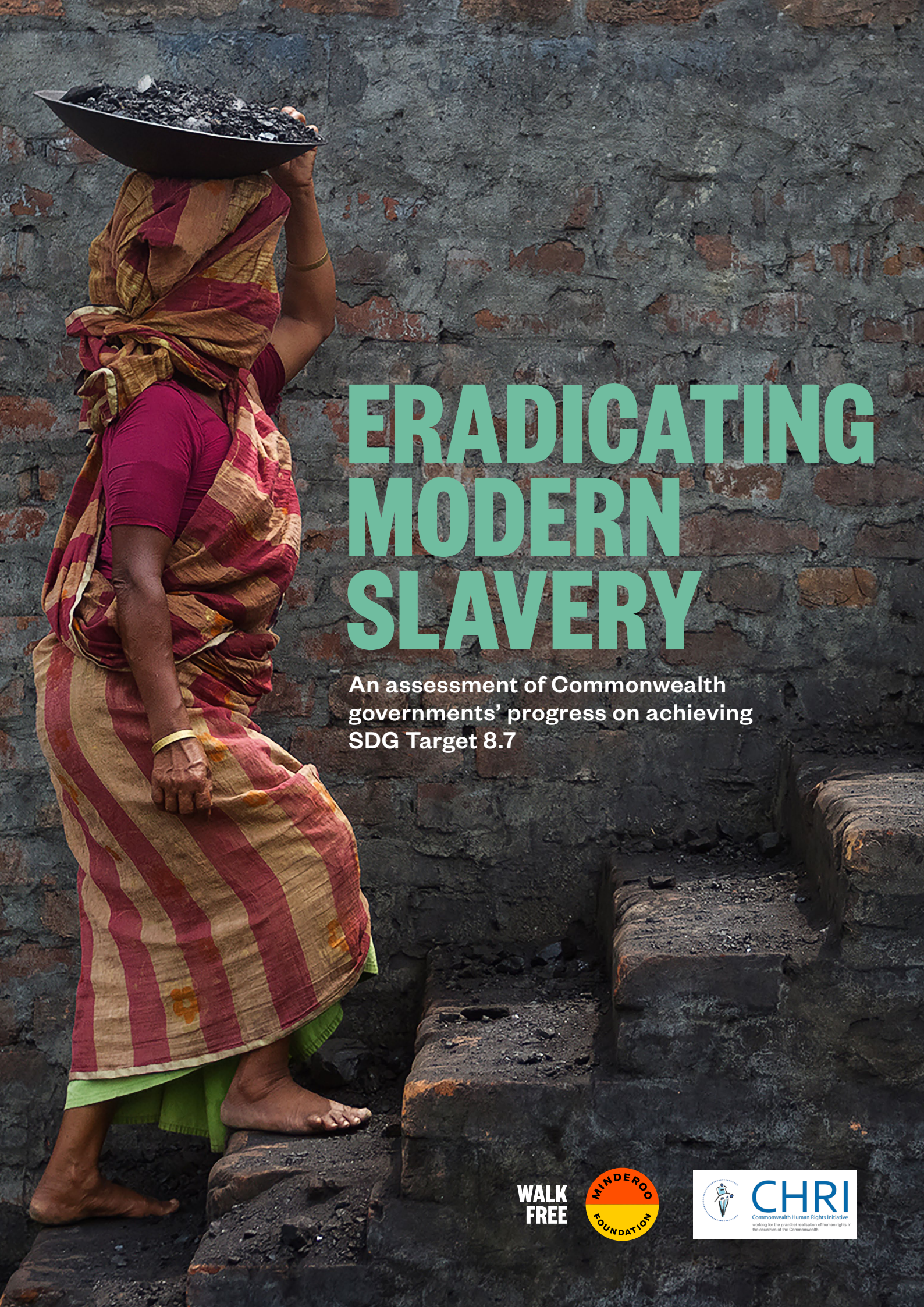




ERADICATING MODERN SLAVERY

An assessment of Commonwealth
governments' progress on achieving
SDG Target 8.7

**WALK
FREE**



CHRI
Commonwealth Human Rights Initiative
working for the practical realisation of human rights in
the countries of the Commonwealth

ACKNOWLEDGEMENTS

Collaboration and coordination within civil society within and across borders, are vital to hold Commonwealth governments to account to end modern slavery. The collaboration between the Commonwealth Human Rights Initiative (CHRI) and Walk Free, an initiative of Minderoo Foundation, contributes to a collective voice calling for stronger, not just more, government action.

Eradicating modern slavery: An assessment of Commonwealth governments’ progress on achieving SDG Target 8.7 builds on the previous work of both CHRI and Walk Free, and is a deeper dive into Commonwealth-wide responses to eradicating modern slavery.

We are deeply grateful to both the CHRI team in London and the Walk Free teams in London and in Perth for their contributions to this project. The collaboration is led by Katharine Bryant, Lead of European Engagement of Walk Free, and Sneh Aurora, Director of CHRI’s London office. Together with Raja Bagga and Pooja Larvin of CHRI, this core team led the research and drafting, with contributions from Lauren Jackson, Elise Gordon, Brittany Guy, Elly Williams of Walk Free, while David White, Ellen Shustik, Hannah Bondi, and Stef Monaco, all formerly at CHRI, set the ball rolling.

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We would particularly like to thank all the survivors, civil society groups, and other experts who have provided invaluable insights on the issues covered in this report, including those from the Commonwealth 8.7 Network. The report is improved significantly by their feedback.

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(Cover) Saidpur, Bangladesh, April 26, 2016. A female labourer carrying coal to the coal chamber of brick field covering her head with her cloth to protect herself from coal dust. Those working in brick kilns in south Asia are vulnerable to bonded labour, which occurs when a person is forced to work to pay off a debt. This debt can be inherited, with whole families forced to work. Workers can experience hazardous and toxic conditions, from dusk to dawn every day, working for below minimum wages. Photo credit: Mohammad Saiful Islam/NurPhoto via Getty Images.

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FOREWORD

BY GRACE FORREST, WALK FREE

One in every 150 people in the Commonwealth is living in modern slavery

This is not a statistic from the 1700s, when the transatlantic slave trade was at its height. It was taken from the 2018 Global Slavery Index, the world's leading dataset on measuring and understanding modern slavery.

The effects of British colonisation — of which slavery was a cornerstone — are still felt today. Centuries on from the abolition of slavery, racism and inequality are still roadblocks to sustainable development for many countries across the Commonwealth. This underscores the need to address ongoing exploitation in our communities and call out injustice and entrenched discrimination wherever it occurs.

Alarming, slavery exists in each of the 54 countries that make up the Commonwealth and is deeply embedded in transnational supply chains. Whether it is a construction worker held in a situation of forced labour, a fisherman trapped in debt bondage, garment workers forced to work through a pandemic for half the minimum wage, or a young girl forced into a marriage — modern slavery is persistent in both developed and developing countries.

While our prevalence estimates in 2018 were staggering, the COVID-19 pandemic has further increased vulnerability to modern slavery around the world. Widespread job losses, restrictions on movement, and the closure of regular migration pathways, have created the perfect conditions for modern slavery to flourish. Millions of workers are stranded, unable to support themselves and in most cases are excluded from national health plans. Women and girls, who are disproportionately affected by modern slavery, are at even greater risk.



Leaders may feel that addressing modern slavery is secondary to tackling a pandemic. However, we must remain focussed on the fact that the enslavement of millions of people, is also a global crisis.

Walk Free and the Commonwealth Human Rights Initiative have united to hold Commonwealth nations to the promises made at the 2018 Commonwealth Heads of Government Meeting. As this report finds, little progress has been made in the last two years.

My team and I have spent the past few years working in consultation with survivors throughout the Commonwealth and around the world. The data and recommendations in this report are informed by the voices of people on the frontline. They have the greatest understanding of how to remove critical roadblocks to respond effectively to this global challenge. We thank each and every one of them for their expertise and insight, and encourage all governments to build a response that is informed by survivor voices.

In 2020, governments can no longer claim ignorance to the realities of modern slavery. Leaders are now either part of the problem or part of the solution. This report depicts clear recommendations for each geographical region in the Commonwealth and calls for urgent, coordinated action by all member states.

Eradicating Modern Slavery comes at a critical juncture — a time when the world is awakening to ongoing injustices, questioning historical inequalities, and confronting unprecedented crises. We are realising that we are all responsible for correcting past crimes against humanity — but also that large-scale, systemic change, is possible.

If the Commonwealth is committed to achieving SDG 8.7 by 2030, we cannot wait a moment longer. Now is the time to draw the line in the sand, to tackle modern slavery and its core drivers, and amend and rebuild the foundations on which the Commonwealth stands.

••

Port Moresby, Papua New Guinea, November 14, 2018.

Elizabeth Fosape speaks during an interview at a women's shelter. Ask people in Papua New Guinea about #MeToo and you are likely to get blank stares, but in a country with a reputation as the worst place in the world for women to live, attitudes to domestic and sexual violence are slowly changing. Photo credit: Saeed Khan / AFP via Getty Images.

FOREWORD

BY ALISON DUXBURY, CHRI

Time is running out for Commonwealth states to meet targets to end modern slavery

Only 10 years remain to fulfil the ambitious objective set by states in Sustainable Development Goal (SDG) Target 8.7 — to take immediate and effective measures to end modern slavery by 2030. At the 2018 Commonwealth Heads of Government Meeting (CHOGM), leaders reaffirmed their commitment to these targets and encouraged members to endorse the United Nations General Assembly's call to action and to ratify and implement international agreements and adopt national strategies on this issue.

The 2018 CHOGM Communiqué reflects the intent amongst Commonwealth governments to work together to achieve SDG Target 8.7. This report offers a roadmap for action.

Eradicating Modern Slavery, jointly authored by the Commonwealth Human Rights Initiative (CHRI) and Walk Free, identifies gaps in existing policies, programmes and practices and recommends a way forward. The partnership between our two organisations seeks to reinvigorate a process that, at the official level, appears to have slowed, if not stalled. The work is built on patience, perseverance and purpose.

This report is a sequel to CHRI's 2018 reports, *Creating an Effective Coalition to Achieve SDG 8.7* and *The Commonwealth Roadmap to SDG 8.7*, and represents a deeper dive into the Commonwealth-wide situation. The report's recommendations around meaningful survivor support and participation, strengthening criminal justice systems, improving coordination and accountability, addressing the risk factors that impact the most vulnerable, and eradicating exploitation from supply chains, could not be timelier.

