mandated by the United Nations Security Council, and others adopted autonomously by the EU (European Commission). The European sanctions map provides details of all EU sanctions regimes and corresponding legal acts, covering 45 distinct sanctions regimes. Five of these are of a thematic nature, addressing chemical weapons, cyber-attacks, human rights, and terrorism (two regimes). The remaining forty apply to specific countries, covering 33 different states (see Figure 28).²¹

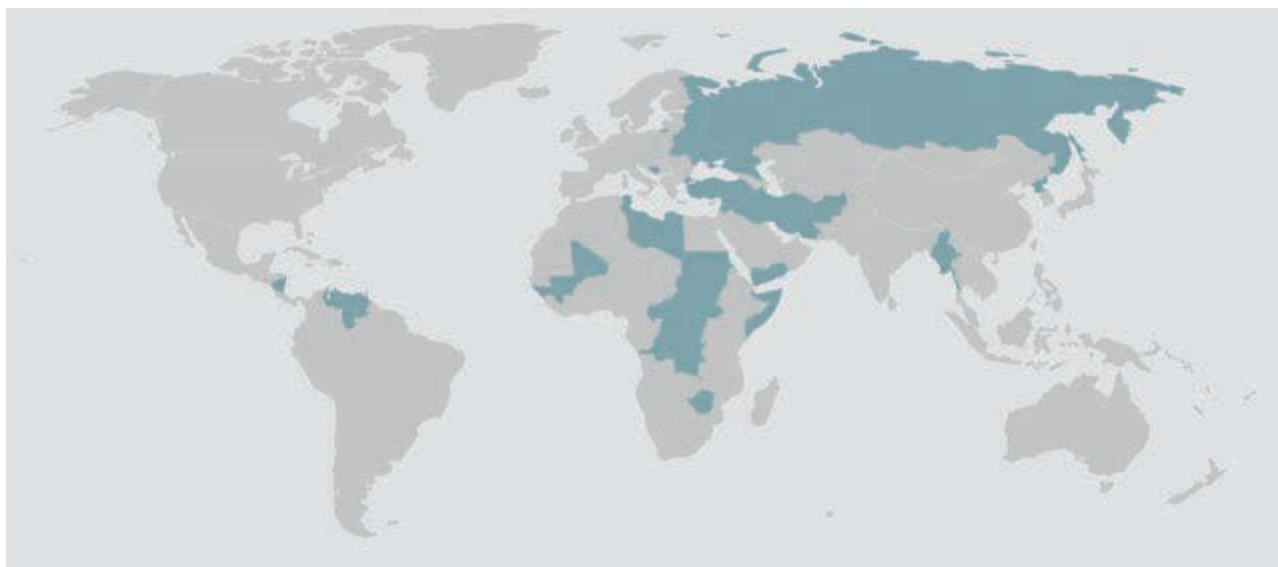
The majority of EU sanctions regimes were adopted autonomously by the EU—representing 26 of the 45 regimes (58 %) (see Figure 2). Measures adopted by the UN represent eight of the 45 sanctions regimes (18 %), while measures adopted by the UN and the EU make up eleven of the 45 regimes (24 %). Thematic sanctions regimes are generally adopted autonomously by the EU, representing four of the five thematic regimes, with the final thematic regime (terrorism with respect to ISIL and Al-Qaida) adopted both by the UN and the EU.

Regimes typically impose sanctions applicable to specified persons or entities, rather than imposing blanket restrictions on the country. The most common restrictive measure in place is the adoption of asset freezing and prohibition to make funds available applicable against listed persons and entities—measures found in 35 of the 45 regimes (78 %). This is followed by restrictions on admission (also applicable against listed persons), which are included in 32 of the 45 regimes (71 %). Restrictions on arms are included in 20 of the regimes (44 %), one with an arms embargo, eighteen (40 %) with restrictions on arms exports from the EU to the relevant state or entities, two (4 %) with restrictions on arms imports, and three (7 %) with restrictions on procurement of arms from the relevant state. Restrictions on services are included in three

²¹ Sanctions regimes have been adopted in relation to Afghanistan, Belarus, Bosnia & Herzegovina, Burundi, Central African Republic, China, Democratic People’s Republic of Korea (DPRK – North Korea), Democratic Republic of the Congo, Guinea, Guinea-Bissau, Haiti, Iran (2), Iraq, Lebanon (3), Libya (2), Mali, Moldova, Montenegro, Myanmar (Burma), Nicaragua, Russia, Serbia, Somalia, South Sudan, Sudan, Syria (2), Tunisia, Turkey, Ukraine (3), United States, Venezuela, Yemen, and Zimbabwe.

regimes (7 %), restrictions on finance and investment in five (11 %), and prohibitions on satisfying claims are present in thirteen (29 %).

Figure 28. EU Sanctions Map (Council of the European Union, 2022b)



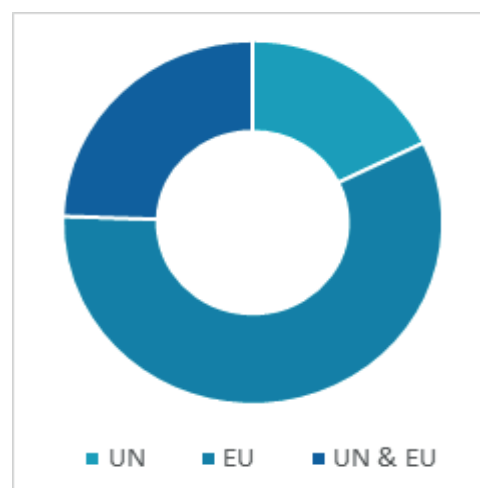
Restrictions on non-arms goods are included in thirteen regimes (29 %), covering a variety of goods from crude oil and petrol products to seafood, wood, and luxury goods.² Restricted goods are explicitly connected to modern slavery practices in one instance, observing that vessels from Libya ‘could be used for smuggling of migrants and trafficking in human beings’ (Council of the European Union, 2022b).

Across the 45 regimes, all legal acts and lists of persons, entities, and items were reviewed for reference to modern slavery practices (see Annex 12.5.4). In total, 145 documents were analysed. References to modern slavery practices were found in fifteen documents (10 % of documents reviewed)—predominantly in legal acts—related to seven distinct regimes (16 % of regimes). Two thematic regimes included reference to modern slavery practices—human rights and terrorism (measures directed against ISIL). References were also found in country-specific regimes in the Central African Republic (CAR), Democratic Republic of the Congo (DRC), Libya, Mali, and Yemen.

Modern slavery practices referenced in documents varied between regimes. Forced labour was addressed in the highest number of regimes, appearing in seven documents related to four regimes—DRC, Mali, Yemen, and human rights. Child soldiers (recruitment or use of children in armed conflict), slavery, and trafficking were each referenced in three regimes, while sexual exploitation and forced marriage were each referenced in one. Servitude, debt bondage, and the worst forms of child labour did not appear in any of the documents or regimes reviewed.

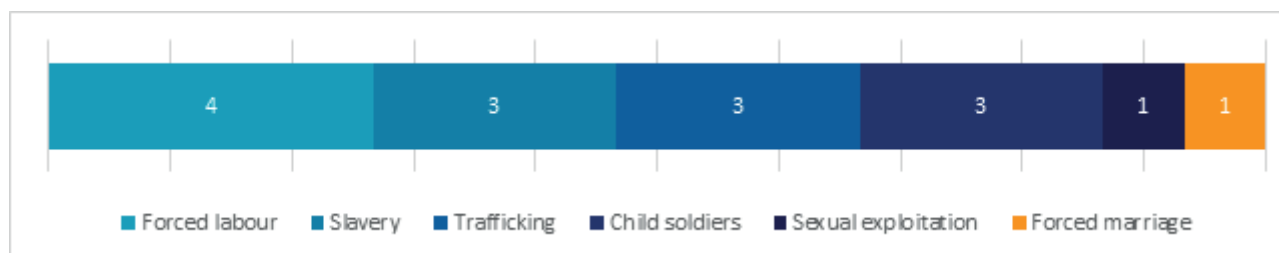
Sanctions regime documents generally made only passing reference to modern slavery practices. Where a modern slavery practice appeared in a document, it was most often referred to only once (39 % of documents) or twice (29 % of documents). Three exceptions to this generally perfunctory referencing occurred in the documents assessed: reference to trafficking in two documents related to the Libya

Figure 29. EU sanctions by adopting body



regime,²² and references to recruitment or use of children in armed conflict in two documents related to the DRC regime.²³

Table 2. Number of regimes referencing modern slavery practices



7.3.1 Overview of modern slavery-related restrictive measures

Upon closer analysis, the majority of restrictive measures applied by the EU in relation to individuals or entities involved in modern slavery constituted implementation of UN sanctions. The restrictive measures against CAR and Yemen implement the UN regimes. While the Mali country regime is a combination of UN and EU measures, the sanctions against Mahamadou Ag Rhissa—related specifically to forced labour and holding and facilitating sexual exploitation of two women—result from his listing by the UN in December 2018. Similarly, within the mixed regime related to the DRC, those sanctions which were relevant for modern slavery, involving the use of children for forced labour and attacks, implemented the UN measures.

In the Libyan country regime, where trafficking in human beings is more prominently tackled, the EU implemented both the UN and its own measures. At the time of writing, eight individuals are sanctioned based on their involvement in modern slavery (among other concerns). Six of those were listed by the UN in June 2018 and one added in October 2021. These listings relate both to leaders of transnational trafficking networks and Libyan officials. The latter include the Commander of the Coast Guard, Abd al-Rahman Milad (listed in 2018) and manager of the notorious Al-Nasr Detention Centre holding migrants and refugees in Zawiya, Osama Al-Kuni (listed in 2021). Abd al-Rahman Milad was arrested by the Libyan authorities in 2020, but subsequently released in April 2021 for lack of incriminating evidence (Tondo, 2021). In 2020, the EU independently listed one more individual involved in modern slavery in Libya: Moussa Diab, believed to be responsible for and directly engaged in serious human rights abuses, including human trafficking and the kidnapping, raping, and killing of migrants and refugees. The grounds for his listing state that he held migrants and refugees in captivity in an illegal detention camp near Bani Walid, where they were treated in an inhuman and degrading manner. Several were killed when they tried to escape from the camp.

Independently of the UN sanctions as part of the Libya country regime, the EU implemented an additional non-targeted restrictive measure, namely a requirement of prior authorisation. Added in 2017 (Council of the European Union, 2017b), Article 10(2) of the 2015 Council Decision requires prior authorisation for ‘the sale, supply, transfer or export of certain vessels and motors to Libya which could be used in the smuggling of migrants and trafficking in human beings, by nationals of Member States or through the territories of Member States or using their flag vessels or aircraft’ (Council of the European Union, 2015). Such vehicles are included under Annex VII of a related Council Regulation of 2016 which specifies that ‘the competent authority concerned shall not grant authorisation [...] when there are reasonable grounds to believe that the goods would be used for the purpose of smuggling of migrants and trafficking in human beings’

²² Council Decision (CFSP) of 2015 concerning restrictive measures in view of the situation in Libya; and Council Regulation (EU) of 2016 concerning restrictive measures in view of the situation in Libya.

²³ Council Decision of 2010 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo; and Council Regulation (EC) of 2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo.

(Council of the European Union, 2016). Following adoption of this measure, during her press conference, the HR/VP Federica Mogherini expressed hopes that this will help in ‘making business and their lives more complicated’ for traffickers (Council of the European Union, 2017a).

Fully independently of the UN, the EU has so far imposed restrictive measures in relation to modern slavery as part of its EU Global Human Rights Sanctions regime adopted in December 2020 (Council of the European Union, 2020b); (Council of the European Union, 2020a). The regime directly concerns serious human rights violations and abuses worldwide, including slavery. In the case of other human rights violations and abuses, such as trafficking in human beings, it applies ‘in so far as those violations or abuses are widespread, systematic or are otherwise of serious concern as regards the objectives of the common foreign and security policy set out in Article 21 TEU’ (Article 1 (1)(c)(ii) and (d)(i) of the Council Decision (CFSP) 2020/1999). The regime allows the EU to impose sanctions for human rights abuses without the necessity to link them to specific countries, conflicts, or crises. This opportunity was not available before, limiting the EU’s ability to respond swiftly to newly emerging crises (Bayer, Pietropaoli, Torres, Vinet, & Watson, 2021).

At the time of writing, the EU had imposed human rights sanctions (travel bans and asset freezing) on three individuals and one entity in connection explicitly to forced labour. In China, Junzheng Wang—Party Secretary of the Xinjiang Production and Construction Corps (XPCC)—and the XPCC itself were listed for the XPCC’s systematic use of Uyghurs and people from other Muslim ethnic minorities as a forced workforce, in particular in cotton fields. Two North Korean government officials, the Minister of State Security, and the Minister of National Defence, were listed as responsible for widespread forced labour and sexual violence against women.

7.3.2 Effectiveness of sanctions

While data on the use of sanctions by the EU to tackle modern slavery is available, multiple factors hinder assessment of the effectiveness of these measures in tackling modern slavery practices. Limited direct evidence of the effectiveness of EU sanctions was identified during the study.

As visible from the above analysis, most of the relevant sanctions have, in fact, been imposed by the UN, with the EU fulfilling its implementation obligation. In short, the majority of modern slavery relevant sanctions are not EU sanctions. This is not criticism of the EU in any way, as sanctions imposed by the UN offer the widest possible coverage and are, in fact, preferred by the EU (Council of the European Union, 2004); (Council of the European Union, 2018, p. 24).

Evidence demonstrating a lack of effectiveness of 2018 UN sanctions against Libyan individuals was available, with the country still experiencing ‘widespread occurrences of trafficking, kidnapping for ransom, torture, forced labour, sexual and gender-based violence and killing’ (UN Panel of Experts, 2021). The UN Panel of Experts found that the assets freeze and travel ban measures applied were ineffective, most networks previously identified continued to operate through Bani Walid and other hubs, and the *de facto* manager of the Al-Nasr detention camp in Zawiyah—Osama al-Kuni Ibrahim—had committed grave human rights violations (which led to his subsequent sanctioning), while the Al-Nasr camp itself continued to operate, despite repeated claims as to its closure (UN Panel of Experts, 2021, pp. 11-13).

The sample of relevant restrictive measures creates limitations for assessment in at least two ways. The number of regimes that include modern slavery practices is too small to draw conclusions about what works and what does not in general terms. Additionally, in the case of independent EU sanctions, they have not been applied long. The listings as part of the EU Global Human Rights Sanctions regime were adopted only in March 2021. Some early evidence has been emerging in the last year concerning the case of Uyghur forced labour in China’s Xinjiang region (see further below and related case study 8.3), however evidence of impacts remains nascent. The new regime is, however, expected to confer more flexibility and

speediness to the EU's response to significant human rights violations (Bayer, Pietropaoli, Torres, Vinet, & Watson, 2021).

The small sample of relevant UN and EU sanctions could suggest that sanctions have not so far been a popular instrument to address modern slavery and forced labour. However, this overlooks the perspective whereby sanctions are most valuable when they create sufficient disincentive for actors to violate international norms and consequently do not have to be used at all. At the same time, some visible increase of relevant listings since 2018 may point to the growing recognition of sanctions as a valid way to tackle modern slavery. As part of this trend, in December 2021, Australia extended its Autonomous Sanctions Act of 2011, joining the groups of countries with Magnitsky-type legislation. It added six thematic regimes, including one related to serious violations or serious abuses of human rights, which would cover modern slavery (Minister for Foreign Affairs of Australia, 2021). More time and research are needed to observe this specific trend, which also coincides with the general mainstreaming of sanctions for human rights violations (Bronckers & Gruni, 2021, p. 47). While the EU gains more experience in applying its own regimes to cases of modern slavery, it could study in more depth the experiences of the US, which has a number of regimes allowing for designation related to human trafficking (Congressional Research Service, 2021).

The assessment of effectiveness at case-level is complicated by the fact that EU sanctions are not used in a policy vacuum. On the contrary, sanctions 'should be used as part of an integrated and comprehensive policy approach involving political dialogue, complementary efforts and other instruments' (Council of the European Union, 2018, p. 46). As our interviews show, this view is also embraced by EU officials, some of whom see sanctions as having a supporting role to those instruments which are actually meant to bring a change, such as dialogues and GSP+.

While coherence and complementarity are clearly sought and valued, evidence on Libya suggests that EU actions in the field of migration may undermine the effectiveness of sanctions (see further sections 7.8 and 7.9). While the EU implemented the UN sanctions on individuals for trafficking in human beings and migrant smuggling, there are indications that that EU's attempts to curb migration fostered the traffickers' business model in Libya, as they 'nudged actors to generate profits through exploitation and extortion' (Perroux, 2020) and contributed to the dire situation in the country (UN Panel of Experts, 2021). In fact, even the imposed non-targeted prior authorisation measure related to goods that can be used for trafficking and migrant smuggling, discussed in the previous section, seems to tackle smuggling to a higher degree than trafficking, and it remains 'blind' to the practices of trafficking and slavery taking place on land.

Besides being used in conjunction with other EU instruments, EU sanctions are usually and ideally accompanied by (or themselves accompany) sanctions and other external action instruments applied by like-minded partners. Consequently, in such a complex environment, it is difficult to determine causality and attribute specific effects to EU sanctions. By way of example, in March 2021, the EU imposed sanctions (travel bans, asset freezes, and prohibitions to make funds available) towards individuals and one entity connected with human rights abuses against Uyghurs in the Chinese Xinjiang Autonomous Region (XUAR), including two people and one entity explicitly connected to forced labour (see further section 8.3, China case study). As of October 2021, these few EU restrictive measures were part of 263 responses to human rights abuses against Uyghurs collected in the University of Nottingham Rights Lab's Xinjiang Alleged Forced Labour Coercive Measures (XJAFLCM) data set (Cockayne, 2021a). This data indicates that over 50 % of all measures have been applied by the US, followed by Canada, UK, Iceland, Lichtenstein, and Iceland (ibid). The most common types of measures identified were import/export controls, which belong to the trade toolbox, but asset/property restrictions and travel restrictions were second in frequency. As many as 40 % of the measures in force were targeted at just four individuals, and another 10 % at three public bodies. While data on actions taken is available, the full impact of those measures has not yet been assessed and determining the EU's contribution will require more extensive research.

The definition of 'effectiveness' in the context of sanctions should also be interrogated. It seems that the EU itself sees the instruments as imposed 'to bring about a change in policy or activity by the targeted country, part of a country, government, entities or individuals' (Council of the European Union, 2018, p. 5). Although, interestingly our interviewees did not see sanctions as a primary tool to achieve change, unlike with dialogues or GSP+. The perception that change of behaviour (compliance with demands) is *the* indicator of effectiveness has led commentators to frequently consider sanctions as ineffective. Compliance has generally been estimated between 20 % and 34 %, and the ratio was found similar between individually targeted sanctions and other types of sanctions (Portela, 2018, p. 21). However, the perception of effectiveness as based on compliance has been problematised, for example, by Giumelli who proposed a conceptual framework for three purposes of sanctions: coercive, constraining, and signalling (Giumelli, 2013). These may overlap and change depending on the dynamics of the situation.

Guimelli observed, albeit based on much earlier data and not explicitly related to modern slavery, that the coercive dimension is, in fact, not the dominant one in the EU practice on restrictive measures. If the EU did aim at policy or behavioural change, it should make it clear what specific actions it would like to see from targets, for instance by formulating clear conditions or de-listing criteria. The lack of clarity in the latter was observed as one of the problems with targeted sanctions (Portela, 2021). Conditions or de-listing criteria do not appear to be systematically offered in EU sanctions documentation. They are not included in the related legal documents, nor in the EU Sanctions Map, which otherwise serves as a comprehensive source of information on sanctions. When lifting conditions are provided, they are not always unambiguous or framed as actionable steps. By way of example, the conditions for lifting sanctions imposed on account of the Andijan crisis in Uzbekistan, which did not concern modern slavery, included the need for the government to take '[a]ctions demonstrating willingness to adhere to human rights, rule of law and fundamental freedoms' or 'reforms of the judiciary, law enforcement and police law', which are anything but clear (Axyonova, 2015). Availability of such conditions for all sanctions regimes and targets would also facilitate assessments of effectiveness.

Expectation of a behavioural (or policy) change following imposition of sanctions does not appear realistic in all contexts. The discussed Libyan sanctions related to modern slavery are a good illustration of when this could be the case. While one could possibly hope to change the behaviour of targeted individuals (although no evidence of such change was identified), achieving general change would require much more, as 'important segments of Libyan society rely on human trafficking and smuggling, without which many local economies would struggle or collapse' (Perroux, 2020, p. 21). In the volatile Libyan context, where unrest persists and state institutions largely fail, recourse to other instruments beyond the political is needed and coherence between instruments becomes particularly important. Specific to Libya, actions that could synergise with sanctions include, for example, creating 'alternative income and employment opportunities for youth involved in human trafficking and smuggling, and help respond to immediate needs when they arise' (Perroux, 2020, p. 22).

The way HR/VP Mogherini announced the prior authorisation measure as part of the independent EU sanctions on Libya suggests that its aim was to constrain, rather than coerce, traffickers and smugglers by making access to equipment more difficult. No specific evidence on the extent to which the EU was successful in constraining migrant smuggling and cross-border trafficking through this measure was identified within this study. More fine-grained investigation would be required for that purpose. However, reports continue to reveal the persistence of migrant smuggling and human trafficking in Libya (UN Panel of Experts, 2021) and disquieting incidents at sea (IOM, 2020a). Despite diverse efforts, including sanctions, in 2021 the US Department of State maintained Libya's status as a Special Case for the sixth consecutive year (US Department of State, 2021).

Whether sanctions against Chinese individuals tied to forced labour in the Xinjiang Uyghur Autonomous Region (XUAR) could in themselves lead to a change in behaviour or policy remains to be seen. However,

the likelihood of positive impacts has been called into question, both given prior sanction experience targeting Chinese officials and country's position in the global economy and trading system (Hendrix & Noland, 2021, p. 16). As to the international community's combined actions described above, more time is necessary to assess their impact. However, even if the coercive or constraining purposes prove eventually not to be fully achieved or measurable, it is valid to look at the counterfactual: what would the result be if no sanctions (or other measures) were imposed in response to forced labour in XUAR by the EU. The counterfactual does not sit well with the EU's promoted value system. It could send the wrong signal that the EU does not condemn the widespread state-sanctioned forced labour practices, while many other actors do, and that it is willing to tolerate the abuses. This may consequently undermine its position, ambition, and credibility as a promoter of international human rights standards. Thus, even in the absence of changing behaviour among Chinese individuals tied to forced labour in XUAR, sanctions may be effective in fulfilling a clear signalling purpose on the international stage (see further section 8.3, China case study).

A day after the EU imposed its measures, China applied countermeasures towards several EU individuals, prohibiting them from entering and conducting business on the Chinese territory. The next day, similar restrictions were extended towards North American individuals (Portela, 2021). The example of countermeasures shows that targeted sanctions have effectively established the EU's position towards Uyghur forced labour, even if they may also testify to the Chinese officials' unwillingness to constructively engage on the subject (see further case study 8.3).

While the EU joined other like-minded partners in imposing sanctions in the XUAR case, the alignment between EU action and sanction policies of like-minded countries may not always be possible given due process requirements established by the jurisprudence of the Court of Justice of the European Union (Portela, 2021). Another factor is the varied extent of investigative capacity between the EU and like-minded partners, with the US having the most developed system. As noted by an interviewed advisor to an international security organisation, developing investigative capacity at the European level is a puzzle in itself, not only in terms of establishing responsibilities, but also considering balancing the Member States level with the European level of investigations. Developing such a capacity could help the EU to better target its sanctions (for instance, by better defining listing criteria) and thus increase their effectiveness in at least two ways: by limiting the contestation of sanctions in court; and targeting those individuals and entities that matter. Both these challenges have been raised in scholarship around sanctions. While targeted sanctions (the majority of those applied by the EU) reduce collateral damage caused by more wide-sweeping measures, their scope is limited by definition to those people and entities who are specifically listed. While these sanctions may produce a similar level of compliance among targets, as indicated above, they will always be narrower in scope. Therefore, proper designation of targets is crucial for maximising effectiveness (Portela, 2018) and broader import restrictions (as discussed in section 5.3) may be necessary to facilitate change.

7.4 Multilateral cooperation for promotion and ratification of international standards

With Article 21 of the TEU (Official Journal of the European Union, 2012) stressing the need for promotion of 'an international system based on stronger multilateral cooperation and good global governance' and calling on the EU to 'develop relations and build partnerships with third countries, and international, regional or global organisations', multilateral cooperation and promotion of international standards is high on the EU external policy agenda (EEAS, 2020). Multilateralism is not only a cornerstone of European external policy, as emphasised, *inter alia*, by the 2016 EU Global Strategy (European External Action Service, 2017), but it is a real 'identity factor' for the EU (O'Sullivan, 2021). Promotion of international standards and ratification of international conventions—in particular those developed under the auspices of the UN and the Council of Europe—is continuously present in the Union's policy documents, strategies, and

programmes, including the latest EU Action Plan on Human Rights and Democracy 2020-2024 (European Commission, 2020a).

The importance of multilateral solutions and cooperation with other international and regional organisations has also been expressed in policy documents directly concerning the EU's policy against trafficking in human beings (European Commission, 2012b). The EU recognises the cross-cutting nature of the decent work agenda and its role as a responsible leader in promoting decent work globally (European Commission, 2020d); (European Commission, 2022a). While bilateral cooperation remains an important tool for standards' promotion, 'it is through multilateralism that we are able to enforce respect for common international norms and mitigate conflictual relations' (EEAS, 2020). Both dimensions, however, remain present in EU external policy.

The following section presents EU efforts in promoting international standards related to modern slavery practices and fostering their ratification by means of multilateral cooperation in the form of: (1) collaborations with international organisations, especially the ILO; and (2) via engagement on international platforms, such as Alliance 8.7. The EU also engages extensively in the promotion of international standards in its trade policy, through both trade agreements and the GSP alike, considered in detail in section 5 above.

7.4.1 Cooperation with international organisations

The importance of collaborating with international partners is frequently stressed in the EU narrative, including the latest 2020 EU Security Union Strategy and EU Action Plan on Human Rights and Democracy 2020-2024. It is also mirrored in the financial plans, which allocate significant resources to multilateral cooperation (European Commission, 2021q). Multilateral cooperation is implemented at diplomatic, legislative, and operational levels, including funding, joint projects between EU and international organisations, or technical assistance offered to the latter.

From the normative and legislative point of view, interactions between the EU and international organisations are demonstrated through various legal instruments, which contain cross-references as well as provisions dealing with their relationships. In addition to being a sign of mutual respect and will to cooperate, this cross-referencing leads to harmonised efforts, adherence to a certain hierarchy of acts, and the creation of compatible (rather than conflicting) standards. Instead of normative competition, each organisation, when elaborating a new instrument, seeks to build on top of what is already there. In that way, previous instruments, such as the Palermo Protocol, remain standard-setting, while the implementation of previous instruments becomes a way to identify gaps (Brière, 2021). This is particularly significant in addressing modern slavery practices, given the conceptual concerns, fragmentation, and 'siloing' of modern slavery practices reviewed in sections 3 and 4.

Having a separate legal personality, the European Union is a party to various instruments, including the Palermo Protocol (Council of the European Union, 2006). EU institutions are also proactive and eager to participate in the negotiations of new instruments (Brière, 2021). The European Commission had, for instance, received a mandate to negotiate the Council of Europe's Convention on Action against Trafficking in Human Beings (European Commission, 2004); (European Council, 2004) and was an active member of the Ad Hoc Committee on Action against Trafficking in Human Beings set up by the CoE for this purpose (Council of Europe, Committee of Ministers, 2003); (Council of Europe, Parliamentary Assembly, 2005).

At the operational level, the EU engages in various initiatives, including joint projects, funding, and technical assistance. The EU also actively participates in multilateral fora and engages in policy actions initiated by international stakeholders (EEAS, 2020). EU partnering organisations include, *inter alia*, the International Labour Organisation, the Organisation for Economic Co-operation and Development, the Council of Europe, the Organisation for Security and Co-operation in Europe, as well as the United Nations Office on Drugs and Crime, the International Organisation for Migration, the United Nations International

Children's Fund, the United Nations High Commissioner for Refugees, and the International Centre for Migration Policy Development.

With multilateralism playing an important role in EU external policy, the number of initiatives with EU involvement is significant. Some initiatives involve multiple actors, such as the pilot partnership created by the EU with the ILO, the OECD, and the OHCHR to provide technical support to develop national action plans in nine Latin American countries through the Responsible Business Conduct initiative (EEAS, 2020). As part of this partnership, in September 2019 the EU enabled national contact points for the OECD Guidelines for Multinational Enterprises to be trained on labour issues in Responsible Business Conduct by the International Training Centre (EEAS, 2020). The EU is also involved in an active cooperation with UN and various organisations working under its auspices, which materialises by means of numerous projects, including: the joint Global Action against Trafficking in Persons and the Smuggling of Migrants (GLO.ACT) programme; the Spotlight Initiative, a global, multi-year partnership between the EU and the UN to eliminate all forms of violence against women and girls by 2030; and the EU and UNODC three-year project aimed at supporting Egypt, Libya, Morocco, and Tunisia in dismantling migrant smuggling and human trafficking criminal networks operating in North Africa. In its joint statement of July 2021, representatives of the EU and UNODC once again reiterated the importance of cooperation and commitment towards collaborative actions.

While the portfolio of EU cooperative activities is impressive, this section—due to thematic relevance of cooperation and length constraints of the study—will focus primarily on the cooperation between the EU and the International Labour Organisation, as an exemplary illustration of synergies between the organisations in a joint effort to combat modern slavery practices.

The EU has a long history of close cooperation with the ILO in the area of promoting labour standards and addressing modern slavery practices. EU representatives actively participate in the ILO itself, through EU positions at the International Labour Conference, annual High-Level Meetings, the ILO governing body, and other tripartite meetings (ILO, 2012). The EU takes an active role in the ILO governing body and is considered an influential participant, but its engagement in ILO work goes further, including discussions on encouragement of ratification of ILO conventions (interview with representative of an EU body).

Throughout the years, the EU has progressively intensified its support for ILO standards, frameworks, and initiatives in its external policies and actions. This long-lasting support is noted to have resulted in a tangible impact on the ratification and use of core labour standards in developing countries (ILO, 2012). The EU supports the ILO's work regarding the application of the fundamental ILO conventions in a number of partner countries, including Armenia, Bangladesh, Cabo Verde, El Salvador, Guatemala, Mongolia, Myanmar, Pakistan, Panama, Paraguay, the Philippines, Thailand, and Vietnam (ILO, 2019). Through the EU's continuous efforts to eliminate child labour and its cooperation with the ILO, the EU contributed to the near-universal ratification in 2020 of the ILO Worst Forms of Child Labour Convention, 1999 (No.182) (EEAS, 2020). Joint EU and ILO efforts are also highly relevant for the promotion of labour standards in Mexico, as noted by an interviewee from Pan American Development Foundation (see further case study 8.4.2).

The cooperation between the ILO and the EU has a significant financial component. Overall, since 2015, the EU has allocated \$332.11 million (USD) for ILO projects, with the total expenditure so far amounting to \$238.27 million (USD) (ILO, 2022a). The number of projects financed ranged from 38 in 2015 to as many as 80 in 2019, and currently remains at 51.

The EU continues to provide funding to several ILO projects aimed at combatting modern slavery practices. This includes such projects as:

- the 'Clear Cotton-Eliminating Child Labour and Forced Labour in the Cotton, Textile and Garment Value Chains: An Integrated Approach' project dedicated to combatting child labour and forced labour in the

cotton, textile, and garment supply chains in Burkina Faso, Mali, Pakistan, and Peru (see further section 6.6); and

- ‘Ship to Shore Rights’, concluded in 2020, helping the Thai government to combat forced labour in the Thai fishing and seafood industries (EEAS, 2020) (see further case study 8.78.7).

Besides forced labour, in 2020 the EU provided funding for 53 ILO projects (ILO, 2020c) aimed at improving and effectively implementing labour rights, such as the ‘Towards safe, healthy and declared work in Ukraine’ project and the ‘Better Work’, a programme seeking to improve working conditions in the garment sector at factory level (EEAS, 2020). The EU is also involved in numerous interventions worldwide aimed at awareness-raising and capacity building of national administrations, representatives of employers’ and workers’ organisations, judges, and parliamentarians as a means to improve the implementation of international labour standards (ILO, 2019).

A recent evaluation of the ILO’s Decent Work Programme in Bangladesh, Nepal, Sri Lanka, and Pakistan (2018–21) funded to a significant degree by the EU, confirms that this type of EU engagement can bring results. As evidenced, the ILO makes noteworthy contributions to policy and legal framework strengthening, institutional capacity-building, knowledge creation, and awareness-raising in various areas, including labour administration, industrial relations, employment, migration and social protection (ILO Evaluation Office, 2021). The overall assessment of the projects was rather high, with relevance and effectiveness being the two most scored criteria.

Directions for improvements are also noted by evaluators, which creates opportunities for the EU to further support the ILO. Potential improvements could include a more balanced distribution of ILO technical assistance and resources between national and subnational governance levels, encompassing the needs of social partners and representatives of subnational governments and labour market institutions. With the ILO’s focus so far predominantly on national government institutions, opportunities are seen in paying more attention to the capacity-building needs and expectations of other critical stakeholders, including strengthening the capacity of subnational governments and labour market institutions to implement laws and policies, as well as the capacity of employers and workers to defend and serve their members’ interests (ILO Evaluation Office, 2021). Moreover, while the ILO has been increasingly decentralising programme management to the country and regional levels, evaluation findings highlight that administrative, financial, and human resource management systems and decision-making authority have not evolved in pace with programme management changes. Evaluation findings strongly suggest that some of the ILO’s corporate administrative procedures hindered project results. These included excessive paperwork, as well as slow recruitment and procurement processes. Insufficient decentralisation of decision-making authority, manifested by inadequate differentiation between administrative requirements governing large and small projects or expenditures, and limited discretion in human resource decisions, were likewise barriers to efficiency.

While significant evidence of the impacts of various ILO programmes relevant to modern slavery involving EU support or collaboration exists, little evidence of the specific effects of that EU engagement is available. Where the EU has contributed substantively to funding, design, or delivery of ILO programmes, a positive causal relationship to programme outcomes may be inferred. However, the effectiveness and efficiency of the engagement itself in addressing modern slavery practices in third countries—and in some cases the level of contribution—is not evidenced by these broader evaluations of programme success. In-depth interrogation of this relationship specifically could support a more nuanced evidence base on what works in EU engagement with the ILO and identification of areas for improvement.

7.4.2 EU presence on international platforms

In addition to targeted sector or region-oriented actions (see for instance the initiatives considered in section 6.4), the EU is engaged in international platforms, such as the Bali Process and OSCE Alliance against Trafficking in Persons. The OSCE's Alliance against Trafficking in Persons is an international forum bringing together international, non-governmental, and inter-governmental organisations to prevent and combat trafficking (OSCE, n.d.), in which the EU participates. The EU is also active within the OECD, maintaining a Permanent Delegation to the OECD, participating actively in OECD processes and policies, and cooperating 'fully in achieving the fundamental goals of the Organisation' (OECD, n.d.). A representative from the OECD interviewed within the study highlighted the central role of the EU in OECD policies related to modern slavery, highlighting the value generated through coordination and harmonisation of international efforts.

The EU is also involved as an observer in the Bali Process, an initiative to address human-trafficking and irregular-migration issues in the ASEAN region. It is steered by Indonesia and Australia and has more than 48 members, including the United Nations High Commissioner for Refugees, the IOM, and the UNODC. The European Commission and 12 EU Member States participate as observers. Although the EU engages in the Bali Process and supports initiatives in the region, it has not yet entered into dedicated partnerships to fight human trafficking with any of the countries in South/South-East Asia (European Court of Auditors, 2017).

Given the international dynamics of modern slavery and the various institutions operating to address these practices, the benefit to coordination from the EU's participation in international platforms can be inferred. However, there is very little evaluative evidence on the impacts of the EU's participation in these platforms in addressing modern slavery practices. Formal evaluations of the contribution of EU engagement in international platforms to the achievement of modern slavery objectives in third countries have not been conducted. This makes meaningful assessment of impacts difficult.

Box 9. A new platform for international coordination: Alliance 8.7

A new platform for international coordination: Alliance 8.7

Alliance 8.7 is a global strategic partnership committed to achieving Sustainable Development Goal Target 8.7. It aims at bringing together the different stakeholders, including international organisations (such as ILO, UNODC, UNICEF) working to combat forced labour, modern slavery, human trafficking, and child labour to better coordinate initiatives and improve data collection (Alliance 8.7, 2018). Through Alliance 8.7—for which the ILO provides the secretariat—states may request to become 'Pathfinder Country'. By doing so, they commit to going further or faster to achieve SDG target 8.7. Alliance 8.7 hosts country workshops with Pathfinder Countries, resulting in joint plans of action that serve as roadmaps for progress on SDG 8.7. To date, 26 countries have signed up to become pathfinder countries (Alliance 8.7, n.d.).

The EU has engaged with the Alliance in relation to the issue of modern slavery, including for instance in the High-Level Virtual Meeting 'Zero Tolerance for Child Labour, Forced Labour and Human Trafficking' (Alliance 8.7, 2022). However, the depth of EU engagement in this platform appears to be relatively limited. France, Germany, and the Netherlands have committed themselves as Pathfinder Countries, and as Partners of the Alliance. France also acts as the current Chair of the Global Coordinating Group (GCG). However, the EU itself is not represented on the GCG (which includes the OECD and OSCE, among others), nor as an official Partner. Further, no other EU Member State has engaged formally in this platform (although the Government of Flanders has joined as a Partner).

Evidence of the effectiveness of the Alliance in improving efforts to address modern slavery towards SDG 8.7 remains limited given the relative recency of its establishment. For instance, whether the Pathfinder framework will in practice accelerate government action remains to be seen. Some early

indications from CSOs have highlighted shortcomings in the constitution and processes of the Alliance, which could signal areas for further development and improvement. However, it is a promising framework for coordination around the SDG agenda that the EU could consider engaging more deeply. In this light, the recent commitment by the Commission to ‘take the necessary steps to become a partner of the Alliance 8.7. for the elimination of child labour, forced labour and human trafficking’ can be seen as a positive development and an opportunity for the EU to contribute to improvements (European Commission, 2022a).

7.5 Supporting labour rights frameworks and regulation

The importance of advancing a broader labour rights agenda in third country contexts to address the issue of modern slavery was underlined across a range of sources and interview responses evaluated in this study. Consistent with the approach to external policy to address modern slavery outlined in section 9, and in particular section 9.2 emphasising intersectionality and addressing root causes of modern slavery, the broader framework of labour protections in a country were underlined as central to a successful antislavery agenda. One representative of an EU body interviewed highlighted this broad connection between labour protections and resilience to modern slavery, stating ‘I don't know of any situation in the world where you have somewhat good compliance with the other fundamental labour rights, but there is massive forced labour.’

The diversity of labour protection frameworks and infrastructure in third countries was cited as a challenge to EU external action in this area. However, as identified in other policy areas, contextualised engagement through EU delegations, as well as working with local stakeholders across the relevant sectors, were highlighted to be effective tools for overcoming this obstacle. An interviewed advisor to an international security organisation further suggested the EU consider developing a framework or guidelines outlining the core requirements and expectations for national labour inspectorates (both within the EU and in third countries), informed by cross-learning from investigation of what works in both EU and third states. This could provide a basis for EU external engagement in relation to labour market regulation in third states, establishing a clear framework of expectations and core standards against which contextually responsive advocacy and programming could be advanced. For cohesion between EU action and international standards, such a framework or guidelines (while promoting EU good practices and experiences) should be consistent with the relevant ILO instruments, including the 1947 Labour Inspection Convention (No. 81), the Protocol of 1995 to the 1947 Labour Inspection Convention, and the Protocol of 2014 to the 1930 Forced Labour Convention.

The connection to development policy was further highlighted in relation to external policy efforts seeking to advance labour rights protections in third states, with a clear intersection with the development goal of ensuring decent work for all. Supporting the development of national labour inspectorates was viewed as a useful exercise for EU engagement in third countries, and a fundamental measure in addressing modern slavery effectively and sustainably. The Commission Communication on decent work worldwide adopted in February 2022 also notes the importance of labour inspections in supporting eradication of child labour and forced labour, the latter being a priority within the EU’s comprehensive approach to promoting decent work (European Commission, 2022a).

The connection to trade and due diligence policies is also evident here; such frameworks can be important levers for third country governments to improve their labour market enforcement. If not a prerequisite for effective private sector efforts by EU companies to address modern slavery risks in third countries, robust labour market enforcement within a country is a central facilitator for effective private sector action and compliance with due diligence mechanisms and import restrictions. As an interviewed advisor to an international security organisation explained, this ‘makes it easier for their own economies and their businesses to demonstrate that they are compliant with the questions raised by companies or with the

trade ban or trade ban regulations.’ Engaging private enterprises in third countries to lobby their governments for effective reforms was seen as a particularly valuable tool, engaged by trade mechanisms such as import restrictions and due diligence frameworks. The EU could therefore consider advancing support for the private sector in advocating to their national governments for such measures.

7.6 Support for human rights defenders

7.6.1 Overview of the relevant policy framework

Support for human rights defenders (HRDs) has been a long-standing element of the EU’s external action. In this section, we aim to determine the extent to which EU foreign policy instruments are applied to help individuals (or CSOs) working to eradicate modern slavery for the purpose of assessing the effectiveness of specific EU tools. However, the latter is difficult for two reasons. Firstly, the EU instruments used to support human rights defenders are often more general in nature—they cover a broad spectrum of objectives (not only support for human rights defenders) and topics (even if they target defenders, they aim at all human rights activists). Secondly, there is little evidence available on the application of these instruments to human rights defenders working specifically to eradicate modern slavery. This means that conclusions on the effectiveness of EU instruments in supporting this subset of human rights defenders are rather limited and have a ‘proxy’ character, relating to the effectiveness of the instrument overall, which can (but admittedly does not necessarily) translate to the specific situation of individuals fighting against modern slavery.

