

**Response to the Special Rapporteur on contemporary forms of slavery's Call for Input
on the nexus between forced displacement and contemporary forms of slavery**

Commonwealth Human Rights Initiative (CHRI)
In collaboration with members of the Commonwealth 8.7 Network
15 March 2021

Introduction

The [Commonwealth Human Rights Initiative \(CHRI\)](#) welcomes the opportunity to respond to the call for inputs issued by the **Special Rapporteur on contemporary forms of slavery** on the nexus between forced displacement and contemporary forms of slavery. CHRI provides this response as its contribution to the Special Rapporteur's report to the **Human Rights Council** at its **48th Regular Session** in September 2021.

CHRI recognises the challenges presented by the nexus between forced displacement and contemporary forms of slavery, and appreciates the Special Rapporteur bringing international attention to address this growing problem. Displaced persons are particularly vulnerable to contemporary forms of slavery. They are often marginalised, and forced into high-risk situations with a lack of protection where criminals take advantage of their desperate circumstances. Displaced persons and migrants who are forced to move also experience challenges when seeking employment in a different country or far from home that increases their risk of exploitation. These include obstacles such as language barriers, lack of support networks, and limited access to both material resources and information. Furthermore, government restrictions on the employment of asylum seekers and those with irregular migration status can force people to seek employment via irregular channels where they are at higher risk. Displaced children and adolescents are highly vulnerable to modern slavery and human trafficking, especially when travelling alone or having been separated from their families.

Data on protection of displaced persons in Commonwealth States

Only 27% of Commonwealth Member States have systems to allow asylum seekers to seek protection.

Only 42% of Commonwealth Member States have systems to register Internally Displaced Persons.

This information is drawn from the data collected for our [Eradicating Modern Slavery](#) report, which assessed governments' responses to contemporary forms of slavery using a systematic theoretical

framework comprising 116 indicators. Two of these indicators, both under the heading of **Assessing Risk Factors**, refer to asylum seekers and displaced persons respectively:

- **Indicator 1: “The country has systems in place to allow asylum seekers to seek protection”**
- **Indicator 2: “The country has systems in place to register IDPs”**

The following data presents a breakdown of Member States of the Commonwealth that have (and those that do not have) systems of protection in place to register and protect two key types of displaced persons - asylum seekers and IDPs - presented in regional groupings.

Indicator 1: “The country has systems in place to allow asylum seekers to seek protection”

1. Legal protections are available – legislation or systems exist where asylum seekers and refugees are able to seek protection.
2. In practice, asylum seekers or refugees are NOT criminalised, discriminated against by the government, or deported, or detained.

Region of the Commonwealth	Meets <i>Indicator 1</i> - has a system in place to allow asylum seekers to seek protection	Falls short of <i>Indicator 1</i> - does NOT have a system in place to allow asylum seekers to seek protection
Africa	eSwatini The Gambia Ghana Lesotho Malawi Mozambique Namibia Nigeria Rwanda Sierra Leone Uganda	Botswana Cameroon Kenya Mauritius Seychelles South Africa Tanzania Zambia
Asia	-	Bangladesh Brunei Darussalam India Malaysia Maldives Pakistan

		Singapore Sri Lanka
Caribbean / Americas	Bahamas Canada Saint Kitts and Nevis	Antigua and Barbuda Barbados Belize Dominica Grenada Guyana Jamaica Saint Lucia Saint Vincent and the Grenadines Trinidad and Tobago
Europe	-	Cyprus Malta United Kingdom
Pacific	New Zealand	Australia Fiji Kiribati Nauru Papua New Guinea Samoa Solomon Islands Tonga Tuvalu Vanuatu

Indicator 2: “The country has systems in place to register IDPs”

Region of the Commonwealth	Meets <i>Indicator 2</i> - has a system in place to register IDPs	Falls short of <i>Indicator 1</i> - does NOT have a system in place to register IDPs
Africa	Cameroon Kenya Lesotho Namibia Rwanda	Botswana eSwatini The Gambia Ghana Malawi

	South Africa Uganda Zambia	Mauritius Mozambique Nigeria Seychelles Sierra Leone Tanzania
Asia	Bangladesh	Brunei Darussalam India Malaysia Maldives Pakistan Singapore Sri Lanka
Caribbean / Americas	Belize Dominica Guyana Jamaica Saint Lucia Saint Vincent and the Grenadines	Antigua and Barbuda Bahamas Barbados Canada Grenada Saint Kitts and Nevis Trinidad and Tobago
Europe	-	Cyprus Malta United Kingdom
Pacific	Australia Fiji Kiribati Nauru New Zealand Samoa Tuvalu Vanuatu	Papua New Guinea Solomon Islands Tonga

Responses From Commonwealth 8.7 Network Members

To provide further insight into this complex problem, CHRI has coordinated responses from members of the [Commonwealth 8.7 Network](#)¹ that work with displaced persons.