In 2020, the COVID-19 pandemic has exposed the weaknesses in systems of protection and exacerbated the vulnerability of those most at risk. COVID-19 has brought much of society to a standstill, yet the inhumane business of modern slavery continues. The lives of the most vulnerable have been made more precarious, high-demand sectors are seeing major recruitment drives, and fewer labour supply chain checks have led to an increase in the risk of modern slavery.

Survivors must be central to informing and influencing these conversations. They are integral to developing intervention strategies, building civil society coalitions and formulating policies to tackle modern slavery. The Commonwealth 8.7 Network, founded by CHRI and comprising over 60 local organisations across the globe, has been an invaluable and unique resource



in ensuring that frontline perspectives inform the report's data. But it is more than that — the 8.7 Network can provide momentum to the protection, rescue and rehabilitation of victims and survivors.

Forty percent of the estimated 40.3 million victims of modern slavery live in Commonwealth countries. This figure, by itself, is enough to demonstrate the urgent need for action by Commonwealth member states. The Commonwealth Secretariat must recognise that its role is not merely to coordinate, but to empower states to assess, respond and review their commitments to achieve SDG Target 8.7 by 2030. We encourage the Secretariat to take a leadership role and work collaboratively with governments and civil society organisations to end modern slavery.

While there are encouraging signs of progress, much more needs to be done. Protections that exist on paper must be accompanied by monitoring and robust implementation. Time is fast running out to achieve SDG Target 8.7 by 2030. Together, let us heed the messages of this report and make the next decade count.

••

Montepuez, Mozambique, August 3, 2018. An illegal miner digs between rocks as he searches for precious stones in Nthoro village on the outskirts of the mining town of Montepuez, Mozambique. The discovery of rubies by a local woodcutter just nine years ago sparked a "ruby rush" in Mozambique, which now accounts for 80 per cent of the world's production. However, what could have been a windfall for many has instead brought violence and exploitation to the region as many young miners are recruited to work in illegal and unsafe miner pits, while trapped in situations of debt bondage. Photo credit: Emidio Josine/AFP via Getty Images.

**1 IN EVERY
150 PEOPLE
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EXECUTIVE SUMMARY

••

(Previous page) Lagos, Nigeria, March 20, 2018. A trafficking survivor from Cameroon sits with her two-week-old daughter in a private shelter in Lagos, Nigeria. She returned to Nigeria when she was eight months pregnant through the International Organization for Migration (IOM), and gave birth in Nigeria. She was allowed to leave Libya on a flight organised by IOM and the Nigerian government as humanitarian workers feared for her safety and that of the unborn baby. According to Time magazine, the woman said the EU directive to curb migrant arrivals not only emboldens corrupt Libyans but also amplifies their deep-seated prejudice against black Africans. “The Libyans understood that if the EU doesn’t want blacks to come, it means we are not valuable as humans,” she told Time. “The EU is essentially rewarding these militias for abusing us, for raping us, for killing us and for selling us.” Photo credit: Lynsey Addario/Getty Images Reportage via Getty Images.

••

London, United Kingdom, April 20, 2018. Samoa’s Prime Minister Tuilaepa Aiono Sailele Malielegaoi, Grenada’s Prime Minister Keith Mitchell, Ghana’s President Nana Akufo-Addo, Commonwealth Secretary-General Patricia Scotland and Britain’s Prime Minister Theresa May attend the closing press conference of the 2018 Commonwealth Heads of Government Meeting (CHOGM), at Marlborough House in London. Photo credit: Daniel Leal-Olivas/AFP via Getty Images.

At the 2018 Commonwealth Heads of Government Meeting (CHOGM), states committed to achieve the United Nations Sustainable Development Goal (SDG) Target 8.7, by taking “*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 in all its forms by 2025, including the unlawful recruitment and use of child soldiers.*”¹

The stark reality is that very little has changed in the two years following this commitment.

Walk Free and the Commonwealth Human Rights Initiative (CHRI) have united to hold Commonwealth governments to account on achieving SDG Target 8.7. Walk Free’s 2018 report “Towards a Common Future” and CHRI’s 2018 publications “Creating an Effective Coalition” and “A Roadmap to SDG 8.7,” outlined a 10-step action plan and a roadmap to encourage states to achieve SDG Target 8.7.

Disappointingly, there has been inadequate government action to tackle modern slavery. Many of our past recommendations remain resoundingly valid today.

The Commonwealth must act

Urgent action on modern slavery is needed now more than ever. The COVID-19 pandemic represents a real risk to any gains made in the fight against modern slavery.

The combination of health, safety, and economic risks creates the perfect conditions for modern slavery to flourish across the Commonwealth.

The year 2020 marks 10 years until the SDGs are to be achieved. Time is running out.

For the upcoming CHOQM,² we call on all Commonwealth states to work together with renewed urgency to eradicate modern slavery by 2030.

Progress towards SDG Target 8.7

A review of 54 Commonwealth government responses reveals there has been some progress — since 2018, Pakistan passed comprehensive trafficking legislation, the UK established an Evidence and Policy Centre to conduct research into the issue, the Gambia ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and Australia adopted its Modern Slavery Act requiring companies to report on their actions to combat modern slavery. But this progress is far too slow.

A lack of legislation across most Commonwealth states undermines attempts to both deter and convict perpetrators of modern slavery. Almost a fifth of countries have yet to criminalise human trafficking, while forced labour is not yet criminalised in 35 per cent of countries. Two-thirds have failed to make forced marriage illegal.

The effectiveness of criminal justice systems across the Commonwealth continues to be compromised by weak implementation and enforcement of legislation (even where relevant legislation exists). Resources are limited and training for criminal justice officials remains patchy, with only 12 countries mandating systematic training.

Women and children are particularly vulnerable to modern slavery. It is estimated that 71 per cent of all victims of modern slavery are women and girls. And yet, in sectors where women are over-represented, such as domestic work, protection for workers is limited. Only five countries in the Commonwealth have ratified the 2011 ILO Domestic Workers Convention (No. 189) and, in certain countries, domestic workers are not protected by labour laws or are unable to unionise.

Migrant workers across the Commonwealth are another group particularly vulnerable to modern slavery, due to restrictive immigration policies, which can facilitate coercion and prevent workers from leaving an exploitative employer, and weak protection under labour law. Discrimination, including age-old cultural and social prejudices, also plays a significant role in exacerbating the vulnerability of certain groups to exploitation — for example, caste-based discrimination in India, the exclusion of the Rohingya population from accessing some services in Bangladesh, and the widespread criminalisation of homosexuality across the African region.

Child, early, and forced marriage are issues across the Commonwealth. Children are particularly vulnerable to forced marriage. Child marriage is prevalent in Asian and African states. While the rate of child marriage is higher in Africa than any other Commonwealth region, Asia has the most number of girls married before their 18th birthday.³

Universal education and community empowerment programs are essential to reduce the exploitation of women, girls, and other vulnerable groups. Yet nearly half of Commonwealth countries have lower primary school enrolment rates for specific groups, particularly girls and minorities.

Next year, 2021, is the International Year for the Elimination of Child Labour. There is a strong commitment across the Commonwealth to end this practice: 50 countries have ratified the 1999 ILO Worst Forms of Child Labour Convention (No. 182), with only India, Tonga, Tuvalu, and Nauru failing to do so. However, at the national level, only 31 countries have criminalised the commercial sexual exploitation of children. The COVID-19 crisis has seen an increase in online child sexual exploitation, underscoring the importance of robust action to protect children and young people.

The way forward

It is against this background of unfulfilled promises and unimplemented changes, that we urge Commonwealth states to act.

All governments must work collaboratively and in coordination with the Commonwealth Secretariat, as well as Commonwealth accredited rights-based organisations and bodies to **launch a major initiative to combat modern slavery and protect those who are most vulnerable.**

Walk Free and CHRI call on all Commonwealth governments to:

SUPPORT SURVIVORS:

- 1.** Increase identification of, and improve support for, modern slavery victims and survivors by providing regular, systematic training for all frontline service providers.
- 2.** Ensure the meaningful participation of survivors in the design, implementation, and monitoring of a modern slavery response.

STRENGTHEN CRIMINAL JUSTICE:

- 3.** Criminalise all forms of modern slavery, and ensure penalties are proportionate to the seriousness of the offence.
- 4.** Ratify and domesticate relevant international instruments, including the 2014 Forced Labour Protocol and the 2011 Domestic Workers Convention.
- 5.** Enforce legislation, including by providing adequate resources, as well as training to all officials such as law enforcement personnel, prosecutors, and the judiciary, to effectively investigate and prosecute modern slavery cases.
- 6.** Remove barriers to victim participation in the criminal justice system by strengthening protection mechanisms, including the adoption of non-prosecution provisions to ensure that victims are not punished for conduct resulting from their exploitation.
- 7.** Ensure that victims and survivors have access to effective remedies, including compensation.

IMPROVE COORDINATION AND ACCOUNTABILITY:

- 8.** Improve coordination among national agencies by developing evidence-based national actions plans and establishing national referral mechanisms involving civil society, law enforcement agencies, and other groups.
- 9.** Improve cross-border collaboration and data-sharing to tackle modern slavery, including strengthening bilateral and multilateral agreements on cooperation, repatriation, and labour migration.

ADDRESS RISK FACTORS:

- 10.** Ensure labour protections extend to all groups, including migrant workers and children, in formal and informal economies and high-risk 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.
- 11.** Support regional and national level research on trends, prevalence, and the effectiveness of different approaches to combat modern slavery to enable evidence-based interventions and efficient allocation of resources.
- 12.** Tackle systemic inequality and discrimination that increases the vulnerability of certain groups to modern slavery, taking into account intersectional factors and harmful traditional practices, by strengthening legal frameworks and providing education and training.
- 13.** Address the specific vulnerabilities of, and disproportionate impact on, women and girls of modern slavery by providing primary education to all and supporting community empowerment initiatives.

ERADICATE EXPLOITATION FROM SUPPLY CHAINS:

- 14.** Identify sectors at high risk of forced labour, and work with businesses in those sectors and with civil society to develop initiatives to mitigate risks of forced labour and other forms of exploitation.
- 15.** Strengthen laws and policies applicable to public procurement and business supply chains, including by implementing mandatory transparency requirements and mandatory human rights due diligence.



INTRODUCTION

An estimated 40 per cent of the 40.3 million people living in modern slavery reside in Commonwealth countries. This represents approximately 15.7 million men, women, and children in forced labour, forced marriage, and human trafficking.⁴

●●
Matsapha, Kingdom of eSwatini, September 1, 2015. Workers of a foreign-owned textile factory sew on machines during their shift at a factory on the outskirts of Matsapha, Kingdom of eSwatini. Unable to fulfill the criteria required by Washington regarding human rights, in January 2015 the Kingdom of eSwatini lost the benefit of AGOA, the US program allowing it to be exempt from taxes to export its products. Photo credit: Gianluigi Guercio/AFP via Getty Images.