EU action to support human rights defenders has grounding both in EU law (for instance, Article 2 of the TEU) and in policy, in particular the EU Action Plan on Human Rights and Democracy 2020-2024. The latter refers to human rights defenders eighteen times and notes the importance of ‘independent civil society, enabling civic space and the support and protection of human rights defenders’ for the achievement of its objectives. In line with the Action Plan, support for human rights defenders and civil society is a large element in the strategic programming guiding EU funding.

Within the new Global Europe-NDICI framework, ‘Protecting and empowering individuals’ is the first priority of the Thematic Programme on Human Rights and Democracy Multi-Annual Indicative Programming 2021-2027. Under its axis ‘Uphold all human rights as essential to human dignity’, the priority includes promotion of decent working conditions for all, contributing to eradicating child labour, forced labour, and human trafficking, highlighting the need for supporting civil society and social partners. A separate axis of action is also devoted directly to supporting human rights defenders and countering shrinking space for civil society. Other Global Europe-NDICI programming documents relevant for human rights defenders, including those working on eradication of modern slavery and forced labour, are the Thematic Programme for Civil Society Organisations Multiannual Indicative Programme 2021-2027 and NDICI-Global Europe ‘Global Challenges’ thematic programme Multi-annual indicative programme 2021-2027. Among its priority areas, the latter foresees decent work and global action to eradicate child labour. The EEAS together with country stakeholders also develops Country Roadmaps for EU engagement with civil society (Capacity4Dev, n.d.) (see also section 6).

At an operational level, the work of the EU on the promotion and protection of human rights defenders is guided by the Ensuring protection – European Union Guidelines on Human Rights Defenders. The Guidelines are the point of reference for the work of the EEAS and EU delegations all over the world.

7.6.2 Use of foreign policy tools to support human rights defenders

Research shows that the EU’s toolbox provides human rights defenders ‘with a wide range of assistance measures and financial aid’ (Zamfir, 2018); (Amnesty International, 2019). The 2017 EP study on the shrinking civil society space concluded that the ‘EU has developed an impressive range of policy tools for pushing back against restrictions on civil society across the world’ and that ‘it has gradually improved the

way it deploys these instruments and has helped protect many activists at risk' (Youngs & Echague, 2017). Our review confirms the EU's commitment towards supporting human rights defenders and improvement in policy implementation. It also confirms Amnesty International's conclusion that 'the EU and member states are well-equipped to act for HRDs', even if challenges in terms of delivery remain (Amnesty International, 2019).

The EU raises issues related to human rights defenders, specific cases, and concerns around the civil society space during its political dialogues and dedicated human rights dialogues. The Guidelines on human rights dialogues with third countries emphasise that 'individual cases should be raised during (e.g. to illustrate an agenda item) and/or in the margin (handing over of a list) of the dialogue' (Council of the European Union, 2021c). This practice has been consistently reported, yet it is not clear to what extent these have been cases of activists working to eradicate modern slavery. The EU has also been confronted about this practice by some third countries, such as China, which refuses to engage on individual cases or sabotages meaningful exchanges on cases during dialogues (Taylor, 2020).

The EU uses multilateral cooperation platforms on human rights to protect and promote human rights defenders. As part of this, it supports the UN Special Representative on Human Rights Defenders. In 2020, it supported the renewal of the mandate of the UN Special Rapporteur (EEAS, 2020). It also provided funding for this and other relevant rapporteurs under the EIDHR (Moran, 2017, p. 21). In the Council Conclusions on EU Priorities in UN Human Rights Fora in 2022, the EU once again reiterated its willingness to support human rights defenders and civil society 'including women-led and youth-led organisations' and stated that it 'will operate to ensure their effective and meaningful participation in all UN processes' (Council of the European Union, 2022a, p. 11). The Council noted that the EU will pay attention to groups of defenders at specific risk, including 'those who defend labour rights'. The EU also cooperates with appropriate regional mechanisms to protect human rights defenders. These include the focal point on human rights defenders of the African Commission on Human and Peoples' Rights and the special Human Rights Defenders Unit within the Inter-American Commission on Human Rights, as noted in the Guidelines.

Around the world, EU delegations are the main point of contact for human rights defenders and the locus of engagement with civil societies. Apart from periodic reporting on the situation of human rights, including human rights defenders, and issuing diplomatic communications, EU delegations continue to organise meetings, field visits, and other events, monitor trials, and visit human rights defenders in prisons (EEAS, 2020, p. 25). Relevant for the subject of this report, the EU has engaged in this way, for example, in the case of a labour rights activist Andy Hall, which ended with his charges eventually being dismissed (see Box 10 below).

Box 10. EU interventions in the case of Andy Hall, labour rights activist

EU interventions in the case of Andy Hall, labour rights activist²⁴

Andy Hall is a labour rights activist who has been defending migrant workers, among others, in Thailand. In 2013, the Thai fruit processor Natural Fruit Company filed a number of complaints against him, concerning civil defamation (seeking EUR 10 million), as well as two counts of criminal defamation and broadcasting false statements. The complaints followed publication of a report, co-authored by Hall, revealing that the company had committed serious labour and human rights violations against its workers. Hall was subject to two travel bans in 2014 and 2016. In September 2016, he was sentenced to 3 years in prison for criminal defamation and broadcasting false statements, suspended for 3 years.

In October 2016, the European Parliament adopted a resolution on Thailand, calling on the government to ensure respect and protection of Andy Hall's rights, among others. Hall's situation was also raised

²⁴ Based on information compiled by Front Line Defenders (Front Line Defenders, n.d.).

repeatedly at high level with the Thai authorities, while European diplomats from the EU Delegation and Member States were regularly present at his key trial sessions (Parliamentary questions, 2016).

In November 2016, Hall left Thailand fearing for his safety, while different judicial proceedings were continued. In June 2018, criminal charges against Hall were dismissed. The acquittal was then upheld in June 2020 by the Supreme Court.

In research conducted by Bennet, referring to experiences in Thailand and Kyrgyzstan, representatives of INGOs and diplomats agreed that EU coordinating, and mission diplomats engaging in, trial monitoring was a good practice (Bennett, 2015). Case studies analysed by Amnesty International also show that these types of engagement are appreciated by human rights defenders. For example, Burundi human rights defenders 'welcomed EU and member state trial observation as they reported feeling supported by this activity and believed it has a positive influence on the judicial authorities' (Amnesty International, 2019, p. 24). This line of work should therefore be continued and strengthened as an effective way of engaging on behalf of human rights defenders.

To develop the EU's capacity to better engage with HRDs, the EU initiated the process of setting up human rights focal points and liaison officers in EU delegations (Zamfir, 2018). In 2016, Vice-President Mogherini reported that the 'objective of establishing a network of human rights and democracy (HR & D) focal points in EU Delegations [...] has been completed' (Mogherini, 2016). She noted that EU delegations had been requested to publish the contact details of such focal points and liaison officers on their websites and that this had been done. However, a review of randomly picked delegation websites shows that this information is not always available, which makes accessing EU diplomats more difficult for human rights defenders and leaves space for improvements in the future.

The EU uses various diplomatic tools, such as statements issued at different levels (for instance, by the HR/VP or the EU Special Representative for human rights), demarches, and other types of communications in support of human rights defenders around the world, also raising individual cases.

The European Parliament is particularly vocal in continuously supporting human rights and defenders around the world, as the Andy Hall case above shows. The EP organises topical hearings and other events. It also adopts resolutions, including urgency resolutions, related to human rights situations in third countries, which habitually give support to human rights defenders and civil society organisations. One of the most recent examples was the Resolution of 16 December 2021 on forced labour in the Linglong factory and environmental protests in Serbia (2021/3020(RSP)). The European Parliament expressed 'deep concerns over the alleged forced labour, violation of human rights and human trafficking of around 500 Vietnamese people at the Chinese Linglong Tire factory construction site in Serbia'. It urged the authorities to investigate allegations and bring perpetrators to justice, while also allowing NGOs, the EU, and the international community to access the factory and workers' lodging facilities. The MEPs noted that the events 'involve allegations of intimidation and physical attacks against media workers, activists, civil society organisations (CSOs) and non-governmental organisations'. On that occasion, the European Parliament called on Serbian authorities to align Serbian labour law with EU law and international labour standards, including those of the ILO. While the media reported no investigations being conducted into the matter by Serbian authorities, there are indications that the situation of workers has improved following international attention and media pressure (Dragojlo, 2022), again suggesting that the European Parliament's endorsements have potential for being effective.

7.6.3 Effectiveness of foreign policy tools in supporting anti-slavery human rights defenders

Before the current programming, the EU provided substantial financial support to human rights defenders under the EIDHR, especially under 'Specific Objective 1 — Support to human rights and human rights defenders in situations where they are most at risk', including for actions related to modern slavery. The support included different modalities, with four particularly relevant for human rights defenders:

1. Grants under the Country Based Support Schemes, managed and monitored by EU Delegations;
2. Grants through 'Global' calls in different lots;
3. Emergency grants to HRDs at risk under the EIDHR Emergency Fund and ProtectDefenders.eu; and
4. Confidential grants under the Human Rights Crisis Facility to CSOs and HRDs (Moran, 2017).

The 2017 evaluation of the EIDHR showed 'increased funding allocated to HRDs and increased flexibility to address specific challenges faced by individual HRDs', highlighting the value of the Human Rights Crises Facility and ProtectDefenders.eu (Moran, 2017). The evaluation emphasised the effectiveness of EIDHR support in saving lives and enabling HRDs to continue their activities. It also showed an increase in funding committed to economic, social, and cultural rights between 2011-2013 and 2014-2017 EIDHR periods. In the case of labour rights and modern slavery, such as human trafficking, the commitments were raised from over EUR 4 million to over EUR 12 million (Moran, 2017, p. 26). The above-mentioned Thematic Programme on Human Rights and Democracy Multi-Annual Indicative Programming 2021-2027 in the priority 'Promoting decent working conditions for all' will continue to 'support actions contributing to monitoring, preventing, remediating and raising awareness on child labour and forced labour, which are particularly pervasive in the informal economy and in certain economic sectors, and are increasingly present in local and global supply chains.'

Overall, the EU makes a significant effort to support human rights defenders in its external actions and has fulfilled this commitment both directly and indirectly. These actions surely include human rights defenders working on modern slavery and forced labour. Indeed, several relevant cases have been identified in this report, including Andy Hall's above. Another case in which the EU could have played a role, although clear attribution cannot be determined based on our evidence, is that of the antislavery activist Elena Uraleva, a member of Human Rights Defenders Alliance of Uzbekistan (see Box 11 below). Such cases testify both to the symbolic importance of EU actions, and to their potential for bringing positive results vis-à-vis this group of defenders.

Box 11. The case of Elena Uraleva, an antislavery human rights defender in Uzbekistan

The case of Elena Uraleva, an antislavery human rights defender in Uzbekistan

Elena Uraleva's work helped to uncover systematic state-led forced labour in the cotton fields in several regions of Uzbekistan. Multiple times, she was incarcerated and in 2017 put in forced psychiatric confinement to prevent her from participating in ILO and UN meetings. She was released after 24 days (Frontline Defenders, 2021), which could have been connected to an in-hospital televised interview that had shown Uraleva under the influence of psychiatric medications. Another important factor could have been, upcoming at that time, the EU-Central Asia meeting of foreign ministers in Uzbekistan in the fall of 2017 and the high-level EU-Central Asia political dialogue on 'security and counter-terrorism' in Bishkek in May-June 2017. This may have served as a platform to criticise Uzbekistan government for imprisoning HRDs (Borsuk, 2017).

Overall, the visibility of modern slavery human rights defenders as a specific target of support is relatively limited. At the same time, labour rights activists emerge as one of the groups both often targeted by

repression and singled out as vulnerable and requiring specific EU support. The ProtectDefenders portal provides a list of alerts and attacks against human rights defenders, divided according to their field of activity, including the labour rights category.²⁵ Between 2020-2022, none of the over 40 alerts within the labour rights category were visibly connected to antislavery human rights defenders. That could be related to the fact that alerts are based on secondary resources, mainly from organisations monitoring and reporting dangers to human rights defenders. Such monitoring reports rarely refer to defenders working towards modern slavery eradication, which raises questions as to the reasons for this lower representation of antislavery activists. It could be that such activists are overall less vulnerable, but attention paid to this group may also be lower.

Notably, the 2020 ProtectDefenders.eu Annual Report mentions activities aimed to reach less-connected defenders based on an annually revised list of countries and vulnerable groups. While the report does not contain the 2020 vulnerable countries list, the list of vulnerable groups does not include human rights defenders working towards the eradication of modern slavery (ProtectDefenders.eu, 2020). Considering the hidden nature of modern slavery and Bennet's discussion on the importance of human rights defenders' visibility, adding activism against modern slavery as a vulnerability factor and/or planning outreach among this group could increase their representation in EU action, including the ProtectDefenders mechanism, and allow for a more accurate assessment of the anti-slavery movement's needs.

Sometimes, engagement with the EU may expose defenders to harassment, as was the case of the antislavery activist Ambika Satkunanathan. She was targeted by the Sri Lankan Government over European Parliament testimony given about the state of human rights in the country (Amnesty International, 2022). While her testimony delivered an overview of different human rights, it is worth mentioning that her activity relates to antislavery topics. She is the author of the report *Broken System Drug Control, Detention and Treatment of People Who Use Drugs in Sri Lanka*, which discusses the use of forced labour as a drug rehabilitation measure. Considering that repression came after testimony to the EP, it would be worth considering if any additional external policy measures should be applied towards whistle-blowers cooperating with the EU.

Box 12. Anti-slavery human rights defenders in Mauritania

Anti-slavery human rights defenders in Mauritania

Slavery persists in Mauritania, even though the country formally abolished slavery in 1981 and criminalised it in 2007. The Initiative for the Resurgence of the Abolitionist Movement (IRA) has been a critical group, working towards modern slavery eradication. However, the group has encountered numerous repressions, including problems with registering their NGO (which could legalise their activity) and securing of funds, unfair trials, and incarceration of the group's members. NGOs have denounced the repression of IRA, calling on third countries to support IRA and on the Mauritanian government to stop the repression (Frontline Defenders, 2020); (Human Rights Watch, 2018).

With his rise to power, the new president Mohamed Ould Sheikh Al-Ghazwani entered into a dialogue with IRA, resulting in the legalisation of the group's activity. However, new press releases suggest that IRA was not satisfied with governmental progress and called for more actions, which caused a split within the group. Some IRA members announced that they would continue their antislavery activity and create a pro-human rights political party. While obtaining legal identity for a new organisation should not be an obstacle this time, the question remains whether the new political environment can cause

²⁵ Accessible at <https://protectdefenders.eu/>

further challenges to human rights defenders' activity in Mauritania and hamper anti-slavery actions (Nasr, 2022); (RFI, 2021).

In 2020, one of the key priority areas for EU actions in Mauritania was to put 'an end to practices of slavery'. Including an action towards antislavery human rights defenders could be one potential solution to develop further (EEAS, 2021c).

While cases were identified, no assessments were found specifically and systematically addressing the effectiveness of foreign policy instruments in supporting human rights defenders working to eradicate modern slavery practices. With limited evidence, it is difficult to distinguish any particularities and specific needs of antislavery activists, as well as track and establish what works to support them in particular. To address these questions, it would be helpful to use the available ProtectDefenders mechanism and pay special attention to outreach targeting antislavery defenders or conduct independent research on anti-slavery HRDs. The case of Ambika Satkunanathan and interview feedback on the cooperation with civil society in Mexico indicate that special caution needs to be taken while cooperating with human rights defenders working in hostile environments, even if visibility of support is also seen as a value.

Some assessments of support for human rights defenders in general were identified, which is likely to be valid also for the specific groups of human rights defenders of interest to this report. For example, as already hinted above, Bennet highlighted that good practices in EU action included: 'accompanying HRDs to airports to ensure security; monitoring HRD hearings and trials; providing financial and logistical support to HRDs in emergency situations; supporting HRDs needing respite or health-related assistance; challenging laws that criminalise HRDs; developing European diplomats' outreach initiatives to HRDs; supporting HRD protection networks; requesting information from state authorities on HRD cases of serious concern; supporting HRD participation with state and national human rights institutions; and intervening with 'quiet diplomacy' on behalf of HRD cases of concern' (Bennett, 2015). However, she also noticed challenges, such as: non-systematic and patchy implementation of EU Guidelines; limited knowledge of Guidelines and little awareness of their contents among EU diplomats worldwide; lacking engagement among diplomats from non-political sections; limited knowledge-sharing and documentation to ensure institutional memory; lacking engagement among EU diplomats outside of capitals and limited access to funding in remote locations (ibid). Bennet highlighted that EU messaging was sometimes weak, noting that it would have been better for the EU to coordinate with other actors who are better positioned to act effectively instead of releasing diluted demarches.

Some of Bennet's observations are echoed in the 2019 assessment by Amnesty International. The organisation also noticed the reactive nature of EU action and weak messaging around particular cases, especially messaging outside the European Parliament. Common threads also related to limitations of quiet diplomacy, with Amnesty noting that 'the lack of visibility given to certain EU actions risks limiting their positive impact for HRDs and obscures what type of support HRDs can expect from the EU'. Some other findings from the 2019 assessment related to disparities in reactions towards different countries, based on such factors as 'the state of the EU's relations with a third country, the level at which public messaging is issued, the individual HRD involved and the personal engagement of EU or member state staff'. The CSO saw this as testifying to the 'lack of overall strategy and predictability in the EU's efforts to support HRDs', which creates a risk that EU action will be 'perceived as arbitrary at best and politically motivated at worst' (Amnesty International, 2019, p. 8). Importantly though the EU was not considered as failing in supporting human rights defenders, weaknesses were identified in inconsistencies in implementation. Both evaluations do not so much suggest a need for new instruments or institutional developments at EU level, as they highlight the importance of improving the practice around the already existing and wide toolbox.

7.7 Combatting impunity through transnational criminal justice and criminal cooperation

The role of the EU as a 'global crime fighter', defining criminal acts and providing models for enforcing criminal laws and policing, is clearly established (Russo & Stambol, 2021). Frameworks for transnational criminal justice between EU countries and third countries were identified as a significant aspect of the EU's external policy in addressing modern slavery, and particularly emphasised by respondents with a connection to law enforcement or criminal justice frameworks in their organisations or backgrounds. In this context, the high value of internal mechanisms of the EU in facilitating coordination of law enforcement and criminal justice actors was underlined, with potential for lessons learned to be translated to mechanisms for transnational criminal cooperation with third countries.

In 2020, significant work was conducted to ensure that international and transnational criminal justice remained high on the EU's policy agenda and was reflected in relevant human rights consultations and dialogues with partner countries, such as Colombia, Myanmar, and Ukraine. This included advocating for the ratification of the Rome Statute by the remaining 46 countries (EEAS, 2020). As part of its efforts in relation to international justice, the EU provides political, diplomatic, operational and financial support to the International Criminal Court (ICC), it also supports other international criminal tribunals and *ad hoc* national tribunals, as well as truth and reconciliation commissions and redress mechanisms to protect victims' right to justice. In 2020, EU action in support of the ICC focused on helping the Court to counter external attacks, in particular through advocacy and EU statements and interventions in support of the Court's independence and integrity (EEAS, 2020). Recently, the ICC found Bosco Ntaganda guilty of, among others, enslavement of individuals under the age of 15 and sexual enslavement. While the sentence was passed in 2019, as of March 2021, his conviction and sentence are final (ICC, 2021). This case of an indictment and conviction on the grounds of slavery provides slavery survivors with an additional opportunity to seek criminal justice through international avenues.

The activity of the EU Agency for Criminal Justice Cooperation (Eurojust) is an important effort in the context of transnational criminal justice, thanks to which joint investigation teams (JITs) and frameworks for intelligence sharing are operational. Moreover, as a result of cooperation with third countries, Eurojust has established a worldwide network of dedicated contact points, covering (as per data from 2019) a total of fifty-two third countries, which 'often proves to be very useful to national authorities of Member States' (Škrlec, 2019).

Joint investigation teams and frameworks for intelligence sharing were reported to be particularly important and effective mechanisms enabling successful transnational criminal justice outcomes. Without established frameworks in place for such mechanisms, investigations were reported to be hampered by reliance on stakeholders in third countries progressing the case, when the incentive structures within their context did not always facilitate this. As a CSO representative interviewed explained, without an established cooperation framework in criminal matters, investigators are reliant on officers in third countries to lead, which can cause additional issues in applying for funding and the approach of the investigation.

Box 13. EU Common Operational Partnerships

EU Common Operational Partnerships

Regional and national Common Operational Partnerships facilitate joint actions and allow capacity building for law enforcement and judicial authorities in the EU's partner countries for the exchange of best practices and information sharing (European Commission, 2021b, p. 9). The EC reports Common Operational Partnerships to be effective tools tailored to the needs of partner countries to combat organised crime networks involved in migrant smuggling and trafficking in human beings by providing

support for training, mentoring, exchange of information, and provision of equipment (ibid). The EU recently allocated EUR 11 million from its Internal Security Fund for Common Operational Partnerships projects to prevent and fight against migrant smuggling with competent authorities of third countries (European Union, 2022).

Eurojust builds cooperation with third countries to tackle serious organised cross-border crime. It has entered into cooperation agreements with 12 third countries (Albania, Montenegro, North Macedonia, Serbia, Georgia, Iceland, Liechtenstein, Moldova, Norway, Switzerland, Ukraine, and the USA) to create ‘an enabling environment in which third countries can participate in and benefit from the practical cooperation tools’ in investigating and prosecuting transnational crime including migrant smuggling and trafficking in persons (Eurojust, n.d.). These agreements allow authorities in third countries to post Liaison Prosecutors at Eurojust’s headquarters to work with their colleagues from EU Member States and to access Eurojust’s operational tools (ibid). Eurojust’s JITS take coordinated action against migrant smuggling networks. In January 2022, a JIT operation between judicial and law enforcement authorities in Italy, Greece and Albania led to the arrest of 29 migrant smugglers who were of Albanian, Turkish, Syrian, Iranian, Iraqi, and Pakistani origin (Eurojust, 2022).

Since 2016, the Joint Investigation Team in Niger contributed to the arrest of 554 suspects and 338 court cases by supporting identification of 50 national and 138 international criminal networks engaging in migrant smuggling and trafficking in persons (European Commission, 2021b). The EU funded project, Countering Serious Crime in the Western Balkans, created five JITS and supported 115 criminal investigations leading to 37 prosecutions, fourteen of which concerned trafficking in human beings and migrant smuggling (ibid, p. 10). The Africa-Frontex Intelligence Community is a joint action of the EU and the African countries, supporting ‘analytical, preventive and operational capacities in the fight against migrant smuggling’. This scheme enabled information exchange between Gambia and Sierra Leone to lead to the arrest in a trafficking case where thirteen Sierra Leonean nationals (ten of whom were under 18 years old) were trafficked (ibid, p. 7).

Information and intelligence sharing is fundamental to the success of transnational criminal justice mechanisms, but not without challenges and risks. Coordinated frameworks for information sharing are valuable in reducing the bureaucracy of intelligence sharing and preventing the need for instance to agree *ad hoc* legal agreements. Sharing intelligence was further noted by interviewees to provide a clearer picture of modern slavery trends of high value for identifying and investigating potential situations of modern slavery. However, the sensitivity of some data and the different cultural norms and contextual specificities of law enforcement agencies mean that intelligence sharing must be approached with some care, particularly where there are risks of corruption amongst law enforcement actors that might place victims at further risk. Tailored and responsive approaches to information sharing for different kinds of third country contexts provides a potentially useful solution, with comprehensive information sharing for third country law enforcement actors deemed ‘safe’, and more limited sharing—for instance on typologies of modern slavery rather than individual cases—in countries that pose a potential risk.

Diverging norms in different country contexts and perceptions of what conduct should be framed as wrongful or criminal as also create potential tensions in transnational criminal cooperation. This includes different perspectives on what constitutes modern slavery (or more often trafficking), as well as on who ought to be characterised as a victim. Structural discrimination embedded in particular contexts is a relevant consideration in this regard, warranting specific attention by EU bodies in ensuring victims from marginalised populations are also identified and supported. Despite these challenges, the benefits of a more nuanced understanding of contextual norms and challenges was also highlighted by interviewees as a strength of cross-cultural engagement in transnational criminal justice. Local actors operating in third country contexts provide important expertise and understanding that can help complete the picture, explaining modern slavery trends and patterns and thereby contributing meaningfully to more effective

interventions. An interviewed CSO representative highlighted in particular the need for partnering with local individuals in third countries and flagged the issue of repatriation as requiring attention. While connections between repatriation and criminal justice may not be evident, securing safe repatriation for slavery survivors can help them to pursue criminal justice in their countries.

Reliance on interpersonal relationships and particular individuals within law enforcement contexts in third countries was noted by interviewees to be a frequent limitation in coordination with these actors. The strength of potential relationships within this context was also reported to produce great value in facilitating effective coordination, with trust representing an important element of effective engagement in this context. However, clear downsides were also evidenced where that person moved on or changed positions, or where that interpersonal relationship did not exist between relevant institutions. The EU advocating for centralised responsibilities for transnational criminal cooperation in relation to modern slavery cases was therefore suggested.

Overall, when it comes to transnational criminal justice between the EU and third countries, having a policy that integrates operational perspectives rather than is designed and developed at a higher level of abstraction was noted by interviewees to be fundamental to success. As another interviewed CSO representative explained:

Now they're quite often agreed at quite strategic level. So, you know politicians... will agree that we will work closer together. And, sometimes what's missing... is that operational or that practitioner's view of a discussion of exactly how that's going to happen... the important thing is... ensuring that the structures are clear, that they are communicated with those that will have operational responsibility for ensuring that they [are] used.

The EU does put effort into holistic security sector reform and the rule of law. However, many projects are focused on border infrastructure. The judiciary and criminal justice seem to have received relatively less attention and aid. Patterns of crime governance show that the EU does not connect with its JHA specialised agencies in the same way, relying more on Frontex and Europol and to a lesser extent on Eurojust, the EU Agency for Law Enforcement Training (CEPOL), and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). There is also a call for greater local engagement and non-governmental involvement in this area. Specifically, the human trafficking projects gathered and analysed by Russo and Stambol were implemented as the result of increasing migration. Therefore, these were focused on responding to emerging challenges rather than crime prevention or capacity-building with relation to human trafficking (Russo & Stambol, *The External Dimension of the EU's Fight against Transnational Crime: Transferring Political Rationalities of Crime Control*, 2021).

Extraterritorial jurisdiction continues to be a concerning topic given the perception of some legal limitations. The extent to which Member States exercise their jurisdiction in cases of human trafficking may be limited, since the Anti-Trafficking Directive authorises them to exercise it in cases where the offence is committed within their territory or if the offender is one of their own nationals. However, it does not mandate Member States to exercise jurisdiction where an offence is committed for the benefit of a legal person established in its territory (Ryngaert, 2018). In contrast, the US has a broad extraterritorial authority to prosecute human trafficking crimes under the Trafficking Victims Protection Act (2020), reaching any individual or entity that knowingly benefits from those crimes, including forced labour. Nonetheless, the US does not have the authority to prosecute non-citizen or non-permanent residents in the US when charges are brought (Task Force on Human Trafficking in Fishing in International Waters, 2021).

7.8 Common Security and Defence Policy (CSDP)

To address security challenges related to irregular migration, the EU and its Member States have established Common Security and Defence Policy (CSDP) missions, which enhance cooperation between CSDP and EU agencies to bridge internal and external security issues (European Commission, 2021b). Activities undertaken under the CSDP framework include supporting host states in their efforts to control and prevent irregular migration to ensure border management and combat migrant smuggling and trafficking in human beings, as well as to address insecurity and poor rule of law systems as a root cause of irregular migration (ibid, p. 8). In the New Pact on Migration and Asylum, the EC reiterated the importance of CSDP operations and missions in contributing to the fight against irregular migration and migrant smuggling as a part of their mandates (European Commission, 2020e, p. 16). A selection of such missions is briefly presented in this chapter.

7.8.1 Operation Sophia

Since 2014, the EU has been taking measures to respond to irregular migrants trying to cross European borders through human smugglers (European Union Committee, 2016). In a 2016 report, Europol found that smugglers facilitated more than 90 % of migrants travelling to the EU through ‘irregular’ channels (Europol, 2016a). Europol further noted that the ‘group of people vulnerable for labour or sexual exploitation is increasing’ (ibid, p. 12). In a special meeting held in April 2015, the European Council stated that the EU ‘will mobilise all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the human emergency that we face, in cooperation with the countries of origin and transit’ by strengthening the EU’s presence ‘at sea, to fight the traffickers, to prevent illegal migration flows and to reinforce internal solidarity and responsibility’ (European Council, 2015).

To address irregular migration and tackle human smuggling, the EU launched the Common Security and Defence Policy (CSDP) mission (EUNAVFOR MED) in the Southern Central Mediterranean, which was later renamed as Operation Sophia. The mandate of Operation Sophia was to tackle human smuggling and trafficking in three sequential phases:

1. Phase I of the mission focused on monitoring and intelligence gathering regarding migration networks on the high seas in accordance with international law.
2. Phase II was to search, seize, and divert vessels suspected of being used for human smuggling or trafficking on the high seas (Phase IIA) and Libyan territorial waters (Phase IIB).
3. Phase III was to undertake any necessary activities, ‘taking operational measures against vessels and related assets suspected of being used for human smuggling or trafficking inside the coastal states territory’.

Operation Sophia was defined as ‘a military crisis management operation contributing to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean, achieved by undertaking systematic efforts to identify, capture and dispose of vessels and assets used or suspected of being used by smugglers and traffickers’ (European Council, 2016).

The agreement of Operation Sophia has been noted to have been deployed rapidly in response to crisis events. Johansen noted that Operation Sophia demonstrated the EU’s ability to ‘quickly agree on a common objective and to select and employ an instrument in record time’ (2017). Boşilcă, Stenberg, and Riddervold argue that the crisis nature of decision-making led to EU policy-makers turning to ‘readily available templates for action’ to advance the initiative within a short timeframe. It is this rapid timeframe that Boşilcă, Stenberg, and Riddervold consider to explain what they describe as the ‘puzzling decision to launch a military mission in response to a civilian and humanitarian crisis’ (2021). This overall approach was also criticised by the UK House of Lords European Union Committee, which considered that ‘a military response can never, in itself, solve the problem of irregular migration’ (2016, p. 34). Amnesty International

further argued that the EU's focus on 'security and stopping migration in general does not address root causes', and rather 'risks exacerbating them by encouraging [European] governments to fail or refuse to meet their human rights obligations... thereby giving further opportunity for smugglers and other abusers' (House of Lords European Union Committee, 2017, p. 9). The House of Lords European Union Committee concluded that the failure to address the root causes of irregular migration meant that the mission constituted a response 'to symptoms, not causes' (House of Lords European Union Committee, 2016, p. 3).

In addition to concerns over the overall design of Operation Sophia and the choice to deploy military measures in response to a humanitarian crisis, criticisms have also been identified in relation to the implementation and impacts of the mission. Tardy outlines political and legal issues that have prevented the full implementation of Operation Sophia and undermined effectiveness, including the volatility of the situation in Libya and challenges to prosecution where smugglers were caught in Libyan territorial waters (2017). However, Tardy also recognises several positive impacts of the mission, including establishing relations with other international actors operating in the same area with 'relatively seamless' information sharing, increasing 'situational awareness' of the EU in its area of operation, and potentially deterring or complicating trafficking (although no evidence of the latter was identified).

In a 2017 study, Johansen found that the mission had 'displayed a fairly low degree of strategic capacity', 'contributed little to the formal objective of disrupting and dismantling human smuggling networks in the Central Mediterranean', and had an 'adverse effect on this objective' in some areas as most 'smugglers' apprehended were migrants unable to afford regular tickets rather than 'real members of smuggling networks' (2017, pp. 521-522). The House of Lords European Union Committee found that Operation Sophia had 'failed to achieve its objective of "contributing to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean"' and that smugglers had adapted to more dangerous methods to avoid detection (2017). To avoid stop, search, and seizure by Operation Sophia, smugglers were reported to have used different kinds of unseaworthy boats, stayed away from where the mission operated, and sent migrants without escorts from the smuggling group, increasing risk to vulnerable migrants (ibid, p. 7). Tardy likewise noted the unintended consequence of the mission as smugglers adapted to more dangerous methods, as well as creating a 'pull factor' for migrants that undermined deterrence (Tardy, 2017).

On 31 March 2020, Operation Sophia was officially terminated, and replaced by Operation EUNAVFOR MED IRINI.

7.8.2 Operation Irini

On 31 March 2020, the European Council launched Operation EUNAVFOR MED IRINI as a direct response to the commitments made by the participants at the Berlin Conference on Libya on 19 January 2020 (European Council, 2020). During the Berlin Conference, it was highlighted that international actors and the Libyan authorities should address 'all acts of migrant smuggling and fight human trafficking into, through and from the Libyan territory and off the coast of Libya and hold accountable those responsible' (German Federal Foreign Office, 2020). The core aim of Operation IRINI is to contribute to the implementation of the UN arms embargo through the use of aerial, satellite, and maritime assets (European Council, 2020). The mission will conduct inspections of vessels on the high seas off the coast of Libya suspected to be carrying arms or related material to and from Libya in accordance with UN Security Council Resolution 2292 (2016) (ibid). The secondary tasks of Operation IRINI include the disruption of the business model of human smuggling and trafficking networks through information gathering and patrolling carried out by aerial assets above the high seas (European Council, 2020, p. 12).

Compared to Operation Sophia, the goal of Operation IRINI is narrower in the sense that its primary mission focuses on the implementation of the UN's arms embargo on Libya. This signals that it is no longer the EU's

priority to address irregular migration and to prevent human smuggling and human trafficking in the Southern Central Mediterranean (Kirtzman, 2020). As Operation IRINI is a new EU initiative, its impact on irregular migration, human smuggling and human trafficking remains to be seen.

7.8.3 EUCAP Sahel Niger

In the context of CSDP, the EU launched EUCAP SAHEL in Niger in July 2012. EUCAP SAHEL Niger was established as a response to the rise of violent extremism and organised crime, such as drug trafficking, arms trafficking, and human trafficking, which ultimately pose risks for stability in Europe (EUCAP Sahel Niger, n.d.). As a key element of the EU's strategy for security and development in the Sahel, EUCAP Sahel Niger permanently deployed around 120 Europeans from security and civilian institutions to strengthen the internal security sector to protect local populations and guarantee security interests in Europe (ibid). The mission is stated to contribute to 'the development of an integrated, coherent, sustainable, and human rights-based approach among the various Nigerien security agencies in the fight against terrorism and organised crime' (EU External Action, 2018).

In 2015, the fight against irregular migration and associated criminal activities was added as a new objective of EUCAP SAHEL Niger (ibid). The Mission has trained around 12,000 members of Niger's internal security forces, armed forces, and judiciary, supported intelligence collection and sharing between forces, developed forensic expertise, improved teaching capacity of the security forces, and ensured the fight against terrorism, organised crime, and irregular migration networks is conducted on a legal basis (ibid). Its operations are reported to contribute to 'a better control of the irregular migration flows and its related crimes, such as human smuggling, arms or drugs trafficking or forgery of documents' (ibid).

In 2018, the European Court of Auditors (ECA) found that EUCAP Sahel Niger had contributed to strengthening capacity in a challenging context but encountered difficulties that reduced the efficiency and sustainability of operations (European Court of Auditors, 2018). For instance, the ECA reported success in the provision of training, equipment, and advice but little success in making capacity building activities sustainable. The lack of robust impact evaluation frameworks beyond assessment of activities was also highlighted as a shortcoming, resulting in limited evidence generation on the broader impacts of the mission. Despite addressing trafficking being included in the objectives of the mission, the ECA did not specifically consider impacts on this practice, reflecting the overall limited evidence in the effects of the mission on modern slavery.

7.8.4 EUCAP Sahel Mali

EUCAP Sahel Mali was established in 2015 as a European Union civilian mission based in Bamako over an official invitation by the Malian government to seek support for the internal security forces with reasserting the government's authority over the whole of the country in the wake of the 'Northern Mali Crisis' (Council of the European Union, 2021a). EUCAP Sahel Mali aims to provide support in the areas of human resources management, counterterrorism, organised crime, border management, logistics management, rule of law, fight against impunity and the redeployment of the civilian administration (EUCAP Sahel Mali, 2016). The Council of the European Union extended the mandate of EUCAP Sahel Mali until 31 January 2023 with an additional budget of over EUR 89 million for the period from 15 January 2021 to 31 January 2023 (Council of the European Union, 2021a).

Even though the mandate of the mission did not make any reference to trafficking in human beings, it is still relevant to modern slavery because of the presence of traffickers and organised crime groups in Mali (European Court of Auditors, 2018). After assessing the effectiveness and impact of both EUCAP SAHEL Niger and EUCAP Sahel Mali, the ECA concluded that 'the Missions contributed towards strengthening the capacity of the forces responsible for internal security', but that various challenges impeded the effectiveness and sustainability of the missions (ibid).

7.9 External migration policy

The intersections between migration and modern slavery are now well established. Migrant workers around the world are considered particularly vulnerable to exploitation. Migration journeys can place people on the move in situations of extreme vulnerability to violence and abuse—including exploitation and trafficking along the journey, in sites of transit, and in destination contexts. This was highlighted by the EC in the New Pact on Migration and Asylum, stating that the ‘risks of trafficking along migration routes are high, notably the risk for women and girls of becoming victims of trafficking for sexual exploitation or other forms of gender-based violence’ (European Commission, 2020e, p. 7). The UNODC has likewise found that migrants in vulnerable situations—such as smuggling—are subject to a wide range of abuses, including violence, extortion, exploitation, rape, theft, kidnapping and homicide (2018).

Many of the factors driving precarious migration are also key risk factors for modern slavery. A 2019 study by IOM and Walk Free reports that migrants are particularly vulnerable to modern slavery in ‘any situation or place where the authority of the State and society is unable to protect them, either through lack of capacity, absence of applicable laws or simple neglect’ (David, Bryant, & Joudo Larsen, 2019, p. 5). This includes when people are fleeing violence and conflict; dislocated from community and family support without access to legitimate employment, legal status, and social protection; moving or working through irregular channels; and working in sectors that are out of sight or informal (ibid).

There is also a link between migrant smuggling and trafficking in persons and economic challenges in origin countries, in transit, and at ‘destination’ (including in Europe). People become more vulnerable to smuggling and trafficking in the origin countries where they struggle to find jobs, while ‘weakening economic conditions in the EU may increase the demand for cheap labour on the black market, which is more likely to attract irregular migrants and lead to labour exploitation, including forced labour’ (European Commission, 2021b, p. 3). Further, desperate migrants seek to use services provided by migrant smugglers, more than half of whom are ‘poly-criminals’ involved in a variety of crimes including trafficking in persons, drug and firearms trafficking, excise fraud, and money laundering (Europol, 2021, p. 68). Sham marriages are also used as part of fraud schemes ‘luring (mainly) women in vulnerable positions into what seems to be “easy money” but instead traps them in a web of exploitation and abuse’ (Eurojust, 2020).

The intersection between migration policy and efforts to address modern slavery in third countries is clear and the EU has engaged with this nexus in a number of instruments. Regulation 2016/1624 includes measures related to the prevention and detection of cross-border crime, including trafficking in human beings (European Union, 2016). The EC’s 2015 Agenda on Migration aimed to address the underlying causes of irregular migration in third country contexts and expressly included the fight against trafficking in persons (European Communication, 2015). The Khartoum Process is intended to tackle the mixed migration flows of irregular migrants, refugees, and people seeking asylum from the Horn of Africa to Europe, between origin, transit, and destination (Khartoum Process, n.d.).

In the Renewed EU Action Plan against Migrant Smuggling for 2021-2025, the European Commission explained that partner countries should be supported ‘on the whole range of migration-related aspects’, including protecting those in need, tackling the root causes of irregular migration, creating job opportunities, promoting decent work, ensuring legal migration and safe legal routes to Europe, and strengthening border and migration management capacities (European Commission, 2021b, p. 1). The Renewed EU Action Plan against Migrant Smuggling sets out five main pillars of action:

1. Reinforced cooperation with partner countries and international organisations;
2. Implementing the legal frameworks and sanctioning smugglers active within and outside the EU;
3. Preventing exploitation and ensuring the protection of migrants;

4. Reinforcing cooperation and supporting the work of law enforcement and the judiciary to respond to new challenges; and
5. Improving knowledge on smugglers' *modus operandi*.

In the New Pact on Migration and Asylum, the EC stated that the early identification of potential non-EU victims would be one of the priorities to be addressed as a specific theme of its forthcoming approach to the eradication of trafficking in human beings (European Commission, 2021b, p. 7). Cooperation with countries of origin and transit is also highlighted in the New Strategic Agenda 2019–2024, stating that the EU 'will continue and deepen our cooperation with countries of origin and transit to fight illegal migration and human trafficking and to ensure effective returns' (European Council, n.d.).

Attention on human trafficking in the context of EU migration policy has proliferated. In addition to policy frameworks and instruments, the EU supports a range of projects at the migration-modern slavery nexus through aid funding and support for CSOs working in this area. Between 2004 and 2014, the EU spent more than EUR 1 billion on 400 projects conducted by CSOs working on migration. Through these projects, CSOs worked towards supporting migration policy development, labour migration, countering trafficking in persons, protecting migrants and refugees, facilitating access to healthcare, and enhancing the positive impact of migration on development (European Commission, 2017g, p. 47).

However, migration instruments have been noted to produce adverse consequences for vulnerable populations in various circumstances, increasing rather than mitigating risks of modern slavery both in transit and in destination contexts. Palumbo and Sciarba report that EU policy frameworks such as the EU Strategy Towards Eradication of trafficking in human beings, the European Agenda on migration, and the EU Action Plan against migrant smuggling lack focus on social, economic, and political factors and do not pay sufficient attention to structural and situational factors causing migrant vulnerability (2018). Graziani highlights that the EU's commitment to reduce irregular migration through strict border controls may cause migrants to seek more dangerous migration flows, making them an easy target for traffickers (2017). Graziani further notes that migrants who are prevented from accessing asylum on the basis of 'hotspot approaches' become vulnerable to exploitation by traffickers (*ibid*).