The following members of the Commonwealth 8.7 Network contributed to this submission:

- [Australian Catholic Religious Against Trafficking in Humans](#) (ACRATH) - Australia
- [Centre for Youths Integrated Development](#) - Nigeria
- [PACT-Ottawa](#) (Persons Against the Crime of Trafficking in Humans) - Canada
- [The Freedom Hub](#) - Australia
- **Vanuatu Human Rights Coalition** - Vanuatu

Is information/evidence available regarding displaced persons such as asylum seekers, refugees, internally displaced persons (IDPs) and stateless persons being subjected to contemporary forms of slavery in your country?

Many displaced persons within **Nigeria** are IDPs, displaced by the insurgencies in the North of the country; others enter the country from neighbouring **Cameroon, Chad, and Niger**. A predominant number of them are asylum seekers, lost in transit, and/or refugees.

Most displaced persons in **Nigeria** are held in refugee camps and IDP camps. These places are frequently visited by traffickers and smugglers who entice vulnerable persons with hope of a better life. To mitigate these threats, CSOs and NGOs often run awareness campaigns and keep a keen eye on conditions at refugee camps. Relevant government institutions do try to prosecute offenders but are often unsuccessful; there are many limits on the ability of victims to access justice. Displaced persons are subject to various forms of slavery including forced labour, sexual abuse and exploitation, and imprisonment and forced pregnancy.

Migrant workers, many of whom are displaced persons, are the most vulnerable group in **Canada**, and have been disproportionately affected by the COVID-19 pandemic. Often, their economic vulnerability means that they are easily targeted and exploited in trafficking situations, especially those caught in the middle of border closures and who may be forced to remain in situations of exploitation or otherwise to avoid unsafe travel options.

People in **Vanuatu**, as well as in other **Pacific Islands** and **Timor Leste**, are being rapidly

¹ The Commonwealth 8.7 Network is an international member-driven network of over 60 national and local civil society organisations who share a common vision to eradicate contemporary forms of slavery and human trafficking. Founded by the Commonwealth Human Rights Initiative, the Commonwealth 8.7 Network serves as a knowledge-sharing platform, working collaboratively to raise awareness, build capacity, and advocate for change to laws and policies. Members work on diverse issues including: women's rights; anti-trafficking initiatives; migrant workers' rights; rights of indigenous peoples; protection of children; contemporary forms of slavery; survivor advocacy; vocational training and provision of other support to survivors; supply chain impact assessment; and direct service providers.

displaced by climate change-related disasters (extreme weather conditions, rising sea levels). Yet the rights of displaced peoples and communities are not respected. They too are extremely vulnerable to human traffickers who lure them into accepting exploitative work contracts in **New Zealand** and **Australia**.

New Zealand's [Recognized Seasonal Employer](#) scheme and **Australia's** [Pacific Labour Scheme](#) allow many persons from Vanuatu and other Pacific Island states to access opportunities to work where they could not otherwise, and constitute a significant portion of Vanuatu's economic activity. However, these schemes expose participants to exploitation, and the **Vanuatu Human Rights Coalition** has received complaints from migrant workers on both of these programmes, about the working and living conditions in their respective countries. One example of this vulnerability resulting in slavery-like conditions is a case from 2017: in this instance, 22 workers from **Vanuatu** -- who paid their own recruitment fees for access to work on Australian farms through the Australian government's *Seasonal Worker Programme* in 2014 -- were held against their will with little-to-no food, and forced to labour on farms for no pay, under threat of being reported to the police as illegal workers.²

During the COVID-19 pandemic, displaced migrant workers are even more vulnerable to exploitation. In **Australia**, financial safety-nets (such as Job-Keeper and Job-Seeker programmes) were not extended to many of the most routinely exploited and vulnerable migrant workers, nor could they access regular unemployment benefits.

Internal displacement of people from isolated island communities -- by climate change or more direct force -- also facilitates domestic trafficking and exploitation in **Vanuatu**, including both those who leave their home islands in light of false promises of work and salaries, or those who have been forcibly displaced and trafficked to larger towns. A significant scale of domestic trafficking occurs through commercial sexual exploitation of children and forced/early marriage across the **Pacific**, often under the guise of traditional 'customs' or 'norms', and thus are not recognised as exploitation.³ For example, **Vanuatu Human Rights Coalition** speak of cases where young women and girls are taken from islands and forced into domestic servitude at a relative's home in town, where they receive little-to-no pay and often become victims of sexual abuse.

Is there a gender dimension to exploitation and if so, in what way?