It includes children in domestic servitude, forced to work long hours with limited opportunities to attend school. It includes girls forced into early marriage who face sexual abuse, domestic servitude, violence, and associated health complications. It includes migrant workers trapped in debt bondage by exorbitant recruitment fees paid to secure a job, forced to live in unhygienic, crowded dormitories and unable to escape because their travel documents have been confiscated.

What is modern slavery?

In this report, “modern slavery” is used as an umbrella term that reflects the terminology within Sustainable Development Goal (SDG) Target 8.7. Essentially, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, or abuse of power.

The Commonwealth has committed to ending modern slavery

All United Nations (UN) member states, which include the 54 Commonwealth countries, have committed to achieving SDG Target 8.7 by 2030.

United Nations SDG Target 8.7:

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.⁵

This commitment was reinforced by states at the 2018 Commonwealth Heads of Government Meeting (CHOGM). In the CHOGM Communiqué, Commonwealth states called for:

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 in all its forms by 2025, including the unlawful recruitment and use of child soldiers. Member countries were encouraged to endorse the “Call to Action to End Forced Labour, Modern Slavery and Human Trafficking” presented at the 72nd Meeting of the UN General Assembly. They encouraged ratification and implementation of relevant outstanding international agreements, and to develop appropriate national strategies in this regard. They further agreed to take action to end child sexual exploitation online including through joining relevant international bodies and initiatives.⁶

Why the Commonwealth?

The Commonwealth represents 2.4 billion people living across 54 nations. One in every 150 people in the Commonwealth is living in modern slavery. The shared history of a common language and legal system, the diversity of Commonwealth governments, and the experience of the wider community of Commonwealth organisations in tackling modern slavery and related human rights issues, place the Commonwealth in a unique position to achieve the 2030 Sustainable Development Agenda through an effective network for cooperation and development.

But this common inheritance presents both an opportunity *and* a challenge.

Our common legal systems do not reflect the diversity that exists within and across countries, including ethnicity, religion, poverty, power structures, and customs. Traditions embedded in culture and economic inequality are often more enduring than new laws and government proclamations of change. An end to modern slavery within a decade cannot be achieved without cultural and economic change, and without the active participation of communities and stakeholders. Laws must work in tandem with communities in upholding economic and social equality.

Why act now?

Recent global events highlight the need for urgent action.

The Black Lives Matter movement brings into sharp focus the legacy of historical slavery. It underscores the need to address ongoing exploitation in our communities and call out injustice and entrenched discrimination. In a recent speech on Commonwealth Day 2020, the UK’s Independent Anti-Slavery Commissioner, Sara Thornton, highlighted the long-term repercussions of the trans-Atlantic slave trade and the UK’s role within it. She acknowledged the challenges of the term “modern slavery” in this context but underscored the need for the UK to take action by engaging meaningfully with the Commonwealth in driving the fight against the continued exploitation of human beings.⁷

If SDG Target 8.7 is to be achieved by 2030, the Commonwealth must take action to eradicate this most grievous of human rights abuses.

THE IMPACT OF COVID-19

COVID-19 has exposed and exacerbated both existing vulnerabilities and gaps in protection and created new challenges in the fight to achieve SDG Target 8.7. By altering migration patterns and increasing poverty, unemployment, and inequality, COVID-19 has placed already vulnerable individuals at higher risk of exploitation.⁸

Millions of vulnerable workers lack access to COVID-19 testing, health care, sick leave or the physical or financial ability to self-isolate. Lockdown measures and the collapse of many parts of the economy mean that large numbers of people are now out of work, with no means to support themselves and their families — making them more vulnerable to traffickers.⁹

Border closures and other travel restrictions have left migrant workers stranded, unable to support themselves or return home. Domestic workers, sex workers and those in forced marriages are particularly at risk behind closed doors at a time when usual support services are struggling to operate. Lockdown measures have created significant obstacles in identifying new victims and in providing support to survivors, leading to their increased isolation and vulnerability to exploitation. Given the difficulties faced by victims who are often wrongly criminalised or deported for immigration violations, many may also be unlikely to seek healthcare if they fall ill.¹⁰

AN UPDATE: COMMONWEALTH ACTION ON MODERN SLAVERY

The 2013 Commonwealth Charter¹¹ emphasised the importance of cooperation to address the significant global challenges of the future. The Commonwealth has a history of tackling modern slavery and promoting human rights, including the empowerment of women and girls to achieve gender equality. Moreover, Commonwealth Heads of Government have, in their numerous CHOGM Communiqués, highlighted the need to address these issues across the Commonwealth, recognising the unique challenges faced by small and developing states.

To date, Commonwealth states have taken the following actions to address modern slavery:

- The Commonwealth has made successive commitments in 2011, 2013, and 2015 to eradicate child marriage. The 2015 Kigali Declaration established a framework of 17 actions for national human rights institutions to end this practice, which have now been implemented by 20 human rights commissions across the Commonwealth.¹²
- The 2018 CHOGM Communiqué recognised that ending modern slavery, and specifically, achieving SDG Target 8.7 was a priority for the Commonwealth, in addition to taking action to end online child sexual exploitation.¹³
- The Women’s Forum during the 2018 CHOGM led to a call to action to:
 - Eliminate child, early, and forced marriage.
 - Strengthen gender-sensitive collaboration to end human trafficking and child exploitation.¹⁴
 - Increase resources to support the Commonwealth Secretariat’s mission to address the drivers of child, early, and forced marriage and female genital mutilation or cutting, and encourage its collaboration with other relevant stakeholders.
 - Improve data collection and analysis to inform strategy, provide support for women throughout their lives, and enable programs that prevent early or forced marriage in conflict or crisis zones.
- In 2019, the UK Government funded six projects as part of the second phase of the Modern Slavery Innovation Fund, which aims to trial innovative ways to combat the issue within the Commonwealth. The projects focused on improving the working conditions of migrants in Mauritius, enhancing victim care in India, and raising awareness of the issue in South Africa.¹⁵ The Commonwealth Security Programme of the Commonwealth 2018–2020 Fund has also directed additional resources towards eliminating modern slavery.¹⁶

Commonwealth-accredited organisations have also continued to drive action to tackle modern slavery:

- CHRI has advocated for Commonwealth-wide action on modern slavery since 2016, efforts which culminated in a commitment to end modern slavery in the 2018 CHOGM Communiqué. CHRI presented a report at the 2018 CHOGM,¹⁷ and published the follow-up, *The Commonwealth Roadmap to SDG 8.7*,¹⁸ which provides an assessment of governments’ action and a roadmap towards the achievement of SDG 8.7. In 2019, CHRI founded the Commonwealth 8.7 Network — a group of 60 plus local civil society organisations that work collaboratively to eradicate modern slavery.¹⁹
- The UK Commonwealth Parliamentary Association (CPA UK) aimed to strengthen criminal justice responses to modern slavery through a four-year UK government funded Modern Slavery Project. Through this project CPA UK worked with Parliamentarians in two regions to increase understanding of the benefits of robust legislation against human trafficking and forced labour, and to provide a unique forum for sharing good practice and experience.²⁰

ABOUT THIS REPORT



This report provides an analysis of existing gaps in government responses to modern slavery and a roadmap for action to eradicate it.

It includes an ambitious framework for change to ensure that Commonwealth states remain committed to tackling this critical issue at the next Commonwealth Heads of Government Meeting (CHOGM) and beyond.

The report, detailed methodology, all supporting data tables, as well as a database housing the data used to produce this report, are available to download from the [Walk Free](#) and [CHRI](#) websites.

This report includes a global analysis of key trends across the Commonwealth, aligned with the five milestones from Walk Free's conceptual framework — initially developed for the 2014 Global Slavery Index (see Methodology below). It also includes detailed regional analysis and recommendations (aligned with our global recommendations), which can form the basis of regional initiatives for Commonwealth states to implement. Individual country reports based on the data collected will be made available through the CHRI and Walk Free websites.



Dhaka, Bangladesh, April 29, 2017. Workers seen working in a brickfield in Dhaka. Around 11,000 brickfields operate in Bangladesh to meet the high demand for bricks for construction work due to the rapid urbanization across the country. Male and female migrant laborers from coastal areas come to work in brickfields as seasonal jobs despite the hazard conditions and low salaries. Photo credit: Zakir Chowdhury/Barcroft Media via Getty Images.

TERMINOLOGY

There is no universally accepted definition of “modern slavery” or “contemporary forms of slavery.” These umbrella terms are used to cover practices which include slavery, human trafficking, forced labour, debt bondage, domestic servitude, forced marriage, and the sale and exploitation of children.

This report reflects the terminology used within SDG Target 8.7 which calls on all nations to take immediate and effective measures to end forced labour, modern slavery, and human trafficking, as well as child labour in all its forms.

Any umbrella term used should acknowledge the variety of ways in which severe forms of exploitation may manifest. In this report, “modern slavery” is used as the umbrella term which encompasses all these concepts. Essentially, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, or abuse of power.

See [Appendix A](#) for detailed terminology.

METHODOLOGY

This report brings together evidence gathered through extensive desk research, interviews with survivors and subject experts, and surveys completed by NGOs, to assess the responses of 54 Commonwealth governments to modern slavery. The Maldives re-joined the Commonwealth on 1 February 2020 and is included in this report.

The assessments in this report are based on Walk Free's conceptual framework — initially developed for the 2014 Global Slavery Index. The starting point for this conceptual framework is Situational Crime Prevention theory²¹ and draws on the UN Trafficking Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings, and literature on effective responses to modern slavery.

The initial framework was developed in consultation with an independent Expert Working Group and based upon available literature. It was subsequently revised with inputs from a standing Expert Working Group and Lived Experience Expert working groups comprised of survivors of modern slavery. The conceptual framework identifies five milestones (or outcomes) which are critical to achieve SDG Target 8.7 and the eradication of modern slavery. These milestones encompass a total of 102 indicators, which are used to assess government progress towards the Target.

In 2018, CHRI developed an additional 48 indicators through extensive consultations with researchers, academics, civil society groups, and representatives of multi-lateral agencies working on different aspects of modern slavery. For the purposes of this report, only 14 of these new indicators were added to Walk Free's conceptual framework (see box), creating a more robust framework of 116 indicators. These 14 indicators supplement the Walk Free framework and expand the assessment of underlying risk factors which enable modern slavery.

Data collected and presented in this report is based on the updated conceptual framework.

