

## **The Nexus between Forced Displacement and Contemporary Forms of Slavery**

When Delta 8.7 undertook research on what the evidence base suggests might work to achieve SDG Target 8.7 in the context of crisis situations, forced displacement and migration emerged as a significant point of vulnerability for individuals and communities. Although forced migration is not always a critical factor in exacerbating existing, or creating new, vulnerabilities to exploitation in crisis settings, migration and displacement often contribute to vulnerability to contemporary forms of slavery. There are currently 70.8 million people forcibly displaced, of which 41.3 million are Internally Displaced People (IDPs), 25.9 million are refugees, and 3.5 million are asylum seekers. These individuals are vulnerable to modern slavery and exploitation as, in such contexts, it may be more likely that outmigration from their community is unplanned and higher risk, increasing the likelihood that these individuals will face violence, exploitation or abuse as they migrate. Mass movement or displacement may make it difficult for local governments and protection actors to identify and respond to these risks and can create circumstances in which opportunistic individuals and criminal networks may take advantage. Transit routes can also be affected as well as destination countries, which can be destabilized due to an influx of migrants.

Evidence shows that modern slavery flourishes in crisis situations, be these natural disasters or anthropogenic. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) 2021 Global Humanitarian Overview estimates that some 235 million people will need humanitarian assistance and protection in 2021 at a cost of USD 35.1 billion. If we include COVID-19 in our understanding of crisis, the picture worsens; as of September 2020, the ILO had estimated working-hour losses of the equivalent of 245 million FTE jobs.

Individuals affected by crisis are vulnerable to forced labour, modern slavery, human trafficking and child labour for reasons including:

- Erosion of the rule of law, a breakdown of protection, and the normalization of violence in conflict and disaster settings, which make it easier to exercise coercion.
- Increased incidences of gender-based and sexual violence.
- Armed groups taking advantage of the situation to traffic or exploit individuals for power and revenues, low or no-cost labour and sexual services (for example: groups such as ISIS, Boko Haram, al-Shabaab, the Lord's Resistance Army).
- Physical, social, and economic vulnerability, such as loss of shelter and livelihoods, which in turn leads to risky coping behaviours, and, in some cases, dependence on non-State actors that use violence to provide protection.

- Reduced access to education and disruption of family networks, which makes children more vulnerable to child labour and forced marriage (for example, reports of trafficking of children separated from parents after Cyclone Idai in Mozambique in 2019).
- Reduced access to legal and regular means to migrate, increasing the use of migrant smugglers which can make individuals vulnerable to modern slavery.
- Reduced access to safe routes to return to home countries and reduced visibility of those already vulnerable to exploitation (for example, domestic workers affected by COVID-19).

To provide a current articulation of what information is available about the global and national policy mix needed to accelerate progress towards SDG Target 8.7, Delta 8.7 convened an expert working group to produce a domain-specific Crisis Policy Guide. This yearlong collaborative process, undertaken by a global working group of 25 members selected for gender, geographic, age, institutional, stakeholder group and disciplinary diversity, produced an evidence-based guide that explores nine hypotheses about “what works” to achieve Target 8.7. The process included survivor leader inputs throughout the consultation process.

These hypotheses were extrapolated from a database constructed from two processes: A public submission of evidence and a non-comprehensive evidence review carried out by the University of Nottingham Rights Lab. For each piece of evidence submitted, information on over 20 different data points was collected. This database made it possible to map the contours of bodies of evidence relating to specific thematic areas and specific hypotheses about what works to achieve Target 8.7.

As a result of this process, the Crisis Policy Guide serves as an input serves to frame the discussion at the 48th session of the Human Rights Council.

### **Hypothesis 1: Providing support services to people on the move in crisis situations helps to reduce trafficking in persons**

#### **Description**

Records noted the need for States and non-State agencies to provide support services to people on the move during crises, as they are vulnerable to trafficking in persons. Documents show that people on the move face a range of challenges during their migration, including the inability to access health services; the inability to access decent, affordable and safe accommodation; the possibility of arrest and detention; and the lack of available psycho-social care.