A significant risk identified in this context is the conflation of immigration and antislavery policy—this is evident in the greater attention paid to transnational trafficking than internal trafficking in various contexts, as well as in policies that explicitly position modern slavery efforts within an immigration or migration frame. While addressing modern slavery within the context of migration remains crucial, this should not be the primary or dominant lens through which modern slavery is viewed.

7.9.1 Externalisation of migration policy

Although the EU's border externalisation policy has a more than two-decade history (Reslow, 2020), it was strengthened in response to the 'refugee crisis' in 2015 (Reslow, 2017). The EU cooperates with third countries on border security, border control, and migration management (*ibid*). For example, the European Agenda on Migration emphasised the importance of 'Working in partnership with third countries to tackle migration upstream' (European Commission, 2015a). This externalisation policy has led the EU to use a wide range of policy tools, from non-binding instruments and soft policy measures such as political dialogue and information tools to binding international, regional, and country-specific agreements on the readmission of irregular migrants (Reslow, 2020).

There is no single EU funding instrument for EU external migration management policies in third countries. Border security, border control, and migration management projects are supported in the context of a variety of EU policy fields including development cooperation, home affairs, neighbourhood, enlargement, and common foreign and security policy (den Hertog, 2016). Although funding sources are mixed, Akkerman notes that the EU's focus on externalisation of migration policy has 'led to a diversion of money

for development cooperation towards security projects' (Akkerman, 2018, p. 36). For example, the EU created a EUR 2 billion fund to address multiple aspects of migration along the Central Mediterranean route. The European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF for Africa) was adopted within the framework of the Valletta Action Plan, in connection with the European Agenda on Migration (European Commission, n.d.). The vast majority of the budget (more than 80 %) for the EUTF for Africa was allocated from the European Development Fund and other development and humanitarian aid funds (Akkerman, 2018). Oxfam found that 22 % of the EUTF for Africa budget was spent on migration management projects, and 13.5 % was allocated to security and peacebuilding (Oxfam, 2017).

Instead of tackling migration as a humanitarian issue, Akkerman argues that the EU began to address migration as a security problem, 'framing migration and refugees as a threat to be dealt with by boosting and militarising border security' (2018, p. 88). Increasing the security of external borders was intended to deter migrants from taking dangerous journeys. However, Red Cross reports that it has resulted in unintended consequences where people were seeking to engage with more dangerous options as they would not find safe migration routes (Red Cross, 2013). Such dangerous journeys can make migrants more vulnerable to abuses by criminal networks and push them into 'situations of slavery, trafficking, ill-treatment, sexual violence or gender-based violence' (International Federation for Human Rights, 2017). Akkerman likewise suggested that EU externalisation policy made migration routes more dangerous, diverted development funds, and fuelled human rights abuses outside Europe (Akkerman, 2018).

Box 14. The EU-Horn of Africa Migration Route Initiative (the Khartoum Process)

The EU-Horn of Africa Migration Route Initiative (the Khartoum Process)

The EU has been criticised for its failure to deliver coherence in its external migration policy in terms of human rights protection, particularly in the context of the Horn of Africa. In 2014, the EU-Horn of Africa Migration Route Initiative (the Khartoum Process) was established as a regional dialogue for enhanced cooperation on migration and mobility and regional collaboration between countries of origin, transit and destination on the migration routes (IOM, n.d.). A total of EUR 878.8 million was reported to have been set aside specifically for addressing root causes of irregular migration and improving conditions for refugees, internally displaced persons, and host communities until 2020 (Hovil & Oette, 2017). The Regional Operational Centre established under the Khartoum Process in 2019 provided support for law enforcement cooperation and information sharing and enabled 245 intelligence reports and 19 arrests (European Commission, 2021b, p. 10).

As part of the EU's external action in Africa, the Khartoum Process was intended to address the challenges of migrant smuggling and trafficking in persons (Khartoum Process, n.d.). However, the Khartoum Process took a narrow approach, treating trafficking in persons and migrant smuggling as regional issues instead of tackling them as 'a joint, international problem' (Oette & Babiker, 2017, p. 75). The Khartoum Process was also found to be based on 'a managerial, project-based approach to the complex realities of mixed migration' instead of taking a human rights-based approach (ibid). Further, the Khartoum Process has been reported to generate unintended adverse consequences, undermining the objective of addressing human trafficking and in some instances creating new, increased, or adapted vulnerabilities. The findings of the case study of Sudan, for instance, show that the Sudanese government's restrictive migration policies—connected to the Khartoum Process—exacerbated vulnerabilities to human trafficking (UNHCR, 2020) (see further section 8.6).

7.9.2 Key considerations for addressing modern slavery in external migration policy

(a) The importance of safe and regular migration routes

In the Renewed EU Action Plan against Migrant Smuggling (2021-2025), the EC emphasised the importance of effective return and sustainable reintegration of migrants without a legal right to stay in the EU to reduce the incentives for irregular migration and provide them with an opportunity to make a new start upon returning to their countries of origin (European Commission, 2021b, p. 1). Across interview responses and evidence assessed, the importance of establishing safe and regular routes for international migration was emphasised as crucial to reducing risks and prevalence of modern slavery. Likewise, the reverse was also identified—that absence of safe and regular routes created specific vulnerabilities to exploitation and trafficking.

The lack of legal migration opportunities have the unintended effect of diverting migratory flows through other, usually more dangerous routes, thus increasing human trafficking (Graziani, 2017). As an anonymous interviewee reported, ‘if there’s so little opportunities for people to legally migrate—specially also for low-skilled workers because you see lots of focus on high-skilled workers—then you see the people become more vulnerable’. Restrictions on immigration are seen as exacerbating rather than ameliorating vulnerabilities, because they fail to address the drivers of migration, but push vulnerable populations towards clandestine routes along which they face heightened risks of modern slavery. As an interviewed CSO representative summarised:

[...] The safe and legitimate passageways are closed to them. So, they don't have the freedom of movement and they don't have the right to work. So, they resort to more risky clandestine methods. And the sad case of people dying in the back of a truck in Kent [UK], it just shows the extent to which people are willing to take these risks.

Irregular migration channels are also noted to facilitate debt bondage, as recruiters and agents charge large amounts of money to facilitate the international travel of vulnerable populations, then use the debt to hold those persons in modern slavery situations. The opening of legal migration channels would not only address the interests of third countries, rebalancing relationships, but also reinforce the coherence of the EU external policies (Graziani, 2017).

(b) Contextually responsive engagement

Different migration routes or channels into different destination contexts—both geographic and sectoral—are typical of different populations. Statistics of identified modern slavery victims detected in source countries highlight these patterns and trends, with specific national and community origins driving migration into particular exploitative contexts. The level of disaggregation in UK statistics on victims of modern slavery identified in the country paint a clear picture of these patterns, with certain nationality groups found in exploitation within particular geographies and sectors (Schwarz, Valverde-Cano, & Williams-Woods, 2021). Broader EU statistics likewise demonstrate clear patterns of exploitation connected to nationality (European Commission, 2020g). Efforts to address modern slavery in migration policy therefore need to respond to the specific patterns and trends applicable to particular migrating populations, rather than treating those who migrate as a homogenous group.

As in other policy domains, the cross-cultural dimension of policy and programming to address modern slavery in the context of migration was highlighted. As an anonymous interviewee identified:

The other element on the cross-cultural dimension, this is also in relation not just from our experience when we provide information on rights et cetera, is the understanding [...] how to access support, how to access the relevant remedies, how to provide information not just in a language they understand, but also that we are able to share and demystify the information

they receive. Because often times we have found that they may be aware of their rights, they may be aware of who to contact, but there are specific gaps or specific reasons for which they don't contact either based on misinformation they have received etc.

(c) Migration cooperation and partnerships

In its conclusions of 24-25 June 2021, the European Council underlined the importance of partnerships and cooperation with countries of origin and transit as an integral part of the European Union's external action based on 'pragmatic, flexible and tailor-made' approaches to tackling root causes of migration and eradicating migrant smuggling and trafficking in persons (General Secretariat of the Council, 2021b, p. 3). In the EU Strategy on Combatting Trafficking in Human Beings 2021- 2025, the relevance of cooperation with third countries and other stakeholders in the fight against trafficking in person is clearly set out (European Commission, 2021i). To better equip law enforcement and judicial authorities, the EU recognises cross-border, regional, and international cooperation for developing and sharing knowledge and information (ibid). The European External Action Service is given an important role in developing and enhancing operational cooperation with third countries and international organisations by making full use of its external tools (ibid).

(d) Vulnerabilities on repatriation and return

The added dimension of repatriation and return of survivors of modern slavery identified within the EU present an additional challenge for efforts to address modern slavery within the context of migration policy. Civil society actors interviewed expressed concern over the potential vulnerabilities created particularly by enforced returns. Without frameworks coordinating support organisations between the country of origin and the country from which the survivor is being returned, there is no mechanism for ensuring that the survivor receives the necessary support for recovery and reintegration in that third country. This was highlighted as an area in which current frameworks were inconsistent and which demonstrated a lack of systematisation, and therefore an area in which the EU could introduce much-needed coordination processes.

Risks of re-trafficking and re-exploitation post-return were noted to present an important issue that currently received insufficient attention in EU policy frameworks. Often, survivors are returned to the same conditions that contributed to their vulnerability and experience of modern slavery in the first instance. If nothing has changed in those structural conditions, very real risks of the person falling back into a situation of modern slavery are manifest. This highlights the important intersection with broader development programming within third countries. Return frameworks and approaches should therefore be closely coordinated with third country programming to provide 'viable alternatives'. The importance of needs assessments prior to making decisions on returning survivors to countries of origin was also highlighted as key for mitigating risks of re-trafficking, re-exploitation, or abuse upon return.

(e) Research and data

The central importance of developing and engaging with robust research and data was strongly emphasised by interview respondents within the migration context. This is particularly so as the tensions between immigration policy and modern slavery protections in some political contexts drive contestation in the evidence base. That is to say, that the findings of several studies on intersection between migration/immigration policy and modern slavery appear to be influenced by the political position of the authors (Schwarz, Valverde-Cano, & Baumeister, 2020). García emphasises the complications caused by a lack of relevant information and evidence in examining the impact of EU external cooperation in the field of immigration and asylum (2016). Understanding migration routes, and the changing patterns and trends evidenced in these routes, is presented as fundamental to designing and implementing effective efforts to address modern slavery within the context of migration policy. Adapting policies to realities on the ground

was noted to be particularly important in this domain because of the rapidly changing nature of migration patterns and trends.

7.10 Peripheral and unrelated instruments

The value of addressing modern slavery considerations in external policy instruments *prima facie* unconnected to the issue of modern slavery was highlighted by interviewees in the study. Across policy domains, the value of applying a 'modern slavery lens' was highlighted. In peripherally connected areas of policy, the relevance of the modern slavery lens is clear. The approach injects specific consideration of modern slavery issues where a nexus exists with the phenomenon of modern slavery. This is true in relation to policy addressing any of the factors that contribute to or drive modern slavery risk and resilience.

The modern slavery lens may also be applied in policy contexts without a direct or peripheral connection to the phenomenon. In such cases, the possibility for the EU to take advantage of relations and leverage available within these contexts to advance antislavery was noted by interviewees. The negotiation of open sky agreements was identified as a relevant example where the interests of third countries may open the door for the EU to assert pressure to advance modern slavery efforts. As an interviewed representative of an international organisation noted, these instruments present a promising avenue for the EU to push for improvements in labour rights protections, which are currently not being capitalised to their full potential.

Softer engagement through international events was also noted to present an opportunity for meaningful improvements in labour rights. EU policy actors might therefore seek to coordinate with other international stakeholders—including for instance international sports associations—in pursuing a strategy of improvement around these events. Ganji highlights a role for international actors in these contexts, supporting protection of vulnerable workers and engaging governments towards reform (2018). This approach is not limited to sporting events, but could potentially be extended to all events that receive significant international attention.

By way of example, the European Parliament used the 2022 FIFA World Cup in Qatar to increase pressure on the country to end abuses of Asian and African migrant workers. Since 2008, the European Parliament has adopted four resolutions addressing the situation of migrant workers in Qatar; it has called on Qatar to end the 'deplorable situation' of migrant workers and prevent preparations for the 2022 World Cup from being 'overshadowed by allegations of forced labour' (Immenkamp, 2021). The advocacy around labour rights on account of the 2022 World Cup pushed the authorities in Qatar to initiate changes in its laws and practices, although many challenges still remain. On the other hand, unlike the US or the UK, the EU did not utilise the opportunity presented by the 2022 Winter Olympics in China to diplomatically boycott the event on account of the country's human rights violations in XUAR (Youngs, et al., 2022).

8 Country case studies

8.1 The case of modern slavery in Bahrain: advancements in anti-trafficking efforts

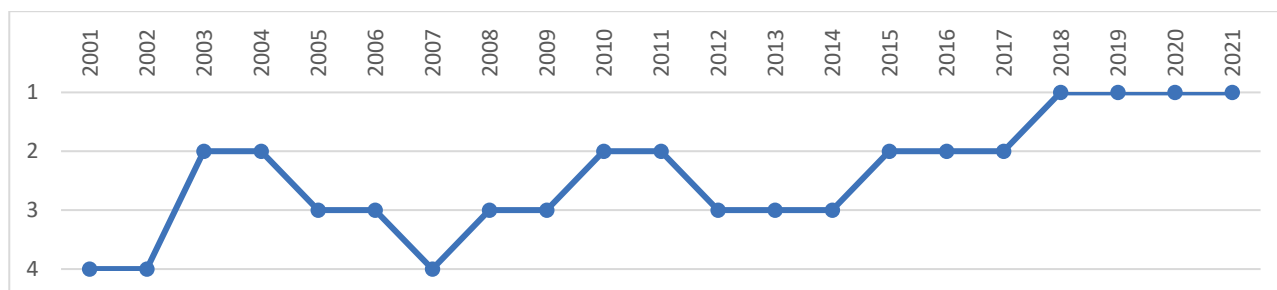
Table 23. Bahrain national case summary

Walk Free estimates of the prevalence of modern slavery and government response in Bahrain					
Publication year	2019	2018	2016	2014	2013
Estimated number of people living in modern slavery	-	3,000	6,400	9,400	2,679
Estimated proportion of the population living in modern slavery	-	1.88 /1000	4.67 /1000	7.09 /1000	2.03 /1000
Government response to modern slavery: score ²⁶	46.7 /100	32.6 /100	31.14 /100	-	-
Government response to modern slavery: rating ²⁷	5 40-49.9 /100	CCC 30-39.9 /100	CCC 30-39.9 /100	CC 17-22 /100	
USDOL-listed goods produced by child labour or forced labour					
Goods produced in Bahrain listed as at risk of forced or child labour (USDOL, 2020)	No goods produced in Bahrain are currently listed in the US Department of Labour's list of goods produced by Child Labour or Forced Labour				

Bahrain is primarily a destination country for people experiencing or at risk of human trafficking and modern slavery. In the 2018 Global Slavery Index, Bahrain was assessed to be the state with the 139th highest prevalence of modern slavery as a proportion of the population globally (out of 167 countries total). 3,000 people were estimated to be living in modern slavery in Bahrain in 2018 (1.88 persons for every 1,000 in the population). On the vulnerability scale (with 49.58 points out of 100), the country is above the highest ranking EU Member States such as Croatia (32.7) and Greece (37.13).

The government's response was assessed at the third highest rating achieved by any state in Walk Free's 2019 assessment of government responses to modern slavery, achieving an overall score of 46.7 from a possible 100 (Walk Free, 2019). This represented a notable improvement on previous years and resulted in Walk Free reclassifying the state from one of the countries performing the weakest relative to wealth in the GCC region, to one of the GCC countries performing the strongest relative to wealth.

Figure 30. US State Department TIP ratings over time (Bahrain)



²⁶ Walk Free's measure of government response assesses the state's action to address modern slavery across over 100 indicators, organised across five milestones. A higher score (closer to 100) represents a stronger government performance against the indicators, while a lower score (closer to 0) shows failures to meet the established indicators. Individual country scores were not published in 2014, reporting ratings only.

²⁷ Ratings are based on banding of states, from 2014-2018 ascribing letter ratings from based on 5-10 point bands and in 2019 ascribing a number rating from 1-10 based on a 10-point band.

8.1.1 Modern slavery in Bahrain

Bahrain is a destination country for transnational trafficking and modern slavery in the country is reported predominantly in relation to migrant workers in various unskilled and semi-skilled sectors. Migrant workers from India, Bangladesh, Pakistan, Philippines, Ethiopia, Nepal, Egypt, Jordan, Yemen, Thailand, Syria, and Kenya, among other countries, migrate to Bahrain where they face risks of exploitation and abuse (US Department of State, 2021). The construction and service industries, as well as domestic work, have been highlighted as sites of particular risk of exploitation in the country (ibid). The promise of economic and social prosperity and employment in Bahrain is often used as a lure by traffickers to bring in workers from India, the Philippines, Bangladesh, Pakistan, and Sri Lanka. These workers find themselves in situations of abuse and exploitation (IOM, n.d.).

Migrant workers make up a large proportion of the workforce in Bahrain. In 2015, migrants represented 51.1 % of the total population in Bahrain and the government estimated that 63 % of the country's workforce was constituted by overseas workers (IOM, n.d.). The *Kafala* sponsorship system is the primary means through which migrant workers are recruited and permitted to enter the country. The system defines the relationship between migrant workers and 'sponsors' (usually employers), in many instances preventing the worker from being able to change employers and reducing access to labour rights protections (Council on Foreign Relations, 2021).

The *Kafala* system is often reported as the cause of forced labour, human trafficking, and other labour and human rights abuses (Migrants & Refugees). In 2014, the ILO's Director General described the *Kafala* system as a 'facilitator of abuse and forced labour' (Ryder, 2014). In 2019, the European Centre for Democracy and Human Rights summarised concerns related to exploitation (ECDHR, 2019):

Under the Kafala system, migrant workers in Bahrain have been subjected to excessive work hours, withhold of passports and salaries, abusive recruitment fees by recruitment agencies or denied salaries for month... Some migrant workers also report physical abuses and most of them suffer discrimination within the wider Bahraini society... Domestic workers are, in particular, vulnerable to exploitation. Many are not allowed to communicate with their relatives nor to leave their house.

De Bel-Air highlights the politics of foreign labour regulation reform in the country, noting this to be the 'subject of significant domestic political tensions' in Bahrain, as it is elsewhere in the Gulf (2015, p. 4).

Covid-19 has been reported to have increased the vulnerability of migrant workers in Bahrain to modern exploitation and modern slavery practices. In addition to the general impacts of lockdowns and economic contraction evident across countries (Walk Free, 2020), drops in oil prices and lockdown associated with the Covid-19 pandemic triggered recession in Bahrain, which in turn increased the vulnerability of migrant workers to abuse (Migrants & Refugees).

8.1.2 External measures to address modern slavery in Bahrain

(a) EU external policy engagement in Bahrain

To date, the EU has not undertaken external policy initiatives or engagements with Bahrain focused specifically on modern slavery issues. EU engagement in Bahrain in relation to human rights issues has focused predominantly on the application of the death penalty, conditions in prisons, repression of dissent, freedom of expression, and freedom of association. The most recent EU-Bahrain human rights dialogue (22 February 2021) focused on freedom of expression and association, the right to a fair trial, prison conditions, including access of inmates to adequate medical care in the context of the COVID-19 pandemic (European Commission, 2021c). European Parliament resolution of 11 March 2021 on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders

(2021/2578(RSP)) expressed concern over the worsening human rights situation, application of the death penalty, arbitrary arrests, prosecution and harassment of human rights defenders, and denial of civil and political rights and freedoms of association, assembly, and expression in Bahrain (European Parliament, 2021b). While the death penalty, conditions in prisons, and treatment of human rights defenders were the core focus of the resolution, labour rights concerns are outlined in one article—expressing alarm that the *Kafala* system enables violations of labour rights (para 20).

Salam for Democracy and Human Rights characterised EU human rights dialogue with Bahrain as ‘largely futile’ (Salam DHR, 2021). In advance of the most recent EU-Bahrain human rights dialogue, A Joint Letter signed by twenty international CSOs likewise raised concerns over the deteriorating human rights situation in the country, focused on repression of political opposition and civil society, mistreatment in prisons, and the application of the death penalty and arbitrary killings (Joint Letter to the European Union Ahead of Meeting With Bahraini Delegation, 2021). Americans for Democracy and Human Rights in Bahrain have further criticised EU engagement with the country for failing to live up to the values of the EU, overlooking ‘grave and systematic abuses’ in the country, and favouring economic interests over human rights (2020)

In 2021, the EEAS signed a Cooperation Arrangement with Bahrain, providing an ‘institutional framework for political dialogue and cooperation in areas such as trade, research and innovation, clean energy and renewables’ (EEAS, 2021b). The Bahrain Institute for Rights and Democracy noted that while ‘human rights concerns were reportedly “underlined”, there is no indication that explicit human rights conditions were placed on future cooperation’ (BIRD, 2021).

At the same time that the EU’s perceived inaction or oversight of human rights abuses in the country are criticised, concerns over the EU’s failure to recognise where the country has made positive advances are also noted by some actors. MEP Tomáš Zdechovský, for instance, observed the anachronistic nature of European perceptions of Gulf States in 2020, noting that lack of knowledge and expertise on Gulf States contributes to misconceptions and highlighting Bahrain’s advances in promoting representation of women in politics (Zdechovský, 2020). Interviewees further emphasised that the perceived exclusive negative focus of the EU on human rights issues, overlooking significant progress that has been made in specific areas (including addressing human trafficking), decreased Bahraini officials’ willingness to engage with the EU on modern slavery issues. Conversely, the positive recognition experienced in the US Trafficking in Persons Reports was cited as a meaningful catalyst for sustained action.

(b) The influence of US State Department Trafficking in Persons reports

While EU engagement in Bahrain has evidenced little explicit focus on modern slavery, one external policy initiative cited by interviewees as having a significant impact on efforts to address modern slavery in the country was the US State Department’s Trafficking in Persons (TIP) reports. From 2001 to 2021, Bahrain has evidenced significant progress in TIP report rankings, rising from Tier 3 (the lowest possible rating) in 2001 and 2002 to become the first GCC state rated at Tier 1 in 2018 (see

Figure 30). In the same year, the Labour Market Regulatory Authority’s CEO Ausamah Al Absi became the first GCC government official to be designated a ‘TIP Hero’ (US Department of State, 2018). This position has now been maintained over four consecutive TIP reports.

The Trafficking in Persons report ranks countries into one of four tiers, as mandated by the Victims of Trafficking and Violence Protection Act 2000 (TVPA). A country’s ranking is based on an assessment of the government’s efforts to address trafficking in persons, rather than on the extent of trafficking within the country, and considers government action against the TVPA’s minimum standards.²⁸ Tier 1 rating indicates

²⁸ Minimum standards for the elimination of trafficking are found in section 108, Victims of Trafficking and Violence Protection Act 2000 (United States), available [here](#).

that the country is assessed to fully meet the TVPA's minimum standards for the elimination of trafficking. To maintain a Tier 1 ranking, the country must continue to make progress in its anti-trafficking efforts each year.

An interviewee explained the significance of the Trafficking in Persons Report in activating official action against modern slavery in Bahrain, emphasising that the manifest improvements in TIP ratings for Bahrain had a significant impact on official commitment to anti-trafficking in Bahrain, as well as more broadly in the GCC. Bahrain's TIP report improvements provided evidence not only for Bahrain, but also for other states in the region, that efforts to address trafficking would be recognised on the international stage.

8.1.3 Improvements in antislavery governance in Bahrain

In 2016, Walk Free listed Bahrain as one of the ten governments taking the least action accounting for GDP—suggesting that, accounting for wealth, Bahrain should be doing more to address modern slavery problems within their borders (Walk Free, 2018). However, by 2019 Bahrain was reported as having a strong response relative to wealth, marking a significant improvement in the government's response according to Walk Free (Walk Free, 2019, p. 71). Improvements in the provision of victim support services was particularly highlighted, with Bahrain identified as the Gulf State taking the 'most action to support victims of modern slavery' (ibid, p. 73). Bahrain was further noted to be one of only three countries in the region with visas available to enable foreign national victims to remain in country to receive support, one of only four training regulatory and non-regulatory frontline responders, one of four that adopted and used clear guidelines for screening and identifying potential victims, and one of four with legal frameworks supporting restitution or compensation for victims (ibid, p. 74). This progression reflects the progress identified above in Bahrain's TIP report ratings.

The *Kafala* system has been identified as a primary source of modern slavery risk for migrant workers in the country, and resistant to reform as a result of political tensions. However, since 2009, Bahrain has undertaken progressive policy and legislative reforms towards the abolition of the *Kafala* system and increased protection for migrant workers. In August 2009, Bahrain announced that it would dismantle the *Kafala* system, established a public authority responsible for sponsoring migrant workers (the Labour Market Regulatory Authority – LMRA), and removed workers' dependence on employers during entry and exit processes (Migrant Forum in Asia, 2012, p. 3). Although the 2009 reforms permitted migrant workers to change employment without the written consent of their current employer, in 2011 this was somewhat circumscribed by the introduction of a one year waiting period before such workers would be free to make such a change (ibid).

In 2017, Bahrain's LMRA introduced the 'Flexi-Permit', which allows workers to sponsor themselves and work for multiple employers, attempting to move away from the *Kafala* system (Migrant-Rights.org, 2018). The first of its kind in the GCC, Bahrain's Flexible Work Permit was touted as an example of international best practice to form part of the draft Global Compact on Migration (LMRA, 2018). The introduction of this Flexi-Permit helped lift Bahrain to Tier 1 status in the TIP Report (2018). Eligibility for Flexi-Permits covers expatriate employees with cancelled (terminated) work permits, expatriate employees with expired work permits (without dependents), and expatriate employees who have not received their salaries and who have a case in the labour court (LMRA, n.d.). While making positive steps away from the restrictions imposed within the *Kafala* system, the high fees associated with Flexi Permits, the lack of extension of labour laws to permit holders, and the lack of a minimum wage for these workers have been criticised as enabling poor labour practices to persist (BHRRC, 2021b).

In 2018, Bahrain implemented the Wage Protection System to reduce risks of migrant workers having their pay withheld. The System enables the LMRA to know the extent of private sector commitments to pay wages as agreed and on time through financial transfers through the service providing banks and financial institutions that are approved by the Central Bank of Bahrain (LMRA, 2021). The system is intended to

simplify disbursements, reduce labour complaints, secure stronger rights for employees and employers by enhancing compliance enforcement, and help foreign nationals receive their monthly salary payments in a consistent and timely manner (Cottrell, 2021). While it is too early for a solid evidence base to have developed on the effectiveness of this system in addressing labour rights concerns, the exclusion of domestic workers (who are particularly at risk of exploitation and with no protection against wage theft) has been highlighted as a key limitation (Migrant-Rights.org, 2021). Instead, the LMRA launched an Optional Insurance System for Domestic Expatriate Employees (LMRA, 2021).

8.1.4 Lessons learned

The experience of anti-trafficking improvements in Bahrain provide several key lessons for external policy engagement within the country, and across the Gulf more broadly. The importance of carefully contextualised engagement was particularly emphasised by interviewees, highlighting that rich exchange through government visits, exchanges, and personalised interactions were important in building the relationships needed to advance progress on modern slavery. The case study shows that a combination of humility (recognition on the part of external actors of their own shortcomings and challenges in relation to modern slavery issues) and credit (recognising where and how the third country is doing well in their efforts) is necessary to achieve meaningful engagement on modern slavery issues in Bahrain. While the case study reveals tensions in external engagements between Bahrain and some EU institutions in particular, it also demonstrates the possibility for meaningful external engagement in the country based on exchange.

Bahrain's TIP ranking improvement has served as a beacon for other countries in the region, overturning a perception among some key stakeholders that countries in this geographic context were effectively shut out from Tier 1 recognition. This has catalysed action in the Gulf States and provided the foundation for new regional coordination initiatives. The importance of intra-regional sharing of learnings and best practices is evident in this context, creating opportunities for external engagement to facilitate increasing international coordination and cooperation that is led from within the region. Given the significant modern slavery profile of Gulf states, this is a key opportunity in efforts to address modern slavery in third states. However, some adaptations to EU approaches to Bahrain and other states in the region, in line with the lessons learned above, may be necessary to take advantage of this moment.

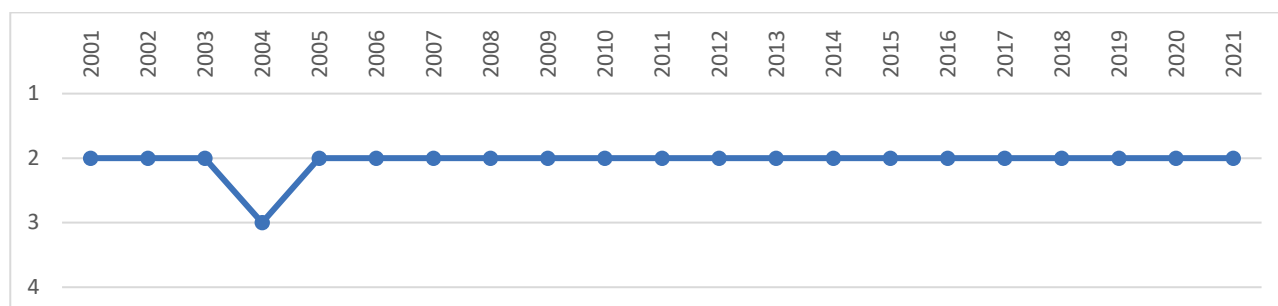
8.2 The case of modern slavery in Bangladesh: focus on the garment sector

Table 24. Bangladesh national case summary

Walk Free estimates of the prevalence of modern slavery and government response in Bangladesh					
Publication year	2019	2018	2016	2014	2013
Estimated number of people living in modern slavery	-	592,000	1,531,300	680,900	343,192
Estimated proportion of the population living in modern slavery	-	3.7 /1000	9.51 /1000	4.35 /1000	2.22 /1000
Government response to modern slavery	5 (40-49.9) 46.5 /100	B (40-49.9) 44.4 /100	B (40-49.9) 49.32 /100	CCC (23-28)	-
USDOL-listed goods produced by child labour or forced labour					
Goods produced in Bangladesh listed as at risk of child labour (USDOL, 2020, p. 20)	Bidis (hand-rolled cigarettes), Bricks, Footwear, Furniture (steel), Garments, Glass, Leather, Matches, Poultry, Salt, Shrimp, Soap, Textiles, Jute (textiles)				
Goods produced in Bangladesh listed as at risk of child and forced labour (USDOL, 2020, p. 20)	Dried Fish				

In the 2018 Global Slavery Index, Bangladesh was assessed to be the state with the 92nd highest prevalence of modern slavery as a proportion of the population globally (out of 167 countries), with an estimated 592,000 people living in modern slavery (Walk Free, 2018). On the vulnerability scale (with 50.05 points out of 100), the country is above the highest-ranking EU Member States such as Croatia (32.7) or Greece (37.13). The government's response was assessed at the third highest rating achieved by any state in Walk Free's 2019 assessment of government responses to modern slavery, achieving an overall score of 46.5 from a possible 100 (Walk Free, 2019). This represented a minor improvement on the 2018 report.

Figure 31. US State Department TIP ratings over time (Bangladesh)



8.2.1 Modern Slavery in Bangladesh's garment sector

The garment industry globally is widely considered to be a high-risk sector for modern slavery, as well as exploitative and unsafe labour conditions more broadly. In 2013, the collapse of the Rana Plaza building in Dhaka—which housed five garment factories—brought international attention to working conditions in Bangladesh's garment industry (ILO, n.d.). The sector has been found to be linked to slavery and practices like forced labour (Peake & Kenner, 2020).

Peake and Kenner state that there are situations in the Bangladeshi garment sector 'where workers are *owned*, or where they *become* the commodity, because Bangladesh has all the necessary conditions for modern slavery to grow' (ibid). An interviewee from the Bangladesh Legal Aid and Services Trust (BLAST) stated that Bangladesh has 'issues that are aspects of forced labour, perhaps in terms of non-payment of wages and conditions of work'. Low wages, poor working conditions, long working hours, job insecurity, gender inequality and child labour are frequently reported as common practices in the garment sector in Bangladesh (Mariani, 2013). Garment workers are exploited under conditions of bonded labour where their salaries are withdrawn for months to prevent them from leaving their job or moving to other factories (Murray, Themiminulle, Ahmed, & Sadat, 2019). Workers at the Rana Plaza factory complex, for example, were forced to work on the day of the collapse with the threat of a month's wage deduction if they did not work, even though cracks in the building were reported one day before the collapse (Seabrook, 2015, p. 66). Further, labour exploitation in the Bangladeshi garment sector include systematic violations of the freedom of association and the right to collective bargaining (Kenner & Peake, 2017). Garment factory owners intimidate and threaten workers for organising trade unions (Human Rights Watch, 2014), or create 'fake, paper-based' unions without workers' support (ILO, 2016, p. 5).

Labour exploitation in the garment sector in Bangladesh is mainly driven by the demand for cheap prices, associated with a cheap labour force with low wages and poor working conditions (Murray, Themiminulle, Ahmed, & Sadat, 2019). Where the sector is regulated, garment producers implement indirect sourcing strategies from the informal sector to maintain the lowest production cost and avoid labour law requirements designed to protect workers (ibid). Indirect sourcing from the informal sector 'has become an essential feature of the garment sector in Bangladesh', increasing the risk for workers being exploited with lower wages and poorer working conditions (Labowitz & Baumann-Pauly, 2014, p. 17).

Ready-made garments and textiles represent the vast majority of Bangladesh's export market. Textiles (including apparel), represented 90.7 % of Bangladesh's exports in 2019, with a total trade value of \$42.8

billion (USD), with footwear and headgear representing an additional 3.5 % (\$1.6 billion USD) (OEC, n.d.). In 2019, Bangladesh was the world's biggest exporter of non-knit men's shirts (\$2.5 billion USD), jute yarn (\$461 million USD), jute and other textile fibres (\$113 million USD), and jute woven fabric (\$80.4 million USD) (ibid). The Bangladeshi economy is therefore heavily dependent on the garment industry. In 2019, the EU imported EUR 109 billion in clothing and textiles, with Bangladesh the second highest non-EU source country, representing 19 % of total clothing imports (Eurostat, 2020). The EU is Bangladesh's main trading partner, accounting for around 24 % of Bangladesh's total trade in 2015 (European Commission, 2021k).

8.2.2 Measures to address modern slavery in Bangladesh

Slavery, forced labour, and other labour rights violations in the Bangladeshi garment sector became a major concern following the collapse of Rana Plaza in 2013, causing 1,136 garment workers' deaths and 2,535 others to suffer serious injuries (Moazzem & Islam, 2015). The Rana Plaza collapse is described as 'the worst ever man-made disaster in the Bangladesh industrial sector' and drew international attention to labour exploitation in the garment sector in Bangladesh (ibid, 5). Within the Bangladeshi context, efforts to address modern slavery have largely been considered within the broader labour rights frame. Consideration below therefore engages with labour rights efforts broadly, within which antislavery is included.

Immediately after the Rana Plaza collapse, the US suspended its GSP benefits to Bangladesh on the basis of labour rights violations, including freedom of association, right to collective bargaining, and child labour (Vogt, 2017). A similar response was also expected from the EU as the largest trading partner of Bangladesh, receiving 49.1 % of its exports in 2018 (Peake & Kenner, 2020). More than 90 % of Bangladesh's exports to the EU were in clothing (ibid), and Bangladesh benefitted from tariff preferences as a beneficiary of the EU's GSP 'Everything But Arms' (EBA) as a 'Least Developed Country' (European Union, 2012). Under the GSP EBA scheme, Bangladesh, among 49 beneficiaries, had the largest share of imports into the EU, with 66 % of all EBA preferential imports in 2016 (European Commission, 2018f, p. 5). This high volume of Bangladeshi exports to the EU enables the EU to have significant economic leverage over Bangladesh (Peake & Kenner, 2020).

The EU was expected to withdraw the tariff preferences under the GSP EBA because of the connection between labour abuses and modern slavery practices in the Bangladeshi garment sector and the supply chain to the EU (ibid). However, the EU preferred 'deep engagement' with Bangladesh and other actors in the global value chain, instead of initiating the GSP withdrawal procedure for garment exports from Bangladesh (Ark, Islam, Kenner, Lein, & Peake, 2016, p. 80). The EU, along with the ILO, considered that 'deep engagement' would be a more effective tool in addressing labour rights violations in Bangladesh, compared to a withdrawal sanction that may have impacted 'workers on the ground' (Kenner & Peake, 2017, p. 104).

The EU established the Bangladesh Sustainability Compact in July 2013 as a soft-law initiative in partnership with the ILO and Bangladeshi government, as well as several other actors including the US, Canada (joined in 2016), domestic and international trade unions, employers, CSOs, and other key stakeholders (Ark, Islam, Kenner, Lein, & Peake, 2016). The Compact provides the partners and stakeholders with the opportunity to contribute to improvements in labour rights and factory safety in the ready-made garment (RMG) and knitwear industry in Bangladesh, and has three pillars:

- Respect for labour rights, including freedom of association and collective bargaining;
- Structural integrity of buildings and occupational safety and health; and
- Responsible business conduct.

It is the responsibility of the Bangladeshi Government to implement its commitments within set deadlines under the Compact, including taking measures to ensure fire and building safety and to protect the freedom of association and the right to collective bargaining (Vogt, 2017). The EU, ILO and other partners provide technical assistance to Bangladesh. To monitor the implementation process, the Compact partners hold regular follow-up meetings, where stakeholders such as trade unions are also allowed to participate in (Vogt, 2017).

8.2.3 Effectiveness of responses to modern slavery in the Bangladeshi Garment Sector

Although the suspension of the US GSP was followed by bilateral engagement and dialogue between the US and Bangladesh over worker rights violations (including modern slavery) and safety issues, it did not produce 'sufficient leverage for change' in the Bangladeshi garment sector (Vogt, 2017, p. 86). This was mainly because garment exports from Bangladesh were not already part of the US GSP scheme, unlike the EU GSP (ibid). On the other hand, significant improvements were made through the Bangladesh Sustainability Compact, which is considered a creative soft-law initiative tailored to address labour exploitations in garment sector in Bangladesh. As Kenner and Peake describe:

The Compact illustrates the creativity of the Union in going beyond the hierarchical nature of the conventional 'trade-labour linkage'. It is an unprecedented initiative tailored specifically to labour rights and factory safety in the Bangladeshi RMG industry with the value of sustainable development buttressing it. The Compact is not 'hard law' like the GSP, which remains as a back stop, but instead is a form of iterative soft law that builds on the strength of the EU–ILO relationship, illustrating the potential for future engagement in other partner countries based on the model it offers (2017, p. 104).

The Compact has contributed some improvements in the garment sector in Bangladesh under its three pillars. Regarding the first pillar on respect for labour rights, Bangladesh made amendments to the 2006 Bangladesh Labour Act (BLA) in 2013, making some improvements to comply with core international labour standards including occupational safety and health, freedom of association, and collective bargaining (European Commission, 2018d). In 2015, the implementing rules and regulations for the BLA were issued to provide guidance on the implementation of central elements of labour law (ibid). These amendments contributed to improvements in union registration in the garment sector, triggering an increase from 132 trade unions in 2012 to 659 in 2018 (ibid, p. 15). Further, in collaboration with relevant Bangladeshi institutions, the ILO carried out a number of education and training programmes to raise awareness of basic labour rights and obligations, address unfair labour practices, and improve occupational health and safety (ibid, p. 13). These improvements in the general labour rights context have flow-on effects on modern slavery specifically.

A telephone 'Help line' was launched in 2015 by the Department of Labour of Bangladesh with ILO support to provide workers with the opportunity to make and resolve grievances relating to workplace safety and workers' rights, including in relation to modern slavery practices (ibid, p. 19). By March 2018, the Help line had received 15,600 calls, more than 70 % of which were made by workers in the garment sector. A significant proportion of complaints related to wages (40 %) and job termination (21 %) (ibid).

In addition, the Bangladeshi Government has strengthened the labour inspection system by improving its structure and processes, adopting legislative and policy frameworks, providing training and equipment to inspectors, and increasing budget allocation from \$900,000 (US) in 2013-14 to \$4.93 million (US) in 2016-17 (ibid, p. 20). These changes have enabled the Department of Inspections for Factories and Establishments (DIFE) 'to carry out its mandate in a credible and effective manner' (ibid). Since 2014, DIFE provides information about 3,508 factories in the Bangladeshi garment sector by publishing summary assessments of inspection reports on its website (ibid, p. 22). A strengthened labour inspectorate provides

a mechanism for proactively identifying and responding to labour rights violations, including modern slavery practices, in the workplace as well as more general labour dynamics and abuses that contribute to workers' vulnerability to modern slavery.

The second pillar of the Compact on structural integrity of buildings and occupational safety and health has also seen some progress. A total of 3,780 export oriented RMG factories were inspected (European Commission, 2018d, p. 25). The inspection work was carried out by the Accord on Factory and Building Safety in Bangladesh (the Accord), Alliance for Bangladesh Worker Safety (the Alliance), and the Government of Bangladesh's National Initiative supported by the ILO. The Accord and the Alliance inspected the factories from which their member companies source (ibid, p. 28). The remaining export-oriented factories were inspected by the Government of Bangladesh with ILO support as a part of a programme supported by Canada, the Netherlands, and the UK (ibid). These inspections led to the closure of 39 factories posing an immediate risk to workers (ibid). The inspection phase was followed by the remediation of factories (ibid, p. 29).

While several reports indicate positive progress in health and safety, it should be noted that the ILO reports 'no fewer than 109 accidents' since the Rana Plaza collapse, including at least 35 textile factory incidents in which 491 workers were injured and 27 lost their lives (ILO, n.d.). The ILO further suggests that in Bangladesh, 'decent work and life in dignity are still far from reality for the vast majority of workers in the garment industry and their families' as a result of the 'absence of a well-functioning labour inspection system and of appropriate enforcement mechanisms'.