See [Appendix B](#) for the conceptual framework

LIMITATIONS

Collecting data for 116 indicators for 54 countries is a complex undertaking. Access to data is limited where information is not publicly available or where we do not yet have partnerships with civil society organisations. For these reasons, gaps in the data remain despite our best efforts. The assessment of government responses is an ongoing area of work with the most up to date information housed in the [Walk Free database](#) and on the [CHRI website](#). Regardless of limitations, this remains the most comprehensive dataset of government action on modern slavery. All data presented in the report are current as of 15 February 2020.

The ‘missing indicators’: A reflection of data gaps

Of the 48 additional indicators identified by CHRI, 34 indicators were excluded from the framework used in this report primarily due to a lack of data or limited systematic data collection by governments. Indicators for which no data were available from 50 per cent or more Commonwealth states were excluded from the framework. Lack of data was rife in three areas.

First, most Commonwealth governments do not collect and maintain or disclose reliable and consistent data on prevalence of the different forms of slavery.

Second, primarily due to government inaction in holding businesses to account for trafficked persons, forced and child labour in their supply chains, there is limited information available on related government policies and mechanisms, or their implementation. Therefore, efforts to gather information on reporting mechanisms, existence and imposition of penalties, and compliance audits yielded barely any information.

Third, there are substantial gaps in information relating to the implementation of laws and policies on modern slavery – including on levels of prosecutions and convictions in modern slavery cases, implementation of national action plans, as well as longitudinal data on the recovery of survivors. Governments either do not maintain data relating to these issues, do not maintain this data systematically, or such data is not shared publicly.

The milestones

This report analyses the responses of Commonwealth governments to different facets of modern slavery using a conceptual framework of 116 indicators organised under five milestones:

- 1. Survivors of slavery are identified and supported to exit and remain out of slavery.**

Comprises indicators related to victim identification, including national guidelines, referral mechanisms, and training for first responders. Also includes assessment of support services, such as emergency support (shelters and health services) and longer-term support (visas, financial support, and housing).
- 2. Criminal justice mechanisms function effectively to prevent modern slavery.**

Incorporates indicators related to the ratification of relevant international conventions and standards, and the translation of these into domestic legislation. Also includes mechanisms to access justice, such as witness protection programs, legal advice, and compensation, as well as indicators relating to specialised police units and training for criminal justice officials.
- 3. Coordination occurs at the national level and across borders, and governments are held to account for their response.**

Covers coordination at the national level — national action plans and national coordinating bodies — and across borders (bilateral and multilateral collaboration).
- 4. Risk factors, such as attitudes, social systems and institutions that enable modern slavery are addressed.**

Encompasses government activity to effectively manage and tackle risk factors that facilitate modern slavery related to social protections and safety nets, migration, corruption, and discrimination.
- 5. Government and business stop sourcing goods and services produced by forced labour.**

Includes indicators that address forced labour in public procurement and global supply chains, such as mandatory reporting requirements, due diligence, and responsible investment.



●●
Nelson Mandela Bay, South Africa, October 22, 2018. ANCWL supporters picket in support of victims during the rape and human trafficking trial of controversial Nigerian pastor Timothy Omotoso and his co-accused Lusanda Sulani and Zukiswa Sitho at the Port Elizabeth High Court in South Africa. Photo credit: Lulama Zenzile/Foto24/Gallo Images via Getty Images.

THE AUTHORS

Since 2018, Walk Free and CHRI have worked collaboratively to track Commonwealth government responses to SDG Target 8.7. We will continue to hold these governments to account in the build up to the rescheduled CHOGM 2020, and in the following years. This involves collaborating on advocacy initiatives, including working towards the rescheduled CHOGM, and capacity building activities with grassroots civil society organisations, including members of the Commonwealth 8.7 Network. This co-authored report is part of the ongoing collaboration between Walk Free and CHRI.

About Walk Free

Walk Free, powered by Minderoo Foundation, is an international human rights organisation working to end modern slavery globally within our generation. Walk Free is the producer of the world’s leading dataset on measuring and understanding slavery and works on systems change through government, business, and faith, to ensure slavery is tackled through both a legal and cultural framework.

We work towards achieving Sustainable Development Goal Targets 5.3, 8.7, and 16.2

We believe a strong, multifaceted, global approach is needed to end modern slavery in all its forms. Sustainable Development Goal (SDG) 8.7 seeks to end modern slavery, SDG 5.3 seeks to eliminate child, early, and forced marriage, and 16.2 seeks to end abuse, exploitation, trafficking, and all forms of violence against children. Our approach to achieving these SDGs involves building a robust knowledge base to inform action and driving legislative change in key countries in collaboration with faiths, businesses, academics, NGOs, and governments around the world. Through these collaborations, as well as through direct implementation and grassroots community engagement, we believe we can end modern slavery.

We produce comprehensive research

Walk Free’s Global Slavery Index provides world-leading measurement of the size and scale of modern slavery and assesses country-level vulnerability and government responses to the problem. Building on this research, Walk Free collaborated with International Labour Organization and the International Organization for Migration to develop the joint Global Estimates of Modern Slavery.

We campaign for our cause

Walk Free is the Secretariat for the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime Government and Business Forum, and champions business sector engagement in this regional program. We are also strong advocates for all leading global economies to enact laws that require organisations to take proactive steps to identify and remove modern slavery from their supply chains and to be held accountable for their response. Engagement with faith leaders has been a key pillar of Walk Free since the establishment of the Global Freedom Network (GFN) in December 2014. The GFN is committed to delivering systemic change by engaging and uniting faith leaders around the world to take spiritual and practical action to end modern slavery.

We collaborate directly with stakeholders to liberate people and drive system change

In collaboration with The Freedom Fund, Walk Free is scaling effective frontline anti-slavery responses and campaigning for change through global activist movements from across the areas of human rights, labour rights, minority rights, anti-slavery, and women’s empowerment.

More at: minderoo.org/walk-free/

About CHRI

The Commonwealth Human Rights Initiative is an independent, non-governmental, non-profit organisation that works for the practical realisation of human rights across the Commonwealth. Headquartered in New Delhi, we have offices in London, UK and Accra, Ghana.

Since 1987, we have focused on human rights issues related to Access to Justice, Access to Information, Media Rights and Freedom of Expression, and Contemporary Forms of Slavery and Human Trafficking.

Working to eradicate contemporary forms of slavery

We support the achievement of Sustainable Development Goal (SDG) Target 8.7 through research, evidence-based advocacy, knowledge sharing, strategic engagement, and network and capacity building.

CHRI began advocating for Commonwealth-wide action on modern slavery in 2016 in partnership with Freedom United²² which culminated in a commitment to end modern slavery reflected in the Communiqué of the 2018 Commonwealth Heads of Government Meeting.

Conducting rigorous research

Our research, including a report presented at the 2018 CHOGM²³ and “The Commonwealth Roadmap to SDG 8.7”,²⁴ assessed government action and outlined a roadmap for Commonwealth states to achieve SDG Target 8.7. Our research provides the basis for our evidence based advocacy.

Strengthening partnerships and networks – working together

CHRI founded, and is currently Secretariat to, the Commonwealth 8.7 Network — a global network of 60+ local civil society organisations that share a common vision to eradicate modern slavery and human trafficking. Together we raise awareness, strengthen skills, share good practice, provide support to survivors, and advocate for change to laws and policies. In 2019, the 8.7 Network received the Commonwealth Secretary-General's Innovation for Sustainable Development Award.

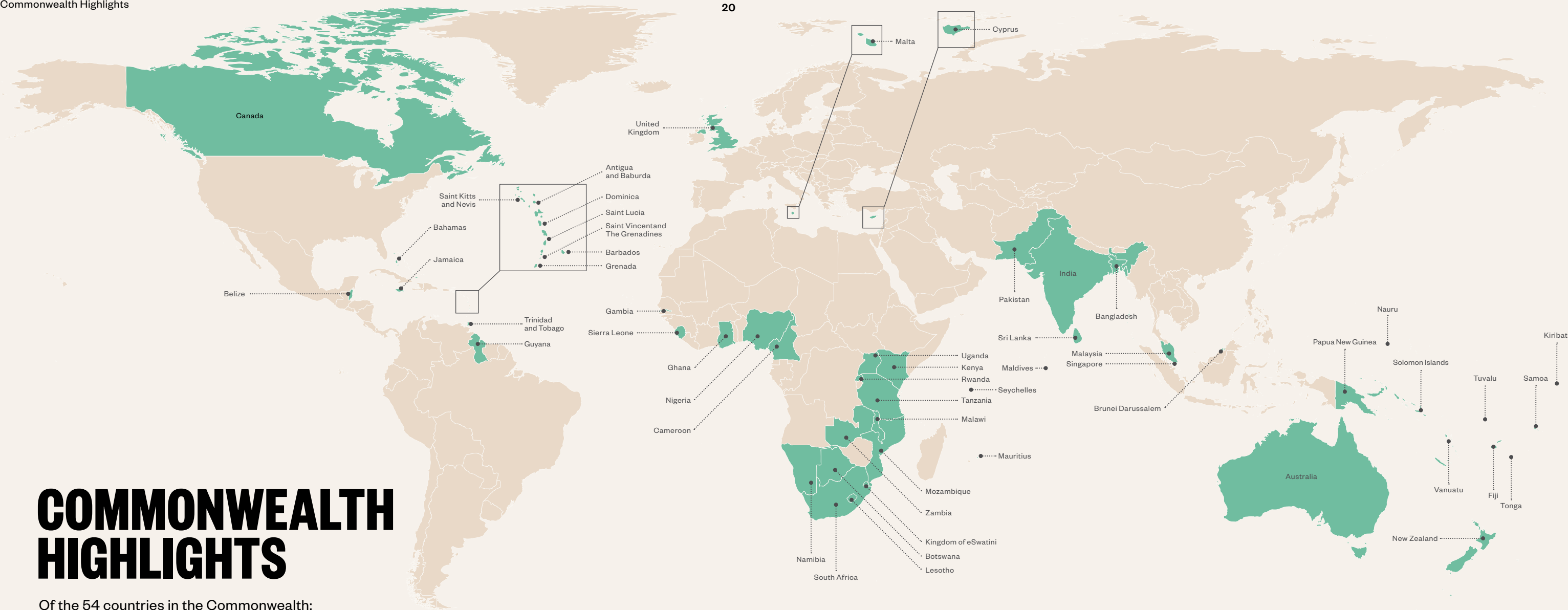
Advocating for change to standards and policies

We advocate for the achievement of SDG Target 8.7 with Commonwealth states and at the United Nations, ensuring that international standards reflect the realities of those on the frontlines, including survivors. CHRI provides technical and capacity building support to civil society actors especially from small island states in the Commonwealth, to engage directly with UN mechanisms, including through facilitating in-person participation at the UN Human Rights Council and with UN human rights mechanisms such as the Universal Periodic Review.