It was highlighted that trafficking is often considered a problem of countries of origin and destination countries, while transit countries are often ignored in the design and implementation of policy on the protection of vulnerable persons on the move - when it is in fact transit countries that should be the focus of policy design. It is while adults and children are on the move that they need a range of support and are at a heightened risk of trafficking. Recommendations include increasing the financial and human resources available to provide support services to people on the move; improving the training of frontline personnel responsible for identifying and supporting vulnerable migrants and displaced persons; streamlining and ensuring fairness in asylum procedures; applying gender-sensitive approaches to supporting migrants; and adopting a humanitarian approach to supporting migrants and displaced persons.

### **Strength of evidence**

#### Diversity

The diversity of evidence underpinning this hypothesis is quite good. Studies were fairly balanced across primary and secondary studies, with the majority of claims tested through primary data collection and predominantly adopting qualitative research methods and observational design. 1 study involved interviews with migrants and key informants working on migration and modern slavery issues.

#### Size

The studies were geographically diverse, with the majority focusing on migration and displacement globally, while two records focused on a single jurisdiction (Norway, Australia). Interviews were the most commonly used data collection.

#### Technical quality of evidence

The strength of evidence underpinning this hypothesis was assessed to be strong, with the majority of claims recorded to be clear, transparent, context-appropriate, valid and reliable. Further, the evidence was considered to be cogent or somewhat cogent in the majority of cases. Primary studies in this group were generally supported by literature reviews and supplementary desk research, which strengthens the underpinning evidence and the possibilities for extrapolating findings to other contexts. Authors drew on international literature discussing the challenges facing people on the move in the context of conflict and displacement, as well as the challenges faced by migrants in general as they attempt to travel through transit countries to destination countries.

**Hypothesis 2: Access to economic and livelihood opportunities can reduce vulnerabilities of individuals at risk of human trafficking and modern slavery in crisis situations.**

Description

The need for decent economic and livelihood opportunities in order to prevent trafficking in persons was explored in five studies. These studies emphasized the need of strengthened efforts to provide economic and livelihood opportunities broadly. These studies considered the lack of employment opportunities as a push factor for risky cross-border migration, which can lead to vulnerability to trafficking in persons. In one study, the authors stated that the livelihood programmes in Typhoon Haiyan-affected areas provided skills training, increased employability, promoted sustainable livelihoods, and reduced the vulnerability of individuals in danger of falling below subsistence levels. Another study identified local economic alternatives to labour migration from a village-level perspective, bringing first-hand knowledge about what could work to address exploitation and trafficking from the local perspective.

Diversity

Overall, as further discussed below, the studies were diverse. One study, about poverty being the main reason children in Nigeria were involved in trafficking, presented a good sample of children, parents, guardians and others. Another was supported by a diversity of respondents, such as those from government and civil society, as well as survivors.

Size

Among the four studies that related to this hypothesis, the research methods of three were qualitative; one was mixed methods. Three of the studies focused on just one State: Nigeria, the Philippines, or Benin. One study discussed modern slavery globally. One study considered the Europe region.

Technical quality of evidence

All studies underpinning this hypothesis were published: two were published in peer-reviewed journals, and two were intergovernmental reports. The studies were published between 2012-2015. One study, which included literature and document review, included interviews with 35 government and non-governmental organization (NGO) actors, and included data from households, as well. Another was a comparative country case study that included desk research

on each of the countries, and semi-structured key informant interviews with policymakers, support providers, and trafficking survivors. Another study included interviews with 170 community leaders, community members, and current and former young migrants. Another study included interviews with 17 parents and guardians, as well as 20 individuals related to child employment. All in all, the studies represented a wide array of stakeholders and on-the-ground voices.

