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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Commonwealth Human Rights Initiative, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

* Issued as received, in the language(s) of submission only.

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Impact of COVID-19 on Contemporary Forms of Slavery

The Commonwealth 8.7 Network¹ and the Commonwealth Human Rights Initiative (CHRI)² reminds Member States of their commitment to take immediate and effective measures to eradicate contemporary forms of slavery and ameliorate the impacts of the COVID-19 pandemic on vulnerable groups. Only a decade remains for the Sustainable Development Goals (SDG) to be achieved, including SDG Target 8.7. Without swift, decisive government action, the pandemic poses a serious risk in undermining the progress made towards eradicating modern slavery.

The impact of COVID-19 and subsequent government responses have compounded the issues which give rise to contemporary forms of slavery, complicating efforts to tackle it, and affecting delivery of support services to victims and survivors.

CHRI and Walk Free's recent report, *Eradicating Modern Slavery: An assessment of Commonwealth governments' progress on achieving SDG Target 8.7*, highlights a number of areas where governments are failing to make sufficient progress in their responses. The effects of these failures have been exacerbated by the pandemic, which has eroded workers' rights and disproportionately affected the most vulnerable groups in society, including sex workers and migrant workers.

We urge Member States to prioritise efforts to support victims and survivors, ensure access to justice is maintained, and enact and enforce legislation monitoring supply chains, while addressing risk factors that make individuals most vulnerable to exploitation.

Funding for support services

Funding for victim and survivor support services is already inadequate in 35 Commonwealth countries.³ In response to the pandemic, governments have reprioritised spending and have restructured funding schemes, as alternative revenue sources for organisations supporting survivors have become scarcer. For example, some social enterprises that employ survivors of modern slavery have ceased trading and thus are not receiving income to fund other programmes for survivors.⁴ In India, the PM CARES Act has diverted funding from smaller non-governmental organizations (NGOs) and community organisations working in remote areas.⁵ Disappointingly, the majority of governments have failed to provide direct financial assistance to civil society organisations to enable them to continue providing essential support services to survivors. Funding cuts and budget deficits that will extend far beyond the end of the pandemic will further undermine funding for survivor support services.

Justice for victims and survivors

COVID-19 has disrupted criminal justice processes and access to justice for survivors. In Uganda, the NGO Make A Child Smile shared that the government has put on hold most Investigations and prosecutions during the pandemic to minimise physical contact and promote social distancing. Movements of witnesses, lawyers, judges and suspects have been restricted, delaying justice for victims. Many governments are overwhelmed with responding

¹ The Commonwealth 8.7 Network is a group of over 60 local civil society organisations that share a common vision to eradicate contemporary forms of slavery and human trafficking. <https://www.commonwealth-87.org>.

² The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation which works towards the practical realization of human rights through research, advocacy, and capacity building. <https://www.humanrightsinitiative.org/content/contemporary-forms-of-slavery>.

³ Commonwealth Human Rights Initiative (CHRI) and Walk Free, 'Eradicating Modern Slavery: An assessment of Commonwealth governments' progress on achieving SDG Target 8.7', 2020.

⁴ Survey reporting from Commonwealth 8.7 Network Member, Destiny Reflection in India.

⁵ Devex, 'In India, prime minister's relief fund for COVID-19 jeopardizes NGO sector', 16 July 2020.

to the COVID-19 pandemic, which may further impede access to justice and efforts to tackle contemporary forms of slavery.

Increased vulnerability of migrant workers

Existing gaps in support for migrant workers have led to this group being disproportionately affected by the pandemic. Only 22 Commonwealth countries have reporting mechanisms for contemporary forms of slavery (such as helplines) which are available in multiple languages. Without multilingual access, such mechanisms may not be accessible to many migrant workers in situations of exploitation – individuals who are often already hidden and thus difficult to identify and support.

Exploitation of migrant workers has also contributed to the spread of COVID-19. In Singapore, early government action to stop the spread of the pandemic was hampered by the cramped living and working conditions for migrant workers which facilitated rapid transmission.⁶ Isolation measures in these migrant housing situations have been criticised as abusive and have exacerbated inequalities.⁷ The pandemic has also highlighted gaps in protection such as lack of access to sick leave or health care, forcing workers to choose between making a living or going to work while ill. In May 2020, a member of the Commonwealth 8.7 Network in Bangladesh, WARBE, found that undocumented migrants were at risk of being deported and reported high infection rates among migrant workers.

Restrictive immigration measures and hostile environments have intensified since the pandemic began, with border closures and lockdowns. Strict immigration policies increase the vulnerability of migrants by creating opportunities and incentives for traffickers and smugglers. In the United Kingdom of Great Britain and Northern Ireland (UK), recent months have seen an increase in dangerous Channel crossings; reports of abuse at the hands of smugglers have been widespread.⁸

Government travel restrictions, border closures, localised lockdowns, and curfews have prevented civil society organisations from delivering vital services to support survivors. Commonwealth 8.7 Network members in Africa and Europe have noted the difficulty of ensuring migrants' rights to repatriation at this time: they are often stuck outside of their home country and may lack access to healthcare and support systems. Migrants often borrow money to find employment abroad – repatriation without remuneration means that they will be further indebted upon return, increasing their vulnerability. COVID-19 travel restrictions have made it increasingly difficult to plan safe routes home for survivors as many countries have no exception on these restrictions for survivors or asylum seekers.