CHRI has special consultative status with the UN Economic and Social Council, and is accredited with the Commonwealth Secretariat.

More about CHRI: humanrightsinitiative.org/content/contemporary-forms-of-slavery

More about the Commonwealth 8.7 Network: commonwealth-87.org



COMMONWEALTH HIGHLIGHTS

Of the 54 countries in the Commonwealth:



SUPPORT SURVIVORS

39%

21 countries have national guidelines on how to identify victims

25%

A quarter of countries have a National Referral Mechanism to coordinate victim assistance

65%

35 countries reported gaps in funding for victim assistance programming



CRIMINAL JUSTICE

83%

Human trafficking is criminalised in 45 countries

65%

Forced labour is criminalised in 35 countries

33%

A third of countries have criminalised forced marriage



COORDINATION

70%

38 countries have criminalised the representation of a child engaged in real or simulated explicit sexual activity

57%

31 countries have criminalised commercial child sexual exploitation

100%

All countries have gaps in implementation



COORDINATION

50%

Just half of countries have a national coordination body

39%

21 countries have bilateral labour agreements that provide protection for labour migrants

39%

In 21 countries across all regions, there is evidence that foreign victims are detained or deported for immigration violations



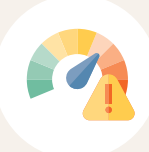
SUPPLY CHAINS

7%

Only four countries have public procurement policies in place to minimise the risk of forced labour in government supply chains and require business to report on modern slavery risks (Australia, Cyprus, Malta, and the UK)

0%

Notably, no country has yet enacted legislation which requires businesses or governments to undertake mandatory due diligence to assess modern slavery risks in their supply chains



ADDRESS RISKS

96%

Right to freedom of association is enshrined in law in 52 countries

13%

In seven countries there is evidence that certain groups (domestic workers or migrant workers) are not allowed to unionise

31%

Only 17 countries have protections in law specifying that recruitment fees should be paid by the employer, not the employees, the “employer pays” principle

94%

51 countries criminalise corruption in the public sector...

30%

...but in 16 countries there is evidence that official complicity in slavery crimes is not investigated



●●
Montepuez, Mozambique, February 15, 2017.
An illegal miner excavates to find gold in an area rich with gold and rubies on the outskirts of Montepuez. The discovery of rubies in Montepuez has led to a rise in modern slavery in the region, particularly due to hazardous working conditions and situations of debt bondage. The miners are usually young workers affected by poverty and unemployment recruited by third parties who offer to pay for their tools, food, water and accommodation, only to be repaid through the sale of rubies they find. The illegal miners then become indebted to these entities, and are unable to repay them. Photo credit: John Wessels/AFP via Getty Images.

GLOBAL FINDINGS

It has been five years since states agreed to the UN's 2030 Agenda for Sustainable Development. Two years have passed since the 2018 Commonwealth Heads of Government Meeting (CHOGM) where states committed to achieving SDG Target 8.7. This review of the responses of 54 Commonwealth governments reveals both the challenge, and the urgency, of the task to eradicate modern slavery in the next decade.

There has been some progress — in 2018, for example, Pakistan passed comprehensive anti-trafficking legislation that criminalised human trafficking and provided protection for victims and witnesses. In the same year, Australia adopted the Modern Slavery Act requiring companies to report on their actions to combat modern slavery. In 2019, the UK began to implement recommendations from an independent review of its Modern Slavery Act and established the Modern Slavery Policy and Evidence Centre. Also, in 2019 the Gambia ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Botswana and Canada adopted National Action Plans in 2018 and 2019 respectively.

However, progress is slow and ad hoc. An effective response to modern slavery requires coordinated, committed action from governments, combined with the robust engagement and involvement of the private sector, civil society, community groups and, crucially, survivors — those with lived experience of the issues involved.

Current action to tackle modern slavery is slow across the Commonwealth. Worryingly, the findings show that only a third of countries have criminalised forced marriage, while rates of criminalisation of online child sexual abuse remain disturbingly low. The findings underscore the need for government action on SDG Target 8.7 to be informed by the meaningful participation of survivors of modern slavery. In preparing this report, there was widespread consultation with survivors from across the Commonwealth, who consistently noted that survivors were rarely offered meaningful opportunities to participate in designing an effective government response.

●●
We always hear that survivors are at the centre, but they are not, only on that day when the press and media are there. The reports are written, and we see that none of the things we have said are changed.

Grizelda Grootboom, Survivor, South Africa

Lack of data on modern slavery continues to pose a significant barrier to progress — without knowing exactly which groups are being affected by which issues (i.e. disaggregated by gender, age, sector), it is difficult for governments to develop evidence-based, targeted interventions. Across the Commonwealth only 15 countries fund any kind of research aiming to address modern slavery; four fund prevalence research; and seven have evidence-based interventions. Many of the limitations of anti-slavery efforts are reflective of the challenges of understanding what works due to lack of data and robust evaluation methodologies.²⁵

Legislative frameworks must be strengthened, and implementation, monitoring, and enforcement of relevant legislation must be improved. This includes legislation that criminalises human trafficking, forced labour, and forced marriage, but also establishes a comprehensive framework that offers protection, safeguards, and access to justice for victims. For example, protections within labour laws and provisions specifying that victims should not be treated as criminals for conduct which occurred while under the control of their exploiters. Strong legislative frameworks must also be accompanied by adequate resources to enable effective implementation, monitoring, and enforcement. For example, funding is urgently needed for regular, systematic training for police, prosecutors, and the judiciary, and the establishment of national monitoring mechanisms.

●●
The government can make policies and laws galore, but the issue is monitoring. Is it being enforced? Are there monitoring initiatives? Otherwise there’s no point. For example, there is a big scheme on victim compensation, but out of 400 girl survivors, only three survivors receive it. So, there is a national level scheme but how many people are actually getting it?

Survivor, India

●●
Benin City, Nigeria, March 23, 2018. A woman who tried to make her way to Europe sits with her child in a shelter in Benin City, Nigeria. Nigerians who attempt the journey to Europe often end up enslaved, beaten, assaulted, and trapped in Libya. Photo credit: Lynsey Addario/ Getty Images Reportage via Getty Images.



SUPPORT SURVIVORS

Effective mechanisms to identify and refer victims to services are limited across the Commonwealth, yet such processes are crucial to enable victims to exit their situation of modern slavery and access support. Many victims remain unidentified, and certain groups, such as men, migrants, and marginalised populations, are excluded from support services.

The analysis reveals that only half of Commonwealth countries have developed national campaigns to inform the public how to report suspected cases of modern slavery. Worse, in most of these countries, the campaigns are a one-off activity. Only seven countries (Australia, Canada, Nigeria, Pakistan, South Africa, Trinidad and Tobago, and the UK) have run regular campaigns. Australia's regular campaigns have led to an increase in public reporting of modern slavery cases. Similarly, Trinidad and Tobago, the UK, and Jamaica saw an increase in public reporting.

Modern slavery encompasses many forms of organised crime and identification of victims requires special training. While victim identification training was carried out among police and first responders in most Commonwealth countries, in the majority of cases such training was conducted on a one-off basis as opposed to regularly and systematically. Only 12 countries have conducted regular training for first responders (Australia, Canada, Guyana, India, Maldives, Malta, Mozambique, New Zealand, Rwanda, South Africa, Trinidad and Tobago, Uganda).

The majority of Commonwealth countries (46) have reporting mechanisms in place for modern slavery crimes. Most are available to women, men and children — however, obstacles exist, such as availability (mechanisms are available 24/7 in only 33 Commonwealth countries), affordability (free of cost in only 29 countries), and accessibility (available in multiple languages in only 22 countries). Given the reality of exploitation of migrant workers, especially those who do not know the local language, ensuring that the mechanism operates in multiple languages is vital. Across the Commonwealth, only 14 countries have mechanisms which are available 24/7, free, available for men, women and children, and operate in multiple languages.²⁶ Six of the eight countries that do not have reporting mechanisms are in the Pacific (Nauru, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu).

The coordination of victim support is essential in a comprehensive response to modern slavery. However, most Commonwealth countries (33) did not have clear national guidelines for first responders on how to identify and screen victims of modern slavery. Out of the 21 countries that did have guidelines, only three (Cyprus, Malta, and the UK) made provision for “presumed victims” who could be provided with services until a formal determination is made. Even in these countries, NGOs reported that barriers prevented presumed victims from accessing support in practice, putting them at risk of being re-trafficked.

TABLE 1

Number of victim coordination mechanisms by region

	Africa	Americas	Asia	Europe	Pacific	Total
Total Commonwealth countries in the region	19	13	8	3	11	54
National Referral Mechanism	8	2	1	3	0	14
National guidelines	7	6	3	3	2	21
National guidelines have a “presumed victim” category	0	0	0	3	0	3

National Referral Mechanisms (NRMs) are also a crucial part of the framework in ensuring that resources are allocated based on victims’ needs. Only one quarter of Commonwealth countries had an NRM providing a coordinated approach to identifying and referring victims for support. This is an increase of two NRMs since the last report, with Kenya and the Kingdom of eSwatini formalising their referral mechanisms. Other systems remained pending, while even in countries which had referral structures in place, there were concerns over their function due to delays in formal identification processes and an increase in referral rates that failed to lead to positive identifications. For example, recent research from After Exploitation in the UK shows that some victims are not referred to the NRM after being identified due to different approaches to referral among different groups of first responders.²⁷

••

The most important part is validating, believing, and properly supporting victims in the way they feel they need to be supported.

Survivor, Canada

Support services are essential to ensure that victims are helped to exit and remain out of exploitation. The majority of countries (45) have support services

for some suspected victims, and most provide victims with physical and mental health services. Our analysis revealed positive examples, such as the provision of on-call consultant physicians in Antigua and Barbuda, and reintegration services in Canada. However, in five countries (Barbados, Saint Lucia, Saint Vincent and the Grenadines, Sri Lanka, and Tonga) evidence suggests that even though support services were available, no victims had accessed services or shelters. Across all regions, significant resource gaps in the provision of shelters (for example, due to insufficiency or funding delays) hindered their effectiveness. Furthermore, in 12 countries, there was evidence that suspected victims were held in shelters against their will — with restrictions on movement including having to apply to leave a shelter, or only being permitted to do so with a chaperone.

There has also been limited focus across the Commonwealth on training staff to better provide victims with assistance — only 16 countries have provided such training.²⁸ Further, formal evaluation of victim support services has been conducted in only three countries: the UK, Rwanda, and South Africa. This has been reflected in testimonies of survivors about insensitive treatment from staff.