Regarding the third pillar of the Compact on responsible business conduct, the 2018 Technical Status Report noted that 'A large number of major fashion and retail brands sourcing garments from Bangladesh are coordinating their efforts to help improve safety in the Bangladeshi factories which supply them' (ibid, p. 33). To improve labour standards compliance and competitiveness in global supply chains, the Better Work Bangladesh Programme (BWB) was launched in 2014 as a joint initiative of the ILO and the International Finance Corporation (IFC) (BetterWork, n.d.). At present, 341 factories employing 715,552 workers are actively involved in the BWB programme, showing steady improvements in terms of 'compliance with ILO core labour standards and national legislation covering compensation, contracts, occupational safety and health and working time' (ibid). ILO core standards include the fundamental protection against forced labour.

The Accord on Factory and Building Safety in Bangladesh and the Alliance for Bangladesh Worker Safety were also launched as two major responsible business conduct initiatives. The Accord is an agreement signed by 201 brands from over 20 countries and IndustriALL Global Union, UNI Global Union, and eight of their Bangladeshi affiliated unions to work towards a safe and healthy garment industry in Bangladesh (Accord on Factory and Building Safety in Bangladesh, n.d.). The Alliance was founded in 2013 by a group of North American apparel companies, retailers, and brands as a five-year commitment to improve safety in Bangladeshi garment factories and ceased its operations in 2018 (Alliance for Bangladesh Worker Safety, n.d.). The 2018 Technical Status Report acknowledged the work undertaken under the third pillar, stating that 'These efforts make a large contribution to implementation of the Compact' (European Commission, 2018d, p. 33).

The Compact is seen as a successful initiative in that it provides a platform for engagement for Compact partners to identify problems on the ground and address them accordingly (Kenner & Peake, 2017, p. 111). It has made changes and improvements possible in labour laws through pressure placed on the Bangladeshi government by the Compact partners (ibid). However, The EU's deep engagement with Bangladesh does not seem to reach the CSOs working on labour rights in Bangladesh. One of the salient points identified by an interview conducted for this case study was to draw attention to the lack of communication with CSOs in terms of raising their awareness and understanding of the EU measures addressing labour rights in Bangladesh. The interviewee from BLAST noted:

There's a gap in terms of the rollout of information and communication initiatives around some of these policy measures as well. Particularly, I think in terms of civil society and not only the business sector, but trade unions and ally organisations so groups that work to support workers like ourselves... I don't think there's enough awareness from where I am standing about what the new measures are ... As a civil society organisation, we get occasionally called to have a discussion with the EU's local delegation, but usually when there's a visitor, you know, from the Parliament or whatever, there's very little outreach or effort to engage, so I think that's the main issue.

Although the Compact provides an environment for the EU and other Compact partners to work towards improving labour rights in Bangladesh, it appears that civil society has not been given sufficient opportunity to contribute to the EU's initiatives. The global trade unions have further stated that 'dialogue mechanisms have failed and will do little if anything to improve conditions of the more than 4 million garment workers', and called upon the EU 'to initiate a GSP investigation' (IndustriAll et al, 2017).

The Compact also has other shortcomings, and is considered by some to be a 'weak initiative' without 'credible threat of economic harm' (Vogt, 2017, p. 89) In the absence of serious threat of economic sanctions, the Bangladeshi Government has remained indifferent to serious labour exploitation (including modern slavery), and has been unwilling to bring about fundamental reforms in 'its inadequate labour law' (Peake & Kenner, 2020, p. 196). Labour rights violations including refusal to register unions, anti-union discrimination, and lack of freedom of association and collective bargaining, as well as factory safety, are reported to remain central issues in Bangladesh (Vogt, 2017). The interviewee from BLAST further highlighted issues and challenges, including gaps in the legislation and policies, particularly in relation to protection for women and those in the informal sector.

8.2.4 Lessons learned

Bangladesh is an interesting case study because both 'sanction' as a form of hard law and 'engagement and dialogue' as a form of soft law were tested. The suspension of US GSP did not yield sufficient leverage for change for two reasons. First, the US GSP scheme was not covering garment exports from Bangladesh in the first place. Second, the EU did not withdraw its GSP benefits from Bangladesh. Therefore, Bangladesh did not suffer a significant economic harm pressuring it to address labour exploitations in the garment sector.

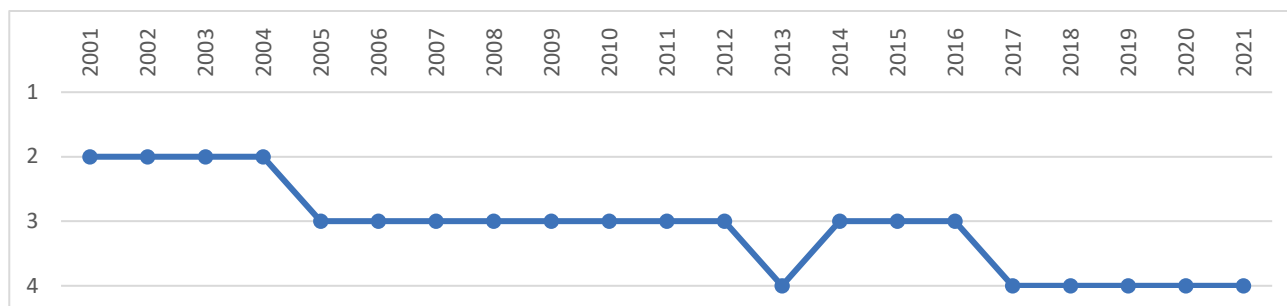
On the other hand, the EU response (joined by ILO, the US, and Canada) to modern slavery in Bangladesh represents a good example in that soft law initiatives based on engagement and dialogue can lead to significant improvements in labour rights and working conditions in a third country. The Compact was a creative tool bringing together key stakeholders to work towards eradicating labour exploitations in the Bangladeshi garment sector. However, engagement and dialogue should also be backed by the possibility of sanctions. In the absence of threat of economic sanctions, the Bangladeshi government did not fully engage with the Compact, and significant gaps in legislation and protections remain. Coupled with the lack of engagement with civil society, the full potential of the Compact has not yet been realised.

8.3 The case of modern slavery in China: focus on forced labour in XUAR

Table 25. China national case summary

Walk Free estimates of the prevalence of modern slavery and government response in China					
Publication year	2019	2018	2016	2014	2013
Estimated number of people living in modern slavery	-	3,864,000	3,388,400	3,241,400	2,949,243
Estimated proportion of the population living in modern slavery	-	2.77 /1000	2.47 /1000	2.39 /1000	2.18 /1000
Government response to modern slavery	4 (30-39.9) 35.2 /100	CC (20-29.9) 27.4 /100	CCC (30-39.9) 32.07 /100	CCC (23-28)	-
USDOL-listed goods produced by child labour or forced labour					
Goods produced in China listed as at risk of forced labour (USDOL, 2020, p. 21)	Artificial flowers, Christmas decorations, coal, fish, footwear, garments, gloves, hair products, nails, thread/yarn, tomato products				
Goods produced in China listed as at risk of child and forced labour (USDOL, 2020, p. 21)	Bricks, cotton, electronics, fireworks, textiles, toys				
In the 2018 Global Slavery Index, China was assessed to be the state with the 111 th highest prevalence of modern slavery as a proportion of the population globally (out of 167 countries). As an absolute figure, however, with 3,864,000 people estimated to be living in modern slavery, China is ranked second globally (following India). On the vulnerability scale (with 50.65 points out of 100), the country is above the highest ranking EU Member States such as Croatia (32.7) or Greece (37.13). The government’s response was assessed at a middling rating relative to other states in Walk Free’s 2019 assessment of government responses to modern slavery, achieving an overall score of 35.2 from a possible 100 (Walk Free, 2019). This represented an improvement on previous years.					

Figure 32. US State Department TIP ratings over time (China)



8.3.1 Modern slavery in Xinjiang

Mounting evidence triangulated across a variety of credible sources indicates that the Uyghur population in China has been subjected to systematic human rights violations sanctioned by the Chinese government, including the imposition of forced and slave labour (Business, Energy and Industrial Strategy Committee, 2021); (Zenz, 2021a); (Zenz, 2021b). Multiple independent reports indicate that as many as one million people have been arbitrarily detained in this context, with many accommodated in so-called 'political reeducation' and 'vocational training' centres (Cockayne, 2021a). Furthermore, Zenz has estimated that up to 1,6 million ethnic minority citizens are at risk of forced labour through the so-called Poverty Alleviation through Labour Transfers policy (Zenz 2021a). The US State Department has labelled these abuses a 'mass detention and political indoctrination campaign against Uyghurs' with forced labour employed as a 'central tactic used for this repression' (2021). The US Department of State further describes the violations

In Xinjiang, the government is the trafficker. Authorities use threats of physical violence, forcible drug intake, physical and sexual abuse, and torture to force detainees to work in adjacent or off-site factories or worksites producing garments, footwear, carpets, yarn, food products, holiday decorations, building materials, extractives, materials for solar power equipment and other

renewable energy components, consumer electronics, bedding, hair products, cleaning supplies, personal protective equipment, face masks, chemicals, pharmaceuticals, and other goods—and these goods are finding their way into businesses and homes around the world (2021).

Xinjiang produces 20 % of global cotton, in addition to 35-45 % of global polysilicon and 40-49 % of globally traded tomato products (Cockayne, 2021, p. 1), making it a globally significant source market. Forced labour in or connected to Xinjiang and the abuse of Uyghurs and other ethnic minorities is therefore reported in global solar panel (BBC, 2021), cotton (Davidson, 2020); (Zenz, 2020), and tomato (Rapoza, 2021) supply chains. An export strategy that obscures the origins of cotton is noted to help conceal the connection to these forced labour abuses (Murphy L. T., 2021).

The nature of modern slavery abuses in the context of XUAR, including the involvement of the state, the large-scale nature of violations, and the pursuit of political goals²⁹ create a set of unique challenges for shaping effective external policy responses, especially given the position of the Chinese state in the world.

8.3.2 Measures to address modern slavery in Xinjiang

A range of measures have been adopted internationally in response to the violations, including import bans, targeted sanctions, and other coercive measures. In a 2021 communiqué, G7 states expressed deep concern about human rights violations in Xinjiang and agreed the ‘importance of tackling instances of forced labour through our own available domestic means, including through raising awareness and providing advice and support for our business communities.’

In December 2020, the European Parliament advanced a resolution on the Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region (2020/2913(RSP)) strongly condemning the use of forced labour, ‘particularly of Uyghur, ethnic Kazakh and Kyrgyz, and other Muslim minority groups, in factories both within and outside of internment camps in Xinjiang, as well as the transfer of forced labourers to other Chinese administrative divisions’. The Parliament also called on ‘actors from the private sector to assess their engagements in Xinjiang, to conduct independent audits of the human rights compliance in their full supply chains, and to terminate business relations where these are found to abet human rights violations, either directly or indirectly through the activity of one of their suppliers or business relationships on their value chain in China’ (European Parliament, 2020b).

In September 2021, European Commission President Ursula von der Leyen promised that a ‘ban on products in our market that have been made by forced labour’ would be proposed (2021). Such a ban would bring the EU in line with the US in responding to the situation in Xinjiang. However, contestation within the EU over the preferred response to the situation in Xinjiang has been reported, with some opposing ‘hard’ import restrictions in favour of a more gradual due diligence approach (Aarup, 2021). Despite significant attention and concern over the abuses occurring in this context, imports from Xinjiang into the EU have been reported to experience a significant rise in the first half of 2021, with one report identifying an increase of 131 % in the first six months of 2021 (Birmingham, 2021), and another reporting a rise of 5.2 % was reported in the first eleven months of 2021 (China News Agency, 2021). As a counterpoint, exports to the US were reported to decrease by 61.3 % in the year (Xinjiang Uygur Autonomous Region Bureau of Statistics, 2022).

²⁹ The Xinjiang Papers demonstrate the political objectives of coercive labour systems in XUAR from the perspective of the central government (Zenz, 2021a).

As of October 2021, 263 measures responding to alleged forced labour connected to Xinjiang had been identified in the Xinjiang Alleged Forced Labour Coercive Measures data set, in addition to 55 countermeasures instituted by the People's Republic of China (Cockayne, 2021a). Measures target a variety of actors, including named individuals, companies, and public bodies. Import and export controls represent a significant proportion of measures instituted, followed by asset freezes and travel restrictions. However, ongoing diversification of measures adopted has been reported. Cockayne further highlights a shift away from measures directly targeting individuals and entities linked to the Chinese Communist Party, to a more indirect strategy focused on businesses with commercial connections to the forced labour abuses in Xinjiang (2021, p. 1).

Figure 34. Measures in force by jurisdiction (Cockayne, 2021c)

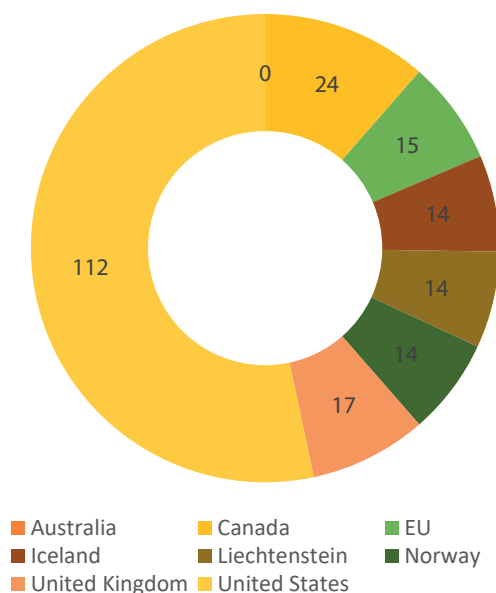
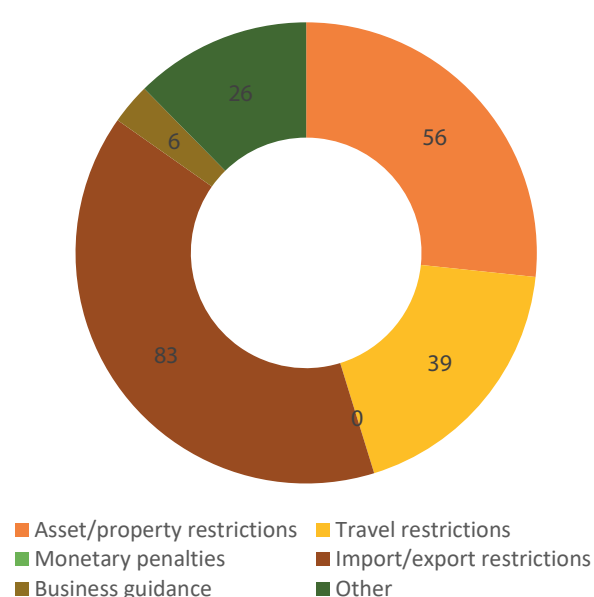


Figure 33. Measures in force by type (Cockayne, 2021c)



8.3.3 Effectiveness of international responses to modern slavery in Xinjiang

Evidence of the impacts of coercive measures imposed in connection to the situation of forced labour in Xinjiang remains limited, as the situation is currently unfolding. This is exacerbated by the particularly challenging context, in which the State is actively involved in preventing accurate reporting of the situation.

In response to the measures imposed in relation to forced labour in Xinjiang, the Chinese government has adopted an array of countermeasures, imposing targeted sanctions on individuals and entities from thirteen countries and the EU, including MPs and MEPs. These countermeasures signal a lack of willingness to engage constructively with coercive measures and ameliorate the modern slavery situation in Xinjiang on the part of the Chinese government.

The nature of modern slavery abuses in this case—imposed by the state itself—presents a particular challenge in facilitating positive change by the government. Countermeasures are further embedded in the geo-politics of the situation, and particularly US-China relations, which complicates the picture further. An interviewed CSO representative highlighted the political nature of these sanctions, and the potential for the credibility and efficacy of these initiatives to be undermined by the perception that they operated on the basis of political interests rather than the more neutral foundation of addressing forced labour.

Yet, news attention on the forced labour abuses in Xinjiang has been strong, and international advocacy groups have been prominent in supporting strong measures decrying the state-sanctioned violations.

Public sentiment is also supportive of coercive response measures. Pew Research Center found that 70 % of Americans participating in their research considered that human rights issues in China should be addressed. One in five voiced human rights concerns as the first thing coming to mind when they think of China, 3 % specifically mentioned Uyghurs in Xinjiang as the first thing that came to their mind thinking of China (Silver, Devlin, & Huang, 2021).

While the Chinese government has evidenced significant resistance to the efforts to address the situation, other avenues were highlighted as potentially more promising for engagement in this context. One interviewee emphasised the central role of businesses in shaping behaviour, both within China and internationally (advisor to an international security organisation). Employing strong economic incentives to change the behaviours of corporations in China was seen as a potentially more promising route in this context, circumnavigating some of the political barriers and tensions posed by the State's involvement in the imposition of forced labour and its resistance to external pressure.

On the other hand, some actors have called for more decisive measures, suggesting import restrictions in the light of the inability to investigate Chinese authorities within currently discussed human rights and environmental due diligence (HREDD). One anonymous interviewee noted that any initiatives enabling monitoring supply chains had already been pro-actively disabled by Chinese authorities. This includes reports from CSOs indicating that members of Better Cotton Initiatives have been interrogated by the police, following many other auditing employees experiencing harassment. Various sources indicate that China hinders audits and harasses auditors (US Department of State, Department of Treasury, Department of Commerce & Department of Homeland Security, 2020); (Xiao, 2020); (Allen-Ebrahimian, 2021). Chinese authorities also disabled existing monitoring initiatives. For example, in August 2021, the Wall Street Journal reported that China closed a US labour auditor's local partner (Wei, Xiao, & Moss, 2021). At the same time, China established their monitoring entity the 'Chinese Textile Association', whose credibility is questionable (Rascouet, 2021).

As mentioned in the text above, while encouraging brands to disengage from the Xinjiang region or monitor their supply chains seems to be one of the solutions, the response should not rely on brand capacities to be vocal about forced labour abuses. As informed by interviewed representatives of CSOs, companies are reluctant to engage in such initiatives due to possible negative responses towards their operations, discontinuity of supply chains, or even immediate safety threats to staff located in China. NGOs in numerous statements have advocated for an import ban as the tool matching the unique and particular conditions of deception, the police state, and extremely repressive environment (NGO Position Paper, 2021); (Anti-Slavery International, 2021); (Coalition to End Forced Labour in the Uyghur Region, 2021). At the same time, respondents highlighted demonstrable changes in corporate behaviours as a result of US measures. As one anonymous interviewee highlighted:

to give a concrete example:some of the Japanese brands... are very reluctant on going public about a commitment on forced labour or commenting on the Uyghur forced labour issues in general. [One brand] until late last year, are still promoting... products made by Xinjiang cotton...Right after the import ban... implemented by the US government, [this brand] and some other Japanese brands have announced that they will... stop sourcing from the region. So, we see there is a dramatic behavioural change caused by these legislations and also invested measures by the government. And we see it as a very effective way in changing the behaviour of a company who has less human right-oriented policies or less care about human rights in their supply chain.

However, in considering possible import restrictions it is important to develop an appropriate control mechanism and establish the ban's criteria. Considering the US mechanism under the Uyghur Forced Labor

Prevention Act, the EU should investigate its resources and investigative capacity to measure its ability to implement similar solutions.

As the report on Uyghur forced labour and global supply chains shows, concerns over the Xinjiang region could effectively disrupt operations of entire industries. In the case of the polysilicon industry, 45 % of world supply originates in that region, which is essential for solar panel production. (Murphy L. E., 2021). As noted by an interviewed CSO representative, any import restriction should consider possible alternatives so as not to disable solar panel production and delay the response to the climate emergency. Most importantly, the scope of the import ban remains a challenge, considering the possibility of shifts in the patterns of exploitation to avoid international restrictions—a concern voiced by interviewees. Therefore, any considerations on the necessary ban should mind these challenges, working towards the possible solution of Uyghur forced labour, and working towards a mechanism that could be useful beyond one specific case.

8.3.4 Lessons learned

Addressing modern slavery in XUAR presents a particularly thorny challenge for international actors, given the various intersecting dynamics of international politics and trade (among other factors). It further highlights the precarity of some global supply chains, particularly where supply is highly concentrated within a particular geography. The case study highlights two key features of modern slavery efforts in external policy, as well as a key consideration for the structuring of international production capacity: (1) that external policy efforts may pursue important signalling functions in addition to direct prevalence reduction in a specific case; (2) that indirect strategies of influence through private interests may be central to achieving change; and (3) that diversification of production capacity, particularly in crucial sectors such as solar production, may be necessary for effective antislavery.

The driving consideration of effectiveness in addressing modern slavery in third countries is undoubtedly meaningful reduction in the prevalence of these practices. However, in the context of external policy action in particular, a secondary objective may also emerge and shape understandings of what constitutes effectiveness: the moral signalling function associated with external policy efforts may in some instances also represent an important antislavery target. For the EU to maintain its values on the global stage and avoid being affiliated with or supporting modern slavery abuses, action may be needed even in the absence of evidence indicating that the actions of Chinese actors are likely to change. That is not to say, however, that the ineffectiveness of external policy measures targeting forced labour in XUAR is a foregone conclusion.

International power politics and trade power are important features of the XUAR case, differentiating the situation from most other modern slavery challenges that could emerge in relation to third countries. This combines with the central role of the state in the abuses to influence the relative likelihood of different outcomes in the case. Given the role of the state and the international politics at play, direct and immediate influence over state action may be unlikely. This is evident, for instance, in the retaliatory sanctions imposed by China. However, coordination with like-minded international partners in addressing this issue may assist in overcoming some of the barriers to change in this context, enabling a higher level of international pressure to be exerted. Strategies aimed at influencing private interests may also provide inroads into changing practices that circumvent the politics of the situation, and could include strong measures targeting businesses operating internationally as well as increasing consumer awareness. Considering a dual public-private strategy in such contexts may maximise chances of successfully changing practice on the ground.

The influence of measures such as sanctions on modern slavery action in situations such as this case, and the willingness and capacity of international actors to impose strong measures, is influenced by the significance of the specific production in global markets. This case may therefore suggest that strategies

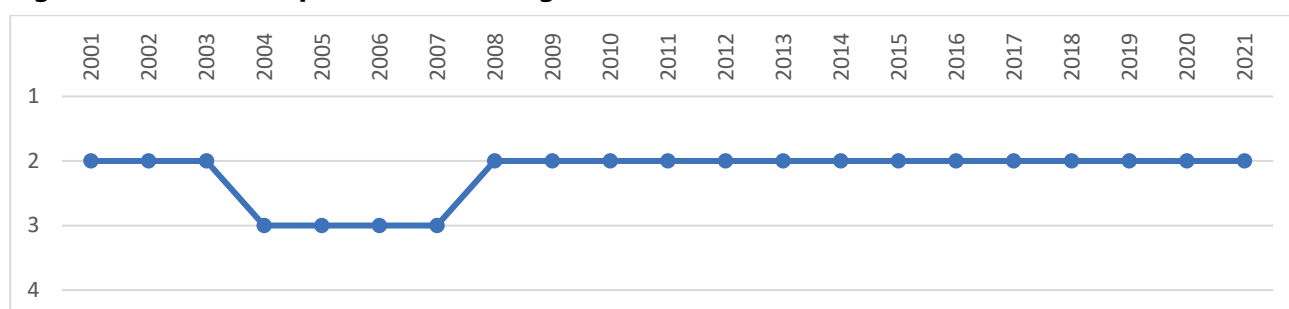
for the geographic diversification of crucial supply and production capacity may ultimately support antislavery objectives, providing alternatives and greater leverage.

8.4 The case of modern slavery in Mexico

Table 26. Mexico national case summary

Walk Free estimates of the prevalence of modern slavery and government response in Mexico					
Publication year	2019	2018	2016	2014	2013
Estimated number of people living in modern slavery	-	341,000	376,800	266,900	103,010
Estimated proportion of the population living in modern slavery	-	2.71 /1000	2.97 /1000	2.18 /1000	0.85 /1000
Government response to modern slavery	7 (60-69.9) 62.7 /100	BB (50-59.9) 52.4 /100	BB (50-59.9) 52.59 /100	B (29-34)	-
USDOL-listed goods produced by child labour or forced labour					
Goods produced in Mexico listed as at risk of child labour (USDOL, 2020, p. 22)	Beans (green beans), cattle, coffee, cucumbers, eggplants, garments, leather goods, melons, onions, poppies, pornography, sugarcane, tobacco				
Goods produced in China listed as at risk of child and forced labour (USDOL, 2020, p. 22)	Chile peppers, tomatoes				
In the 2018 Global Slavery Index, Mexico was assessed to be the state with the 114 th highest prevalence of modern slavery as a proportion of the population globally (out of 167 countries), with an estimated 341,000 people living in modern slavery (Walk Free, 2018). On the vulnerability scale (with 57.31 points out of 100), the country is above the highest ranking EU Member States such as Croatia (32.7) or Greece (37.13). The government’s response was assessed at the highest rating achieved by any state in Walk Free’s 2019 assessment of government responses to modern slavery, achieving an overall score of 62.7 from a possible 100 (Walk Free, 2019). This further represented a notable improvement on previous years.					

Figure 35. US State Department TIP ratings over time (Mexico)



8.4.1 Modern slavery in Mexico

Mexico is deemed a high-risk country for forced and bonded labour by business giants, such as Electrolux (2018) and BMW (2019). The 2021 US Department of State's Trafficking in Persons (TIP) report placed Mexico among Tier 2 countries, assessing that its government 'does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts' to do so. Gaps outlined in the TIP report include investigation and prosecution of forced labour, tackling fraudulent recruitment practices to hold recruiters or labour agents accountable, and victim protection (lack of shelters and specialised services). Some commendable efforts noted concerned investigating and prosecuting more traffickers and involved officials, as well as identifying more victims (US Department of State, 2021). In 2020, Mexico also advanced efforts to eliminate the worst forms of child labour (US Department of Labor, 2020).

At risk groups in Mexico include unaccompanied children, persons with mental and physical disabilities, migrants, LGBTQI+ people, informal sector workers, and children in gang-controlled territories. Forced to leave their communities due to unemployment and poverty, indigenous people are also highly vulnerable.

According to the National Human Rights Commission, ‘they end up getting trapped and subject to forced labour on farms where they find themselves under the power of people who, knowing they will not get punished, keep them under promises of payment in vile and unhealthy conditions’ (Moloney, 2017).

The most prevalent forms of modern slavery in Mexico are forced labour—including the worst forms of child labour and debt bondage—and sex trafficking (US Department of State, 2021). For sex trafficking, perpetrators recruit and exploit Mexican women and children, and to a lesser extent men and transgender individuals. Child sex tourism remains a problem and continues to expand, with many tourists coming from the US, Canada, and Western Europe (US Department of State, 2021). Forced labour is most prevalent in agriculture, domestic service, childcare, manufacturing, mining, food processing, construction, and tourism. The agricultural sector is responsible for many registered cases: traffickers exploit day labourers who migrate from the poorest states, such as Oaxaca or Chiapas, to the agricultural regions to harvest vegetables, coffee, sugar, and tobacco (US Department of State, 2021). Tomato, cucumber, and chili pepper farms, as well as maize and potato harvesting, are known as hotspots of forced labour (Moloney, 2017). Children are subjected to the worst forms of child labour, including dangerous tasks in agriculture, especially in the production of chilli peppers, coffee, sugarcane, and tomatoes (US Department of Labor, 2020).

A significant increase in the number of children engaging in child labour has been observed, as a result of the COVID-19 pandemic which severely impacted the Mexican economy (US Department of Labor, 2020).

Box 15. Forced labour on a tomato farm

Forced labour on a tomato farm

A recent case involving forced labour in Mexico concerned the activities of tomato farms Agropecuarios Tom S.A. de C.V., Horticola Tom S.A. de C.V., and their subsidiaries, based in the San Luis Potosi state. The case was revealed in October 2021 by US Customs and Border Protection (CBP), which obtained information reasonably indicating the use of forced labour against farm workers (CBP, 2021). The CBP ‘identified at least five of the International Labour Organization’s indicators of forced labour during its investigation, including abuse of vulnerability, deception, withholding of wages, debt bondage, and abusive working and living conditions’. It has not been the first case of this kind brought against the farms, as concerns over forced labour there were also raised in 2020. In response, the CBP issued a Withhold Release Order against the perpetrating companies. The order will remain active until an abusive practice is corrected. The media reported that the Mexican authorities have already initiated actions (Bravo, 2021) (see below).

8.4.2 Measures to address modern slavery in Mexico

Modern slavery practices in Mexico have featured in the external actions both of the EU and like-minded partners, especially the United States (US). The latter has put visible emphasis on forced labour in its trade relations with Mexico.

(a) US response

According to Walk Free, in 2018 the US imported the highest worth of products at risk of modern slavery. Between 2015-2019, the US was Mexico’s biggest export and import partner (World Bank, 2019). Over the period, the value of Mexico’s exports to the US surpassed \$358 billion, reaching 77.85 % of the country’s total exports. Both states have recognised the ‘strategic importance’ of their bilateral economic relationship (The White House, 2021).

The US has used its trade agreements to address labour rights, including forced labour, in Mexico. Labour issues are part of the newest Agreement between the United States of America, the United Mexican States,

and Canada (the USMCA), effective since 2020. Its Preamble highlights the Parties' resolve to 'promote the protection and enforcement of labour rights, the improvement of working conditions, the strengthening of cooperation and the Parties' capacity on labour issues'. In Chapter 23 on labour issues, the Parties reaffirm their commitments as ILO members. They pledge to adopt and maintain core labour rights, including elimination of all forms of forced or compulsory labour, effective abolition of child labour, and, for the purpose of USMCA, prohibition of the worst forms of child labour (Article 23.3.1.b & c). They agree it is inappropriate to encourage trade or investment by weakening or reducing the protections afforded in their labour laws, so derogations from the latter, affecting trade or investment between them, were generally excluded (Article 23.4).

Article 23.6 of USMCA refers specifically to forced and compulsory labour. It obliges each Party to 'prohibit the importation of goods into its territory from other sources produced in whole or in part by forced or compulsory labour, including forced or compulsory child labour' (Article 23.6.1) and to set up 'cooperation for the identification and movement of goods produced by forced labour' (Article 23.6.2). The US Tariff Act of 1930 (19 U.S.C. 1307) contains this prohibition (CBP, 2021). To give effect to the prohibition, the CBP issues Withhold Release Orders (WRO) when it has reasonable evidence of the use of forced labour in the manufacturing or production of a good or goods entering the US. The CBP issues a 'finding' when it has conclusive evidence of the use of forced labour. Such a finding allows the CBP to seize the concerned products at all US ports of entry (CBP, n.d.). As of January 2022, one WRO (discussed in the case example above) and two findings from the 1950s were still active in the case of Mexico.

In 2020, under section 741 of the United States-Mexico-Canada Agreement Implementation Act, the US President established the Forced Labour Enforcement Task Force to monitor US enforcement of the prohibition under the Tariff Act (Executive Order 13923 of May 15, 2020).

The USMCA provides a structure for enforcement of labour rights both through cooperation platforms and formal dispute settlement mechanisms. The measures include establishment of contact points (Article 23.15) and the Labour Council (Article 23.14)³⁰, as well as processes such as cooperative labour dialogues (Article 23.13) and labour consultations on matters arising from Chapter 23 (Article 23.17). The USMCA subjects enforcement of labour rights to formal dispute settlement mechanisms established in Chapter 31. It also foresees a specific mechanism for enforcement of collective bargaining rights in Annex 31.A. which establishes the Facility-Specific Rapid Response Labour Mechanism between the US and Mexico, which made its debut in the so-called GM Silao case (see below).

Foreign policy instruments have also been used to tackle aspects of modern slavery and forced labour. Bilateral meetings of countries' presidents have served as a platform for reaffirming commitments to the USMCA as a driver for improvements, including expressly in worker protections and preventing forced labour (The White House, 2021). Human trafficking has also been raised during the US-Mexico High-Level Security Dialogue. In 2021, the countries reaffirmed their commitment to 'expand bilateral cooperation to counter human smuggling and human trafficking by transnational criminal organizations' (The White House, 2021).

The US also uses an element of 'naming and shaming'. The Bureau of International Labour Affairs under the US Department of Labour maintains a list of goods and their source countries which it has reason to believe are produced by child labour or forced labour in violation of international standards. As of January 2022, 15 types of goods coming from Mexico were included on the list (US Department of Labour, n.d.) (see Table 26 above).

³⁰ The first USMCA Labour Council meeting was held on 29 June 2021 (Ferguson, 2021).

(b) EU response

The mapping of EU relations with third countries for case selection identified Mexico as a country with high EU connectedness. The EU is Mexico's second largest export market after the US (European Commission, 2021I). Alongside Brazil, Mexico is the EU's strategic partner in the LAC region (EEAS, 2021h).

Strategic EU-Mexico relations are governed by the Economic Partnership, Political Coordination and Cooperation Agreement (the so-called Global Agreement) which entered into force in 2000. Its pillars include political dialogue, trade, and cooperation. The document does not mention modern slavery, forced labour, or labour rights. Its preamble does, however, reaffirm the commitment to democratic principles and fundamental human rights, the rule of law, and good governance and Article 1 contains an essential elements clause. Article 39, in turn, concerns cooperation on human rights and democracy which focuses on civil society development, institutional capacity building and strengthening the rule of law, as well as promotion of human rights and democratic principles.

EU-Mexico trade relations are based on a comprehensive Free Trade Agreement (FTA).³¹ The FTA is one of the older generation preferential trade agreements which does not contain clauses related to forced labour or promoting labour standards, so assessment of its effectiveness in this respect is not possible. In 2016, the EU and Mexico began the re-negotiation process for the modernisation of the Global Agreement. The parties reached a political agreement in principle on 21 April 2018, formally concluding the negotiations two years later. The EU now aims to finalise internal procedures to sign the new agreement.

According to the agreement in principle, the Trade and Sustainable Development (TSD) chapter will include binding commitments to protect workers' rights. These will incorporate 'obligations to effectively implement the fundamental ILO standards covering subjects such as [...] elimination of all forms of forced and compulsory labour, abolition of child labour or equal opportunities for women and men to obtain decent and productive work'. It foresees obligations to promote the ILO Decent Work Agenda and the uptake of responsible business conduct/corporate social responsibility practices, in line with UN and OECD standards. In terms of enforcement, the approach builds on the idea that inclusive reform processes lead to long-lasting changes, including in the labour area. Thus, geared towards 'creating ownership', the approach foresees 'regular dialogues, involvement of civil society and close cooperation between the Parties as a mean of reaching common positions on any matter related to the TSD chapter'. Controversies will be resolved through governmental bodies (Trade and Sustainable Development or the Trade Committees), government-to-government consultations, and a mechanism for impartial assessment of serious issues through an independent Panel of Experts and the publication of a public report with recommendations.

The EU also uses foreign policy instruments to address modern slavery and forced labour in Mexico. It has for example used high-level dialogues on justice and security. In May 2021, during the third such dialogue, the representatives of both parties agreed that the fight against transnational organised crime is an important part of bilateral cooperation and resolved to continue supporting each other on priority issues, which include human trafficking (Government of Mexico, 2021).

The EU has also made use of funding instruments to support projects devoted to responsible business conduct in Latin America, encompassing Mexico. For example, it funded the new Responsible Business Conduct project in Latin America and the Caribbean (RBCLAC) (ILO, n.d.) which can also be seen as an example of joining forces with like-minded partners. The project is implemented in collaboration with the Organization for Economic Cooperation and Development (OECD) and the Office of the UN High

³¹ This evolved from the Global Agreement through two decisions of the EU-Mexico Joint Council Decision No. 2/2000 of the EC-Mexico Joint Council of 23 March 2000, 2000/415/EC; Decision No. 2/2001 of the EU-Mexico Joint Council of 27 February 2001 implementing Articles 6,9,12(2)(b) and 50 of the Economic Partnership, Political Coordination and Cooperation Agreement, 2001/153/EC.

Commissioner for Human Rights (OHCHR). It aims to promote smart, sustainable, and inclusive growth in the EU and in Latin America and the Caribbean. The RBCLAC began in 2019 and will be finalised in 2022.

The EU also consistently supports and cooperates with the Mexican civil society through, *inter alia*, calls for proposals which also concern modern slavery practices.

8.4.3 Effectiveness of US and EU responses to modern slavery in Mexico

Some evidence collected testifies to a certain level of effectiveness of the US response to identified cases of forced labour in Mexico. The use of WROs by the CBP has tangible economic implications for owner companies whose products are not allowed to enter the US. It is thus likely to put more pressure on businesses to ameliorate their conduct. In the case described above, the WRO also reportedly led the Mexican authorities to undertake immediate actions, including establishing a working group to investigate the allegations and opening communication channels with the companies (Bravo, 2021).

While determining the specific impact of the USMCA on forced labour in Mexico requires more research, the agreement has led to legislative changes with respect to labour rights, as the US applied pre-ratification conditionality regarding the right to collective bargaining. Consequently, in May 2019, Mexico amended its Federal Labour Law to ensure compliance both with the USMCA and the ILO Declaration on Rights at Work (US Department of Labour, 2019). Even if not strictly related to forced labour, developments such as the establishment of independent labour courts could offer workers a way to pursue justice also in cases of modern slavery.

Foreshadowing a serious approach to enforcement, the US has already triggered the USMCA's Facility-Specific Rapid Response Labour Mechanism relevant for the right to free association and collective bargaining. In May 2021, the US Trade Representative requested review of the situation in the General Motors Silao facility. The case related to the events preceding, during, and surrounding an April 2021 vote by workers on whether to approve their collective bargaining agreement (US Trade Representative, 2021). The case was concluded in September 2021 after remediation actions which involved, *inter alia*, repetition of the vote in the presence of national and international observers (US Trade Representative, 2021). As a respondent interviewed for this study stated 'it's the first time that the trade agreement was used to my knowledge for this purpose to ensuring that labour rights are respected and workers have a voice' (representative of an international organisation).

Compared to the US, the EU's impact seems to have been less tangible so far. The *ex-post* evaluation of the EU-Mexico FTA showed no significant improvements in compliance with rights at work over the evaluated period, although for some sectors in which exports increased, potential for indirect effects was acknowledged due to requirements of compliance with EU product and production regulations (Ecorys, 2017). While the inclusion of human rights in the Global Agreement had marked the initiation of a greater focus on this subject, civil society organisations (CSOs) and others criticised the limited practical application of the agreement. For once, the sanctioning clause that could be employed in the case of a breach of the democracy clause had never been invoked (Ioannides, 2017), despite claims by CSO representatives that the Mexican government showed disregard for the clause (LSE Consulting, 2019). The assessment of the effects of human rights clauses in the EU-Mexico Global Agreement found that, even though it encouraged reforms, other factors played a bigger role for human rights in the country, for instance the EU-Mexico Strategic Partnership, the role of other global players, and cooperation with other international donors (Ioannides, 2017).

The Global Agreement and the EU-Mexico FTA are quite old and lack provisions focused on labour standards, which became more common in EU preferential trade agreements soon after. The new EU-Mexico FTA contains labour-related provisions more typical of the modernised agreements, which create potential for better effectiveness. The Sustainability Impact Assessment (SIA) of the new agreement revealed that it 'could have positive effects on the Mexican government's willingness to respect specific

human rights and citizens' ability to demand their rights under domestic and international law; this holds in particular for women and labour rights as well as data protection. Nevertheless, the EU could help further with assistance for capacity building' (LSE Consulting, 2019).

During one of the workshops conducted for the SIA, participants suggested that the EU should adjust enforcement mechanisms to make them clearer and more effective in the modernised agreement' (LSE Consulting, 2019). So far in its preferential trade agreements, the EU has taken a softer approach to enforcement than the US, whose position has been 'more stringent and coercive' (Corvaglia, 2021). In the new EU-Mexico FTA, the TSD chapter is strengthened and its provisions subject to formal dispute settlement. Even though the possibility to follow-up with trade sanctions is not foreseen, the SIA's authors note that the modernised FTA 'could affect the government's behaviour regarding labour rights and could further empower workers' (LSE Consulting, 2019).

The Mexico case also shows that, as compared to the US, the EU's power to affect the forced labour situation in the country may suffer in the absence of an EU-wide prohibition on importation of materials produced with the use of forced labour which would enable it to block access to the EU market.

While the Mexican case study testifies to the importance and potential effectiveness of trade instruments, the importance of the EU-civil society cooperation in addressing modern slavery was also acknowledged, especially when CSOs are meaningfully and deeply engaged as agents of change. As an interviewee remarked:

I think that NGOs they should be the agent for change, and they should also be like watching the implementation of policies and making sure that the laws are properly implemented, because in Mexico there are plenty of laws, but no one cares about them.

Yet, the effectiveness of this cooperation relies on the parties' ability to overcome structural challenges, not unique to the context of modern slavery, such as an extremely hostile environment for activists in the country or the complexity of the EU's funding schemes, with calls for proposals requiring significant expertise.

Importantly, the quoted interviewee observed that the approach based on cooperation with CSOs, and the EU's reliance on CSOs for achieving desirable results, has so far proven too soft, noting the need for the EU to engage more strongly with the authorities on policy- and law-making, to change the rules and impact public policy and legislation. Understandably, this level of engagement and influence would require appropriate resources at the EU Delegation-level, including for instance more diplomatic and lobbying expertise aside from project management.

The EU working method based on projects was noted by interviewees to have some shortcomings, such as resource-intensity and limited long-term sustainability. At the same time, the value of projects was acknowledged, specifically in getting people on board or delivering good practice examples. Commenting on the overall EU approach, a quoted interviewee observed that 'with the EU external action it has to be a mix of all the different instruments and different types of people who get to the result but of course there's a lot of waste in the, in between I believe.'