**Hypothesis 4: Dismantling border controls and restrictive migration legislation improves migrant protection, particularly during times of crisis.**

**Description**

Tensions between crime-oriented and other approaches, and a human rights-based approach for preventing human trafficking and addressing vulnerabilities were captured in 10 sources. This hypothesis explored how the adoption of a human rights-based approach might strengthen the prevention of human trafficking, particularly in contexts classed as in "crisis". It also explored how a human rights-based approach could strengthen the overall protection of people classed as 'vulnerable', replacing crime-oriented approaches prevalent in human trafficking work. Rather than focusing on the effectiveness of a human rights-based approach to prevent human trafficking, all studies focused on arguing that this approach reduces vulnerability of victims of trafficking, without making explicit or demonstrating that a lesser vulnerability will limit or eliminate the risk of being trafficked or re-trafficked. The underlying assumption of all the studies is that a migration-centred approach is detrimental to the rights of survivors and victims of trafficking. However, when justifying the methodology used on the studies involving interviews, only one of the records is critically engaged with data gathering methods and with the research design, making the findings difficult to contrast in the remaining cases. Regarding the existing international standards posed by either the UN Palermo Protocol or the 2011 European Union Anti-Trafficking Directive, 3 studies used them as a framework to assess domestic legislation and to establish if a human rights-based approach had been adopted by the States. By contrast, 3 records argued that a genuine human rights-based approach in national legislation is hindered by either how the international standards are designed or because these standards collide with other principles underpinning conflicting regulatory frameworks. Thus, while one study proposes the development of further legal instruments within the human rights regime for complementing the criminal law approach of the UN Palermo Protocol, 2 records emphasise that the problem lies in the collision of regulatory frameworks with conflicting principles, namely migration law versus anti-trafficking law, and the fact that former is favoured over the latter. The importance of this hypothesis was reflected and supported in the practice and experience of those drafting this guide as well as evidence presented.

## **Strength of evidence**

### Diversity

The diversity of evidence underpinning this hypothesis was mixed, including primary, secondary and mixed-method studies. Most were qualitative and primary studies, but studies also included combined qualitative and quantitative plus theoretical approaches. Some studies did not include survivors, focusing on key informants.

### Size

Studies included source, transit and destination countries and regions with, for example, studies undertaken across the United Kingdom, Turkey, the Democratic Republic of Congo, Europe, Latin America and the Caribbean. Sample sizes were fairly small, ranging from 14-24 interviews, with young people, adults and key informants from a range of anti-trafficking organizations.

### Technical quality of evidence

Studies were generally supported by literature reviews and desk-based studies of global evidence available and heavily reliant on national legislative frameworks. All studies appeared in peer-reviewed journals. Primary studies in this group were generally supported by supplementary desk research or literature review, strengthening the underpinning evidence. However, it should be noted that findings cannot be easily extrapolated to other contexts because they were heavily reliant on national legislative frameworks. There was only one study with clear survivor engagement.

## **Hypothesis 5: Gender-based approaches to programming in crisis situations prevent gender-based violence and trafficking.**

### Description

This hypothesis noted how gender-based approaches are necessary to prevent gender-based violence and human trafficking within contexts considered to fall within the "crisis" description. Those drafting this guidance considered this to be a crucial and useful framework based on their experience and the limited evidence reviewed. Gender-based approaches were considered key to programming across a broad range of contexts and grassroots, local, national and global organizations. Studies included the role of women as frontline workers, plus the establishment

of gender-sensitive monitoring and referral systems. Further data on children, including those separated and unaccompanied, is required across a range of displacement contexts in order to understand the utility of gender-based approaches for minors.

### **Strength of evidence**

#### Diversity

A limited amount of evidence was reviewed which was based mainly on secondary studies and reviews of qualitative and quantitative data. 1 was a qualitative study of academic literature, policies and laws. And 1 was a quantitative quasi experimental research design using the new 3P Anti-trafficking Policy Index. The 2 studies used literature reviews based on documents and reports provided by humanitarian agencies, international and local organisations and NGOs as well as media reports as the basis for a case study.

#### Size

Studies covered Nepal and a range of global literature.

#### Technical quality of evidence

The strength of evidence underpinning this hypothesis was assessed to support a positive finding on the hypothesis. The majority of studies was also considered context appropriate, somewhat valid, reliable or somewhat reliable and cogent. All studies combined evidence from multiple international and local sources to produce a stronger evidentiary foundation for conclusions drawn.