••

We are often telling victims how they want to (sic) helped — they are used to being brainwashed, so this can be re-traumatising, to be told now you are rescued but will still be controlled. In the safe house, they took away my cellphone and I had to stay inside. I was told what to eat. It was so regimented. I was afraid to see a psychologist in case they said I was lying and I was refused help.

Survivor, Canada

••

(Left) Pretoria, South Africa, December 12, 2017. A boy wears a sign as members of the Africa Diaspora Forum (ADF), civil society organisations, churches, trade unions and other coalitions demonstrate against the slave trade and human trafficking in Libya on December 12, 2017 at the Union Buildings in Pretoria. The UN Security Council on December 7 said reports that migrants detained in Libyan camps were being sold into slavery could amount to “crimes against humanity” in a joint statement of condemnation. Photo credit: Gulshan KhanAFP via Getty Images.

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(Next page) Islamabad, Pakistan, May 9, 2019. Detained and handcuffed Chinese nationals hide their faces as they arrive at a court after being arrested by the Pakistani Federal Investigation Agency officials for alleged involvement in a trafficking ring to lure women from Pakistan into fake marriages then forcing them into prostitution in China. Pakistan arrested at least eight Chinese nationals for allegedly luring young Pakistani girls into fake marriages then forcing them into prostitution in China. Photo credit: Aamir Qureshi / AFP via Getty Images.



CRIMINAL JUSTICE

Weak implementation and enforcement continue to hamper the effective functioning of criminal justice mechanisms across all regions, even where relevant legislative frameworks exist. Implementation has been consistently highlighted by survivors and civil society organisations as a key area for improvement in government responses.

••

Application and enforcement of laws and policies is important — many things are very good on paper, but the government and law enforcement need to abide by them in a better way.

Nelson Neocleus, Cyprus Stop Trafficking

Commonwealth countries have been slow to strengthen legislation. Since 2018, Pakistan has criminalised human trafficking, New Zealand has criminalised forced marriage and Malta has adopted amendments criminalising forced marriage of its citizens while overseas.

Human trafficking is the most widely criminalised form of modern slavery with 83 per cent of countries criminalising this form of exploitation,²⁹ followed by forced labour at 65 per cent.³⁰ Conversely, only a third of countries have criminalised forced marriage.³¹ Forced marriage, similar to other forms of modern slavery, is a complex problem that requires both legislative and cultural change. Legal frameworks urgently need to be strengthened given that forced marriage remains prevalent in the Commonwealth, particularly in Africa and Asia. In both regions only three countries criminalised forced marriage (Ghana, Rwanda and South Africa in Africa, and Malaysia, Pakistan, and Singapore in Asia).

There is generally a strong commitment at the international level to combating forms of modern slavery affecting children, as shown by the widespread ratification of relevant international conventions. However, at the domestic level, only 38 countries have criminalised the representation of a child engaged in real or simulated explicit sexual activity³² and only 31 have criminalised commercial child sexual exploitation.³³ The COVID-19 crisis has seen an increase in online child sexual exploitation, underscoring the importance of robust protection in this area.³⁴

TABLE 2
Ratification by Commonwealth countries of international conventions and protocols relevant to modern slavery by region

	Africa	Americas	Asia	Europe	Pacific	Total
Total Commonwealth countries in the region	19	13	8	3	11	54
Slavery Convention, 1926.	10	9	4	3	5	31
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.	12	9	6	3	4	34
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000.	18	13	6	3	5	45
ILO Abolition of Forced Labour Convention, 1957 (No. 105).	19	13	5	3	8	48
ILO Domestic Workers Convention, 2011 (No. 189).	2	3	0	0	0	5
ILO Worst Forms of Child Labour Convention, 1999 (No. 182).	19	13	7	3	8	50
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000.	18	9	8	3	5	43
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000.	15	10	7	3	5	40
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990.	8	4	2	0	1	15
Forced labour Protocol of 2014 is in force	2	1	0	2	0	5
Protocol against the Smuggling of Migrants by Land, Sea and Air (2000) is ratified	17	12	1	3	5	38

TABLE 3
Number of Commonwealth countries with domestic legislation criminalising forms of modern slavery by region

	Africa	Americas	Asia	Europe	Pacific	Total
Total Commonwealth countries in the region	19	13	8	3	11	54
Human trafficking	18	12	7	3	5	45
Slavery	11	6	7	1	5	30
Forced labour	14	5	8	2	6	35
Use of children in armed conflict	2	0	1	0	3	6
Child prostitution	9	6	6	2	8	33
Forced marriage	3	5	3	3	4	18
Child pornography	14	9	5	3	7	38

Our analysis suggests that some particularly vulnerable groups remain under-protected. Only five Commonwealth countries have ratified the 2011 ILO Domestic Workers Convention (No. 189) — Grenada, Guyana, Jamaica, Mauritius, and South Africa — despite the fact that domestic work is prevalent across the Commonwealth. The hidden nature of domestic work means that these workers are particularly vulnerable to exploitation, and this exploitation is harder to identify — laws and practices must recognise and address this.

••

I was directly taken to a house to work as a maid. No communication and no contact with outside people. Life here has remained a nightmare(sic). ... I used to work for longer hours waking up as early as 3am and sleeping as late as midnight. I could only find peace when the bosses left for work. I lost contact with my parents. I totally lost my dreams for education. I was not paid even for a single month. I needed permission to eat food that I have cooked.

Survivor

There are continued obstacles to victims' access to justice. Although 40 countries have legislated for compensation or restitution for victims, victims rarely receive compensation in practice due to factors such as lack of access to appropriate legal advice and inefficient justice systems. Victims and survivors continue to highlight the lack of protection mechanisms as a barrier to pursuing a legal case against their perpetrators — intimidation and threats mean that they are frequently dissuaded from pursuing legal action. Only 12 countries provide visas which are not dependent on victims' participation in the court process,³⁵ and victims are often forced to testify when they may not wish to due to trauma or fears over safety. Without a visa to remain in the country, they are at risk of deportation and re-exploitation.

The criminalisation of victims for crimes committed while under the control of those exploiting them remains a serious problem across the Commonwealth with only 24 countries having laws recognising that victims should not be treated as criminals for such conduct.³⁶ Further, even in countries where such laws exist, there is evidence that victims are nevertheless being criminalised.

Although 39 countries have specialised law enforcement units to investigate slavery and trafficking related crimes, there is evidence that many of these units do not have the resources to operate effectively. Training for prosecutors and/or judges is provided in 36 countries, but this is systematic and recurrent in only 12 of these countries.³⁷ Systematic training for prosecutors and the judiciary is vital to ensure that legislation is being used effectively, and to ultimately hold perpetrators to account.

COORDINATION

TABLE 4

Number of Commonwealth countries with National Action Plans by region

	Africa	Asia	Pacific	Americas	Europe	Total
Total Commonwealth countries in the region	19	13	8	3	11	54
National Action Plan with clear indicators and allocations of responsibilities	10	9	6	2	5	32

There has been little change in the number of coordination mechanisms across Commonwealth countries since 2018. Of 54 Commonwealth countries, just half have a national body to coordinate government and civil society responses to modern slavery.³⁸ While there has been an increase in the number of countries with a National Action Plan (NAP) to 32 from 29 in 2018,³⁹ this overall increase hides the fact that four countries have failed to adopt a new NAP after the previous one expired (Barbados, Cameroon, Rwanda, Uganda).

India, with more than half the population of the Commonwealth, has yet to develop an action plan to address modern slavery. Even in countries where there is a plan, its existence is not enough to ensure that coordination is occurring. There are reports that the plan may exist on paper only, with limited efforts to implement it. Among the 32 countries which have an action plan in place, funding is insufficient and only in five countries (Antigua and Barbuda, Bangladesh, Canada, Jamaica and the UK) have governments routinely released annual reports describing their actions to combat modern slavery. Monitoring the functioning and effectiveness of action plans is another serious challenge, where only three countries (Canada, Jamaica, and the UK) have some independent oversight mechanism in place.

••
This is a global phenomenon — every country is connected, and there is much more that can be done globally. Bangladesh cannot solve this problem alone, the global community has a burden.

Jasiya Khatoon, WARBE Development Foundation, Bangladesh

The cross-border nature of many forms of modern slavery means that effective regional and bilateral responses are required. All Commonwealth countries are involved in a regional body working on SDG Target 8.7, such as the Pacific Island Forum and the Bali Process. Only 31 countries have agreements with other countries to collaborate on these issues,⁴⁰ with some regions performing better than others. For example, 16 out of 19 countries in Africa have bilateral agreements with countries where foreign victims may originate (all except Mauritius, Seychelles, and Uganda), but such agreements were relatively rare in the Pacific, Americas, and Asia. Only 21 Commonwealth countries have developed bilateral labour agreements, which provide protection for labour migrants.⁴¹ In a further 21 Commonwealth countries representing all regions, there is evidence that foreign victims are detained or deported for immigration violations.⁴²

ADDRESS RISK

Addressing the root causes and risk factors which increase individual vulnerability to exploitation must be a fundamental part of governments' response to SDG Target 8.7. Government responses are often heavily focused on the protection of victims and the prosecution of perpetrators, with insufficient attention

being given to prevention. Efforts to improve victim identification and support and strengthen the justice system must be accompanied by an equal focus on improving social safety nets and minimising the risk factors that enable exploitation to thrive.

TABLE 5

Number of Commonwealth countries with labour protections, including for migrant workers, by region

	Africa	Americas	Asia	Europe	Pacific	Total
Total Commonwealth countries in the region	19	13	8	3	11	54
Labour laws extend to everyone, including migrant workers, domestic workers, and those in the fishing and construction sectors	9	9	1	1	4	24
Laws or policies state that private recruitment fees are paid by the employer, not the employee	5	3	4	2	3	17

Across all regions, there are gaps in the social safety nets available to vulnerable populations. 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. Although the right to freedom of association is enshrined in law in 52 countries (all except Brunei and Seychelles), in seven countries there is evidence that certain groups such as domestic workers or migrant workers are not allowed to unionise (Dominica, Malaysia, Gambia, Singapore, South Africa, Samoa, and Trinidad and Tobago). Only 17 countries have protections in law specifying that recruitment fees should be paid by the employer, rather than employees — the “employer pays” principle.⁴³ However, high recruitment fees continue to increase the risk of exploitation across the Commonwealth, as many workers take on debt to pay these fees, and are then forced to keep working in exploitative situations to settle this debt. These debts are set with high interest rates making them largely impossible to pay off. Seven countries have laws or policies making it difficult for workers to leave abusive employers without risking deportation or loss of security deposits (Belize, Canada, Cyprus, Maldives, Papua New Guinea, Mauritius, and Singapore).