8.4.4 Lessons learned

Overall, lessons from the EU and US response to modern slavery in Mexico indicate an increasing influence of trade-based instruments. Primarily, US action through USMCA provisions and WROs have supported legal changes and slavery eradication in Mexico. On the other hand, the new EU FTA is believed to contain labour-related provisions that have the potential to support eradication efforts and provide an opportunity to cooperate in capacity-building. While the case study shows potential to enforce legal changes and improve working conditions, it is important to underline that the trade-based approach to modern slavery eradication efforts has some shortcomings. As flagged by an interviewed CSO representative, trade-based

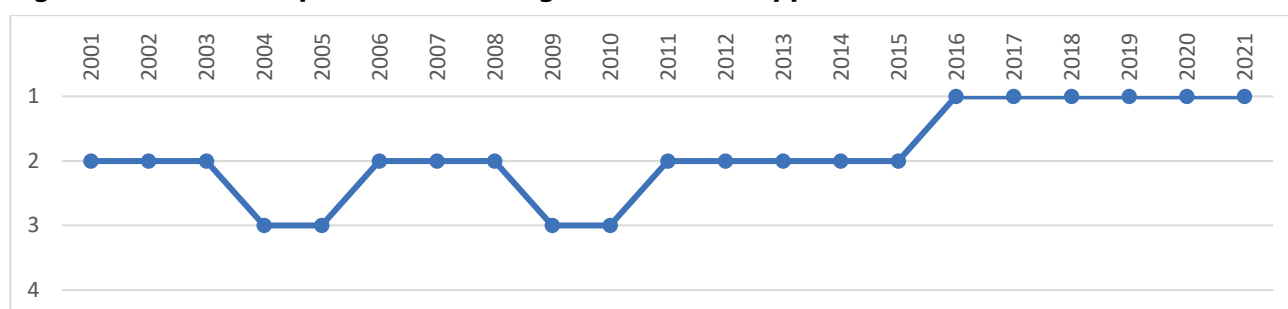
solutions are effective on a limited scale, mainly in the supply chain area affected by trade. While targeting specific products removes forced labour in each supply chain, it does not translate to all sectors of the Mexican economy. Therefore, utilising capacity-building activities within the upcoming EU FTA could be an essential step to provide more systematic solutions, targeting root causes of modern slavery in the country.

8.5 The case of modern slavery in the Philippines

Table 27. Philippines national case summary

Walk Free estimates of the prevalence of modern slavery and government response in the Philippines					
Publication year	2019	2018	2016	2014	2013
Estimated number of people living in modern slavery	-	784,000	401,000	261,200	149,973
Estimated proportion of the population living in modern slavery	-	7.7 /1000	3.98 /1000	2.66 /1000	1.55 /1000
Government response to modern slavery	6 (50-59.9) 57.0 /100	BB (50-59.9) 55.8 /100	BB (50-59.9) 54.18 /100	BB (35-40)	-
USDOL-listed goods produced by child labour or forced labour					
Goods produced in the Philippines listed as at risk of child labour (USDOL, 2020, p. 23)	Bananas, coconuts, corn, fashion accessories, fish, gold, hogs, pornography, pyrotechnics, rice, rubber, sugarcane, tobacco				
<p>In the 2018 Global Slavery Index, the Philippines was assessed to be the state with the 30th highest prevalence of modern slavery as a proportion of the population globally (out of 167 countries), with an estimated 784,000 people living in modern slavery (Walk Free, 2018). On the vulnerability scale (with 60.24 points out of 100), the country is above the highest ranking EU Member States such as Croatia (32.7) or Greece (37.13).</p> <p>The government’s response was assessed at the second highest rating achieved by any state in Walk Free’s 2019 assessment of government responses to modern slavery, achieving an overall score of 57.0 from a possible 100 (Walk Free, 2019). This represented a minor improvement on previous years.</p>					

Figure 36. US State Department TIP ratings over time (Philippines)



8.5.1 Modern slavery in the Philippines

The 2018 Global Slavery Index estimates that there are approximately 784,000 victims of modern slavery in the Philippines, ranking the country as 30th of 167 countries investigated (Walk Free, 2018). Approx. 7.70 out of every 1000 persons living in the country are estimated to be living in modern slavery. While modern slavery within the country is assessed to be relatively high, the exploitation of Filipino citizens abroad is also a source of major concern, and potentially magnitudes higher than internal exploitation. Trafficking is the most prevalent modern slavery phenomenon concerning the Philippines, due to the high migration of country residents to Asia, the Middle East, the US, and the EU. According to the International Labour Organisation, one million Filipino men and women leave the country every year to work overseas, and a total of ten million Filipinos live and work abroad. A significant number of these overseas workers have been found to have been trafficked and subjected to servitude, debt bondage, and forced labour in the

fishing, shipping, construction, education, nursing, and agricultural industries, as well as in domestic work, janitorial service, and other hospitality-related jobs in Asia, the Middle East, and North America.

Typically, traffickers in partnership with small local networks, engage in unscrupulous recruitment practices that leave migrant workers vulnerable to trafficking or labour exploitation. These could include charging excessive fees and confiscating identity documents (US Department of State, 2020). Moreover, victims could be forced to undergo thorough medical examinations and indefinite trial periods without receiving any salary and be made to work many hours a day without breaks (Europol, 2016b). It is estimated that approximately three per cent of overseas Filipino workers work without a contract (US Department of State, 2020).

Modern slavery incidents of Filipino workers were reported, *inter alia*, in UAE (in the domestic work sector) (Alaleeli, 2015), as well as in Saudi Arabia, Bahrain, Singapore, and Japan (Human Trafficking & Modern-day Slavery, n.d.). Moreover, the literature reports trafficking cases detected in the US (US Department of State, 2009); (Eckert, 2013) and Australia (Christ, Rao, & Burritt, 2019). When it comes to victims from non-EU countries trafficked to the EU, the Philippines are in the top ten non-EU source countries after Vietnam and Thailand. Victims of human trafficking for sexual exploitation from the Philippines were registered in Albania and the Czech Republic, among others (Jovanovic, 2018).

Unlike in the Thai fishery sector (see further section 8.7, Thailand case study), in the Philippines forced labour in the fisheries sector is mainly focused on production and processing, but especially for Filipino migrant workers on foreign-flagged vessels (Cockayne, 2021b). As of June 2019, there were over 7,000 Filipinos working on Taiwanese distant water fishing vessels, according to the Taiwanese authorities. Forced labour has been documented on these vessels in a number of cases. Forced labour cases were also detected on EU-flagged fishing boats based in Hawaii (EJF, 2019) and on Chinese vessels (WWF, 2021).

With regard to internal trafficking and labour exploitation within the country, forced labour and sex trafficking of women, men, and children, in particular from rural communities, conflict- and disaster-affected areas in Mindanao, and the impoverished urban centre remains a significant problem (US Department of State, 2020). Traffickers exploit women and children in sex trafficking, forced domestic work, and other forms of forced labour in tourist destinations (such as Boracay, Angeles City, Olongapo, Puerto Galera, and Surigao) and urban areas around the country (Metro Manila, Metro Cebu, central and northern Luzon), and exploit men in forced labour in the agricultural, construction, fishing, and maritime industries. The most vulnerable populations include indigenous families, undocumented returnees, and internally displaced persons in typhoon-stricken communities.

Child labour makes a significant contribution to agricultural production for export in the country. For example, the Philippines is among the top five countries growing rice with child labour in 2019. Some of the Filipino products produced with child labour make their way to the EU market. Based on the classification by the U.S. Department of Labour, the estimated value of EU imports from the Philippines which are associated with child labour amounts to EUR 83,742,683, whereas the total value of Filipino export to the EU accounts for EUR 322,087,243 (Bayer, Pietropaoli, Torres, Vinet, & Watson, 2021). The available data show that child labour associated imports to the EU are high for sugarcane (EUR 615,497) and tobacco (EUR 11,390,374). Child labour is also used in the fisheries sector, for instance in the tuna processing industry (US Department of State, 2020).

Law enforcement information indicates that the Philippines is one of the largest known sources of online sexual exploitation of children (US Department of State, 2020), in which traffickers sexually exploit children, individually and in groups, in live internet broadcasts in exchange for compensation wired through a money transfer agency by individuals most often in another country, including the United States, Australia, Canada, and the United Kingdom. Between 2014 and 2017 the prevalence rate of online child exploitation more than tripled. Some efforts, such as increased investigation and prosecution of perpetrators, have

been successful in facilitating a drop in child trafficking for sexual exploitation in commercial establishments (Bigio & Vogelstein, 2021).

Some cases of child soldiers were detected in the Philippines (US Department of State, 2020). The UN reports armed militia groups operating in the Philippines, including the New People's Army, the Moro Islamic Liberation Front, the Abu Sayyaf Group, and the Bangsamoro Islamic Freedom Fighters, continue to recruit and use children, at times through force, for combat and non-combat roles.

Finally, some of the internal trafficking cases may concern the black market organ trade. The Philippines is considered to be one of the destination countries for transplant tourism since the mid-1990 (Walk Free, 2018); (Efrat, 2014).

According to the US Department of State's 2021 Report, the government of the Philippines fully meets the minimum standards for the elimination of trafficking (the country is classified at Tier 1) (see Figure 36). These efforts include in particular improving the coordination of services for returning Filipino migrant workers who were victims of trafficking overseas, convicting and punishing traffickers, including an official complicit in sex trafficking and labour traffickers, increasing assistance to survivors who provide testimony, and increasing the use of prosecution procedures that reduce the potential for further harm to trafficking victims.³² However, interviewees noted that, the governmental efforts to protect Filipino workers overseas before, during, and after migration are not equally intensive in case of tackling internal trafficking and labour force challenges (interview with representatives from an international organisation)).

8.5.2 Measures to address modern slavery in the Philippines

The Philippines is a country with high EU connectedness, where a number of foreign, developmental and trade policy instruments are in place to address the modern slavery and forced labour challenges both within the country and in the migration context (concerning Filipino overseas workers). The Philippines has long-standing relations with the EU marked by the opening of EU Delegation in 1991, following the influx of official development assistance to the country after democracy was restored under the Aquino administration in 1986. The cooperation milestones include in particular: the conclusion of the Partnership and Cooperation Agreement (PCA) (entered into force on 1 March 2018), the inclusion of the Philippines in the EU's Generalised Scheme of Preferences Plus (GSP+) in December 2014, and the launch of negotiations on EU-Philippines Free Trade Agreement in December 2015.

(a) Foreign policy instruments

The PCA provides an institutional framework for engagement on all human rights issues on a regular basis (Council of the European Union, 2017c); (European Commission, 2020)). It sets up cooperation in human rights issues, as well as specifically on migration and development issues, as well as in justice and security field. In January 2020, the First Joint Committee (PCA highest governance body) took place in Brussels and reaffirmed the need to enhance cooperation on human rights issues (including joint commitment to fight against human trafficking³³), illegal, unreported, and unregulated fishing and seafarers, as well as the need to continue EU support to Mindanao peace process (a region of high risk of modern slavery vulnerability as earlier explained). The EU Human Rights and Democracy Country Strategy (2021-2024) for the Philippines focuses on the rights of the child, as well as the elimination of inequalities, fighting discrimination, and empowering women and indigenous peoples.

³² However, the remaining challenges in this area include the need to increase the effectiveness of investigation and prosecution of officials allegedly involved in trafficking crimes, fraudulent recruiters and other labour traffickers, to increase support for specialized protection and assistance services for child victims of cyber-facilitated sex trafficking, as well as community reintegration services.

³³ The issue of social dumping and the protection of the rights of third-country au pairs in the EU was raised unilaterally by the Philippines.

(b) Trade policy instruments

The main EU instrument for the promotion of human rights and democracy in the country is the monitoring process of the Generalised Scheme of Preferences (GSP+), a special incentive arrangement during which the EU engages with the Philippines on the fulfilment of the country's commitments with respect to core international human rights conventions. The Philippines was upgraded from the GSP to the GSP+ programme in 2014. This increased the number of products eligible for zero tariffs from 2,442 to 6,274. As for the EU, in 2018, total bilateral trade amounted to EUR 15.4 billion, increasing from EUR 14.2 billion in 2017, making it the EU's 40th trading partner (European Commission, 2020j). Trade in services was worth EUR 4.8 billion in 2017 (EUR 317 million surplus for the Philippines). The Philippines has slowly increased its use of GSP+ preferences, reaching 26 % of total exports to the EU in 2018. However, the GSP+ utilisation rate of the Philippines (the use of GSP+ compared to all GSP+ eligible imports) was 74 %. Philippine exports benefit from the enhanced access to the EU market under GSP+ (22 % growth from 2015 to 2018), particularly products like coconut oil, preserved tuna, bicycles, pineapple products, fruit jams, and some garments and footwear. Thus, products are coming from sectors such as agriculture and fisheries, where labour exploitation (including child labour) was detected. On the other side, the Philippines' main exports to the EU under GSP+ are relatively diversified, with significant portions of animal or vegetable oils and fats, electrical equipment, and foodstuffs.

EU provides technical assistance for the Philippines within its trade strategy 'Trade for All' adopted in 2015. This is provided within the Association of Southeast Asian National (ASEAN) Regional Integration Support – Philippines Trade-Related Technical Assistance (ARISE Plus – Philippines) aiming at integration of the Philippines' economy into the global production chain, as well as within the SPS (sanitary and phytosanitary) framework. A number of projects were co-financed by the EU to support GSP+ implementation in the Philippines, including with regard to its human rights obligations and international labour standards (ILS). This includes, *inter alia*, such projects as 'Strengthening the Impact on Employment of Sector and Trade Policies' (DCIHUM/ 2014/345-378), the 'Support to GSP+ beneficiary countries to effectively implement ILS and comply with reporting obligations', and the Commission (DG EMPL) funded programme implemented by ILO on strengthening occupational health and safety in global supply chains in selected sectors and countries (European Commission, 2016a). Moreover, a number of other efforts in particular within the ILO Decent Work Agenda in the Philippines are relevant to the achievement of human rights and decent labour standards in the country in line with EU trade policy sustainable development objectives (ILO, 2020a).

The EU is currently in the process of FTA negotiations with the Philippines, which were launched bilaterally on 22 December 2015. The FTA aims to reduce tariff and non-tariff barriers to trade in manufactured goods, agricultural products, and services, contributing to sustainable development objectives. A Sustainability Impact Assessment (SIA) was carried out in 2018 in support of the FTA negotiation (EU-Philippines SIA, n.d.). The Philippines has already had an FTA agreement with the EFTA states, which was signed on 28 April 2016 and entered into force on 1 June 2018 (with Norway, Lichtenstein, and Switzerland) and on 1 January 2020 (with Iceland) (EFTA, n.d.). This FTA makes a reference to the ILO labour standards as enshrined in the ILO Convention, in particular freedom of associations and the effective recognition of the right to collective bargaining, elimination of all forms of forced or compulsory labour, effective abolition of child labour, and elimination of discrimination in respect of employment and occupation.

(c) Development policy instruments

The EU's development assistance to the Philippines currently focuses on governance, job creation, renewable energy, and assistance to vulnerable populations, specifically in Mindanao. The total amount of development aid for the period 2014-2020 accounts for over EUR 200 million and, according to the Multiannual Indicative Programme 2014-2020 (EEAS & European Commission), focuses on 2 sectors of

intervention: inclusive growth and rule of law.³⁴ EU development assistance is closely aligned with the implementation of the Philippine Development Plan 2017-2022, a medium-term strategy for poverty reduction and achievement of the SDGs, which stresses the need to increase prosecution of trafficking and other forms of organised crime through justice reform, as well as foreseeing further strengthening of measures to protect overseas workers against human trafficking and exploitation (including a fight against illegal recruitment) (National Economic and Development Authority, 2017). According to the 2020 EU Annual Report on Human Rights and Democracy, in 2019 in the Philippines the EU has supported the protection and empowerment of individuals—in particular of human rights defenders, women and girls, indigenous peoples, and children. Many of these actions have taken place in Mindanao. EU financial engagement on human rights themes included: financing agreements with the government in the area of justice reform and support to national human rights institutions through its Justice Sector Reform Programme Governance in Justice (GOJUST); support to civil society through calls for proposals under the European Instrument for Democracy and Human Rights and the thematic programme Civil Society Organisations and Local Authorities; and support to the Mindanao Peace Process through the EU's Instrument contributing to Stability and Peace.

A number of regional and national programmes with modern slavery angles are financed in the Philippines by the EU and implemented jointly with its key partners (ILO, OECD, UN WOMEN, IOM, UNDP). They address modern slavery practices faced by Filipino overseas workers, as well as internal challenges. Within the implementation of the EU Gender Action Plan in the Philippines, the EU supports regional programmes such as Safe and Fair with UN Women and ILO (Delegation of the European Union to the Philippines). This programme, with a budget over EUR 25 million, runs between 2018 and 2022 and aims to ensure that labour migration is safe and fair for all women in the ASEAN region, namely: Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam (European Commission, 2021m). The programme aims to make migration governance in the region more responsive to the needs of women and to reduce the risks of violence and trafficking of women migrant workers through improved access to information and well-coordinated gender-responsive services. In Philippines, the project supports local efforts to create one-stops migrant centres offering integrated services (interview with representative of an international organisation).

The implementation of the programme in the Philippines builds upon the ILO Fair Recruitment Initiative and the results of the former ILO projects in the country, in particular, the Integrated Programme on Fair Recruitment (supported by the Swiss Agency for Development and Cooperation). The latter was implemented between 2015 and 2018 and aimed at establishing fair recruitment corridors to prevent exploitation of migrant workers, providing migrant workers with access to reliable information and services, and disseminating global and national knowledge about recruitment and engagement with the media (ILO, 2017b). Moreover, it is important to mention that the ILO is providing technical support alongside its partners to the development and operationalisation of agreements designed to promote fair recruitment in a number of important migration corridors in South Asia, the Middle East, and North Africa, including between the Philippines and Hong Kong for Filipina domestic workers. The bilateral agreement (BLA) with the Philippines, for example, aims to 'ensure the recruitment of domestic workers through recruitment offices, companies or agencies that practice ethical recruitment and are licensed by their respective governments'. A number of other BLAs have been concluded by the Philippines with destination countries (Philippines Overseas Employment Administration, n.d.), aimed at securing legal recruitment and protection of the migrant workers' rights in their destinations (Makulec, 2016).

Finally, another EU multiannual initiative to promote regular and safe labour migration and decent work for all migrant workers is Ship to Shore Rights South East Asia, which focuses on the fishing and seafood

³⁴ Peacebuilding in Mindanao was added as an additional sector after MIP mid-term review.

processing sectors (Ship to Shore SEA, n.d.). The EUR 10 million programme implemented by ILO, IOM, and UNDP between August 2020 and July 2024 in six South-East Asian countries (Cambodia, Indonesia, Lao People's Democratic Republic, Myanmar, Philippines, Thailand, and Viet Nam) is expected to address the protection gaps in the migration process, including through fair recruitment, as well as enhance access to safe, orderly, and regular migration by addressing exploitation, forced labour, and trafficking. In the Philippines, the project seeks to test innovative approaches such as engagement of employers, and work with recruitment agencies or with trade unions in destination countries (such as Hong Kong) (interview with representatives of an international organisation).

On the business side, the EU co-funds initiatives such as the Responsible Supply Chains in Asia project (ILO, n.d.), which is a EUR 9.5 million joint initiative to improve respect for human rights, labour, and environmental standards in businesses with supply chains in China, Japan, Myanmar, the Philippines, Thailand, and Vietnam, which was implemented between 2017 and 2020 together with the ILO and OECD. In the case of the Philippines, the programme focused on agriculture with an emphasis on the food commodity sector, which is an important employer and driver of the Philippines' export economy (ILO, OECD & EU). It is based on ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. The programme aimed at achieving two main objectives: promote smart, sustainable and inclusive growth by ensuring that investors and businesses have a better understanding of internationally responsible business practices; and support an enabling policy environment conducive to promoting responsible business conduct and increasing opportunities for dialogues. In particular, it was expected to contribute to the implementation of the OECD-FAO Guidance for Responsible Agricultural Supply Chains, which calls for 'respect [of] international core labour standards in our operations, namely the freedom of association and the right to collective bargaining, including for migrant workers, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation', as well as adherence to the international human rights obligations of the countries of operation.

8.5.3 Effectiveness of responses to modern slavery in the Philippines

The EU approach to addressing modern slavery in the Philippines focuses on a variety of challenges, including in particular child labour and other vulnerable groups (women, indigenous communities, Mindanao populations), fair recruitment, fisheries and agriculture sectors, in both outward migration and internal migration contexts. A number of foreign, trade, and development policy instruments are applied and implemented together with key EU partners such as the ILO and other UN agencies, resulting in a visible improvement in the situation of trafficked and exploited children and protection of Filipino overseas workers, but leaving some areas of human rights concerns (protection of indigenous people, engagement of children in military conflicts, existence of child labour) in the country still to be addressed.

Some positive effects of EU external policies on the human rights situation in the country, linked in particular to the implementation of GSP+, have been evidenced by the GSP+ monitoring report (European Commission, 2020j). Positive impact has been visible in the improvement of the situation of trafficked and exploited children. National authorities created an implementation plan for the Children's Emergency Relief and Protection Act to tackle child trafficking. The country's national Human Rights Action plan was expected to be released by December 2019. Other legislative developments include: the Special Protection of Children in Situations of Armed Conflict Act; the Philippine HIV and AIDS Policy Act; and the Safe Streets, Workplaces, and Public Spaces Act, which entered into law in 2019. Child labour was found, however, to be an area where more progress is necessary. There is still no comprehensive identification and analysis of the challenge, given that the results of the pilot child labour survey have not been processed yet. In addition, there is a need to establish a National Child Labour Committee to ensure an overall mechanism to monitor the measures taken to fight child labour.

The GSP+ report also mentions positive progress in combatting trafficking. During the reporting period, the government convicted 65 traffickers. In an effort to prevent the trafficking of Filipino migrant workers, the government increased its funding for the Commission on Filipinos Overseas (CFO) to facilitate anti-trafficking prevention campaigns for migrant workers and assisted 1,476 potential Filipino trafficking victims in the Middle East, Asia, and Europe. Progress to protect Filipino migrant workers abroad has been made, notably through the implementation of legislation on working and living conditions onboard commercial fishing vessels. An integrated recruitment system is in preparation to ensure equal and better labour standards and assist employment agencies to improve compliance. However, efforts to ensure better and effective enforcement of legislation including thorough investigations and prosecutions needs to be strengthened. The number of convictions for modern slavery practices remains low.

The number of relevant human rights and labour rights conventions ratified by the Philippines remains unchanged to that before the upgrading to the GSP+ status, showing no impact of the GSP+ in this regard (ILO NORMLEX, n.d.). The Philippines has not ratified ILO Protocol 29 on Forced Labour, nor the ILO conventions on collective bargaining and workers' representations (including the Collective Bargaining Convention No 154 and the Workers' Representatives Convention No 135), the Protection of Indigenous and Tribal Peoples Convention (No 169) or the Work in Fishing Convention (No 188) (ILO NORMLEX, n.d.). Moreover, the Philippines did not ratify Convention 190 on violence and harassment, advocated by the ILO and EU inter alia within the Safe and Fair project mentioned earlier (representative of an international organisation).

The protection of human rights standards is reported to have significantly deteriorated under Duterte's presidency. In 2017, the European Parliament expressed concerns over extrajudicial killings during the 'war on drugs', discussion about the reintroduction of the death penalty in the country, as well as imprisonment of opposition politician Senator Leila De Lima (European Parliament, 2017a). Similar concerns were expressed by the European Parliament in September 2020 in reaction to the conviction of journalists Maria Ressa and Reynaldo Santos (European Parliament, 2020a). In the latest resolution, the EP expressed concerns about a recent adoption of the Anti-Terrorism Act and the protection of indigenous peoples, condemned violence against women and LGBTQI people, as well as decrying the practice of trafficking and involvement of children in the military conflicts in the country.

So far, a number of positive outputs have been achieved in the Philippines, with the EU and like-minded partners supporting development programmes in the ASEAN region in particular in the field of awareness-raising of modern slavery challenges as well as providing targeted trainings. The Safe and Fair Programme has so far reached over one million people through public campaigns, contributing to changing the narrative around women migrant workers in the ASEAN region, shifting negative perceptions, and challenging deep-rooted gender stereotypes. Additionally, over 5,000 women migrant workers and their families received information on ending violence against women and safe migration, 700 people (including 250 front-line service providers in Viet Nam, Cambodia, Philippines, Indonesia, and Thailand) were trained on how to handle women's protection/trafficking issues in a coordinated manner. Further, two task forces were established, 176 persons from domestic worker organisations, migrant organisations, and government social services have benefitted from capacity building activities, and 120 key stakeholders working on ending violence against women, anti-trafficking, and migration were engaged in jointly elaborating policy recommendations on how to enhance service delivery targeting women migrant workers at the national and regional level. Finally, technical support to national authorities was provided to develop gender-sensitive national plans ensuring that women migrant workers' specific vulnerabilities are acknowledged and included as priorities.

The Integrated Programme on Fair Recruitment aimed at creating public awareness and promoting a balanced narrative on labour migration through the engagement of media. In the Philippines, the project resulted in a media training programme undertaken in collaboration with the National Union of Journalists

of the Philippines. The programme resulted in the publication of an anthology of stories that bring out the human face from all the notes and statistics about the country's recruitment and labour migration experience (ILO Country Office for the Philippines, 2018), as well as a report on the culture and practice of fair recruitment for overseas employment in the Philippines (Zhou, 2017).

Despite an early implementation phase, the programme Ship to Shore Rights has already managed to convene an online national consultative dialogue for the Philippines (held on 5th August 2021) (Ship to Shore Rights SEA, 2021), which was attended by 43 participants representing a broad range of stakeholders including government, workers' and employers' organisations, industry associations of recruiters, vessel owners, civil society, and others. The national priority areas of action have been identified during the process.

The further upgrade of EU-Philippines trade relations via the conclusion of a FTA is expected to bring impacts in the social and human rights fields (Development Solutions, 2018). According to the SIA interim report, four main categories of rights are likely to be impacted by a future EU-Philippines FTA: (1) special rights of the indigenous people (IPs); (2) women's rights; (3) children's rights to special protection; and (4) freedom of speech. It can be expected that a future FTA would be likely to have impacts on the people in the Philippines occupied in and around the sectors that see either a rapid increase in output or a substantial increase in bilateral trade, especially for sectors where concerns already exist on human rights issues. For example, additional increases in the manufacturing of mainly apparel, textiles, and leather products, but also electronics, could potentially result in further risks for increased child labour as well as having an impact on women's rights. Mitigation measures should therefore be put in place.

Similarly, the FTA may bring additional risks with regard to deteriorating labour standards in some sectors that are expected to face the highest demand increase, and which are so far characterised by poor working conditions including low wages, low levels of minimum wage compliance, high levels of vulnerable type employment, and gender discrimination in wages. If employment growth in these sectors is not matched with improved working conditions over time, a wider proportion of workers would risk being in poor working conditions, including modern slavery practices, highlighting the need for mitigation measures in parallel to a future FTA, for example, improved labour standards in the Philippines. Therefore, commitment to ILO Conventions and the ILO Decent Work Agenda should be emphasised in the context of an EU-Philippines FTA.

8.5.4 Lessons learned

Overall, lessons from the Philippines case study indicate the effectiveness of combining tools and actors while working towards eradication of modern slavery. The EU, together with key partners such as ILO and other UN agencies, has adopted several foreign, trade, and development policy instruments, which resulted in improvements for trafficked persons and exploited children, as well as protection of Filipino overseas workers. Considering improvements noted due implementation of GSP+ in the Philippines, the new EU FTA brings possibilities to further strengthen legal changes in the working environment in the country. The success of international projects such as Safe and Fair or Ship to Shore further indicates the importance of regional cooperation in the field of modern slavery eradication.

8.6 The case of modern slavery in Sudan

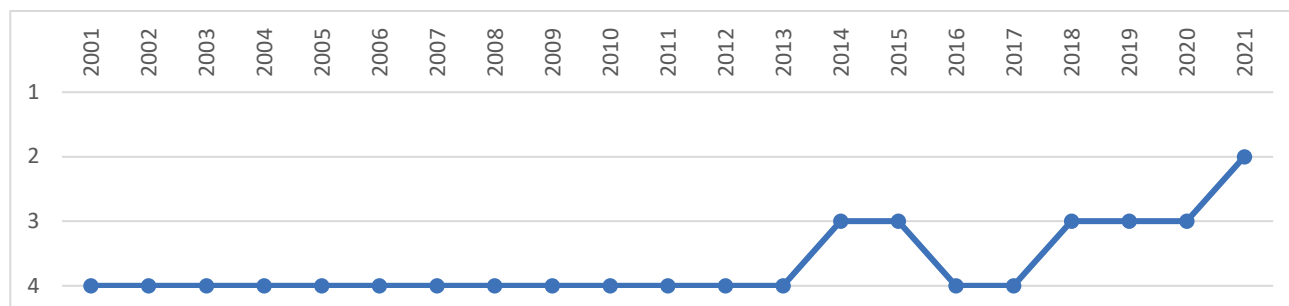
Table 28. Sudan national case summary

Walk Free estimates of the prevalence of modern slavery and government response in Mexico					
Publication year	2019	2018	2016	2014	2013
Estimated number of people living in modern slavery	-	465,000	454,700	429,000	264,518
Estimated proportion of the population living in modern slavery	-	12.04 /1000	11.30 /1000	11.30 /1000	7.11 /1000
Government response to modern slavery	3 (20-29.9) 20.0 /100	C (10-19.9) 14.9 /100	C (10-19.9) 15.69 /100	C (11-16)	-
USDOL-listed goods produced by child labour or forced labour					
Goods produced in Sudan listed as at risk of child labour (USDOL, 2020, p. 23)	Gold				

In the 2018 Global Slavery Index, Sudan was assessed to be the state with the fourteenth highest prevalence of modern slavery as a proportion of the population globally. Sudan is a source, destination, and transit country for people experiencing or at risk of human trafficking or modern slavery. 465,000 people were estimated to be living in modern slavery in 2016 (12 persons for every 1000 in the population) and many more people routinely trafficked across its borders (Walk Free, 2018). On the vulnerability scale (with 87.05 points out of 100), the country is above the highest ranking EU Member States such as Croatia (32.7) or Greece (37.13).

The government's response was assessed at the third lowest rating achieved by any state in Walk Free's 2019 assessment of government responses to modern slavery, achieving an overall score of 20.0 from a possible 100 (Walk Free, 2019). However, this represented a notable improvement on previous scores.

Figure 37. US State Department TIP ratings over time (Sudan)



8.6.1 Modern slavery in, to, and through Sudan

A variety of different forms of exploitation have been identified within Sudan, both for migrant populations and the Sudanese themselves. The existing literature on human trafficking through Sudan focuses on the East and Horn of Africa section of the Central Mediterranean Route (CMR), and to a much lesser extent on the Eastern route for migration from the Horn of Africa to the Middle East (typically via Egypt, across the Sinai to Israel) (IOM, 2020b). According to the IOM, between 66-77 % of people on the move have experienced either work without payment, forced work, being held against their will, or been targeted for an arranged marriage (ibid). Commonly, migrants on these routes are sold for labour or held in debt bondage (ibid). Kidnapping for ransom is frequent and women are at high risk of rape and gender-based violence at checkpoints and border areas (ibid); (UNHCR, 2020). East Africans are particularly at risk.

Vulnerabilities to human trafficking were exacerbated by a more restrictive migration policy adopted by the Sudanese transitional government supported by the European Union (UNHCR, 2020). The absence of legal and safe paths for mobility have made migrants resort to the use of smugglers for travel along the CRM. Smugglers are among the most frequent perpetrators of physical and sexual abuse, although it is not restricted to them and often involves militias/armed groups, criminal gangs, cross-border tribes, and government officials (IOM, 2020b). Migrants are also exploited by armed groups, as in Darfur, and

smugglers linked to cross-border tribes, which abduct migrants at border crossing and extort them for ransom. They may force abductees to perform domestic or manual labour and abuse them in other ways, including exploiting them in forced labour or forced prostitution (US Department of State, 2020). The proliferation of control-free areas along the journey, especially in the desert, as well as political chaos and failures of the rule of law in sections of the route, have created ideal conditions for different types of exploitation (Kuschminder & Triandafillydou 2020).

Sudanese victims within Sudan tend to be children and women. Children are forcibly recruited by governmental and non-governmental armed groups, and traffickers exploit homeless children in Khartoum in forced labour for begging, public transportation, industries such as in brick-making factories, gold mining, collecting medical waste, street vending, and agriculture, and in the sex industry (Atit, 2020; Buchanan-Smith & Jaspers, 2020; Bhatti, 2020; UNHCR, 2020). Children are exposed to threats, physical and sexual abuse, as well as to hazardous working conditions with limited access to education or health services (US Department of State, 2020); (US Department of State, 2019). Children are also targeted for early or forced marriage (Atit, 2020).

Sudanese women and girls —particularly internally displaced persons (IDPs) or those from rural areas— are exploited in domestic work and in the sex industry. Government officials are reported to have sexually exploited some refugees in Sudan's eastern provinces. Increasingly, well-organised and cross-border criminal syndicates force Ethiopian women into commercial sexual activities in Khartoum by using debt and other forms of coercion, and Sudanese traffickers have compelled Ethiopian women to work in private homes in Khartoum and other urban centres (US Department of State, 2020); (US Department of State, 2019). Trafficking of Sudanese people internally or from Sudan to Egypt, for the purposes of organ harvesting also occurs (Abdel Ati, 2017).

While gender, endemic poverty and migratory status are clear contributing factors across Sudan, lack of governance and alleged governmental participation influence prevalence of modern slavery and human trafficking. The prior government and armed forces have been accused of participating in, while elsewhere profiting from and permitting the practices of, modern slavery (Lumley-Sapanski, Schwarz, & Valverde-Cano, 2021); (European Commission and German Cooperation, 2017).

8.6.2 European Union efforts to tackle human trafficking in and through Sudan

The European Union increasingly relies on external partners to deal with migration governance and challenges in origin and source countries. It has done so through a policy of 'orchestration', which involves enlisting third countries as intermediaries on a voluntary basis, through a series of Statements, Declarations, Standard Operating Procedures (SOPs), and Memoranda of Understanding (MoUs), providing them with material support.

Within Sudan and the Horn of Africa region, the European Union has supported several projects to counter trafficking, contribute to peace and political stability and provide institutional support collectively worth millions of euro. The key tool to counter trafficking within the portfolio is the Better Migration Management Programme implemented in two phases BMM I and BMM II (BMM). The BMM received EUR 81 million for phases I and II (EUR 70 million EU contribution, EUR 11 million contribution from the Federal Ministry of Economic Cooperation and Development of Germany). Of this, in phase I Sudan received EUR 8.2 million (European Commission International Cooperation and Development, 2020).

The aim of BMM is to improve migration management and to 'address the trafficking and smuggling of persons within and from the Horn of Africa' (ibid). To do so BMM supports policy and legislation harmonisation and cross border cooperation. Within Sudan, the activities focus on raising awareness of dangers presented by irregular migration and identifying alternatives, and to increase protection for victims of trafficking and vulnerable migrants (ibid). According to the EU through the BMM program the following systems have been purchased or funded: 'the Migration Information and Data Analysis System

(MIDAS), a border management information system developed by IOM and now used also in the Khartoum Airport; computers and servers for the arrival and departure area of the Khartoum Airport; document readers for incoming passengers at the Khartoum Airport; office furniture and cameras to film training sessions in courts' (ibid).

The EU has also provided EUR 5 million for the Regional Operational Centre (ROCK) in support of the Khartoum Process and African Union (AU)-Horn of Africa Initiative (HoAI) (ibid). The ROCK covers participating Member States of the Khartoum Process with the intent of building regional capacity for information sharing on criminal networks involved in trafficking in human beings.

What has been the impact?

Quantitatively, the EU numbers indicate that (as of 2020) 17,116 migrants in transit, refugees/asylum seekers and IDPs protected and assisted have been supported in the HoAI, 91 % of which were migrants in transit, 7 % victims of trafficking and 2 % refugees. All the migrants and victims of trafficking were supported by BMM I, which reached 16,789 beneficiaries under this indicator across the Horn (Altai, 2021; European Commission 2020).

Analysis conducted by the independent contractors GDSI and Altai at the behest of the EU suggests that the EUTF investments have had significant impacts in migration governance but that the results in terms of impacts on human trafficking are limited if any. The 2021 GDSI report states the European Union Emergency Trust Fund (EUTF) made significant efforts to strengthen operational capacity to tackle criminal networks involved in smuggling and trafficking of human beings. Specifically, significant investments were made in border management, law enforcement and criminal justice to improve identification of criminal actors (GDSI 2021). Resources also helped to bring attention to the problem of human trafficking and have raised awareness. Yet the GDSI report also notes that few activities specifically concern trafficking in human beings and that there was little evidence of the quality of results of those activities to date or their long-term impacts (GDSI 2021). However, an absence of disaggregated data within the EUTF information system complicates evaluations limiting the ability to assess impacts (GDSI, 2021). The report also calls into question the sustainability of the initiatives given the lack of governmental funding commitments (GDSI, 2021). In its biggest critique, the GDSI report adds that as a 'short term instrument' the EUTF is not an appropriate vehicle for addressing major societal problems (GDSI, 2021).

8.6.3 Policy focus: prevalent critiques

The BMM programme is considered the first key project under the Khartoum Process. The Khartoum Process is the large initiative meant to facilitate cooperation between European and African countries 'to undertake concrete actions to prevent and tackle the challenges of human trafficking and smuggling of migrants between the Horn of Africa and Europe, in a spirit of partnership, shared responsibility and cooperation' (EU-Horn of Africa Migration Route Initiative, 2014). The emphasis is on stopping flows of forward migration from the Horn of Africa and East Africa to Europe (Davitti, 2018) and the KP places the onus on state actors (Reitano, 2016). It ties development money—released through the EUTF—to migration control, making funding contingent on African states capacity to influence the flows of 'illegal' migrants (Prestianni, 2018).

There has been significant critique of the Khartoum process and the EUTF distribution of funds (see Oxfam 2020) within Sudan. The KP and EUTF structure as enacted in Sudan ties migration management to external support, eliciting compliance with EU policy priorities (i.e. stopping northward migration) (Oxfam 2020). The majority of money channelled through the EUTF that was initially allocated to capacity building went to law enforcement, justice, and broader security. The EU separately earmarked money to train Sudanese border police and intended to provide the Sudanese authorities with surveillance and registration equipment for use in identification and apprehension of victims and perpetrators of human trafficking (Tubiana, Warin, & Saeneen, 2018). The EU explicitly notes that the ROCK and BMM program support border

control but do not support border security; they carefully distinguish border security as physical patrols or military missions which include, in Sudan, the participation of the Rapid Security Forces (European Commission, 2020).

However, in response to concerns in 2017, GIZ and the EU released a concept note in which they responded acknowledging that 'cooperation with Sudan is implemented in a 'highly challenging environment' and that special attention must be focused on the possibility of unwittingly including militia members in projects, 'as well as a strong concern for corruption or involvement of government structures in smuggling and trafficking activities and the potential detrimental effect this could have on project activities and results' (European Commission, 2017). Oxfam also raised concerns about the use of EUTF funds by security forces to suppress demonstrations in response to the political transition of 2019, indicating that EUTF dollars were potentially channelled to support institutions culpable in trafficking of human beings and also to quell counter governmental protests (Oxfam 2020).

Finally, there is a larger critique of the use of EUTF development funding by European states for the purposes of influencing migration governance (Oxfam 2020). Namely, the KP distributes funding through the EUTF intended as development aid to pressure African countries to enforce EU borders and curb migration (ibid). This approach has been criticized as coercive and risks delegitimising EU moral authority by arming actors who are known to violate the human rights of migrants (Lumley-Sapanski, Schwarz, & Valverde-Cano, 2021).

8.6.4 Lessons learned

EU external migration policy, intended in part to help address human trafficking from and through Sudan, has negative externalities in the region that fail to address key vulnerabilities and drivers of modern slavery and in some cases facilitate such. The securitisation and criminalisation of migration, and focus on border enforcement, drives precarious migrants towards more dangerous, clandestine routes mediated through smugglers who are often criminal actors. This places them at greater risk of trafficking and decreases the likelihood of identification as the move through more invisible routes. There is therefore a need for a much greater focus on the conditions and structural factors that drive vulnerability and migration in the first instance, rather than on the outcome (the migration itself). The conjunction between migration policy initiatives and development cooperation and support should be more deeply engaged and closely coordinated, to ensure harmonisation of tools, frameworks, and programming in the country.

8.7 The case of modern slavery in Thailand: focus on the fisheries sector

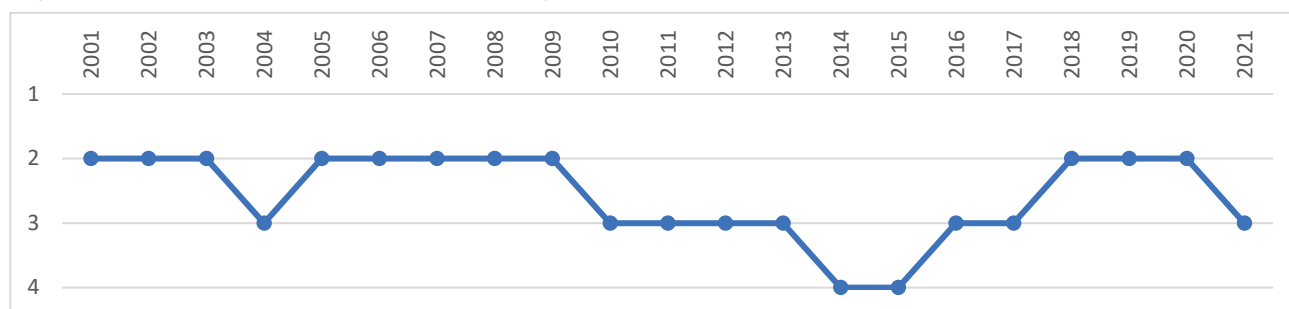
Table 29. Thailand national case summary

Walk Free estimates of the prevalence of modern slavery and government response in Thailand					
Publication year	2019	2018	2016	2014	2013
Estimated number of people living in modern slavery	-	610,000	425,500	475,300	472,811
Estimated proportion of the population living in modern slavery	-	8.9 /1000	6.26 /1000	7.09 /1000	7.08 /1000
Government response to modern slavery	6 (50-59.9) 59.1 /100	B (40-49.9) 48.9 /100	B (40-49.9) 41.52 /100	B (29-34)	-
USDOL-listed goods produced by child labour or forced labour					
Goods produced in Thailand listed as at risk of child labour (USDOL, 2020, p. 24)	Pornography, sugarcane				
Goods produced in Thailand listed as at risk of forced labour (USDOL, 2020, p. 24)	Fish				
Goods produced in Thailand listed as at risk of child labour and forced labour (USDOL, 2020, p. 24)	Garments, shrimp				

In the 2018 Global Slavery Index, Thailand was assessed to be the state with the 23rd highest prevalence of modern slavery as a proportion of the population globally. Thailand is a source and destination country for people experiencing or at risk of human trafficking or modern slavery (US Department of State, 2021). 610,000 people were estimated to be living in modern slavery in 2016 (8.9 persons for every 1000 in the population) and many more people routinely trafficked across its borders (Walk Free, 2018). On the vulnerability scale (with 51.10 points out of 100), the country is above the highest ranking EU Member States such as Croatia (32.7) or Greece (37.13).