Migrant workers who are tied to their situation through the payment of recruitment fees (leading to debt bondage) or through visa systems such as the Kafala system (pervasive in parts of the Middle East) have been significantly affected during the COVID-19 pandemic. In Lebanon, migrant domestic workers employed under the Kafala system have been abandoned *en-masse* by employers who no longer have the means to pay their salaries. Grounded flights and reduced capacity at embassies have left migrant workers stranded, often without proper documentation as their passports have been retained by their employers.⁹ The recent catastrophic explosion in Beirut and ensuing political crisis have further exacerbated these difficult situations.

⁶ The Guardian, "‘We’re in a prison’: Singapore’s migrant workers suffer as Covid-19 surges back", 23 April 2020.

⁷ Reuters, 'Spate of suicides among migrant workers in Singapore raises concern', 5 August 2020.

⁸ Sky News, 'Channel migrants brought ashore in UK for unprecedented 10th day in a row', 13 August 2020.

⁹ CNN, 'They were laid off and far from home. Now an explosion in Beirut has left them even more vulnerable', 7 August 2020.

Effect on workers' rights and supply chains

Exploitation within supply chains has also been significantly exacerbated by the COVID-19 pandemic. Increased demand for the production of certain goods such as personal protective equipment and hand sanitiser has resulted in workers being forced to work longer hours without adequate physical distancing measures and other protections against the virus. In sectors such as the garment industry, workers have been left without income as large retailers based in high-income countries have cancelled orders and refused to honour payments for goods that have already been produced.¹⁰

Lack of regulation of labour risks in supply chains have made conditions worse. Only four Commonwealth countries have laws or policies in place to address the risk of modern slavery within public procurement or business supply chains.¹¹ No Commonwealth country has yet enacted legislation imposing a mandatory human rights due diligence requirement on businesses.¹²

As countries seek to boost economic recovery following lockdowns, there are concerns that this could be at the cost of workers' rights. For example, in India, several states are seeking to implement regressive reforms to labour laws which would remove vital protections for workers.¹³

Migrants and those working in informal sectors are particularly vulnerable to exploitation – even where safeguards against labour exploitation exist, certain groups may not benefit from these, either in law or in practice. In 30 Commonwealth countries, labour laws do not apply to everyone – often leaving migrant workers, domestic workers, and other vulnerable workers unprotected against exploitation.¹⁴ Even where broad legal protections do exist, there is frequently a lack of enforcement. Millions of vulnerable workers lack access to COVID-19 testing, health care, sick leave, the physical or financial ability to self-isolate, and anonymous grievance mechanisms.

The International Labour Organization (ILO) has reported that the economic crisis triggered by COVID-19 will cause a reduction in working hours equivalent to at least 140 million full time jobs globally.¹⁵ Two billion people worldwide, working in the informal sector (mostly in developing economies), are particularly at risk. Members of the Commonwealth 8.7 Network have reported an increase in individuals in informal economies - such workers frequently do not benefit from labour law protections, increasing the risk of exploitation, particularly for migrants who may fear deportation or be unable to leave due to restrictions on movement. High unemployment levels mean that many are unable to support themselves and their families – making them more vulnerable to traffickers.¹⁶

Recommendations

In light of the above the Commonwealth 8.7 Network and CHRI call on Member States to:

1. Ensure labour protections extend to all groups, including migrant workers and those working in informal sectors, by strengthening and enforcing national laws and policies and regulating recruitment processes. This is particularly important as States rebuild economies in response to COVID-19.

¹⁰ The Guardian, 'Primark and Matalan among retailers allegedly cancelling £2.4bn orders in 'catastrophic' move for Bangladesh', 2 April 2020.

¹¹ Commonwealth Human Rights Initiative, "Eradicating Modern Slavery: An assessment of Commonwealth governments' progress on achieving SDG Target 8.7", 30 July 2020.

¹² Ibid.

¹³ The Wire, 'Changes in Labour Laws Will Turn the Clock Back by Over a Century', 20 May 2020.

¹⁴ Ibid.

¹⁵ ILO, 'ILO Monitor: COVID-19 and the world of work. Fifth edition', 30 June 2020.

¹⁶ Reuters, 'No Work, New Debt: Virus Creates Perfect Storm for Slavery in India', 7 June 2020.

2. Ensure that support services for survivors are adequately funded and resourced, thus enabling the continuation of essential services even in the context of any lockdown measures.
3. Improve cross-border collaboration and data-sharing to tackle modern slavery, including strengthening bilateral and multilateral agreements on cooperation, repatriation, and labour migration.
4. Ensure that victims and survivors have access to effective grievance channels and access to remedies, and that access to justice and accountability for perpetrators is not hampered by COVID-19.

The Commonwealth 8.7 Network, NGO(s) without consultative status, also share the views expressed in this statement.