² McKenzie, N. (2017), "Slavery claims as seasonal workers from Vanuatu paid nothing for months' work", *Sydney Morning Herald*, available at: <https://www.smh.com.au/national/slavery-claims-as-seasonal-workers-from-vanuatu-paid-nothing-for-months-work-20170327-gv7k99.html> [accessed 08/03/21]

³ Walk Free (2020), *Murky Waters: A qualitative assessment of modern slavery in the Pacific Region*, available at: <https://cdn.minderoo.org/content/uploads/2020/03/04091414/Walk-Free-Foundation-Pacific-Report-03-2020.pdf> [accessed 11/03/21]

Are other sub-groups within displaced persons (e.g. stateless persons, LGBT, disabled persons, younger/older persons) affected by different forms of slavery and if yes, in what way?

Please indicate if displaced children in your country are affected by any of the following practices stipulated in the Worst Forms of Child Labour Convention, 1999 (No. 182)

In **Nigeria**, displaced females - mostly young girls - bear the brunt of slavery as many are recruited to work as domestic maids without rights, some are forced to work in 'baby factories' where they become sex slaves and bear children without medical assistance.⁴ Whereas males are forced into hard labour in farms, mines, and factories with little or no pay. Disabled persons are often recruited by syndicates and made to beg for alms in markets and on highways, remitting any money received to these criminal organisations.

Between 2009 and 2018, over 25% of human trafficking victims identified in **Canada** were under the age of 18.⁵ In Canada, the average age of recruitment into sex trafficking is 13 years old, with women and girls particularly at risk, especially those from Indigenous communities — who are often displaced, marginalised, and lack official documentation — and children and youth in care.⁶ There has also been a general increase in violence against women and intimate partner violence during the COVID-19 pandemic, along with the related challenges of reduced funding for women's shelters and helplines. Many marginalised women have few options and fall victim to trafficking.

Often, in **Canada** displaced persons seek refuge in shelters, however **PACT-Ottawa** indicates that these shelters can become sites of further exploitation and violence. For example, LGBTQ youth experience further problems of homophobia and transphobia in places where they seek refuge⁷, and research indicates that these overlapping vulnerabilities result in a disproportionately high risk of becoming a victim of trafficking.⁸

Across **the Pacific**, women and girls are particularly vulnerable to forced and child marriage, and forced and child labour, all being prevalent forms of exploitation throughout the region.

⁴ Obaji Jr., O. (2020) "Survivors of Nigeria's 'baby factories' share their stories", *Al Jazeera*, available at: <https://www.aljazeera.com/features/2020/5/3/survivors-of-nigerias-baby-factories-share-their-stories> [accessed 11/03/21]

⁵ Cotter, A. (2020), 'Trafficking in persons in Canada 2018', *Statistics Canada*, available at: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00006-eng.htm> [accessed 09/03/21]

⁶ The Canadian Women's Foundation (2014), Report of the National Task Force on Sex Trafficking of Women and Girls in Canada, available at: <https://www.canadiancentretoendhumantrafficking.ca/wp-content/uploads/2016/10/No-More-Ending-Sex-Trafficking-in-Canada.pdf> [accessed 09/03/21]

⁷ Martens, B. (2019), 'LGBTQ+ Youth Are Homeless In Staggering Numbers, But Support Is Slim', *Huffington Post*, available at: https://www.huffingtonpost.ca/entry/lgbtq-youth-homelessness-canada_ca_5dba2597e4b00d83f7221dd8 [accessed 09/03/21]

⁸ See also: Martinez O. and Kelle G. (2013), 'Sex Trafficking of LGBT Individuals: A Call for Service Provision, Research, and Action', *International Law News*, 42(4), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4204396/> [accessed 09/03/21]

There are few cases of forced child prostitution in **Vanuatu**, however many underaged girls are engaged in sexual exploitation in other ways. For example, anecdotal evidence from the **Vanuatu Human Rights Coalition** indicates that many children in **Vanuatu** are often made to work in family shops or labour elsewhere to supplement family income, or even cases where daughters are 'given away' to men in return for money and/or property.⁹

Is there any indication/evidence that domestic rules and/or legislation related to the regulation of displaced persons contribute to an increased vulnerability of displaced persons to exploitation?

Are the same labour standards applicable to all categories of displaced persons, including IDPs? Are these standards the same as those applicable to (other) nationals of the country?