The government’s response was assessed at the second highest rating achieved by any state in Walk Free’s 2019 assessment of government responses to modern slavery, achieving an overall score of 59.1 from a possible 100 (Walk Free, 2019).

Figure 38. US State Department TIP ratings over time (Thailand)



8.7.1 Modern slavery in Thailand

In the 2021 US TIP report, Thailand was classified as a Tier 2 Watch List country, with the authors concluding that the 'Government of Thailand does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so'. Victims of modern slavery in the country include nationals and migrants, children and adults. Thousands of children are exposed to child labour, 'including in agriculture, auto repair and other service trades, construction, manufacturing, and in the hospitality industry, and were at risk of facing conditions indicative of forced labour' (US Department of State, 2021). Thai and migrant workers are exploited in labour trafficking in commercial fishing and related industries, the poultry industry, manufacturing, agriculture, domestic work, and street begging. Methods used by traffickers often include debt-based coercion, deceptive recruitment practices, retention of identity documents and ATM cards, illegal wage deductions, physical violence, and other means to subject victims to forced labour (US Department of State, 2021).

8.7.2 EU response to IUU fishing in Thailand

In 2015, the EU yellow-carded Thailand after a report linking Thai prawns imported by European supermarkets, such as Lidl, Aldi, Jumbo, Plus, and Superunie, with a violation of labour rights of migrant workers (Fairfood International, 2015). The yellow card system is not formally linked with labour rights violations. The measure followed Thailand's failure to comply with international efforts to address Illegal, Unreported, and Unregulated (IUU) fishing. The EU issued the yellow card based on European Council Regulation (EC) No. 1005/2008. Countries may be granted 'yellow' or 'red' cards if they fail to comply with international standards and actions targeting IUU fishing. A yellow card functions as a warning. Non-compliance with a yellow card can lead to the issuance of a red card and, consequently, result in an import ban (Auethavornpipat, 2017).

Instances of forced labour in the Thai seafood sector have been reported for over a decade. However, the reports themselves have not led to any decisive measures and changes. The EU's official action, combined with additional pressure from the US which downgraded Thailand in its Trafficking in Persons report (TIP) from Tier 2 to Tier 3, effectively incentivised Thai officials to take actions (Kafdak & Linke, 2021). The IUU regulation did not include any legal obligation to introduce changes in the working environments. However, as noted by an interviewee, the EU political dialogue at that time stressed the importance of including labour and social components in fisheries reforms. The interviewee noted that the openness of Thai stakeholders allowed them to discuss and work towards possible solutions in working rights.

Thailand has ratified two ILO Conventions, and amended fishery and employment law, most notably by introducing changes for migrant workers and workers in the fishery sector (Auethavornpipat, 2017). During the process, the EU provided technical and financial assistance, for example, by delivering EUR 3.7 million for the ILO's Ship to Shore Rights project, supporting the struggle against labour abuses and modern slavery in Thai fishing and seafood industries (Kafdak & Linke, 2021). Considering all the actions taken to address IUU fishing by the Thai government in 2019, the EU lifted the yellow card, recognising the effort to bring legal changes, strengthen the monitoring, traceability, and control processes, and dedicate human and financial resources to fighting IUU (European Commission, 2019c).

we really made a massive impact in Thailand. Really the fishery sector has been very radically reformed compared to a few years ago... until a few years ago you had migrant workers working on a fishing vessels in Thailand... they could be in open sea for eight or ten months and sometimes they were not paid. And if they were sick, they were just thrown overboard. This was the reality... Now you have workers, recognized migrants, with the ID, with the bank cards. Their salary must be paid to them in bank accounts. The government itself is much more forthcoming also, because they understand that without migrant labour, the fishing sector stops in Thailand, so it's also in their interest to implement some reforms and create a better labour environment for migrants (anonymous interviewee).

8.7.3 Effectiveness of EU and other responses

After the EU's intervention, there have been some unquestionable positive changes within the working environment in the Thai fisheries sector. The final assessment of the EU-funded ILO Ship to Shore Project indicated that since 2015 there had been improvements in the area of recruitment safety, contracts, and wages (ILO, 2020b). According to a representative of an international organisation interviewed for this case study, the changes should, however, be attributed to a combination of factors that included the EU's use of the yellow card, including the pressure from the US TIP report, sustained long-term advocacy by civil society organisations, and strong negative media coverage. In the interviewee's view, it was unlikely that the yellow card approach would have worked on its own without these additional pre-conditions in place, as well as a military government that was particularly concerned about its international reputation at the time. Even if the EU cannot be fully credited for the success, this example suggests that by generating

various pressure points (through cooperation with like-minded partners and civil society, creating international publicity and tapping into the authorities interests at the international arena), the EU can increase the effectiveness of its external action.

The improvements in the legislative framework after the EU's intervention do not in themselves guarantee the eradication of modern slavery in the Thai fisheries sector. This is also related to the fact that tackling IUU fishing does not relate to modern slavery, as it focuses on illegal, unreported, and unregulated fishery practices overall (Marschke & Vandergeest, 2016). The above-mentioned study on the Ship to Shore project found that in 2019 forced labour prevalence among fishers amounted to 14 %, and 7 % among seafood processing workers. This 'potentially represents tens of thousands of workers' (ILO, 2020b).

Modern slavery prevalence may connect with gaps in law implementation. For example, to support the identification of trafficking among crews, Thailand established 'Port in-port out' (PIPO) centres. PIPOs' role is to document fishing vessels and conduct inspections to ensure compliance with laws. However, the implementation of these procedures varies across PIPOs. In 2018, not a single case of forced labour or human trafficking was identified (EJF, 2019). The interviewee quoted above also noticed that the Thai government implemented regulatory reforms quickly and without opportunities for inclusive social dialogue, resulting in limited ownership among some stakeholders. In their view, the sustainability of changes may suffer without more engagement of employers, trade unions, and civil society organisations in implementation.

Involvement of influential figures in corruption and trafficking slows down anti-slavery efforts. In December 2020, a local government official and fishing vessel owner was accused of human trafficking (US Department of State, 2021). To solidify the regional approach towards human trafficking, including in the fishery sector, UNODC plans to implement a project called 'Strengthening international legal cooperation on transnational trafficking in-person cases' to develop a compendium and case studies on trans-regional legal cooperation. Due to success of the Thailand edition of Ship to Shore project, the ILO on behalf of the EU and UN, launched the regional edition of the project Ship to Shore Rights Southeast Asia (SEA). The project's potential to repeat the Thailand impact on a wider regional scale is yet to be discovered as the project is ongoing. However, some scholars suggest replicating such an approach may be a challenge in countries such as Cambodia due to the lower dependency on fish export to the Global North, including the EU (Marschke & Vandergeest, 2016). In Thailand, however, the EU has significant influence as a significant fishing partner (reported by an ILO representative interviewed).

After gaining green card status, seafood export from Thailand to the EU increased by 103 % in 2019 (Wongrak, Hur, Pyo, & Kim, 2021). If the challenges related to forced labour in the sector are not tackled systemically, in the future the EU could be strongly connected to the instances of modern slavery in the Thai fisheries sector. Looking further towards durable solutions, reflections from the ILO Ship to Shore project suggest that further research could help design future actions. These should be informed by further exploration of the changes since 2015, especially in legal framework implementation, addressing existing gaps and the overall working environment in the fishery sector (ILO, 2020b).

The representative of an international organisation interviewed for this case study also observed that more attention will need to be paid to the gender dimension of the exploitation problem in the Thai fisheries sector, requiring, for instance, more attention on seafood processing jobs (often reserved for women), as well as home-based and pier-based work. Additionally, the improvement of migrant labour rights is yet another under-addressed dimension of the problem. The Thailand Migration Report 2019 noted significant migrant labour abuses connected with salaries below minimal legal wage, wage withholding, or instances of forced labour (Harkins, 2019). Therefore, as indicated by our anonymous interviewee, one of the key priorities should be ratification of ILO Conventions 87 and 98, creating a legal framework to include migrants in the association and collective bargaining.

While the problems in the Thai fisheries sector should continue to be addressed, there is a danger in solely focusing on this industry. Due to structural vulnerabilities such as lack of labour rights guarantees, migrant workers in Thailand also face abuses in other sectors, such as domestic work, sex work, construction, agriculture, livestock, hospitality, and garment manufacturing (IOM & UN, 2019, p. 5). These are much less documented, and the efforts to address them are less funded. Moreover, measures such as the EU's yellow card, or the actions implemented by large multinational companies vis-à-vis their supply chains, do not tackle the challenges in supply chains of goods and services produced for the Thai market, which constitute a substantial part of the problem in the country.

8.7.4 Lessons learned

The analysis of modern slavery eradication efforts in the Thai fisheries sector indicates that actions need to acknowledge multiple interconnections and layers of workers' vulnerabilities. With substantial legal changes that effectively improved working conditions, there is a need to work further on law implementation and monitoring, especially at the local level. Follow-up action, such as the regional expansion of the Ship to Shore project, indicates that the case of Thailand is not isolated and similar changes need to be introduced in other countries in the region.

The gender dimensions of exploitation and modern slavery in the Thai fisheries sector require greater attention. Actions have mostly focused on men working on fishing vessels, while similar labour violations have taken place in the seafood processing sector, which is more feminised. Considering Thailand's reliance on a migrant labour force, there is a need to advance the legal framework and ratify ILO Conventions 87 and 98, creating a legal platform for including migrants in associations and collective bargaining. Finally, while progress in the Thai fisheries sector is welcome, it is important to stress that antislavery actions are urgently needed in other sectors and to address the structural vulnerabilities of workers in the country.

9 Cross-domain considerations

This section analyses cross-cutting themes that emerged across evidence assessed in the study, identifying considerations and approaches considered fundamental to external policy efforts to address modern slavery in third countries across policy domains and initiatives. Drawing from a combination of evidence gathered through interviews and the secondary literature review, the section provides an overarching framework for external policy efforts on modern slavery.

The United Nations Sustainable Development Goals (SDGs) present the 17 global goals as ‘integrated and indivisible’—not existing in isolation of one another, but necessarily interconnected (UNGA, 2015, p. preamble). This also reflects the nature of modern slavery as a phenomenon, captured in SDG Target 8.7 (as well as Targets 16.2 and 5.3). It does not occur in isolation but shapes, and is shaped by, a wide range of external conditions. Across the study, evidence and respondents emphasised the importance of intersectional, coherent, and holistic approaches to addressing the challenge of modern slavery. As one representative of an EU body interviewed noted, ‘all our actions must be interconnected... we don’t work in isolation’.

While an extensive body of evidence assessed in the study focused on specific policy domains and initiatives, evidence also spoke strongly of cross-domain and cross-policy considerations and approaches considered fundamental to the success of external policy addressing modern slavery. The following analysis presents each cross-cutting theme in turn, highlighting key considerations, approaches, and lessons learned in shaping effective external policy to address modern slavery in third countries.

9.1 Coherence and harmonisation

The fundamental importance of coherence and harmonisation in international and national regimes relevant to modern slavery was highlighted across interviews and evidence assessed.³⁵ Opportunities for greater complementarity in external policy efforts—within the EU and in coordination with other international, regional, national, and local actors—were identified as key areas for further attention, to improve the effectiveness of the overall package of external policy efforts.

Connected to the foundational conceptual and governance challenges involved in antislavery efforts internationally (discussed in section 3), risks of different aspects of modern slavery policy falling into different ‘silos’ within national and international responses exist. For instance, while trafficking is often seen as a security and migration issue, forced labour is typically viewed within the context of labour governance. This generates challenges not only in harmonising international frameworks and initiatives, but also in engaging stakeholders in third countries—creating a need for external policy efforts to facilitate local understanding of the connections and the need for coordination across departments and domains.

Contestation and divergence in the language used in relation to modern slavery practices, and the lack of an established and agreed upon international definition of modern slavery, present a challenge to coherence of external policy efforts in this context. One interviewee advocated for harmonisation of the international language used in considering modern slavery issues, and formal recognition of how different practices and concepts are connected to provide a grounding for coordinated approaches (advisor to an international security organisation).

The distinction between overarching frameworks and implementation is important in this context, establishing a coherent and harmonised framework while allowing for tailored approaches to practical

³⁵ General issues of coherence and harmonisation not tied to particular policy domains were particularly highlighted by interviewees 0511, 0811, 1211-2, 1211-3, 1511-2, and 0912.

delivery of projects and policies. Emphasis on coherence and harmonisation therefore exists in parallel with contextually tailored solutions, rather than as competing approaches.

International standards and frameworks are a valuable source of shared understandings, obligations, commitments, and frameworks. For instance, an interviewed CSO representative noted that while having the same standards across countries might not lead to better modern slavery outcomes in itself, it did facilitate better cooperation within states and among states. This outcome was acknowledged in relation to Council of Europe States with a shared framework of obligations under ECAT but was also recognised as evident in relation to EU standards, as well as being relevant more broadly. Coordination between the EU and OECD was also highlighted by an OECD representative interviewed as particularly valuable in supporting coherence in international policy initiatives, and as having delivered important advances in key policy areas, including sectoral efforts in the garment and minerals industries.

International standards are a shared point of reference for external policy efforts that provide a patina of neutrality where reliance on particular regional approaches (of the EU) might be perceived as an inappropriate imposition of EU values. However, the value of regional frameworks, detailed guidance, and standards should not be downplayed. The potential for extension of particularly effective regional frameworks to third countries provides a promising opportunity to engage third countries in systems proven to be effective in addressing modern slavery issues, particularly where these frameworks provide practical infrastructure not available in global instruments.

The role of international frameworks in establishing a shared ‘floor’ of fundamental standards and expectations is as a valuable feature of core international treaties, and a beneficial outcome of integrating such frameworks across policy domains. While targeted and tailored approaches for specific country contexts are generally valuable, the importance of a shared basic framework is also fundamental. One of representative of an EU body interviewed noted that adaptations should not apply to the fundamental international standards, affirming that ‘we don’t compromise on standards’. A CSO representative likewise confirmed the presence of an important floor of principles and approaches, while a representative of an international organisation suggested that international actors needed to establish a ‘baseline’ for themselves, without which agreements and engagements should not proceed.

Cross-regional coherence is relevant to improving international antislavery efforts, requiring greater attention on the potential for regional frameworks to harmonise and work together more effectively to address modern slavery challenges. Another interviewed CSO representative in particular called for serious consideration of how an EU strategy could contribute to, for instance, an African strategy on trafficking in addition to considering coherence with international frameworks.

9.2 Intersectionality

A strong cross-cutting theme emerging across evidence assessed in this study was the intersectionality of policy domains and issues in the modern slavery context. In line with the pronouncement of the SDGs as interrelated and indivisible, modern slavery efforts are situated at the nexus of a wide variety of different regimes and issues. This emphasis on intersectionality plays out in two key ways. First, in the coordination and harmonisation of different policy domains in addressing modern slavery. In this context, introducing a ‘modern slavery lens’ across a wide variety of different policy domains is advocated. Second, in recognising the structural and contextual conditions that facilitate or drive modern slavery, and thus emphasis on broader response frameworks and addressing ‘root causes’ as key to modern slavery efforts.

...it's important in each and every one of these policies to have a slavery lens and an anti-trafficking lens. So that you can see how this policy might actually impact upon the push-pull factors of exploitation between two nations and how those two nations interplay with each other in terms of providing a cohort of people that are vulnerable to being exploited and a potential destination country for them to be exploited in (CSO representative).

Stronger coordination within the EU and with external actors—in addition to facilitating coordination between third country institutions—are crucial to the success of an intersectional approach to addressing modern slavery. The role of the EU in supporting external programming to address modern slavery was clearly recognised by study respondents, although working with third country governments in such programming was highlighted as crucial.

A focus on addressing root causes and call for increasing attention on these factors was universally evident across interviews, and strongly upheld across secondary evidence assessed. Key structural frameworks for building resilience against modern slavery included the overarching human rights and labour protections frameworks within the country, as well as anti-discrimination efforts. In relation to human rights frameworks, recognition of both civil and political rights and economic, social, and cultural rights is important in establishing an environment of reduced risk of modern slavery. A representative of an EU body interviewed therefore called for ongoing promotion of social and economic rights in EU external action. Likewise, the protection of human rights defenders is central to enabling effective antislavery efforts in third countries.

Further thematic intersections include connections with migration, poverty, unemployment, education, conflict and instability, urbanisation and the urban-rural divide in third countries, discrimination, gender imbalances, access to healthcare, global income inequality, corruption and rule of law. As an emerging theme of significant concern, the intersections between modern slavery and environmental and climate issues are crucial considerations for current and future antislavery efforts.

While in general efforts to address the various root causes of modern slavery are lauded, the short-term nature of a significant proportion of international funding and programming presents challenges for more strategic and systemic action. Many root causes of modern slavery considered as fundamentally important focus points for external policy are large—and in some instances seemingly intractable—challenges. Long-term and sustainable programming is therefore crucial to the success of EU external policy efforts to address modern slavery in third countries.

9.3 Coordination and cooperation

The overarching importance of coordination and cooperation—between EU institutions, with international, regional, national, and local stakeholders, and across public, private, and third sector actors—was universally recognised by interview respondents and had a strong presence in secondary evidence assessed. Internal coordination and cooperation between different EU bodies and institutions is both necessary and effective in improving EU external policy to address modern slavery in third countries. The differentiation of mandates related to different modern slavery practices creates a challenge for coordinated action within EU institutions—with conceptual divergence and the resulting ‘silo’ effect in modern slavery governance again creating risks of fragmentation.

Inter-service consultations and regular dialogues are examples of mechanisms facilitating such coordination. The presence of a human trafficking coordinator within the EU is a positive feature facilitating internal coordination, although potential for greater cooperation to improve the coherence and effectiveness of EU policy and programming remains. Opportunities for increased internal EU coordination should be a priority for future action, with one representative of an EU body interviewed recommending the establishment of a cross-EU task force on modern slavery. The positionality of the EU gives rise to the consideration that it may not be the right international actor to create an overarching framework and system for international coordination—a role potentially better served by a UN body.

Cooperation between the EU and other international institutions is also foundational to coherent and effective external policy on modern slavery, and particularly in reducing the risk of ‘competition’ between international actors in this field. The growth of mandates in relation to the various modern slavery practices, the division of responsibilities amongst different actors, and the increasing number of

international actors working in the modern slavery space are both a benefit to modern slavery efforts (in that increasing attention is paid to the issue) and a challenge (in that it becomes harder to keep track of and coordinate different stakeholders). However, the opportunities for joint programming provide great value in addressing modern slavery, with examples of previous EU joint work of note with the Council of Europe, ILO, and the OECD identified. Agreements between international actors providing a framework for aligned action are a potential mechanism for facilitating coordination.

The EU plays an important role in facilitating coordination—including multi-sectoral collaboration—within third countries. Fostering engagement and coordination across different ministries within a country in line with the intersectional approach advocated above is an important function of EU action. Beyond facilitating coordination within the government, establishing frameworks for multi-stakeholder collaboration in-country is central to the success of embedding antislavery efforts. This includes recognition of the importance of engaging closely with civil society (addressed further in section 9.4 below) and the private sector (addressed further in section 9.5 below), but also with lawyers, healthcare workers, and other practitioners interacting with modern slavery issues and survivors.

Coordination facilitation activities do not come without costs. Consideration of resource allocation for dedicated coordination support activities, as well as the integration of such activities in other initiatives and programmes, is therefore important in considering how these measures are integrated in EU external policy. However, it should also be noted that better coordination may have flow-on effects for the efficiency of spending and resource allocation in modern slavery programming. Shortcomings in coordination translate to inefficient allocation of resources dedicated to addressing modern slavery in third countries.

9.4 Engagement with civil society

Engagement with civil society organisations was a central focus for interview respondents, identified across policy domains and as an overarching consideration for modern slavery policy and programming. Engagement with civil society organisations is already embedded across a range of external policy efforts to address modern slavery in third countries, including initiatives of the EU. Responses and evidence identified therefore considered the effectiveness of existing mechanisms and key lessons learned, as well as the potential for improvements in particular aspects of engagement. The importance of civil society engagement was echoed across interviews, labelled a ‘mantra’ or ‘religion’ for various international bodies.

Civil society organisations act as important information, monitoring, and oversight actors in relation to external policy initiatives in third countries. Embedded in the specific national and local contexts, civil society organisations can provide nuance and on-the-ground insights not otherwise available to external actors. They provide a long-term embedded perspective on conditions in the country, and an important counter-narrative to the official position of the state. Political factors may direct states towards adopting particular positions, presenting information in particular ways, or taking a selective approach to which issues are acknowledged or engaged with. Civil society perspectives can provide a balance to these narratives, with a diverging set of underlying motives driving information sharing. Civil society organisations are also often part of larger Transnational Advocacy Networks, creating the potential to facilitate engagement with a wide range of key stakeholders (Keck & Sikkink, 1998a); (Keck & Sikkink, 1998b); (Risse, Ropp, & Sikkink, 1999).

Not are civil society important monitoring bodies, they also act as key implementing partners for EU external policy initiatives. They provide an important contextualised perspective that can deliver tailored local approaches, as well as having legitimacy within the particular context that may not be held by international actors working alone. Working with civil society as implementing partners is particularly valuable in countries where social services are more limited, or with weak governance..

Box 16. The EU Civil Society Platform against trafficking in human beings**The EU Civil Society Platform against trafficking in human beings**

The EU Civil Society Platform against trafficking in human beings is a particularly effective mechanism for facilitating coordination of civil society organisations within the EU, and in opening some doors for better engagement with organisations in third countries. Given the success of the platform, and the evident benefits in improving CSO coordination, respondents identified potential for both the platform itself and learnings from its operation to be extended to third countries. .

Engaging with civil society organisations in third countries cannot operate on a ‘one size fits all approach’ but relies on engaging with the specificities of particular country contexts. In the first instance, understanding the breadth and diversity of organisations within a country, and their respective activities, is important in facilitating meaningful and constructive engagement, and ensuring appropriate representation in relevant conversations. For instance, in some states a particular large organisation may be responsible for delivering survivor assistance, while in others a collection of smaller organisations may fill the same role. Sensitivity to the relationship between the government and civil society in a particular context is also important given the tense, and even dangerous positions that civil society can occupy in relation to the government. This was particularly noted in dealing with corrupt governments and places where ‘civic and political space is shrinking’ (representative of an EU body).

While EU engagement with civil society organisations was generally commended, one area of concern is the accessibility of relevant consultations and materials. This accessibility consideration had three central dimensions. First, in terms of language accessibility, ensuring that materials are translated and available in local languages is important. An emerging area of concern in international antislavery, increasing attention is being paid to potential issues of accessibility around dominant languages, and the risks of ‘language oppression’ particularly in engaging with survivors and grassroots organisations. Second, in terms of who gets invited to participate in consultations and engagement activities. Efforts to proactively seek out local grassroots organisations and not just ‘the usual suspects’ are important to ensuring access to important policy conversations and processes. Finally, in terms of the accessibility of documentation and consultations. A different kind of translation effort is required in ensuring the accessibility of consultations and materials for a non-policy specialist audience, to ensure the full range of civil society organisations could engage meaningfully in consultation activities.

EU actors adopting a proactive approach to reaching out to civil society and grassroots organisations is also important in ensuring appropriate coverage and accessibility. This engagement requires effort on the part of EU actors, as even identifying the full range of civil society organisations within a particular context (and not just those that are the most well-known and based in the capital) can present a challenge. Further, basic technical aspects of engagement ought to be considered—including recognition of factors such as the lack of stable internet connection experienced by many grassroots organisations in third countries (CSO representative).

Providing funding for local civil society organisations to facilitate both coordination and engagement activities and in-country programming is also important. In many third country contexts, funding for civil society organisations addressing modern slavery is limited—creating an important need for international funding and support to address the phenomenon. The connection to development programming enables civil society organisations to act, and to report on situations and issues that are nearly invisible, and for which sensitive approaches are needed. Support and funding for engagement is also valuable in enabling particularly the inclusion of smaller organisations with limited finances.

9.5 Engagement with the private sector

The contemporary context requires corporations to come forward and share the responsibility because, as noted by Nolan and Bott:

In a race for lower cost inputs, transnational corporations have taken advantage of jurisdictions with weak regulatory frameworks. Yet, while they may reap the benefits of globalisation, and those of reduced costs, they do not necessarily shoulder the burden of eradicating modern slavery practices present in their supply chains. (2018).

Engagement with businesses is therefore important in addition to engagement with civil society, and a key priority for EU external policy to address modern slavery in third countries. With 16 million people estimated to be in modern slavery in the private sector (ILO and Walk Free, 2017, p. 10), engagement with businesses is fundamental to meaningfully addressing the problem. Engagement with the private sector with the intention of addressing modern slavery in third countries falls within two broad categories: first, direct engagement with businesses based in third countries; and second, engagement with businesses based within the EU that operate in, or have supply chains connected to, third countries (indirect engagement).

In establishing a framework for engagement with businesses, the following key factors can support success:

1. **Identifying the motivation** for businesses to engage, connecting expectations and engagement to the company's responsibilities and liabilities and not only relying on good will.
2. **Clarifying expectations** on business conduct, providing the necessary information on requirements in place.
3. **Raising awareness** of relevant issues and expectations relevant to private sector organisations, ensuring that they understand the subject and their obligations and that information is available in local languages.
4. **Providing incentives** to encourage and support positive action, facilitating constructive engagement.
5. **Establishing consequences** or risks for the business that are meaningful to them in their context—combining incentives with more hard measures.
6. **Phasing expectations** to provide sufficient time for businesses to meaningfully engage and change their behaviours and promote transparency and constructive engagement.
7. **Tailoring expectations** to the size and context of the enterprise, to ensure expectations align with position and capacity.
8. **Providing guidance** for businesses on all aspects of the relevant frameworks, including sufficient practical detail supported by key examples, case studies, and scenarios.
9. **Establishing dialogues** with and between businesses to facilitate improvements and information sharing, including two-way dialogues between EU companies and third countries from which they source.
10. **Monitoring action** to ensure compliance and hold organisations accountable in instances of failure to meet obligations.
11. **Investing for change** in the structural conditions within the third country, delivering complementary measures to help investment and transform the sector.

These factors remain relevant in the context of mandatory due diligence obligations as well as the more light-touch reporting-based and voluntary frameworks that have been most dominant in recent years.

Including small and medium-sized enterprises (SMEs) is important for efforts to engage with the private sector. The market share represented by SMEs makes them a strategically important actor in antislavery efforts, despite the fact that they are often excluded from relevant modern slavery frameworks, including legislative requirements for transparency, reporting, and due diligence, which often establish a threshold for obligations based on the size (financial turnover or number of employees) of the enterprise. While capacity of organisations to enact particular measures may differ between different sized organisations, the size of the company may not make a ‘big deal of difference if the harm is there’ (OECD representative).. Although inclusion of SMEs is important for the wider success of private sector-focused initiatives to address modern slavery, there is a need for tailored obligations and expectations.

Box 17. Working through business associations and hubs

Working through business associations and hubs

Working through business associations and hubs in contexts where these exist can be a valuable strategy for engaging with the private sector in particular third countries. This can facilitate engagement with a wide cross-section of organisations without the intensive effort usually required to engage that quantity of actors. Such associations can also hold important leverage over member organisations, providing a key partner facilitating change across a wide variety of organisations. This also provides a connection to smaller enterprises that might not otherwise be captured in private sector initiatives. Examples of such associations include the Tirppur Exporters Association in South India (one of the biggest exporting organisations of finished tailored garments from India) and the Chinese National Textile Apparel Council (which plays an important role in mediating between the Chinese government and Chinese businesses). As an interviewed OECD representative highlighted, engaging with these organisations can be particularly valuable to ‘cascade expectations and help train and help with language and cultural barriers to really sharing expectations’.

9.6 Engaging lived experience

Meaningful inclusion of survivors in all stages of policy and programming design, implementation, and evaluation is increasingly emphasised in the global antislavery movement. Local, national, and international actors are implementing new frameworks to integrate survivor perspectives in antislavery efforts, including through consultation frameworks and the establishment of survivor advisory groups. In an open letter to the anti-trafficking movement, Minh Dang presents a set of guiding principles for the anti-trafficking movement, urging re-humanisation of survivors, thinking ‘outside the box’, developing new discourses, addressing emotional poverty and profits, recognising grief and loss, and engaging with survivors for more than their stories (Dang, 2014). In 2018, she further emphasised the importance of meaningful survivor inclusion in antislavery:

It is imperative that our movement integrate survivors as equal members of our community. We are here to build with you. When we knock on your doors, please invite us in. We do not want our words to continue to fall on deaf ears, but rest assured, we will not be silent (Dang, 2018).

In 2021, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) launched the International Survivors of Trafficking Advisory Board to assist ODIHR’s work combatting trafficking (ODIHR, 2021). While other international institutions have previously engaged survivor perspectives and expertise in a variety of ways, this represents a significant development in the institutionalisation of survivor engagement in international efforts.

Engagement with survivors and vulnerable populations is a central touchstone for international antislavery activities moving forward, both as a matter of ethics and as a matter of efficacy. Engaging lived experience provides important insights on modern slavery trends, as well as on what works sustainably to address modern slavery, and is therefore central to improving antislavery efforts. However, it is critical to ensure appropriate mechanisms are established so that survivor engagement in policy and programming does not produce additional harms to vulnerable populations, victims, and survivors, and frameworks of accountability to survivors are created. A recent Rights Lab and Survivor Alliance guide provides practical insights for policymakers involving survivors in antislavery policy (Brotherton, et al., 2020).

9.7 Monitoring and oversight frameworks

While ratification and commitment to international frameworks, agreements, and conventions, as well as the enactment of domestic legislative and policy frameworks, are fundamentally important to antislavery efforts, the importance of ensuring implementation is critical to achieving practical change. Establishing robust and appropriate monitoring and oversight frameworks for ensuring compliance across the wide array of policy domains and commitments is therefore central to addressing modern slavery in third countries.

Specific considerations for monitoring and oversight mechanisms are considered in relation to particular policy domains in sections 5 to 7. However, key cross domain considerations include the value of multisectoral engagement (and in particular engagement with civil society) in effective monitoring, the importance of constructive dialogue in monitoring, the importance of ongoing engagement, the value of working within international actors and institutions, and the benefits of connecting monitoring with existing monitoring frameworks within (for instance) the UN system.

The in-depth and contextualised monitoring mechanism of GRETA is a particularly strong example of a monitoring framework that works to advance changes within ECAT Member States. While this operates within the framework of the CoE convention rather than in relation to third countries, the convention is open for ratification by non-members (and has two non-member signatories: Belarus and Israel). This provides important learnings for other monitoring mechanisms operating in different contexts and relevant to formulating monitoring frameworks in third states. Particularly valuable features of GRETA engagement include: working in dialogue with the state; conducting country visits for each report, including multisectoral engagement with local stakeholders; adopting a thematic focus on a particular area of engagement rather than seeking to address too many issues at once; developing specific and tailored recommendations for each state that support the state in designing and implementing improvements; and ongoing engagement with states including review of progress on recommendations.

9.8 Balancing ‘soft’ and ‘hard’ approaches

Across policy domains, interviewees and evidence highlighted the importance of a combination of both ‘soft’ and ‘hard’ approaches to improving conditions and addressing modern slavery in third countries. While many interviewees in particular placed strong emphasis on constructive engagement and working alongside countries and companies to improve conditions, all recognised the need for the EU to have the option of imposing strict measures in extreme cases.

The value of ‘soft’ approaches was universally acknowledged by interviewees and strongly evident in secondary sources reviewed. Structures for engagement in contexts where modern slavery practices occurred provide important mechanisms for achieving change. In the context of this engagement, the option for a harder consequence—withdrawal of preferences, suspension of a relationship or agreement, boycotts, imposition of import ban or sanctions—is nonetheless an important motivating factor for action. The possibility of such a consequence is necessary, even where the threshold for activating it is high.

In addition to the value of being involved in dialogue towards a solution, the potential negative externalities of 'hard' responses, particularly on vulnerable populations, are also factors mitigating against the imposition of such measures. In particular, the risk that already exploited and vulnerable workers would be the ones that suffered most from such measures tempers willingness to engage these mechanisms. Consistency in the adoption of 'hard' measures is also needed, with concerns raised over credibility where political factors appeared to motivate decisions over which situations would, and would not, result in the imposition of such measures.

Overall, interview respondents drew the line on where engagement of 'soft' approaches ought to end, and 'hard' power be exercised, in different places. A notable distinction emerged in this context between respondents representing international institutions and those representing civil society organisations. Overall, the latter tended to indicate less appetite for violations before considering harder measures ought to be brought into play, placing stronger emphasis on strict frameworks, accountability, and imposition of consequences. The former, on the other hand, tended to view sanctions and 'hard' consequences as more often a matter of last resort.

9.9 Contextually responsive engagement

Although all committed in principle to the prohibition and eradication of slavery, different countries around the world evidence significant diversity in a wide array of factors. Engagement with, and approaches to, addressing modern slavery are shaped by contextual conditions, as are the modern slavery dynamics and trends relevant to a context, the mechanisms for change, and the methods of external engagement required to advance antislavery. Across the board, interview respondents highlighted the complexity of factors shaping engagement in different contexts. This is likewise evident across secondary sources assessed. While establishing a minimum framework of standards and expectations internationally, and facilitating harmonisation were significantly emphasised in this study, the importance of tailoring engagement and implementation was seen as a complementary approach necessary to secure the success of efforts to address modern slavery in third countries.

Global commitments to address modern slavery do not necessarily translate immediately into willingness to engage internationally, or to adopt particular measures considered valuable or necessary in the fight against modern slavery. Identifying contextually relevant 'levers' activating engagement within a particular context can bring countries on board more effectively than relying on internationally or externally relevant factors alone. An interviewed representative of an international organisation described this as 'identifying common ground of why an issue needs to be addressed', while a representative of an EU body interviewed considered identifying 'the interest of the countries so to show in what area the approach of respecting human rights will be beneficial for the country'. Effective levers include reference to international obligations of the state, financial or economic interests, a track record of success, and supporting evidence relevant to the local context.

Establishing a relationship of respect, honesty, and trust is also important in establishing a framework for constructive engagement with third countries. The politics and diplomacy behind engaging with third states in efforts to address modern slavery cannot be overlooked in considering how the effectiveness of EU external policy could be maximised. Interview respondents noted the importance of recognising shared challenges—establishing a relationship of equality and recognising that efforts within the EU are also works in progress (interview with CSO representative). The strong emphasis placed on constructive engagement brought respect in negotiation and implementation activity to the fore, as an underlying principle driving external policy efforts.

Developing tailored approaches specific to the particular third country context in question is also crucial to the delivery of effective external policy and programming to address modern slavery. Tailored recommendations specific to a particular context are more likely to result in positive change than more

general recommendations at a higher level of abstraction. Cultural and community norms and expectations are important factors in reshaping modern slavery trends. Locally engaged and participatory approaches can therefore be particularly effective in securing local buy-in and enabling appropriate tailoring of solutions to the local context (representative of an EU body).

Contextual sensitivities around particular language provide an important point for tailored engagement. An interviewed representative of an EU body highlighted the difficulty of modern slavery policy as requiring antislavery actors to ‘talk about issues that are very sensitive at local level, very much embedded... So, I think this is where the difficulty really lies, because it can quickly become political’. Another representative of an EU body highlighted that even using the language of forced labour could be very sensitive, and therefore that in some cases it may be necessary to approach the issue from the angle of improving productivity. Likewise, an interviewed advisor to international security organisation highlighted that even the broader language of human rights could be problematic in particular contexts, and therefore the lens of commerce as an entry point could better facilitate engagement.

This contextualised narrative need not sacrifice the rights-based approach at the core of EU external policy, or the fundamental standards that represent it. Rather, it calls for a careful consideration of how overall engagement is conducted, how contextualised interests are represented and engaged, and how partnerships are formed to ensure shared ownership over modern slavery issues.

Capacity building and awareness raising—both with government and relevant organisations and with vulnerable populations and members of the general public—are necessary in third countries, but with contextually specific requirements. Providing workshops and training, as well as conducting awareness campaigns, are valuable in some contexts to address key risk points and foster a shared understanding of modern slavery challenges. In some cases, this may be required at the foundational level (addressing what modern slavery is, that it still exists, and how it manifests), while in other contexts it may be more high level (addressing for instance particular strategies, barriers, or risk factors). Awareness raising remains important, but most important in relation to the ‘right people’ (representative of an EU body) or in connection with particular expectations and obligations to effect change (advisor to an international security organisation).

9.10 Adopting a sectoral approach

Many efforts to address modern slavery—lead by international and national actors alike—adopt a specific sectoral focus rather than seeking to engage with the full range of exploitative practices within a particular context. While establishing a framework of expectations at a non-sectoral level is fundamental, including through reference to international frameworks and standards, the value of adopting a tailored sectoral approach in high-risk industries is also clear. First, this allows for prioritisation of efforts and resourcing in particularly significant exploitation contexts; and second, it enables contextually specific and tailored complementary frameworks and support for businesses.

Although funding for efforts to address modern slavery globally has been increasing, the global antislavery sector still faces significant resource limitations in comparison to the scale of the problem globally. Difficult decisions over the allocation of limited funds in addressing this global challenge are therefore inevitable. Adopting a sectoral approach targeting particularly high-risk sectors can help to achieve efficiency in resource allocation, delivering greater potential for meaningful change in overall modern slavery trends.

Particular industries and sectors do not operate in the same ways, nor do they evidence the same trends in modern slavery incidence—in terms of the form that violations take, the conditions in which exploited persons are held, the mechanisms used to control the persons, or the available frameworks for assistance. While a general framework of standards and expectations applicable across sectors is valuable, this does not provide the necessary level of nuance to tackle the specific challenges faced in any given sector, nor does it provide tailored guidance or support to organisations seeking to effect change. This tailoring of solutions also engages a level of efficiency in resource allocation, as it focuses attention on the key levers

and pinch points within the specific sector, and avoids excessive attention on issues not playing a significant role in contributing to modern slavery trends. This responsive approach to engagement was noted to increase the effectiveness and likelihood of success for antislavery efforts.

9.11 Balancing political tensions

A wide range of international and domestic actors alike (including the EU) have signalled a fundamental commitment to addressing modern slavery. Addressing modern slavery is a global commitment made by all UN Member States through the SDGs, and one of very few *jus cogens* norms of customary international law carrying obligations *erga omnes*. That is to say, it is recognised in international law as a norm binding on all states, from which no derogation is permitted, and in relation to which all states have an obligation to cooperate to bring breaches to an end (Allain, 2019). Yet, despite the universal consensus in principle, in practice efforts to address modern slavery can be the subject of political contestation and tension.

The political reality of the EU, of Member States, and of third countries in which EU external policy to address modern slavery seeks to operate are potential sites of tension in formulating an effective, evidence-based strategy to eliminate the phenomenon. Key policy tensions exist within areas of heightened political concern both for the EU and particular states—most notably in relation to migration, immigration, and asylum policy. The need for unanimity within the EU system also presents challenges for external policy addressing modern slavery. Efforts to construct effective EU external policy frameworks to address modern slavery therefore must overcome the hurdles of a political system where consensus on addressing modern slavery does not extend across all areas of policy and programming concern. While consensus at the centre of modern slavery issues may be clear, where this intersects with competing political interests (for instance in the case of migration policy or key trade interests) agreement may be harder to secure.

9.12 Research and data

Developing research, evidence, and data, as well as establishing rigorous monitoring, evaluation, and impact assessment mechanisms are central to ensuring ongoing improvement in efforts to address modern slavery in third countries. Understanding ‘what works’ to address modern slavery in different contexts relies on robust research and data. To deliver effective EU external policies in this sphere, important evidence gaps need to be filled, and new and emerging trends identified and analysed. This study identified a range of areas in which further analysis could yield important insights for improving EU external policy and the external policy of like-minded partners. This has the potential not only to maximise the effectiveness of future action, but also to identify key priorities and deliver more efficient interventions.

...we are all working in an environment where financial investment is lower because of a number of reasons. So we have to be better at delivering for what we have. But that's also accountability. So if I may say that for any policy strategy to really try to come down to those specific tools that would allow to track impact and implementation (representative of an international organisation).

10 Conclusion

This section summarises the main conclusions of the study related to the effectiveness of external policy measures adopted to address forced labour and modern slavery in third states by the EU and like-minded partners. It highlights key learnings from the study, as well as identifying areas where limited data and evidence hinder conclusions.

EU external policy presents myriad opportunities for advancing efforts to address modern slavery in third countries. This study highlighted the essential role and responsibility of the EU in undertaking these efforts, and wealth of areas in which the EU can continuously advocate and push for improvements in conditions for some of the world's most vulnerable populations.

I think we really needed to start from the foundations of the European Union in respecting and promoting the fundamental values and principles of European Union, European Community as you wish to call it from the Rome Treaty. We have founded this community this union on these values on human rights. And, our role is not only to protect, to promote, these rights in European Union but also in our relations with our partner countries (1511-1).