••
From one state or region to another, you can't stop mobility, nor should you. You cannot scare people and say you cannot go. It's the government's responsibility to ensure people are safe doing so. For example, through migration schemes. The government has no right to tell me not to go.

Survivor, India

Given the high prevalence of labour migration to and from Commonwealth countries, and the high level of migration to the Gulf States in particular, the findings of this report identified support for overseas citizens as another area for improvement. Only 30 countries provide training to consular staff on modern slavery, and just 25 facilitate travel arrangements for the return of citizens. Worse, in Bangladesh, Malawi, Nigeria and Uganda, there is evidence that diplomatic staff have not been investigated for complicity in modern slavery crimes.

Natural disasters, environmental degradation, and climate change are frequently cited by NGOs as significant factors in increasing vulnerabilities. Encouragingly, 47 countries have legislative and administrative measures in place to address environmental degradation and climate change (all except Brunei Darussalam, Mauritius, Nigeria, Saint Kitts and Nevis, Solomon Islands, Saint Vincent and the Grenadines, and Trinidad and Tobago) — however, more governments should explicitly recognise and put in place policies to address the links between environmental factors, displacement, migration, and trafficking.

●●
...whenever any disaster happens, women and girls are trafficked and displaced. This is always happening when natural calamities are hitting Bangladesh.

Wahida Banu, Aparajeyo, Bangladesh

Corruption remains a significant obstacle to eradicating slavery and trafficking. Fifty-one countries criminalise corruption in the public sector (all except Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines), but in 16 countries there is evidence that official complicity in modern slavery crimes is not investigated.⁴⁴ For example, in Antigua and Barbuda, there were reports of police complicity in trafficking offences, which were either not investigated or sanctioned through administrative measures rather than criminal prosecution.⁴⁵

All countries provide some form of elderly pension and 53 countries (all except Lesotho) provide a disability pension. However, in the vast majority of countries, these social protections are only available to specific segments of the population, such as those who have worked for a certain number of years in the formal sector, and generally fail to protect those most vulnerable to exploitation, such as those in the informal sector. Unemployment benefits are also not consistently available to vulnerable groups. Strengthening these social protections would protect the most vulnerable from poverty and reduce the risk that these groups may fall victim to unscrupulous employers, recruitment agents, and smugglers.

●●
Poverty is the main reason why people are vulnerable to being trafficked. They want a better life for themselves and their families. They think they are paying somebody to help them to come to Europe and get a good job.

Debbie Ariyo, AFRUCA

Addressing risk factors and lack of social safety nets is particularly important in the context of the COVID-19 crisis. The collapse of many sectors of the global economy means that large numbers of people have lost their livelihoods and incomes — without any support during this period, many will be significantly more vulnerable to situations of forced labour or sexual exploitation.

●●
Lhokseumawe, Indonesia, June 26, 2020. A Rohingya from Myanmar sits outside the immigration detention centre in Lhokseumawe, in Indonesia's North Aceh Regency. Rohingya immigrants fleeing Myanmar for Malaysia and Indonesia are at risk for exploitation and modern slavery by traffickers in the region. A group of Rohingya asylum seekers say they were beaten by traffickers and drank their own urine to stay alive on a perilous four-month journey at sea until their dramatic rescue near the Indonesian coast. Photo credit: Chaideer Mahyuddin/AFP via Getty Images.

SUPPLY CHAINS

Taking responsibility for forced labour in global supply chains stands out as a significant gap in the government response across all regions of the Commonwealth. Only four countries have public procurement policies in place to address the risk of forced labour in government supply chains and require business to report on modern slavery risks (Australia, Cyprus, Malta, and the UK).

The majority of action being taken to combat forced labour in supply chains is currently through voluntary initiatives. While such initiatives have had some success in improving protections against exploitation in specific regions or sectors where commitments exist, they are insufficient. Businesses must be required by law to take responsibility for the human impacts of activities from which they profit.

●●
Some companies are trying to do their best, but it is up to governments to level the playing field and make the requirement the same for all companies of a certain size. Some companies are going above and beyond and others are doing nothing — consumers don't always understand that. Responsibility for human rights is not just something that is nice to have — it should be a requirement.

Vera Belazelkoska, Ulula, Canada

The UK Modern Slavery Act 2015 was the first legislation in the Commonwealth to require companies to report publicly on modern slavery risks within their direct operations and supply chains. Although a significant step, it still faces criticism for being weak and lacking enforcement mechanisms.⁴⁶ An independent review of the Act published in 2019 made a number of recommendations to strengthen and enhance its effectiveness, including the introduction of enforcement mechanisms.

●●
Dhaka, Bangladesh, May 30, 2020. A 12 year old works in a silver cooking pot manufacturing factory during the Coronavirus (COVID-19) crisis. The COVID-19 pandemic has increased the vulnerability of those children already at risk as growing economic vulnerability will increase the threat of child labour, child marriage, child trafficking, sexual exploitation and recruitment into criminal groups. Photo credit: Md Manik/SOPA Images/LightRocket via Getty Images.

Australia is one of the few countries to have improved its response under this milestone since 2018. Australia's Modern Slavery Act 2018 improves upon some of the gaps in the UK Act, in that it applies to public procurement and provides for a central registry for statements, enabling civil society to hold businesses to account. As a result of the review of its own Modern Slavery Act, the UK Government has committed to develop a public registry and in March 2020 released a statement on public procurement action to combat modern slavery, but is yet to agree to enforcement mechanisms.⁴⁷

Notably, no Commonwealth country has yet enacted legislation which requires businesses or governments to undertake mandatory due diligence to assess modern slavery risks in their supply chains. The European Union (EU) recently announced plans to develop a legislative proposal for mandatory due diligence on environmental and human rights impacts, including impacts related to modern slavery.⁴⁸ Such legislation is promising and would significantly strengthen the legal framework in this area — many large multinational companies at the top of global supply chains are based in or active in the EU, and many Commonwealth countries feature heavily in global supply chains. For example, the garment sector in Bangladesh supplies many of the large fashion brands that operate in the EU.

Beyond reporting and due diligence legislation, there are other measures that governments could take in this sphere: at present, no country has a public list of businesses found to be tolerating modern slavery in supply chains; a responsible investment reporting requirement; or laws preventing the import of goods and services made with forced labour.

GLOBAL RECOMMENDATIONS

The action plans created by Walk Free and CHRI in 2018 remain valid in 2020. Progress has been slow, and COVID-19 has thrown into relief the inadequacy of current protections while heightening the vulnerability of those most at-risk of modern slavery.

Drawing on these action plans, we recommend that Commonwealth governments collaborate and share good practice to:



SUPPORT SURVIVORS

1. Increase identification of, and improve support for, modern slavery victims and survivors by providing regular, systematic training for all frontline service providers.
2. Ensure the meaningful participation of survivors in the design, implementation, and monitoring of a modern slavery response.

STRENGTHEN CRIMINAL JUSTICE

3. Criminalise all forms of modern slavery, and ensure penalties are proportionate to the seriousness of the offence.
4. Ratify and domesticate relevant international instruments, including the 2014 Forced Labour Protocol and the 2011 Domestic Workers Convention.
5. Enforce legislation, including by providing adequate resources, as well as training to all officials such as law enforcement personnel, prosecutors, and the judiciary, to effectively investigate and prosecute modern slavery cases.
6. Remove barriers to victim participation in the criminal justice system by strengthening protection mechanisms, including the adoption of non-prosecution provisions to ensure that victims are not punished for conduct resulting from their exploitation.
7. Ensure that victims and survivors have access to effective remedies, including compensation.

IMPROVE COORDINATION AND ACCOUNTABILITY

8. Improve coordination among national agencies by developing evidence-based national actions plans and establishing national referral mechanisms involving civil society, law enforcement agencies, and other groups.
9. Improve cross-border collaboration and data-sharing to tackle modern slavery, including strengthening bilateral and multilateral agreements on cooperation, repatriation, and labour migration.

ADDRESS RISK FACTORS

10. Ensure labour protections extend to all groups, including migrant workers and children, in formal and informal economies and high-risk 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.
11. Support regional and national level research on trends, prevalence, and the effectiveness of different approaches to combat modern slavery to enable evidence-based interventions and efficient allocation of resources.
12. Tackle systemic inequality and discrimination that increases the vulnerability of certain groups to modern slavery, taking into account intersectional factors and harmful traditional practices, by strengthening legal frameworks and providing education and training.
13. Address the specific vulnerabilities of, and disproportionate impact on, women and girls of modern slavery by providing primary education to all and supporting community empowerment initiatives.

ERADICATE EXPLOITATION FROM SUPPLY CHAINS

14. Identify sectors at high risk of forced labour, and work with businesses in those sectors and with civil society to develop initiatives to mitigate risks of forced labour and other forms of exploitation.
15. Strengthen laws and policies applicable to public procurement and business supply chains, including by implementing mandatory transparency requirements and mandatory human rights due diligence.

●●
Mumbai, India, December 26, 2018. LGBTQI community members and supporters hold placards as they protest against the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 and Transgender Persons (Protection of Rights) Bill in Mumbai, India. According to the community members, the bill was against international legal norms which focus on human rights and a victim-centred approach. Photo credit: Bhushan Koyande/Hindustan Times via Getty Images.

••
 Mediterranean Sea, off the coast of Libya,
 February 22, 2017. The SOS Méditerranée's
 search and rescue team rescues a rubber boat in
 distress spotted a few miles off the coast of Libya.
 Pushed by humanitarian crises in Africa, Middle East,
 and Asia, and widespread violence in Libya, the exodus
 towards Europe through the Mediterranean continues.
 In the first six months of 2019, 426 people lost their
 lives at sea. The migrants' ordeal on their journey to
 and in Libya is horrifying with reports of abductions,
 extortions, torture, forced labour, and rape. Photo credit:
 Marco Panzetti/NurPhoto via Getty Images.