The majority of migrant workers in **Canada** lack official status, which leaves them vulnerable to exploitation by denying them the ability to speak up about exploitation and unsafe working conditions. It also hinders their access to essential healthcare when exposed to COVID-19 while being forced to work throughout the pandemic. For example, at least 1300 farm workers contracted COVID-19 with questionable access to health care and benefits.¹⁰ They were unable to protect themselves because speaking up can mean work termination, homelessness, and/or deportation. Migrant workers are trapped in exploitative conditions by the withholding of passports and wages, and by threats of deportation to often unsafe countries of origin. Members of the Migrant Rights Network have organised over 27 protests across Canada in the last six months demanding status for all.¹¹

The **Vanuatu Human Rights Coalition** has received reports indicating that employers systematically ignore labour standards in **Vanuatu** by not paying workers the legal minimum salary. Vanuatu Labour and Immigration departments have been made aware of these situations, but they are, as yet, either unable or unwilling to confront companies who are underpaying their workers, which perpetuates exploitation of both economic and irregular migrants. Due to lack of support, economic migrants find themselves stranded with no income

⁹ United Nations Committee on the Rights of the Child (2016), 'Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography', *Vanuatu*, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/OPSC/VUT/1&Lang=en [accessed on 09/03/21]

¹⁰ Baum, K. B. and Grant, T. (2020), 'Migrant farm workers call for safety from reprisals for speaking out', *The Globe and Mail*, available at: <https://www.theglobeandmail.com/canada/article-migrant-farm-workers-call-for-safety-from-reprisals-for-speaking-out/> [accessed 09/03/21]

¹¹ Migrant Rights Network (2020) ADVISORY: Migrants Rally Across Canada Calling for Expansion of Regularization Program to All on August 23, available at: <https://migrantrights.ca/aug23advisory/> [accessed 09/03/21]

which in turn leaves them, in a cyclical fashion, vulnerable to displacement.

Are there mechanisms for ensuring that displaced persons victimised in contemporary forms of slavery can report such treatment without endangering their status or stay in the country?

Do displaced persons victimised by contemporary forms of slavery have effective access to justice, remedies and compensation? What barriers are encountered in practice? Are such remedies available even if/after the individual has returned to their country of origin?

The [Canadian Human Trafficking Hotline](#), operated by [The Canadian Centre to End Human Trafficking](#), offers 24/7, free, confidential support to identify and refer victims of human trafficking within the country. However, this hotline is only available in English and French languages so is limited in its accessibility for foreign victims who may not speak local languages. Also, once a case is referred to law enforcement, there are no guarantees of how the case will be handled by the appropriate investigative agency.

In **Nigeria**, the justice system is often ineffective in protecting displaced persons, and exposes them to greater vulnerabilities. Rather, the burden of ensuring access to justice and fighting for remedies is left to civil society. For example, the **Centre for Youths Integrated Development** has set up a mixed migration support working group with five thematic areas: Return, Readmission & Reintegration; Irregular Migration/Trafficking in Persons; Children on the Move/IDPs; Labour Migration ; and Asylum/Refugee & Access to Justice. This working group provides support for reporting, protection, access to justice, accountability and compensation to exploited persons falling under each thematic area.¹²

In the case cited above of the 22 men from **Vanuatu**, held against their will on Australian farms in inhumane conditions with no pay, the situation of the workers was revealed through an investigation by the [Australian Government's Fair Work Ombudsman](#). Members of the Commonwealth 8.7 Network pointed to this Fair Work Ombudsman as a key mechanism for identifying and tackling exploitation in Australia, and promoting compliance with workers rights, especially for migrants and other vulnerable workers.

¹² The Centre for Youths Integrated Development, *The CYID Mixed Migration Support Working Group*, available at: <https://www.cyid.org/ng/portfolio/the-cyid-mixed-migration-support-working-group/> [accessed 09/03/21]

What are wider challenges in preventing contemporary forms of slavery among displaced persons and in protecting victims?

Is there any further information that you would like to share with the Special Rapporteur about the relationship between contemporary forms of slavery and displacement?

In **Nigeria**, lack of public awareness and education on the plight and rights of displaced persons allows their ill-treatment to continue unrecognised, and even breeds xenophobia, thus perpetuating the vulnerability of displaced persons. Hunger is often used intentionally by traffickers in **Nigeria and neighbouring countries** to force children into slavery. Deprivation of food, shelter and security push displaced children to desperation and in the process their risk of exploitation becomes acute.

Very little is done to address issues of material damage and destruction of communities, in particular those relating to climate change and natural disasters, which are a key cause of displacement, particularly in the **Pacific** and beyond. Much unpaid work by women 'on the ground' during disasters is not recognised; during disasters there is greater possibility that these very women may become victims of sexual exploitation and abuse. Women's and girls' labour, including domestic work, and their contribution to community development and reconstruction must be recognised.

About the Commonwealth Human Rights Initiative

CHRI is an independent international, non-governmental organisation working for the practical realization of human rights. Through research, advocacy and mobilization it works to address human rights issues in the areas of access to justice, access to information, freedom of information and opinion, and contemporary forms of slavery and human trafficking. Headquartered in New Delhi, CHRI has offices in London and Accra.

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