The unique position and scale of the EU, and the potential leverage it is able to bring to bear in the global fight against modern slavery was particularly underlined. The EU's 'big hand' reaches across a high number of countries in which modern slavery is prevalent, and modern slavery abuses perpetrated in third countries are imported into the EU through products and services.

Current external policy initiatives of the EU in addressing modern slavery in third countries were already reported to be 'on the right tracks' and 'world leading' in many cases. However, areas for significant improvement and the potential for the EU to emerge as a global antislavery champion were emphasised.

Integration of human and labour rights protections, with a focus on modern slavery, in **trade policy** is central to the future of international antislavery. The EU's significant trading power in international markets was noted as a unique strength, enabling the EU to engage more meaningfully in antislavery efforts in this context than many other international actors. While existing measures adopted were identified as positive, mixed evidence of the overall strength and effectiveness of these approaches in meaningfully combatting modern slavery in third countries was identified. Advances in approaches to protecting vulnerable populations from modern slavery within the context of trade agreements, the GSP, import restrictions, and corporate responsibilities along global supply chains were therefore highlighted as a key priority for EU external policy moving forward.

Development policy represents a key target and a crucial nexus interconnected with all other areas of EU external policy addressing modern slavery in third countries. Current approaches to development funding were noted to be fundamental to advancing antislavery efforts, and having achieved an array of success in effecting change for vulnerable populations, including victims and survivors of modern slavery. The potential for increased systematisation of development efforts—within the development policy domain, in conjunction with other branches of EU policy, and in coordination with other international development efforts—was underlined as having the potential to yield significant advances in global antislavery. However, the potential for tensions between different areas of development-related policy were also noted, requiring a careful and nuanced approach to navigating interactions between different political and practical concerns.

Efforts to address modern slavery in third countries are embedded across all aspects of EU **foreign policy** and action, from areas in which antislavery comfortably resides (such as human and labour rights frameworks) to those with no apparent connection to modern slavery issues (such as open sky

agreements). Although increasing emphasis is placed globally on a shifting away from a primary focus on criminal justice approaches to addressing modern slavery, frameworks for transnational cooperation in criminal justice activities to ensure accountability for violations were nonetheless identified as a central pillar of a coordinated and intersectional antislavery strategy.

Policy intersections in which the antislavery imperative sits in tension with competing interests are of particular concern for future efforts to address modern slavery in third countries. In the case of **migration policy**, for instance, the increasing securitisation and criminalisation of migration is reported to have unintended negative impacts on the populations it intends to protect. A careful recalibration of interests and objectives is therefore needed in this domain, interconnected with development programming, to address vulnerabilities, root causes, and structural drivers of precarious migration and trafficking.

Evidence analysed across the policy domains evaluated in this study highlighted the porous nature of borders between different areas of EU external policy. While the 'silo' effect in global antislavery efforts was emphasised as a key barrier to success, the potential for a **coordinated, intersectional, and cross-cutting approach** to addressing modern slavery in third countries was lauded as central to the future success of EU external policy in this area. Twelve cross-cutting considerations and approaches were identified across the study, applicable in each of the policy domains discussed as well as the broader tapestry of EU policy:

1. Coherence and harmonisation
2. Intersectionality
3. Coordination and cooperation
4. Engagement with civil society
5. Engagement with the private sector
6. Engagement with survivors and vulnerable populations
7. Monitoring and oversight
8. Balancing 'soft' and 'hard' approaches
9. Contextually responsive engagement
10. Adopting sectoral approaches
11. Balancing political tensions
12. Research and data

These considerations provide an overarching framework for the engagement of the EU in addressing modern slavery in third countries, continuously grappling with new and emerging trends and responding to changes on the ground to maximise potential to meaningfully reshape the lives of those experiencing, or at risk of, modern slavery. Emphasis was particularly placed on the translation of policies into practice.

In 2019, the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences in 2019 highlighted key areas of concern for addressing 'tomorrow's slavery': increasing informality, casualisation, and precarity in work; migration and displacement trends; shifting norms in conflict; persistent gender imbalances; global macroeconomic shifts; environmental change; and technological developments (2019, pp. 4-8). This study highlighted the centrality of responsive, constructive, and evidenced-based approaches to addressing both the root causes and the manifestations of modern slavery today and in the future. As one of anonymous interviewees succinctly captured:

...there is always a work in progress you know. There are always improvements to be made.

11 Recommendations

A wide range of policy domains, instruments, documents, and initiatives are reviewed in this study, with varying levels of evidence of impacts. This gives rise to a wide range of potential actions for EU actors, like-minded countries and partners, and the antislavery sector generally in improving external policy efforts to address modern slavery practices. Below, a range of specific recommendations are outlined across the domains reviewed in this study. However, this represents only a selection of possible considerations emerging from the research.

11.1 Recommendations for trade policy

- The EU should improve multi-sectoral engagement with key modern slavery stakeholders including the EP, Member States, CSOs, businesses, like-minded partners, and trade partner countries across all aspects of trade policy, facilitating increased engagement around modern slavery issues.
- DG-TRADE should continue proactively engaging with other EU bodies to identify opportunities for the standards established in trade frameworks to be advanced and supported through other mechanisms of EU external policy. Close collaboration with DG-INTPA may be particularly valuable in this regard to enable joining up of trade regimes with awareness raising, capacity building, infrastructure development, and financing on the ground in third countries.

11.1.1 Trade agreements

- Bilateral and multilateral trade agreements are increasingly recognised as a valuable tool for addressing modern slavery in third countries. The EU should continue to advance the inclusion of TSD chapters in all new trade agreements and in the modernisation of existing agreements, and explore opportunities for improving both the design and the implementation of these provisions.
- Sustainability impact assessments (SIAs) related to EU trade agreements currently consider a range of issues classified as peripherally relevant to modern slavery in this study. However, no SIA examined explicitly considered modern slavery issues. The EU should therefore include explicit consideration of modern slavery issues in the third countries party to the agreement, as well as potential impacts on modern slavery within the EU, in SIAs on all prospective trade agreements, given that no country is free from modern slavery practices.
- Modern slavery issues can be highly context-specific and sensitive, engaging a variety of political, social, and cultural structures, norms, and expectations. In trade negotiations, the EC should take a nuanced, context-specific approach to addressing modern slavery issues and advancing antislavery actions within the context of the prospective trade agreement. A ‘modern slavery champion’ within the third country government may be identified to help facilitate integration of modern slavery efforts within the agreement in a way that takes advantage of existing infrastructure.
- For countries in which the EU’s trade market share is more limited, or which raise a real risk of products and services being diverted to other markets in the event that EU requirements related to modern slavery are considered too stringent, the EU should coordinate with like-minded partners internationally to advance modern slavery efforts in trade frameworks, including both like-minded countries and multilateral institutions.
- Establishing standards through reference to existing international frameworks is recognised as a strength of the EU’s approach to advancing human and labour rights in trade agreements. The EU should continue to derive obligations from fundamental international conventions related to modern slavery in this context, but should consider expanding the referenced conventions to include other treaties related to

modern slavery issues, such as ILO P029 on forced labour, the Palermo Protocol, the 1926 and 1956 slavery conventions, and the CoE trafficking convention.

- Once agreements are concluded, the EU should work with the third country government to communicate the standards and expectations laid out in the agreement to relevant government departments, private sector actors, and civil society organisations in an accessible way. The EU should also collaborate with the third country to institute initiatives and frameworks to facilitate effective implementation of the modern slavery standards established specifically.
- TSD chapters should be included in enforceable dispute resolution mechanisms for all trade agreements negotiated, to ensure appropriate monitoring and oversight of the standards established in these chapters and enable the EU to ensure both de jure and de facto compliance with labour and human rights standards.
- Monitoring the impacts of trade agreements in third country contexts and reporting on these to the external party involved presents an important opportunity for civil society organisations to contribute to the effectiveness of global efforts to leverage trade to address modern slavery. The EU should continue establishing stronger mechanisms for civil society organisations to participate in monitoring, oversight, and reporting activities related to the standards established in trade agreements.. In order to accomplish this, it is important that the EU undertake concerted efforts to communicate the standards and mechanisms to these organisations and establish clear and accessible reporting mechanisms. This should include continued assistance to, and strengthening of, Domestic Advisory Groups to enable them to be more involved in the monitoring of the implementation of trade agreements, with a focus on compliance with the labour and human rights standards established, as well as adequate resourcing to support DAG activities. Civil society organisations should likewise seek to identify opportunities for engaging in these information sharing processes, and advocate directly with the relevant external party to the agreement to ensure enforcement of the standards established.

11.1.2 Generalised Scheme of Preferences

- The EU should consider adding additional international instruments related to modern slavery to the list of conventions included in the GSP regulation. This could include ILO P029 on forced labour—identified as a key ratification priority by the ILO—as well as the Palermo Protocol and 1926 and 1956 slavery conventions, among others.
- The European Commission should seek to ensure greater transparency in decision-making on the application of negative conditionality within the GSP. Clear expectations and a framework for the application of conditionality should be made readily accessible to ensure a stable ‘yard-stick’ and consistency in application. In relation to modern slavery practices in particular, clear guidelines may be possible in connection to performance against key international metrics and drawing on established international datasets, such as the ILO and Walk Free Global Estimates of Modern Slavery, Walk Free’s government response assessment, the US State Departments Trafficking in Persons Report, the Antislavery in Domestic Legislation Database, and UNODC’s GLOTIP data (among others).
- Modern slavery issues should be more consistently considered in GSP monitoring mechanisms and dialogues. Given that no country is free from modern slavery practices, consideration of these should be mainstreamed across monitoring activities. Such monitoring may draw on existing international efforts to review modern slavery governance, including through UN monitoring processes on human and labour rights treaties, as well as key international indexes and measures as outlined above.

11.1.3 Import restrictions

- The EU should set a high standard for imposition of import restrictions given the potential for negative externalities, prioritising constructive engagement where possible. However, the EU must retain and develop options for such strong restrictions, both to ensure meaningful and serious engagement towards remedying identified violations, and to preserve the integrity of the EU's commitment to eradicating modern slavery.
- The EU should adopt a highly responsive and context-specific approach to decision making on import restrictions, based on thorough research and data. Consideration of the potential negative externalities of restrictions on vulnerable populations should be particularly emphasised in this consideration, to avoid risks of harming those most at risk. A rigorous impact assessment should therefore be conducted to inform decision-making on import restrictions as early as possible in the process, and employing scientifically robust methods.
- The EU should seek to explore possibilities for development of alternative market possibilities for key risk products, where supply is currently concentrated in high-risk contexts. Diversification of supply chains would enable import restrictions to be imposed without risking severe market disruptions in crucial sectors, such as renewable energy products. Such measures have the potential to reduce the relative bargaining power of currently dominant suppliers, increasing influence of EU importers, particularly when employed in combination with coordination with like-minded partners and multilateral solutions.
- The EU should coordinate with like-minded countries and partners internationally in considering and imposing import restrictions to maximise potential impact and reduce possibilities for diversion of trade to other markets. The concentration of market power may have positive effects on the effectiveness of import restrictions in advance of imposition, in some cases preventing the need for restrictions to be triggered.
- The EU should consider the potential for development of a system similar to the US Withhold Release Orders, adopting a more targeted approach to import restrictions and seizures than is achieved through blanket bans, based on rebuttable presumptions. The practical infrastructure for applying such a system within the EU context should be carefully examined, as investigative capacity is crucial to the effectiveness of such a scheme, and a proposal for EU investigative capacity to support such a scheme developed. Opportunities for coordinating with like-minded partners should be explored to facilitate a coordinated international framework, as this could contribute meaningfully to the practical infrastructure of such a scheme.

11.1.4 Supply chains frameworks

- This study shows that the time for a robust EU mandatory due diligence framework has arrived. The European Parliament should continue to support and advocate for the advancement of this legislation, looking to continue strengthening the framework in an ongoing manner over time in light of the limitations established in the current framework. The application of the framework should be reviewed promptly, considering the possibility of extending coverage across a larger number of enterprises. The determination of 'high-risk sectors' should likewise be reviewed on an ongoing manner, based on the best available evidence.
- This study demonstrates strong support for the proposed EU mandatory human rights and environmental due diligence legislation, and the timeliness of this initiative. The Commission should look to strengthen the scope of obligations and application over time, extending the framework to a wider pool of enterprises over time.

- The EU should take into consideration the relevance of SMEs in addressing forced labour and modern slavery, and construct responsibility and action frameworks applicable to these actors. The size of the enterprises should not hamper EU's engagement with these businesses because it is necessary to ensure that appropriate efforts to prevent and address modern slavery are baked into the organisation. However, obligations and expectations should be tailored when developing engagement policies.
- Delays in the process of establishing EU-level due diligence legislation do not need to hamper national efforts to progress in this domain. While the importance of harmonisation is emphasised, Member States should consider advancing national frameworks for corporate due diligence to offset the risk of further delays.
- As new legislative frameworks governing corporate due diligence are slated to come into force in the near future, private sector organisations should engage early in reviewing their operations and supply chains to identify potential areas of risk or concern.
- EU based companies should recognise their connections to modern slavery in their global supply chains, as well as their domestic operations, and take action to identify and address risks and violations. Companies sourcing goods and services from third countries should undertake dedicated due diligence and auditing processes to identify risks in sourcing contexts, and work with source companies to remediate risks.
- Companies should establish reporting and remediation infrastructure within their operations, or join an external framework serving a similar purpose, to ensure access to remedies to workers in the event that violations occur.
- Private sector actors should engage constructively with international standards and guidance to ensure risks of modern slavery in their operations and supply chains are appropriately addressed and redressed. Existing tools available provide practical insights on compliance with obligations as well as best practice, thereby reducing risks of liability.
- Understanding of modern slavery issues in business enterprises is noted to be low in many contexts, with many companies operating on a very limited understanding of the phenomenon or what works to address it. Civil society organisations should consider engaging with businesses to support improvements in initiatives to address modern slavery, operationalising the specialist expertise of third sector learning to support antislavery in the private sector.
- The EU should continue to ensure significant attention (publicised internationally) on internal modern slavery issues within the EU as well as in third countries. The credibility of the EU in external policy in this area is interconnected both with the visibility of efforts to address 'issues at home' and with the humility of EU actors in recognising shared challenges.

11.2 Recommendations for development policy

11.2.1 EU development funding

- DG-INTPA should coordinate closely with significant international development donors to develop an information sharing platform tracking development funding and programming on modern slavery issues globally. By establishing a framework to ensure ongoing tracking of development spending in real time, these actors can work together towards careful and evidence-based allocation of resources to maximise the efficiency of development funding.
- Member states of the EU should coordinate with DG-INTPA and other international development donors to ensure a coordination framework for international aid to address modern slavery. By connecting up

with other donors, Member States can better prioritise funding to maximise efficiency and avoid duplication of efforts.

- EU funding in relation to the full range of development challenges, as well as humanitarian aid, should mainstream consideration of modern slavery issues in design, implementation, and evaluation.
- The EU should institute modern slavery impact assessments on all development programmes crossing a specified funding threshold, mainstreaming consideration of modern slavery issues specifically in the same way current development practice considers cross-cutting issues such as gender. Modern slavery impacts and factors should likewise be incorporated in mandated monitoring and evaluation processes on development funding.
- The EU should continue to explore opportunities for long-term strategic funding tied to modern slavery considerations, to avoid over-prioritising shorter term project funding that does not provide a strong foundation for long-term structural change needed to effectively address modern slavery practices in third states.

11.2.2 Support for civil society organisations

- The EU should adapt and expand its Civil Society Platform against trafficking in human beings to include organisations in third countries, particularly those states of particular strategic importance in the EU's global fight against modern slavery. While full membership of the platform may not be the appropriate model, the EU could provide a more limited infrastructure for engagement of civil society, or work with UN partners to establish an effective global modelled after the EU Civil Society Platform.
- In its engagement with civil society organisations, the EU should ensure the accessibility of relevant consultations and materials within the local context. This requires three central dimensions: availability of materials in local languages; participation of local grassroots organisations in consultations and engagement activities; and accessibility of consultations and materials for non-policy specialist audiences. This will facilitate the EU in reaching out to civil society and grassroots organisations.
- The EU multiannual thematic programme and action plan for CSOs emphasise the importance of CSOs in addressing the root causes of modern slavery and forced labour, including protection of human rights, reducing poverty and preventing conflict. However, EU policy documents on CSOs do not make any explicit references to modern slavery and forced labour. The EU should therefore elaborate the role to be played by CSOs in eliminating and preventing modern slavery and forced labour so as to develop more focused and concrete engagement with CSOs in the antislavery context.
- The EU is a generous donor supporting CSOs advocating reforms and making changes in third countries. However, the impact of CSOs is not evaluated thoroughly. The EU should therefore encourage research assessing the effectiveness and impact of CSOs on the ground by facilitating independent impact assessments, including explicit modern slavery considerations (in addition to existing monitoring and evaluation requirements). The EU should further ensure that all evaluation reports are made publicly available in a centralised location.
- The EU should ensure the accessibility of its delegations and funding for local CSOs, especially for smaller, local, and grassroots CSOs on the ground, to enable them to benefit from EU's support. EU should consider simplifying procedures for funding applications targeting specific region to better communicate with local CSOs and to encourage them to apply for funding.
- EU should consider location specific capacity building activities in order to access and support local, grassroots CSOs working on the ground to address, prevent and eliminate modern slavery and forced labour.

- Effective antislavery requires joined up approaches and coordinated action. Civil society organisations should proactively pursue, support the establishment of, and participate in both civil society engagement platforms and multi-agency partnerships.
- Collaboration with EU bodies can leverage important international partnerships, coordination, evidence, expertise, and funding. Civil society organisations should therefore seek to engage constructively with EU bodies to advance antislavery efforts.

11.2.3 Support for multi-stakeholder alliances

- EU multi-stakeholder platform on the SDGs has proven to be an effective platform, enabling relevant stakeholders and civil society to contribute to the implementation of SDGs. Therefore, the EC should consider the reestablishment of multi-stakeholder platform on the SDGs in order to allow all stakeholders both at EU and global levels to engage with EU's work towards achieving SDGs.
- EU multi-stakeholder dialogue for sustainable cocoa (Cocoa Talks) is a welcomed platform which provides the stakeholders with the opportunity to contribute to sustainable cocoa. However, the impact of this initiative remains to be seen. EU should facilitate research assessing the effectiveness of Cocoa Talks for ensuring sustainable cocoa production.
- EU should continue facilitating sector-specific multi-stakeholder alliances, where modern slavery exists, to bring together key actors from the sector to work towards preventing and eliminating modern slavery and forced labour in that sector. This will allow the stakeholders to share their experiences and best practices and create a synergy for them to work with coordination and collaboration to address modern slavery within the sector, where exists.

11.2.4 Support for certification schemes

- The EU should continue to provide support for voluntary certification schemes as they have proven to be effective in certain sector-specific contexts, including raising consumer awareness, ensuring compliance with international and national labour standards, reducing and preventing labour exploitation, and contributing to sustainable development.
- The EU should encourage and support the assessment of the effectiveness of existing voluntary certification schemes in order to develop a more comprehensive and concrete policy in this area.
- In the absence of a European certification scheme, EU should establish a mechanism reviewing the accuracy of information attached by labels on products certified by existing voluntary certification schemes. EU should not merely rely on voluntary certification schemes as the evidence suggests that there are circumstances where products are certified, but still linked to forced labour and modern slavery as well as other labour exploitations.
- In connection with the recommendation above, EU should be more involved in standard-setting and monitoring of existing voluntary certification schemes to ensure their effectiveness, as well as addressing their weakness through providing assistance and support, where necessary.
- The EC should reconsider its 'hands-off approach' to fair trade initiatives. EP has consistently highlighted the need for a European fair trade label. The evidence reviewed in this study suggests that the existing non-EU certification schemes have significant limitations, weaknesses and flows. Therefore, EC should consider the benefits of creating a European certification scheme as a complementary measure to the existing non-EU schemes.

11.3 Recommendations for foreign policy

11.3.1 Human rights dialogues

- The EEAS should continue raising modern slavery and forced labour issues in human rights dialogues, whenever those are identified as a challenge in the country, and generally mainstream discussions of labour rights, as well as business and human rights in human rights dialogues.
- The EEAS should continue improving transparency and communication around human rights dialogues, ensuring that press releases specify in detail the discussed subjects, the parties' commitments and actions planned, with a view to facilitating follow-up and monitoring of results. With the latter in mind, the EEAS could consider setting up a dedicated repository (website) where it would consistently publish all press releases, CSO interventions and follow-up information for each of the dialogues. The EU sanctions map could be used as an inspiration for such a repository.
- The EEAS and EU Delegations should continue strengthening its communication with civil society actors in anticipation of, throughout and following human rights dialogues. This would include, among others, providing early notice of the dialogues' foreseen dates and regular debriefing.
- The EEAS and EU Delegations should plan human rights dialogues with a view to maximising leverage and synergies with other external action instruments, in particular development and trade policy instruments, especially GSP+, but also building upon bilateral and multilateral cooperation and coordination with like-minded partners.
- The Council and the EEAS should consider strengthening monitoring of the progress achieved through (effectiveness of) human rights dialogues and the level of integration with other external actions policies, including improving transparency and communication around the results of such monitoring. The results could be published in a dedicated report or be included as a section of the Human Rights and Democracy in the World report.
- The EEAS should continue critically interrogating its diplomatic approaches applied throughout human rights dialogues with each third country with a view to ensuring that they are conducted from the perspective of supporting peers in improving their human rights record and in the spirit of partnership, equality of interlocutors and openness. For example, in addition to highlighting problems, the EEAS should consider crediting partners for their progress, if such has been observed in any of the discussed domains. EU internal human rights struggles can also be raised more often.

11.3.2 Sanctions against entities or countries

- The EU should harmonise the sanctions regime to ensure proper coordination of the human rights sanction's toolbox with other CFSP sanctions, and coordinate the international cooperation and harmonisation of sanctions with other international actors, where possible.
- The EU should work towards establishing set criteria for sanctions introduction and withdrawal, establishing clear frameworks that are transparent and consistently applied, and communicated in a public and accessible manner. Communication should include engagement with relevant international and local CSOs.
- The EU should ensure that sanctions impact assessments explicitly considering risks related to modern slavery are in place in relation to all sanctions under consideration, not only in the cases when sanctions are forced labour related. That should be ensured especially while considering lower and lower-middle income countries and labour-intensive industries that may be affected (include country specific considerations/approach).

- The EU should continue prioritising the use of targeted sanctions where appropriate, over broad economy, region, sector, or country-based measures to minimise the potential for collateral damage.
- The EU should develop investigative capacity in relation to modern slavery practices in third countries to help target sanctions and thus increase their effectiveness by limiting the contestation of sanctions in court and targeting those individuals and entities that matter. The EU should explore options for coordinated investigative frameworks in conjunction with like-minded partners, and engage with existing infrastructure to minimise the practical burdens of implementing such a mechanism. Investigative functions should engage closely with CSOs to ensure contextualised insights are appropriately integrated in the process.

11.3.3 Promotion of international standards and their ratification

- The EU should continue close collaboration with international organizations in the form of joint projects, technical assistance and funding of initiatives targeting modern slavery and forced labour.
- The EU should continue promoting multilateralism as a key element of its external action in the fight against modern slavery and forced labour.
- The EU should continue to work to avoid normative competition between international partners by creating new policies and instruments in reference to already existing international frameworks, seeking to build on top of instruments in place, addressing gaps identified in the implementation of previous acts, adhering to a certain hierarchy of acts and, as a result, creating compatible rather than conflicting standards.

11.3.4 Supporting labour rights frameworks and regulation

- The EU could consider developing a framework or guidelines outlining the core requirements and expectations for national labour inspectorates (both within the EU and in third countries), building on the existing ILO international standards and informed by cross-learning from investigation of what works in both EU and third states.

11.3.5 Support for human rights defenders

- The EU should continue delivering on its ambitions to be a frontrunner in protecting and promoting human rights defenders around the world, including by consolidating its approach and ensuring consistency in actions undertaken in different third countries.
- The EU should continue offering support to individual human rights defenders through emergency action, including confidential, and the ProtectDefenders.eu dedicated mechanism.
- The EU should earmark sufficient financing for EU delegations and ensure that all EU delegations have both adequate number of staff and internal expertise to implement EU commitments in relation to human rights and, specifically, human rights defenders on the ground. Thought should be given to this matter in particular in case of EU delegations in countries witnessing a rapid shrinking of the space for civil society and where HRDs are exposed to severe risks.
- EU delegations should review their websites and other communication channels to make sure that they contain clear information on how to contact a specific EU delegation in case of human rights concerns, especially to report human rights violations and abuses against human rights defenders. The information can point to specific officials designated as democracy and human rights focal points or liaison officers, or to a functional email dedicated to such matters.
- The EEAS should continue mainstreaming the EU Guidelines in its activities and the activities of EU delegations, including through regular training for diplomats.

- The EEAS and EU delegations should make sure that the approaches applied on the ground are tailored to the specific country contexts, recognise the risk for and vulnerabilities of different groups of human rights defenders, and involve human rights defenders working outside country capitals.

11.3.6 Transnational criminal justice and criminal cooperation

- The EU should have a leading role in facilitating mechanisms for effective transnational criminal justice with a centralised responsibility. Frameworks for joint investigations and intelligence sharing are needed to overcome the reliance on interpersonal relationships with stakeholders in third countries and address the sensitivity of the data. The absence of clear framework places a latent risk on victims and can hamper transnational criminal cooperation. Existing areas and methods of engagement and support could be broadened, such as the judiciary and penitentiary and technical assistance with active participation of local stakeholder in third countries.
- The EU should consider advocating for the extension of extraterritorial jurisdiction in modern slavery cases—in particular where offences are committed for the benefit of legal persons established in the territories of Member States. States could also more proactively engage with subsidiary and ancillary liability, based for instance on accessory liability, complicity, or conspiracy. This would enable prosecution of a broader range of modern slavery crimes and recognise the international nature of offending in many cases.
- The EU should improve repatriation procedures in order to ensure an appropriate level of support, advocacy and care for the victims back in their country of origin and facilitate engagement in criminal justice processes, cooperating with local officials to ensure access to justice: current lack of mechanisms in place and consequently, acting on an ad hoc basis result in inadequate protection of victims in their countries of origin and risk that victims are re-trafficked and recycled back into an explosive situation.

11.3.7 External migration policy

- Evidence has emerged highlighting tensions between migration policy objectives (including in particular securitisation of migration and externalisation) and modern slavery. However, the evidence base available demonstrates significant contestation over what works to address modern slavery within the context of migration policy, and what exacerbates and enables modern slavery practices to thrive. The EU is currently supporting significant advances in research in this field, including through Horizon Europe funding. The EU should continue to support independent, robust scientific research to establish a rigorous evidence base evaluating the impacts of migration policy on modern slavery.
- The EU should initiate and support a comprehensive and systematic impact assessment (or series of impact assessments) evaluating the impacts of EU migration policy initiatives on modern slavery specifically.
- The EU should continue to prioritise modern slavery in the design and implementation of migration policies, and ensure that this is not deprioritised in relation to purely immigration-related concerns. Modern slavery efforts should not, however, be subsumed under the umbrella of migration policy and must be treated as related but distinct concerns.

11.4 Overarching recommendations for the EU

- A 'modern slavery lens' should be integrated across all aspects of EU policy and programming, identifying both potential modern slavery risks and opportunities for advancing modern slavery. This includes the development of initiatives delivering on the Action Plan for Human Rights and Democracy 2020-24, but also extends across the full range of EU actions. This approach would help to ensure that external action

continues to pull in the antislavery direction and assist in identifying and mitigating potential tensions and risks.

- A framework for internal coordination of EU bodies should be established to facilitate cooperation and a joint-up approach in addressing modern slavery and advancing policy and programming in related areas. Various different models could provide a structure for this mechanism, which should be developed in consultation with the various EU bodies. It could, for instance, take the form of a cross-DG task force on modern slavery, coordinated by the EU Anti-Trafficking Coordinator.
- Internally coordinated action addressing issues of modern slavery within the European Commission should include all relevant EU bodies, whether directly to modern slavery issues or only indirectly connected. Recognising the intersectionality of modern slavery issues and the value of a coherent approach, the inclusion of apparently less relevant bodies can present opportunities for new approaches to advancing antislavery efforts in otherwise overlooked areas of policy and programming.
- The EU should sustain a balance between ‘soft’ and ‘hard’ approaches. In addition to its constructive engagement, coordination and dialogue with third countries, the EU should not refrain itself from the option of imposing strict measures in extreme cases such as in instances of widespread or systematic state-imposed violations where the state in question evidences no willingness to alter its behaviours.
- International frameworks for coordination of different departments and ministries within Member State governments should be established to facilitate joined-up action to address modern slavery both internally and internationally. This should include bodies with a clear connection to modern slavery and human rights, but also encompass a wide range of other actors. By looking beyond the ‘usual suspects’, new opportunities for creative solutions and methods across the various policy domains can be identified.

11.5 Recommendations for international antislavery actors

This study highlights an extensive range of policy areas and initiatives with important connections to the issue of modern slavery, and potential to help eliminate the phenomenon in third countries. The evidence marshalled in this report provides insights not only for priorities and reforms in specific policy areas, but also an overarching framework of considerations and approaches relevant to all antislavery actors.

All international and national stakeholders with a connection to the issue of modern slavery are therefore encouraged to:

- Identify opportunities to improve the coherence and harmonisation of policies and projects for which they are responsible with the international framework of obligations, commitments, standards, and guidelines for antislavery action, including through embedding existing international frameworks within new policies and initiatives.
- Adopt an intersectional approach to antitrafficking activities that recognises modern slavery practices as emerging at the nexus of a range of structural, community, family, and individual factors.
- Advance and advocate for an approach to antislavery that prioritises addressing root causes and structural conditions that drive modern slavery.
- Improve coordination and cooperation both with other antislavery actors and with stakeholders responsible for related areas of policy and programming, establishing joint infrastructure and platforms to facilitate regular and ongoing engagement.
- Engage meaningfully with survivors and vulnerable populations across all levels of policy and programming activity, seeking to include lived experience perspectives at all stages from design to implementation and evaluation.

- Support the establishment of standing survivor advisory and advocacy groups and facilitate capacity-building and resourcing to enable this infrastructure to operate effectively and sustainably.
- Embed robust monitoring, evaluation, and learning systems and requirements across all aspects of policy and programming, to generate rigorous evidence of what works. Evidence and findings generated through these systems should be shared openly to enable shared learning across the antislavery sector, and reporting on failures or shortcomings in initiatives should be valued equally to evidence of success.
- Develop contextually responsive solutions to antislavery challenges, patterns, and trends evidence in geographic and sectoral contexts, based on research and evidence.
- Expand the global antislavery evidence base by delivering or supporting research and dissemination initiatives designed to both generate and share relevant data.
- Commit to engaging with research, data, and evidence available identifying what works in the fight against modern slavery, to deliver evidence-based policy and programming and maximise the success of interventions.

International stakeholders are further encouraged to work closely with local partners to ensure efforts to address modern slavery are suitably tailored to the realities and norms manifesting on the ground, and to adapt responsively to changing circumstances. International actors should consider engaging across sectors—including public, private, and civil society actors. However, due consideration should be given to the particular dynamics of actors in context, including factors such as corruption and potential risks to human rights defenders, as well as general willingness and capacity to engage.

12 Annexes

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12.2 Research tools

12.2.1 Term harvesting template

Initial term	Term harvesting
Modern slavery	Slavery; antislavery; anti-slavery; modern slavery; contemporary slavery; contemporary forms of slavery Servitude; involuntary servitude Forced labour; compulsory labour; forced work; coerced labour; unfree labour Institutions and practices similar to slavery; practices similar to slavery; slavery-like practices; serfdom; debt bondage; bonded labour; unfree labour; peonage; exploitative adoption Human trafficking; anti-trafficking; trafficking in persons; trafficking in human beings; trafficking in people; sex trafficking; labour trafficking; trafficking Worst forms of child labour; child exploitation; child labour; child slavery Forced marriage; servile marriage Exploitation; abuse ...
EU	EU; European Union...
Like-minded partners	US; United States; America; UK; United Kingdom; Canada; Australia; NZ; New Zealand; Japan...
External policy	International policy; international relations; external relations...
Foreign policy	International advocacy; promotion of human rights standards; political dialogue; sector dialogue; sanction...
Development policy	Development; multi-stakeholder alliance; certification scheme; fairtrade; civil society; migration cooperation...
Trade policy	GSP; generalised scheme of preferences; trade agreement; essential elements clause; sustainable development chapter; import restriction; tariffs; import ban; WTO; WTO dialogue...
...	

12.2.2 Search tracking template

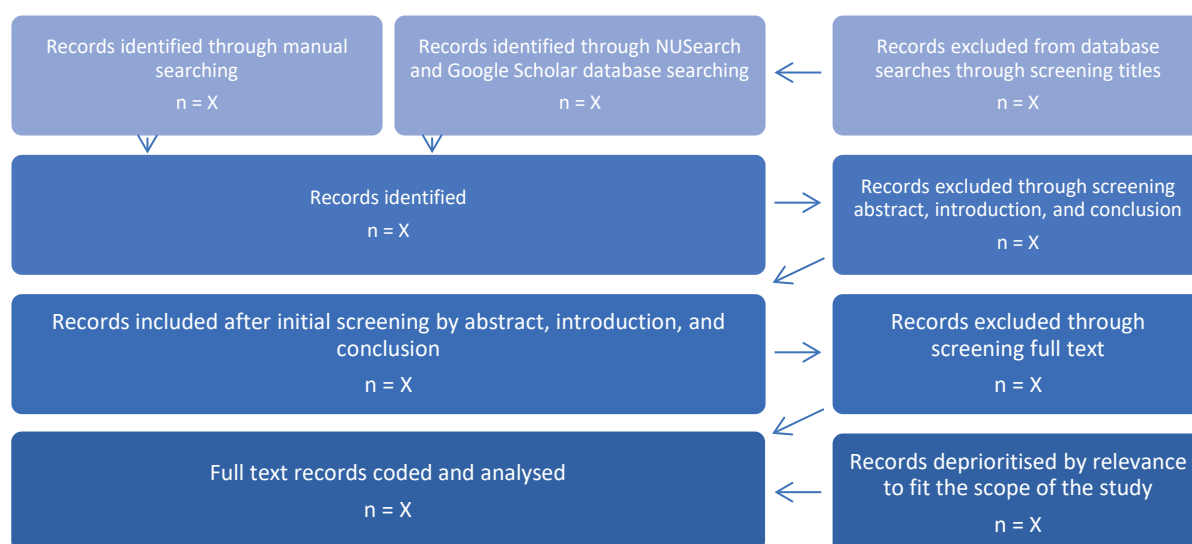
Search #	Source	Search string	Yield	# Reviewed	# Included	# Excluded	Reasons for discounting	Date	Reviewer
1									
2									
3									
4									
5									
6									
...									

12.2.3 Literature review coding matrix

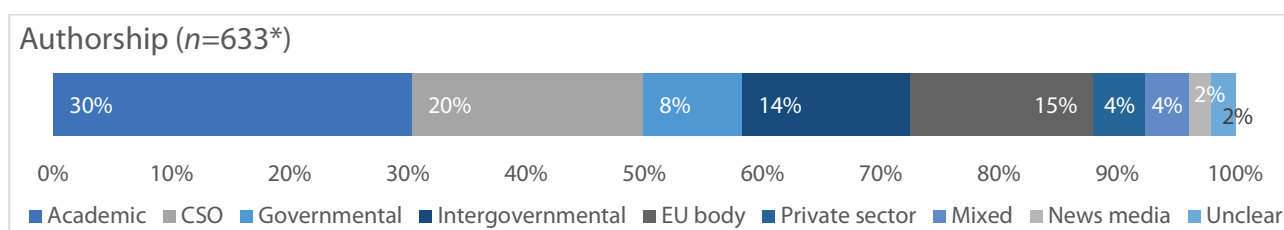
Code	Description	Variable type	Frequency
1. Source details			
1.1.	Citation	Free text	
1.2.	Year of publication	Restricted entry: year between 2000 and 2021	
1.3.	Citation	Free text	
1.4.	Authorship	Restricted entry: Academic; NGO/CSO; Governmental; Intergovernmental; EU body; Private sector; Mixed; Unclear	
2. Source characteristics			
2.1.	Source type	Restricted entry: Primary study; Secondary study; Non-empirical; Mixed; Unclear	
2.2.	Research method	Restricted entry: Quantitative; Qualitative; Mixed methods; Non-empirical; Unclear	
2.3.	Research design	Restricted entry: Experimental; Quasi-experimental; Observational; Systematic review; Non-systematic review; Discussion; Unclear	
2.4.	Evaluation	Restricted entry: Yes; No; Unclear	

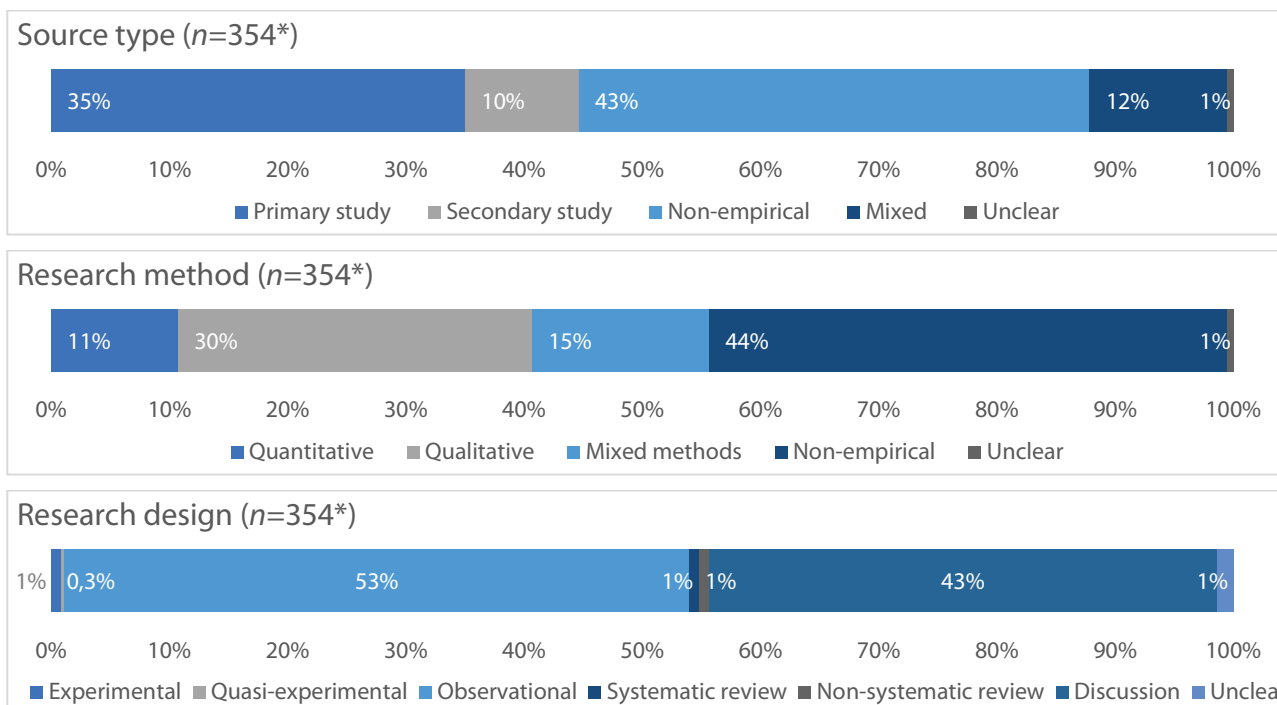
3. General codes			
3.1.	Associated EU bodies	Free text	
3.2.	Related third countries	Free text	
4. Policy domains			
4.1.	Trade	Binary	116
4.2.	Development	Binary	63
4.3.	Security	Binary	11
4.4.	Migration	Binary	25
4.5.	Human rights	Binary	114
4.6.	Foreign	Binary	113
5. Modern slavery and forced labour			
5.1.	MS/FL connection	Restricted entry: Direct; Peripheral	
5.2.	Modern slavery	Binary	77
5.3.	Forced labour	Binary	126
5.4.	Human trafficking	Binary	85
5.5.	Servitude	Binary	20
5.6.	Debt bondage	Binary	38
5.7.	Sexual exploitation	Binary	24
5.8.	Worst forms of child labour	Binary	65
5.9.	Forced marriage	Binary	7
5.10.	Child soldiers	Binary	3
5.11.	EU Supply chains connection	Binary	90
5.12.	Target sectors	Free text	43

12.2.4 Adapted PRISMA flow chart



12.2.5 Summary of literature coded





*The total number of sources included in the quantitative coding matrix is 633. However, methods are not recorded for non-research outputs (for instance, news media and web pages). Methods notes are included for all research outputs, with a total of 354 sources coded against these variables.

12.2.6 Interview framework (general)

The interview framework (general) provides an overarching structure for semi-structured interviews of general scope in relation to project research questions, broken down into three key sections: (1) establishing the general expertise of the respondent; (2) constructing a list of external policy initiatives with which the respondent is familiar, and evaluating each in turn; (3) exploring future priorities for antislavery programming. The majority of interview time will be spent in section (2), as thematic follow-up questions are integrated into the questions on specific initiatives where these issues emerge in responses. Subsidiary and follow-up questions are tailored to the particular respondent and the issues and concerns they raise within the interview, reflecting the expertise and positionality of the respondent.

Introduction

The interviewer will talk the participant through the participant information sheet, ask if the participant has any questions about this information, and answer any questions about this that the participant might raise. The interviewer will review the consent form, including confirming whether the participant wishes to be anonymised, asking for preferences related to pseudonymisation, and confirming consent to recording.

The interviewer will also explain the specific focus of the inquiry and core research objectives and provide an explanation of the conceptual understandings of forced labour and modern slavery underpinning the study, if necessary.

1. General remit questions

This section of the interview explores the position of the respondent and their connection to issues related to forced labour, modern slavery, the external policy of the EU and like-minded partners on this topic, and the application of this policy in practice in third states.

1.1. Can you tell us about the nature of your work, and the connection to forced labour, modern slavery, and external policy?

- Are there particular institutions or areas of external policy that you have more knowledge of than others?
- How much of your work relates to forced labour and modern slavery relative to other issues that you work on?

- Which aspects of EU external policy are you engaged in your work?
- Are there particular kinds of exploitation that you are more familiar with?
- Are there particular sectors that you are more familiar with?
- What is the geographic scope of the work that you do? Are there particular countries or regions that you are more familiar with?

2. Identification and evaluation of relevant external policy measures

This section considers any specific aspects or initiatives of EU external policy, or similar policy of like-minded countries, with which the respondent is familiar. It includes questions focused on specific policy measures and initiatives, where the following section takes a more holistic perspective of external policy broadly.

2.1. Are there particular external policy initiatives of the EU that you are familiar with that you think are particularly relevant to addressing forced labour and modern slavery?

Note: this question is intended to identify a list of measures that the participant is familiar with as the basis for further discussion. The following questions will then be asked in relation to each measure identified, beginning with the measures they are most familiar with.

2.2. Can you describe how the specific external policy initiative identified in 2.1 addresses issues related to forced labour and/or modern slavery?

Note: this question is to be repeated for each of the key external policy measures identified in 2.1

- How is the measure intended to function to help prevent or stop forced labour or modern slavery?

2.3. What do you think are the strengths and weaknesses of the specific external policy initiative identified in 2.1 when it comes to addressing forced labour and modern slavery?

Note: this question is to be repeated for each of the key external policy measures identified in 2.1

- Are there important gaps in the design of the policy measure?
- Are there significant challenges or shortcomings in the implementation of the policy measure?
- Has the approach to the specific external policy initiative identified in 2.1 changed over time?
- How has the effectiveness of the measures changed with these adaptations?
- Are there measures or adaptations to the policy that you think could help improve its effectiveness?
- Are there particular third countries or regions that the measure relates to?
- Have you seen this change at all over time?
- Are the impacts of the measure the same between different countries, or do they vary?
- What factors do you think contribute to variations of effectiveness in those countries?
- What are the impacts of the specific EU external policy effort on third countries?
- Are the impacts the same in different countries, or do they vary?
- What do you think contributes to variations of effectiveness in those countries?
- What measures and approaches are most effective at achieving positive impacts on forced labour and modern slavery in particular country contexts?
- What measures and approaches are least effective at achieving positive impacts on forced labour and modern slavery in particular country contexts?
- Are there particular approaches that you think are more likely to be effective in particular country contexts, or which maximise effectiveness?
- Are there particular approaches that you think are less likely to be effective in particular country contexts, or which minimise effectiveness or create harms?
- What measures or adaptations do you think could be introduced to maximise the effectiveness of external policy measures across different contexts?
-

Note: Subsequent questions may be tailored to consider the areas of like-minded partner countries' external policy the respondent has identified as relevant. If they do not name a prescribed domain of interest to the study, the interviewer will ask prompts about these domains to assess the respondent's perspective of their relevance.

3. Thematic follow up questions

Note: Thematic follow up questions are tailored to consider particular areas of concern identified by the respondent that are relevant across multiple policy domains. This includes general approaches to policy design and implementation in relation to third countries, and ways of working. These should only be raised where they are first identified by the respondent, to avoid skewing responses.

3.1. Engagement with different stakeholder groups

- What makes for effective engagement with third country stakeholders in efforts to address modern slavery and forced labour?
- What do you see as the value of engaging with local civil society and grassroots organisations in efforts to address modern slavery and forced labour?
- How do you see engagement with EU based private sector organisations translating into change in third countries with regard to forced labour and modern slavery?
- How can you go about improving relationships with in-country stakeholders to facilitate in efforts to address modern slavery and forced labour?
- How could EU engagement with different stakeholder groups be improved?

3.2. Coordination

- What do you see as the value of coordination and cooperation in efforts to address modern slavery and forced labour?
- How well do you think EU actors coordinate with other international organisations?
- How well do you think EU bodies coordinate with one another?
- How well does the EU facilitate coordination amongst antislavery stakeholders in efforts to address modern slavery and forced labour in third countries?
- What do you see as the role of the EU in facilitating coordination amongst antislavery stakeholders?
- How does increased coordination translate into better efforts in third countries to address forced labour and modern slavery risks, vulnerabilities, and drivers?
- How could EU coordination efforts be improved?

3.3. The role of the private sector

- From your perspective, what is the specific value of engaging with private sector organisations within the EU in efforts to address modern slavery and forced labour in third countries?
- How does engagement with EU businesses translate to change in third countries?
- What is the value of engagement with businesses within third countries in efforts to address modern slavery and forced labour within those contexts?
- What makes for effective engagement with businesses?
- What is the value of engaging with SMEs in efforts to address modern slavery and forced labour?
- How could EU engagement with businesses be improved?

3.4. Geographic divergence

- What makes some countries more ready to improve in efforts to address modern slavery and forced labour than others?
- What factors influence the engagement of particular geographic contexts with EU efforts to address modern slavery and forced labour?
- To what extent do approaches to addressing modern slavery and forced labour in third countries need to be tailored for the specific context?

3.5. Sanctions and 'hard' power

- In what circumstances, do you think sanctions are an effective measure to help address issues of forced labour and modern slavery in third countries?
- In what conditions, would you consider them to be the appropriate mechanism to adopt in order to advance efforts to address forced labour and modern slavery?
- In what contexts or in what situations is constructive engagement or soft effort better, and are there moments where sanctions and harder power are more appropriate?

3.6. Monitoring and implementation

- What are the mechanisms for engagement or interaction that make for better implementation after any sort of instrument or policy programme has been agreed?

- Are there particular approaches or mechanisms that you think are particularly effective when it comes to monitoring of initiatives in third countries or that are fundamentally necessary?
- Do you think approaches to monitoring and oversight are different in relation to forced labour and modern slavery programming than for other areas of external programming?

4. Evaluation of external policy measures broadly

This section looks across EU policy broadly to consider key priorities and approaches for future external policy initiatives.

4.1. What do you think should be the key priorities for EU external policy to address modern slavery and forced labour in third countries over the next 10 years?

- What kind of measures do you think are contributing most effectively to addressing forced labour and modern slavery in third countries? Why?
- What measures or adaptations do you think could be introduced to maximise the effectiveness of external policy measures across different contexts?
- Thinking across countries that you are familiar with, do you have any thoughts on what measures are more or less effective at addressing forced labour and modern slavery in different kinds of contexts?
- Which area of EU external policy do you think has the most potential to contribute meaningfully to addressing forced labour and modern slavery in third countries? Why?
- Which countries would you consider to be like-minded partners of the EU in relation to forced labour and modern slavery?

5. Catch-all

This closing section allows the respondent to provide any other insights they may wish to share relevant to the research questions.

5.1. Is there any other point or issue you want to highlight as important when thinking about the effectiveness of different EU external policy measures at addressing forced labour and modern slavery?

Conclusion

The interviewer will reiterate the consent, anonymisation, and withdrawal process. Transcripts of audio recordings will subsequently be shared with respondents to provide an opportunity for review and revision.

12.2.7 Interview framework (case studies)

The interview framework (case studies) provides an overarching structure for semi-structured interviews for specific case study contexts, broken down into five key sections: (1) establishing the general expertise of the respondent; (2) reviewing modern slavery dynamics in the country; (3) identifying external policy initiatives in the country with which the respondent is familiar, and evaluating each in turn; (4) reviewing external policy measures in the country in broad perspective; and (5) exploring future priorities for antislavery programming. The majority of interview time will be spent in section (3), as thematic follow-up questions are integrated into the questions on specific initiatives where these issues emerge in responses. Subsidiary and follow-up questions are tailored to the particular respondent and the issues and concerns they raise within the interview, reflecting the expertise and positionality of the respondent.

Introduction

The interviewer will talk the participant through the participant information sheet, ask if the participant has any questions about this information, and answer any questions about this that the participant might raise. The interviewer will review the consent form, including confirming whether the participant wishes to be anonymised, asking for preferences related to pseudonymisation, and confirming consent to recording.

The interviewer will also explain the specific focus of the inquiry and core research objectives and provide an explanation of the conceptual understandings of forced labour and modern slavery underpinning the study, if necessary.

1. General remit questions

This section of the interview explores the position of the respondent and their connection to issues related to forced labour, modern slavery, the external policy of the EU and like-minded partners on this topic, and the application of this policy in practice in third states.

1.1. Can you tell us about the nature of your work, and the connection to forced labour, modern slavery, and external policy in [country]?

- Are there particular institutions or areas of external policy efforts focused on [country] that you have more knowledge of than others?
- How much of your work relates to forced labour and modern slavery relative to other issues that you work on?
- Are there particular kinds of exploitation that you are more familiar with?
- Are there particular sectors that you are more familiar with?

2. Modern slavery dynamics in [country]

2.1. Could you briefly describe how modern slavery and forced labour manifest in [country]?

- What are the dominant forms of exploitation in the country?
- Who are the typical perpetrators of modern slavery in the country?
- Are there particular sectors in which exploitation is more prevalent, or with specific patterns of exploitation?
- What are the typical profiles of victims? (age, gender, race, nationality, ability etc)
- Is there a link to EU markets?

3. Identification and evaluation of relevant external policy measures

This section considers any specific aspects or initiatives of EU external policy, or similar policy of like-minded countries, with which the respondent is familiar operating in the case study country. It includes questions focused on specific policy measures and initiatives, where the following section takes a more holistic perspective of external policy broadly.

3.1. Are there particular external policy initiatives of the EU that you are familiar with that you think are particularly relevant to addressing forced labour and modern slavery in [country]?

Note: this question is intended to identify a list of measures that the participant is familiar with as the basis for further discussion. The following questions will then be asked in relation to each measure identified, beginning with the measures they are most familiar with.

3.2. Can you describe how the specific external policy initiative identified in 3.1 addresses issues related to forced labour and/or modern slavery in [country]?

Note: this question is to be repeated for each of the key external policy measures identified in 3.1

- How is the measure intended to function to help prevent or stop forced labour or modern slavery?

3.3. What do you think are the strengths and weaknesses of the specific external policy initiative identified in 3.1 when it comes to addressing forced labour and modern slavery in [country]?

Note: this question is to be repeated for each of the key external policy measures identified in 3.1

- Are there important gaps in the design of the policy measure?
- Are there significant challenges or shortcomings in the implementation of the policy measure?
- How well is the measure tailored to the specific country context?
- What was the response to [the specific external policy initiative identified in section 3.1 discussion]?
- How did the government respond?
- How did businesses in [country] respond?
- Has the approach to [the specific external policy initiative identified in section 3.1 discussion] in this space changed over time?
- How has the effectiveness of the measures changed with these adaptations?
- Has [the specific external policy initiative identified in section 3.1 discussion] effected positive change in [country]?
- Is the change lasting or durable?
- What factors helped or hindered positive change in the country?

4. Overall evaluation of external policy measures in [country]

This section considers the overall package of external policy measures and initiatives operating in the case study country relevant to modern slavery. It is intended to understand the specific country in more detail, and what works and does not work to address modern slavery in context.

4.1. What external policy efforts of international actors do you think are contributing most effectively to improving efforts to address modern slavery in [country]?

- What makes these efforts effective?
- Where do you think external policy in [country] has the most impact?

4.2. What external policy efforts of international actors are less successful or ineffective?

- What makes these efforts ineffective?
- Where do you think external policy in [country] has the least impact?
- Are there any instances of external policy efforts having adverse consequences in [country]?

4.3. What do you think are some of the key challenges and opportunities for addressing modern slavery issues in [country]?

4.4. What measures or adaptations do you think could be introduced to maximise the effectiveness of external policy measures across different contexts?

4.5. How well are different external policy initiatives by international actors in [country] coordinated?

5. Future priorities

This section considers key priorities and approaches for future external policy initiatives in the case study country.

4.1. What do you think should be the key priorities for EU external policy to address modern slavery and forced labour in third countries over the next 10 years?

- What kind of measures do you think are contributing most effectively to addressing forced labour and modern slavery in [country]? Why?
- What measures or adaptations do you think could be introduced to maximise the effectiveness of external policy measures in [country]?
- Which area of EU external policy do you think has the most potential to contribute meaningfully to addressing forced labour and modern slavery in [country]? Why?

5. Catch-all

This closing section allows the respondent to provide any other insights they may wish to share relevant to the research questions.

5.1. Is there any other point or issue you want to highlight as important when thinking about the effectiveness of different EU external policy measures at addressing forced labour and modern slavery in [country]?

Conclusion

The interviewer will reiterate the consent, anonymisation, and withdrawal process. Transcripts of audio recordings will subsequently be shared with respondents to provide an opportunity for review and revision.

12.3 List of consulted stakeholders

	Institution	Interview
European Union bodies	DG-EMPL (3)	General General / Bangladesh General / China
	DG INTPA (2)	General
	DG Trade (2)	General
	EEAS	General
	EU Delegation to Mexico	Mexico
	EU Delegation to Thailand	Thailand
Other international organisations	OECD	General
	ILO	General
	ILO (Ship to Shore project)	Thailand
	ILO Manila Office (3)	Philippines
	ILO Brasilia	Brazil
	IOM	General
	OSCE	General / Brazil
	Council of Europe (GRETA)	General
International civil society organisations and other stakeholders	UNODC Regional Office for Southeast Asia and the Pacific	Philippines / Thailand
	Anti-Slavery International	General
	Bangladesh Legal Aid and Services Trust (BLAST)	Bangladesh
	Clean clothes campaign (2)	China China / Bangladesh
	End Uyghur Forced Labour	China
	Global Fund to End Modern Slavery	Bangladesh
	Global Partners Governance	Bahrain
	Hope for Justice	General
	Human Trafficking Foundation	General
	Independent global expert (Bahrain Government)	Bahrain
	La Strada International	General
	Panamerican Development Foundation	Mexico
	Stop the Traffik	General
	Walk Free	General

12.4 Modern slavery practices

12.4.1 List of practices directly relevant to modern slavery

Direct relevance to modern slavery is determined by the inclusion of explicit reference to at least one listed modern slavery practice.

Practice	Key search terms	Description
Slavery	*slave*	This captures references to, <i>inter alia</i> , modern slavery, contemporary slavery, contemporary forms of slavery, slavery-like practices, institutions and practices similar to slavery, and enslavement.
Forced labour	Forced lab*r Compulsory lab*r Coerced lab*r Coercive lab*r	This captures reference to forced labour as presented in legal frameworks (as either forced labour or forced or compulsory labour) as well as potential social framing related to coercion in labour. *operators are used to capture both British (labour) and American (labor) spellings.
Human trafficking	Traffic*	This captures references to human trafficking, trafficking in persons, trafficking in human beings, sex trafficking, labour/ labor trafficking, including where reference is to traffic rather than trafficking. References to other forms of trafficking, such as wildlife, drug, and arms trafficking are excluded. References to trafficking are therefore reviewed in text to ensure the reference relates to human trafficking. References to 'illicit trafficking' broadly may be included.
Servitude	Servitude	This captures reference both to servitude as a general category and to domestic servitude specifically.
Debt bondage	Debt bondage Bonded lab*r	This captures reference to debt bondage in the two dominant framings employed to describe the practice. *operators are used to capture both British (labour) and American (labor) spellings.
Sexual exploitation	Sexual exploitation	This captures reference to commercial sexual exploitation, including commercial sexual exploitation of children and online sexual exploitation, but excludes references to commercial sexual activity and sexual abuse more broadly.
Worst forms of child labour	Worst forms of child lab*r	This captures references to the 'worst forms of child labour' specifically, but references to child labour more broadly are excluded. *operators are used to capture both British (labour) and American (labor) spellings.
Forced marriage	Forced marriage	This captures direct references to forced marriage. It may overlook a few instances in which the framing of forced marriage in conjunction with early and child marriage alters the phrasing (e.g. references to forced, early and child marriage as opposed to child, early and forced marriage which would be captured). It does not capture child marriage as a distinct practice. Note: this practice is ultimately to be excluded from analysis where the instrument does not include reference to other modern slavery practices, as a result of the limits on the scope of the research.
Recruitment or use of children in armed conflict	Child soldier Children in armed conflict Children in conflict	This captures references to the recruitment and use of children in armed conflicts, including use of child soldiers. Note: this practice is ultimately to be excluded from analysis where the instrument does not include reference to other modern slavery practices, as a result of the limits on the scope of the research.

12.4.2 List of peripherally relevant concepts

This non-exhaustive list of practices peripherally relevant to modern slavery

Practice	Key search terms	Description
Human rights	Human rights	This captures reference to the broader framework of human rights, within which rights related to slavery, servitude, forced labour, and trafficking are addressed.
Labour rights	Lab*r rights Lab*r standards	This captures reference to the broader framework of labour rights, within which rights related to forced labour and the worst forms of child labour are addressed.

	Workers' rights Decent work	
Supply chains	Transparency in supply chains Production networks Commodity chains	This captures reference to relevant supply chains governance frameworks intended to identify human and labour rights risks and violations, including in relation to modern slavery practices.
Due diligence	Due diligence	This captures reference to relevant due diligence frameworks intended to identify and address human and labour rights risks and violations, including in relation to modern slavery practices.
ESG	ESG Environmental, social, and governance	This captures reference to relevant ESG frameworks delimiting business responsibilities in relation to broad overarching frameworks within which human and labour rights (and thereby modern slavery practices) are situated.
CSR	CSR Corporate social responsibility	This captures reference to relevant CSR frameworks delimiting business responsibilities in relation to broad overarching frameworks within which human and labour rights (and thereby modern slavery practices) are situated.

12.5 EU policy instruments and documents directly relevant to modern slavery

Policy instruments and documents collected in this study were classified into three categories:

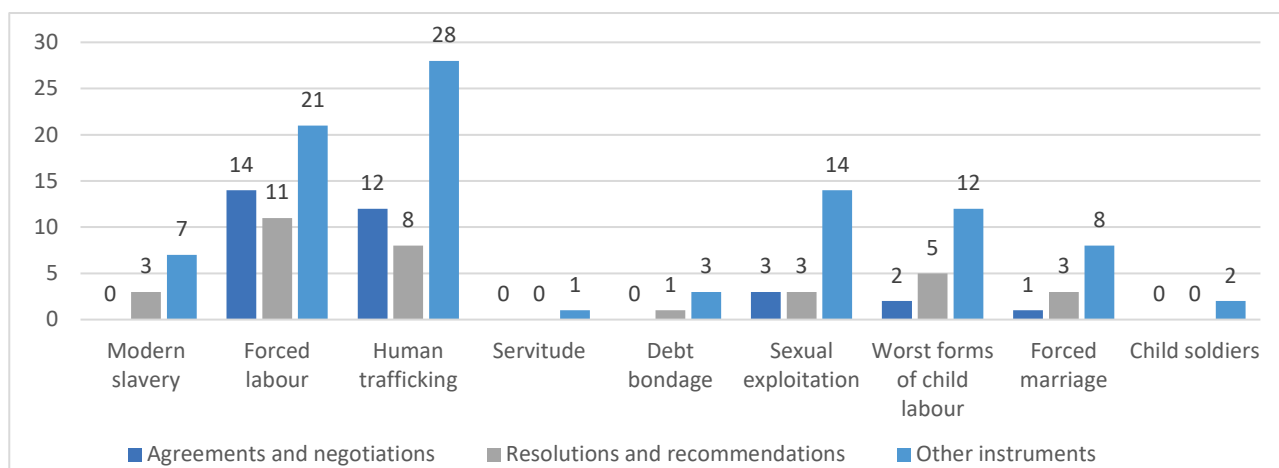
1. **Direct relevance to modern slavery:** including explicit reference to one of the modern slavery practices listed in this study.
2. **Peripheral relevance to modern slavery:** including explicit reference to one of the related practices or areas listed in this study.
3. **No relevance to modern slavery:** including no reference to the practices listed as directly or peripherally relevant to modern slavery.

Instruments and documents within category 1 were coded and analysed against an established coding matrix relevant to the document type. Due to time constraints, category 2 and 3 documents were not assessed in this component of the review, although a wide range of category 2 documents are considered in the discussion in sections 5-7.

The 69 EU external policy instruments and documents directly relevant to modern slavery coded and assessed in this study (listed in Annex 12.5) evidenced diversity in the geographic contexts of focus, exploitation types, and nature of the intervention. Modern slavery itself was not strongly represented across the documents, appearing in 3 resolutions and recommendations (all of which related to international trade and value chains) and 7 other instruments (3 of which related to trade and 3 to conflict, stability and peace). Despite these references in trade related documents, modern slavery itself did not explicitly appear in any trade agreement or negotiation documents assessed. Forced labour and human trafficking were more prevalent across documents, appearing in 46 and 48 documents respectively across the three domains (trade, development, and foreign policy).

Servitude and debt bondage did not appear strongly across documents, with servitude appearing only once in a GSP+ assessment of Bolivia. Debt bondage appeared in the equivalent assessments for Pakistan and Paraguay, as well as in the Commission Implementing Decision of 6.5.2019 on the financing of the 2019 Partnership Instrument Annual Action Programme for cooperation with third countries to be financed from the general budget of the European Union and the EP resolution on the exploitation of children in developing countries. Child soldiers likewise did not appear strongly across documents, explicitly referenced only twice in included sources, in both cases in documents related to conflict, stability, and peace.

Figure 39. Modern slavery practices in EU external policy instruments and documents assessed

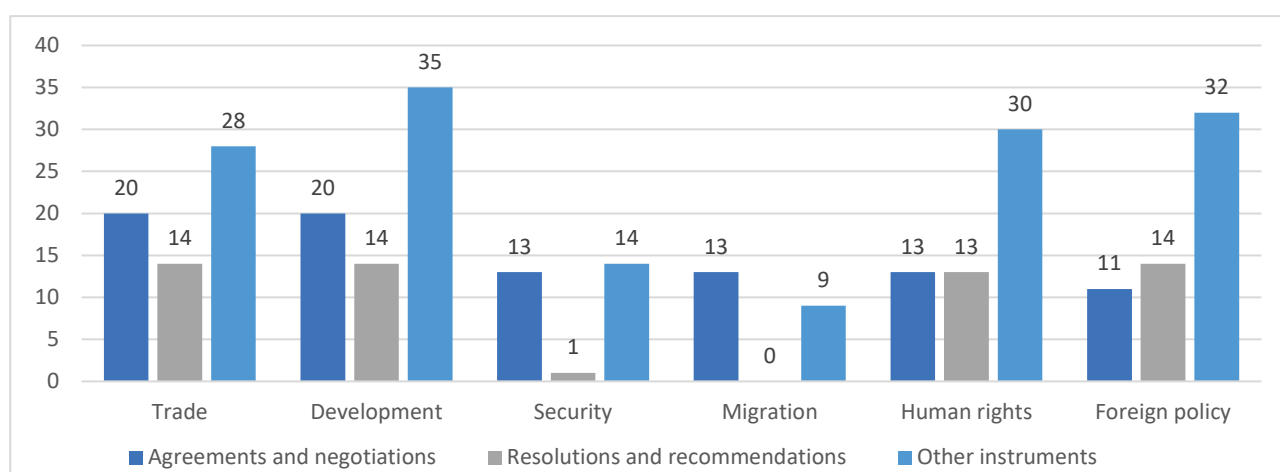


Most instruments assessed did not adopt a specific sectoral focus in considering issues related to modern slavery. However, three resolutions and recommendations and five other instruments did explicitly consider exploitation in particular industries. Industries of focus in these instruments included:

- Mining, including with explicit references to gold and diamonds, appeared across four instruments assessed;
- Agriculture and agri-food, appearing in three distinct instruments assessed;
- Garments and textiles, appearing in three instruments assessed;
- Cocoa, cotton production, electronics, minerals and chemicals, fisheries and aquaculture, gold mining, child jockeying, forestry, and construction, each of which appeared in one instrument assessed.

Instruments assessed were spread across various policy domains, with a strong emphasis on trade and development.

Figure 40. Policy areas covered in EU external policy instruments and documents assessed



12.5.1 EU resolutions, opinions and legislative documents directly referencing modern slavery practices

Document	Year	Document Type	Related third countries
European Parliament resolution of 15 December 2011 on the draft Council decision on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, amending the Agreement in order to extend the provisions of the Agreement to bilateral trade in textiles, taking account of the expiry of the bilateral textiles Agreement (16384/2010 – C7-0097/2011 – 2010/0323(NLE))	2011	Resolution	Uzbekistan
European Parliament resolution of 14 March 2012 on child labour in cocoa sector (2011/2957(RSP))	2011	Resolution	Ghana; Côte d'Ivoire
European Parliament resolution of 25 November 2010 on human rights and social and environmental standards in international trade agreements (2009/2219(INI))	2010	Resolution	N/A
European Parliament resolution of 27 April 2017 on the EU flagship initiative on the garment sector (2016/2140(INI))	2017	Resolution	N/A
European Parliament resolution of 5 July 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility (2015/2038(INI))	2016	Resolution	N/A

European Parliament resolution of 12 September 2017 on the impact of international trade and the EU's trade policies on global value chains (2016/2301(INI))	2018	Resolution	N/A
Trafficking in children in Guatemala European Parliament resolution on Guatemala	2005	Resolution	Guatemala
European Parliament resolution on the exploitation of children in developing countries, with a special focus on child labour (2005/2004(INI))	2006	Resolution	N/A
European Parliament resolution of 23 May 2007 on promoting decent work for all (2006/2240(INI))	2008	Resolution	N/A
European Parliament resolution of 25 November 2010 on corporate social responsibility in international trade agreements (2009/2201(INI))	2010	Resolution	N/A
European Parliament's Resolution on Fair Trade and Development	2006	Resolution	N/A
European Parliament's Resolution on fair trade	1998	Resolution	N/A
European Parliament's Resolution on palm oil and deforestation of rainforests	2017	Resolution	N/A
European Parliament's Resolution on Supply chain due diligence by importers of minerals and metals originating in conflict-affected and high-risk areas	2017	Resolution	N/A
Directive 2014/24/EU on public procurement and Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors	2014	Directive	N/A
European Parliament's Resolution on Local Authorities and Civil Society: Europe's Engagement in support of Sustainable Development	2013	Resolution	N/A
Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas	2017	Regulation	N/A
EU Decision on amending Decision No 466/2014/EU granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union	2014	Decision	N/A
Commission Delegated Regulation (EU) 2019/429 on supplementing Regulation (EU) 2017/821 of the European Parliament and of the Council as regards the methodology and criteria for the assessment and recognition of supply chain due diligence schemes concerning tin, tantalum, tungsten and gold	2019	Regulation	N/A
Economic and Social Committee's opinion on 'European fair trade marking movement'	1996	Opinion	N/A
Council Common Position 2005/792/CFSP of 14 November 2005 concerning restrictive measures against Uzbekistan	2005	Position	Uzbekistan
Council Decision of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of this Protocol fall within the scope of Articles 179 and 181a of the Treaty establishing the European Community	2006	Decision	N/A
Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses	2020	Regulation	N/A
European Parliament resolution of 16 March 2017 on the Philippines – the case of Senator Leila M. De Lima (2017/2597(RSP))	2019	Resolution	Philippines
Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008	2012	Regulation	N/A
Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC	2016	Regulation	N/A
Resolution on the Communication from the Commission on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries (COM(95)0216 - C4-0197/95)	1996	Resolution	N/A

European Parliament resolution on the Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region (2020/2913(RSP))	2020	Resolution	N/A
European Parliament Resolution of 11 March 2021 on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders (2021/2578(RSP))	2021	Resolution	N/A
European Parliament Resolution of 17 September 2020 on the situation in the Philippines, including the case of Maria Ressa (2020/2782(RSP))	2020	Resolution	Philippines
Commission Delegated Regulation (EU) 2021/1530 of 12 July 2021 supplementing Regulation (EU) 2021/947 of the European Parliament and of the Council establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe	2021	Regulation	N/A
Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009	2021	Regulation	N/A
European Parliament resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries (2015/2315(INI))	2016	Resolution	N/A

12.5.2 Trade agreement related documents directly referencing modern slavery practices

Document	Year	Related third countries
Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part	2002	Chile
Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other	2012	Costa Rica; El Salvador; Guatemala; Honduras; Nicaragua; Panama
Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part	2014	Ukraine
Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part	2014	Georgia
Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part	2014	Moldova
Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part	2018	Armenia
Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part	2017	Canada
Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part	2008	Antigua and Barbuda; Bahamas; Barbados; Belize; Dominica; Dominican Republic; Grenada; Guyana; Haiti; Jamaica; St Christopher and Nevis; St Lucia; St Vincent and the Grenadines; Suriname; Trinidad and Tobago,
EU-China investment negotiations	2021	China
EU-New Zealand Trade Agreement negotiations	2019	New Zealand
Euro-Mediterranean Agreement establishing an association between the European Community and its Member States of the one part, and the Republic of Lebanon, of the other part	2006	Lebanon

Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part	2005	Algeria
Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part	2010	Republic of Korea
Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam	2020	Viet Nam
Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part	2012	Iraq
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part	2015	Bosnia and Herzegovina
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part	2004	Former Yugoslav Republic of Macedonia
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part	2010	Montenegro
Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part	2012	Colombia; Peru
Trade and Cooperation Agreement Between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part	2020	United Kingdom
Framework Agreement between the European Union and Its Member States, on the one part, and the Republic of Korea, on the other part	nd	Korea

12.5.3 Other EU instruments and documents directly referencing modern slavery practices

	Year	Document Type	Related third countries
Albania Post-Disaster Needs Assessment	2020	Report or paper	Albania
Lebanon Reform, Recovery and Reconstruction Framework (3RF)	2020	Report or paper	Lebanon
Mozambique Cyclone Idai Post Disaster Needs Assessment	2019	Report or paper	Mozambique
Commission Implementing Decision of 12.8.2014 on the Annual Action Programme 2014 for the Instrument contributing to Stability and Peace - Conflict prevention, peace-building and crisis preparedness component (Article 4) to be financed from the general budget of the European Union	2014	Decision	N/A
2016 Annual Report on the implementation of the European Union's instruments for financing external actions in 2015	2017	Report or paper	N/A
2017 Annual report on the implementation of the European Union's instruments for financing external actions in 2016	2018	Report or paper	N/A
North-East Nigeria Recovery and Peace Building Assessment Volume I Synthesis Report	2015	Report or paper	Nigeria
Commission Implementing Decision of 27.5.2015 on the Annual Action Programme 2015 for the Instrument contributing to Stability and Peace - Conflict prevention, peace-building and crisis preparedness component to be financed from the general budget of the European Union	2015	Decision	Ivory Coast; Guinea; Liberia; Sierra Leone (only in Annex 7)
Commission Implementing Decision on the 2016 Annual Action Programme for the Instrument contributing to Stability and Peace conflict prevention, peace-building and crisis preparedness component	2016	Decision	N/A
Commission Implementing Decision of 6.5.2019 on the financing of the 2019 Partnership Instrument Annual Action Programme for cooperation with third countries to be financed from the general budget of the European Union	2019	Decision	Indonesia; Malaysia; Myanmar; New Zealand; Thailand; India;

			Singapore; Sri Lanka; Vietnam;
Commission Implementing Decision of 4.7.2018 on the 2018 Partnership Instrument Annual Action Programme for cooperation with third countries to be financed from the general budget of the European Union	2018	Decision	China (annex 6 and annex 9)
Commission Implementing Decision of 22.5.2017 on the 2017 Partnership Instrument Annual Action Programme for cooperation with third countries to be financed from the general budget of the European Union	2017	Decision	Brazil; Colombia; Chile; Costa Rica; Ecuador; Mexico; Panama; Peru (particularly Annex 8)
Commission Implementing Decision of 5.5.2020 on the financing of the 2020 Partnership Instrument Annual Action Programme for cooperation with third countries to be financed from the general budget of the European Union	2020	Decision	N/A
Commission Implementing Decision of 26.5.2016 on the 2016 Partnership Instrument Annual Action Programme for cooperation with third countries to be financed from the general budget of the European Union	2016	Decision	China; Myanmar; Philippines; Thailand; Vietnam; Japan (particularly Annex 7)
Commission Implementing Decision of 16.10.2014 on the 2014 Partnership Instrument Annual Action Programme for cooperation with third countries to be financed from the general budget of the European Union	2014	Decision	China (Annex H)
Commission Implementing Decision of 26.6.2017 on the annual action programme 2017 for the Instrument contributing to Stability and Peace - Conflict prevention, peace-building and crisis preparedness component to be financed from the general budget of the European Union	2017	Decision	Côte d'Ivoire; Mali; Burkina Faso
Partnership Instrument Multi-Annual Indicative Programme for the period 2018-2020	2018	Report or paper	N/A
Instrument contributing to Stability and Peace (IcSP) Thematic Strategy Paper 2014-2020	nd	Report or paper	N/A
Commission Staff Working Document: Impact Assessment - Accompanying the document Recommendation for a Council Decision authorising the opening of negotiations for a Free Trade Agreement with Australia	2017	Report or paper	Australia; New Zealand
New EU-Mexico Agreement: The Agreement in Principle	2018	Agreement	Mexico
Joint Staff Working Document: Report on EU Enhanced Engagement with three Everything But Arms beneficiary countries: Bangladesh, Cambodia and Myanmar	2020	Report or paper	Bangladesh; Cambodia; Myanmar
Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Armenia covering the period 2018 - 2019	2020	Report or paper	Armenia
Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Bolivia covering the period 2018 - 2019	2020	Report or paper	Bolivia
Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Cabo Verde covering the period 2018 - 2019	2020	Report or paper	Cabo Verde
Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Mongolia covering the period 2018 - 2019	2020	Report or paper	Mongolia
Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2018 - 2019	2020	Report or paper	Pakistan

Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Paraguay covering the period 2018 - 2019	2020	Report or paper	Paraguay
Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Sri Lanka covering the period 2018 - 2019	2020	Report or paper	Sri Lanka
Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of the Kyrgyz Republic covering the period 2018 - 2019	2020	Report or paper	Kyrgyzstan
Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of the Philippines covering the period 2018 - 2019	2020	Report or paper	Philippines
Trade: 2019 Biennial Report on the Generalised Scheme of Preferences	2020	Report or paper	Bangladesh; Myanmar; Bolivia; Cabo Verde; Pakistan; Philippines; Sri Lanka
Commission Staff Working Document: Evaluation of the Implementation of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part	2019	Report or paper	Korea
The European Consensus on Development	2006	Report or paper	N/A
Letter of Cecilia Malmström (Former European Commissioner) to Korea on Labour Reforms	2019	Letter	Korea
EU Action Plan on Human Rights and Democracy 2020-2024 – Council Conclusions	2020	Plan	N/A
Joint Communication to the European Parliament and the Council: EU Action Plan on Human Rights and Democracy 2020-2024	2020	Plan	N/A
Annex to the Joint Communication to the European Parliament and the Council: EU Action Plan on Human Rights and Democracy 2020-2024	2020	Plan	N/A
Sustainable Garment Value Chains - Council conclusions	2017	Council conclusions	N/A
Promoting decent work for all: The EU contribution to the implementation of the decent work agenda in the world	2006	Report or paper	N/A
European Commission's Communication on a New Pact on Migration and Asylum	2020	Communication	N/A
European Commission's Communication on A New Partnership Framework with Third Countries under the European Agenda on Migration	2016	Communication	N/A
European Commission's Communication on A Renewed EU Action Plan against Migrant Smuggling (2021-2025)	2021	Communication	N/A
European Commission's Communication on Achieving Prosperity through Trade and Investment - Updating the 2007 Joint EU Strategy on Aid for Trade	2017	Communication	N/A
European Commission's Communication on Contributing to Sustainable Development: The role of Fair Trade and nongovernmental trade-related sustainability assurance schemes	2009	Communication	N/A
European Commission's Communication on Fair Trade	1999	Communication	N/A
European Commission's Communication on Guidelines on non-financial reporting (methodology for reporting non-financial information)	2017	Communication	N/A
European Commission's Decision on setting up the multi-stakeholder platform on the implementation of the Sustainable Development Goals in the EU	2017	Decision	N/A
European Commission's Implementing Decision on the financing of the multiannual action plan of the thematic programme Civil Society Organisations for years 2021-2024	2021	Decision	N/A
A European Agenda on Migration	2015	Agenda	N/A

Joint Communication to the European Parliament and the Council on Responsible sourcing of minerals originating in conflict-affected and high-risk areas: Towards an integrated EU approach	2014	Communication	N/A
Multiannual Indicative Programme for the Thematic Programme "Civil Society Organisations and Local Authorities" for the period 2014-2020	2014	Programme	N/A
New European Consensus on Development – Our World, Our Dignity, Our Future 2017	2017	Plan	N/A
European Commission's Communication on the Roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations	2012	Communication	N/A
Thematic Programme for Civil Society Organisations Multiannual Indicative Programme 2021-2027	2021	Programme	N/A
Thematic Programme on Human Rights and Democracy Multi-Annual Indicative Programming 2021-2027	2021	Programme	N/A
A comprehensive approach to accelerate the implementation of the UN 2030 Agenda for sustainable development – Building back better from the COVID-19 crisis - Council conclusions (22 June 2021)	2021	Council conclusions	N/A
A New Strategic Agenda 2019-2024	2019	Agenda	N/A
Council Conclusions on EU Priorities in UN Human Rights Fora in 2022	2022	Council conclusions	N/A
EU Action Plan on Human Rights and Democracy 2020 – 2024	2020	Plan	N/A
EU Annual Report on Human Rights and Democracy in the World 2020	2020	Report or paper	N/A
EU engagement with civil society in external relations - Council conclusions	2017	Council conclusions	N/A
Joint Staff Working Document: The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of the Philippines covering the period 2018 - 2019	2020	Report or paper	N/A
European Council meeting (24 and 25 June 2021) – Conclusions	2021	Council conclusions	N/A
Feedback and way forward on improving the implementation and enforcement of Trade and Sustainable Development chapters in EU Free Trade Agreements	2018	Report or paper	N/A
Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Global Europe - Competing in the World: A Contribution to the EU's Growth and Jobs Strategy	2006	Communication	N/A
Handbook for trade sustainability impact assessment	2016	Report or paper	N/A
Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Implementation of EU Trade Agreements 1 January 2019 - 31 December 2019	2020	Report or paper	N/A
Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Implementation of Free Trade Agreements 1 January 2016 - 31 December 2016	2017	Report or paper	N/A
Implementation of the Bangladesh Compact - Technical Status Report	2018	Report or paper	Bangladesh
Commission Staff Working Document: Individual information sheets on implementation of EU Trade Agreements	2021	Report or paper	N/A
Multiannual Indicative Programme (MIP) for the Philippines	nd	Programme	Philippines
Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Implementation and Enforcement of EU Trade Agreements	2021	Report or paper	N/A
Guidance on Due Diligence for EU Businesses to Address the Risk of Forced Labour in Their Operations and Supply Chains	2021	Guidance	N/A

Opinion of the European Economic and Social Committee on the role of Domestic Advisory Groups in monitoring the implementation of Free Trade Agreements (exploratory opinion requested by the European Parliament)	2019	Opinion	N/A
Report from the Commission to the European Parliament and the Council on the application of Regulation (EU) No 978/2012 applying a Scheme of Generalised Tariff Preferences and repealing Council Regulation (EC) No 732/2008	2018	Report or paper	N/A
Joint Report to the European Parliament and the Council: Report on the Generalised Scheme of Preferences covering the period 2018-2019	2020	Report or paper	N/A
Revised EU Guidelines on Human Rights Dialogues with Partner/Third Countries	2021	Guidance	N/A
Shared Vision, Common Action: A Stronger Europe - A Global Strategy for the European Union's Foreign And Security Policy	2016	Plan	N/A
Commission Staff Working Document: Promote Decent Work Worldwide Responsible Global Value Chains for A Fair, Sustainable and Resilient Recovery from the Covid-19 Crisis	2020	Report or paper	N/A
Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016	2012	Communication	N/A
Non-paper of the Commission services Trade and Sustainable Development (TSD) chapters in EU Free Trade Agreements (FTAs)	2017	Report or paper	N/A
Trade for all: Towards a more responsible trade and investment policy	2015	Policy	N/A
Trade Sustainability Impact Assessment of the Free Trade Agreement between the European Union and Japan: Final Report	2016	Sustainability Impact Assessment	Japan
Commission Staff Working Document: Applying the Human Rights Based Approach to international partnerships - An updated Toolbox for placing rights-holders at the centre of EU's Neighbourhood, Development and International Cooperation	2021	Report or paper	N/A
Special Report: EU support to fight human trafficking in South/South-East Asia	2017	Report or paper	N/A
Commission Implementing Decision of 30.7.2018 adopting a Multiannual Indicative Programme for the Thematic Programme on Global Public Goods and Challenges for the period 2018-2020	2018	Decision	N/A

12.5.4 Sanctions regime documents with reference to modern slavery practices

Type	Regime	Document
Legal act	Human rights	Council Decision (CFSP) of 2020 concerning restrictive measures against serious human rights violations and abuses
Legal act	Human rights	Council Regulation (EU) of 2020 concerning restrictive measures against serious human rights violations and abuses
Legal act	Terrorism	Council Decision (CFSP) of 2016 concerning restrictive measures against ISIL
Legal act	Terrorism	Council Regulation (EU) of 2016 imposing additional restrictive measures directed against ISIL
Legal act	Central African Republic	Council Decision of 2013 concerning restrictive measures against the Central African Republic
Legal act	Central African Republic	Council Regulation (EU) of 2014 concerning restrictive measures in view of the situation in the Central African Republic
Legal act	Democratic Republic of the Congo	Council Decision of 2010 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo
Legal act	Democratic Republic of the Congo	Council Regulation (EC) of 2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo
List	Democratic Republic of the Congo	List of persons, entities, and items (Democratic Republic of the Congo)
Legal act	Libya	Council Regulation (EU) of 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation

Legal act	Libya	Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP
List	Libya	List of persons, entities, and items (Libya)
Legal act	Mali	Council Decision (CFSP) of 2017 concerning restrictive measures in view of the situation in Mali
Legal act	Mali	Council Regulation (EU) of 2017 concerning restrictive measures in view of the situation in Mali
Legal act	Yemen	Council Decision of 2014 concerning restrictive measures in view of the situation in Yemen
Legal act	Yemen	Council Regulation of 2014 concerning restrictive measures in view of the situation in Yemen

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