REGIONAL ANALYSIS

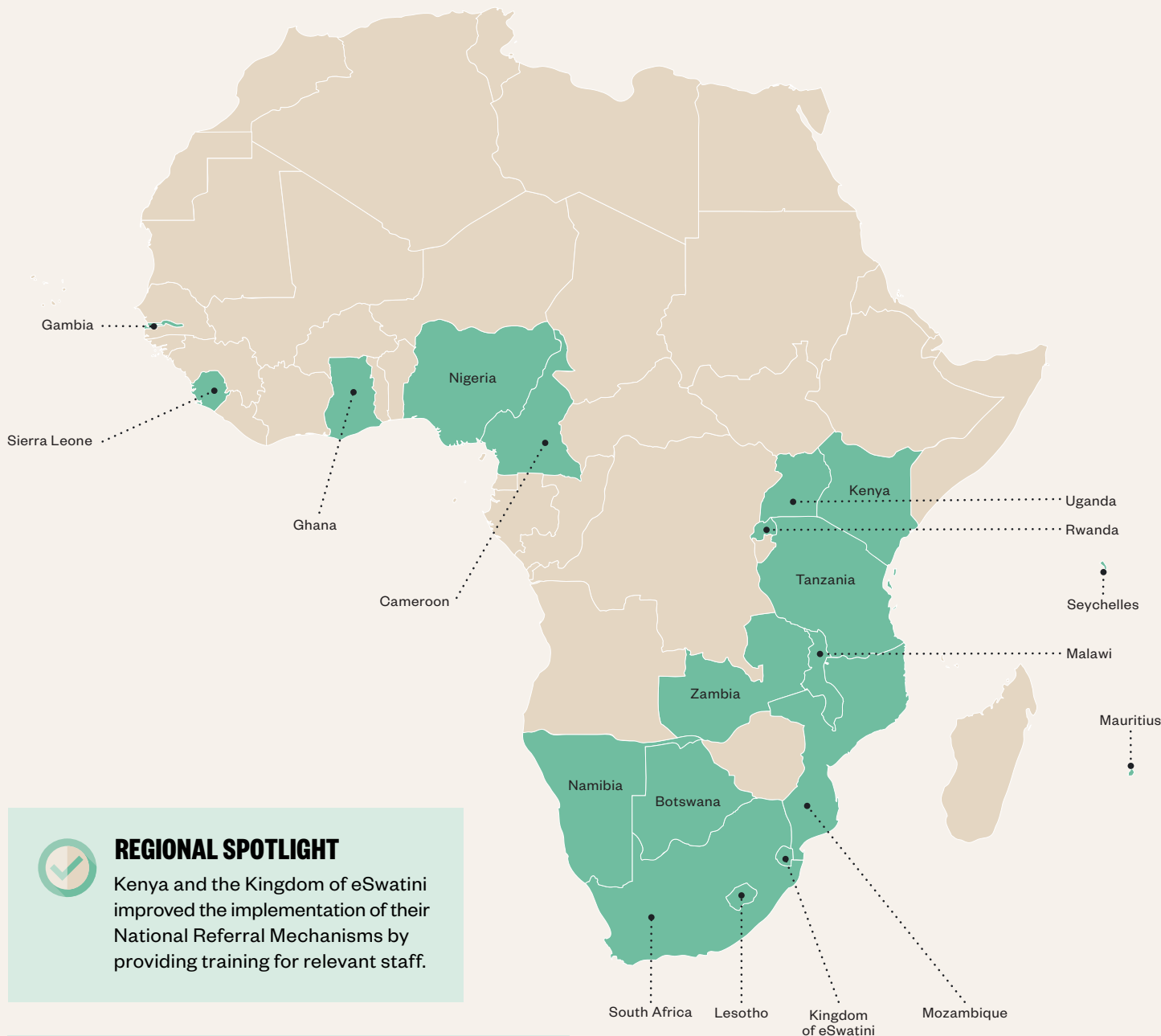
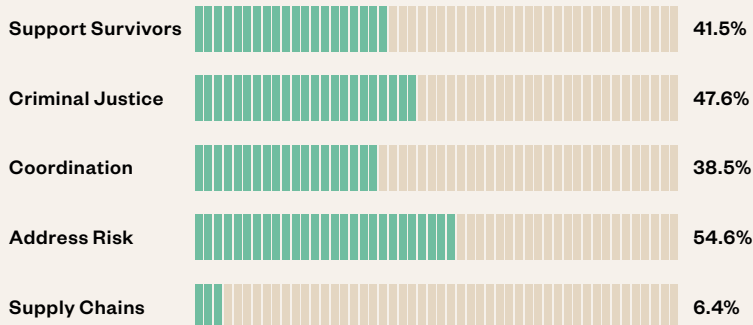


AFRICA

Regional Analysis

There are 19 Commonwealth countries in Africa, including Botswana, Cameroon, Gambia, Ghana, Kenya, Kingdom of eSwatini, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Seychelles, Sierra Leone, South Africa, Uganda, Tanzania, and Zambia.

Average milestone scores (%) across Americas Commonwealth nations



REGIONAL SPOTLIGHT

Kenya and the Kingdom of eSwatini improved the implementation of their National Referral Mechanisms by providing training for relevant staff.



REGIONAL SPOTLIGHT

Botswana adopted a National Action Plan in 2018.

Modern slavery in Africa takes many forms, including forced labour, commercial sexual exploitation of children, human trafficking, the worst forms of child labour, and forced marriage. Child marriage is a particular concern.

By 2050, half of the world's child brides will be found in Africa if nothing is done to slow the rate of child marriage.⁴⁹

Forced marriage disproportionately affects women and girls; globally, 96 per cent of forced child marriage victims were female in 2016.⁵⁰ Forced and child marriage in Africa is driven by poverty, cultural practices, and conflict, and is, more broadly, a result of gender inequality across the continent. Addressing these vulnerabilities will have flow-on effects on other forms of modern slavery and beyond. For example, providing a girl with an education can reduce the likelihood she will become a child bride, lift her out of poverty, make her less likely to be exploited in forced labour, empower her decision making, and improve her health and that of her children.⁵¹

Despite improvements in responses in recent years, the majority of countries in Commonwealth Africa need to take action to prevent child and forced marriage. Only Ghana, Rwanda, and South Africa have fully criminalised forced marriage, the first step in tackling it. Ghana, Kenya, Malawi, Nigeria, and Rwanda have raised the age of marriage to 18. Beyond legislation, effective responses to forced marriage need to address underlying cultural belief systems and attitudes towards women. For example, community empowerment programs, such as the Tostan program that operates in Gambia, empower women and adolescent girls through education on human rights, health, and democracy to bring about social change.⁵²

●●
Kololi, Gambia, 10 June 2016. A sign warning tourists of a no-tolerance policy concerning sexual abuse and exploitation of children in the village of Kololi. According to a report by the NGO Ecpat against child prostitution, hundreds of girls and boys from the small Western African country are sexually abused by tourists every year. Photo Credit: Fabakary Jammeh/picture alliance via Getty Images.



Efforts towards achieving SDG Target 8.7 vary widely across Commonwealth Africa. While progress has been made, many countries struggle to address this complex issue. Many countries have relevant legislation in place but more work and adequate resources are required to implement and enforce it. For example, in Malawi, the 2015 Trafficking in Persons Act and Trafficking in Persons Fund tackle sex trafficking of women and girls — however, without clear guidelines for identification and a National Referral Mechanism (NRM), many victims are not identified or supported.⁵³ Gaps in resourcing also affect investigations into other forms of modern slavery. For example, Lesotho has a specialised unit within its police force that tackles human trafficking crimes — the Child and Gender Protection Unit. However, in 2018 a lack of funds impeded the unit in assisting trafficking victims.⁵⁴

Missing or incomplete data remains an issue across Africa, hampering development of evidence-based policies and funding decisions. Accurate data on the number of identified victims and number of investigations remains limited, with few public government reports detailing this information. In Kenya, for example, the government has begun to digitally collect law enforcement data on a monthly basis; however, there were still reported gaps in this data.⁵⁵



●●
Jumpha Village, Traditional Authority Chitukula in Lilongwe, central Malawi, June 7, 2019. A girl washes a plastic bucket to use it to draw water for domestic use at her family home. Child labour is still a problem in Malawi due to both poverty and cultural factors. June 12 marks International Day against Child Labour, launched by the International Labour Organization (ILO) in 2002 to focus attention on the global extent of child labour and the action and efforts needed to eliminate it. Each year, it brings together governments, employers and workers organizations, civil society, as well as millions of people from around the world to highlight the plight of child labourers and what can be done to help them. Photo credit: Amos Gumulira/AFP via Getty Images.

SUPPORT SURVIVORS

Identification and support for victims and survivors of modern slavery is limited across the 19 Commonwealth countries in Africa.

Training on modern slavery and victim identification, and mechanisms for the public to report cases of modern slavery are provided in all countries. Despite the provision of training to frontline police, only Mozambique, Rwanda, South Africa, and Uganda provided this training regularly and systematically. This lack of systematic training in most countries correlates with limited numbers of victims being identified. For example, the Seychelles Government made improvements in the past year to identify nine victims of forced labour, an increase from zero in the previous year — however, no victims of trafficking were identified.⁵⁶ Gaps also remain in translating reporting mechanisms into effective means to identify victims. For example, although all countries had reporting mechanisms, Mauritius, Nigeria, South Africa, and Zambia were the only countries assessed that had comprehensive reporting mechanisms operating 24/7, accessible free of charge, in multiple languages, and available to men, women, and children.

Support for victims and survivors after they have been identified is another key area for improvement. Although 18 of the 19 countries assessed (all except the Seychelles) provide victim support services for some suspected victims of modern slavery, evidence from 12 countries indicates that support services are not available to all victims.⁵⁷ For example, in Kenya, services for victims of trafficking exist for children and victims identified abroad, but there are no state-funded services that support or protect adults exploited within Kenya.⁵⁸ This has recently led to victims being held in police custody instead of shelters, further exacerbating their trauma.⁵⁹ Nigeria provides comprehensive, long-term support services for survivors and has a strong network of support programs. However, there are reports of overreliance on shelters, with limited community-based services, and evidence that victims are held in shelters against their will, unable to receive visitors or contact their families, and with limited information about when they will be reunited with their families.⁶⁰ In addition to Nigeria, there is evidence of victims being held in shelters against their will in the Kingdom of eSwatini, Gambia, Rwanda, Sierra Leone, and South Africa.

●●
I wish there was just one person to help with it all. Transparency with survivors and victims is very important — be honest with them. Nobody was honest with me about the pain I will still feel and support I would still need.

Grizelda Grootboom, Survivor, South Africa

Survivors of modern slavery can face stigma on return to their families and communities, especially those subjected to forced sexual exploitation. This stigma is a long-term obstacle to their reintegration, and they may never be accepted back into their community. It leads to further psychological harm, physical insecurity and renders the survivor vulnerable to becoming a victim once more. For example, there are reports that women and girls who have escaped abduction and sexual violence at the hands of Boko Haram in Nigeria have not been welcomed home, and instead their communities were suspicious that they had become sympathetic to the terrorist organisation.⁶¹ Victims may be blamed for their own exploitation — governments need to support long-term reintegration support programs to assist survivors to overcome the vulnerabilities they continue to face.

●●
There are a lot of challenges in exiting the situation and gaining freedom. Positively, I was free, but coming back to the community, there was a lot of stigmatisation and no way forward with life. I had no job, I was shy to go to my community and look for a job. There was nowhere to turn to for livelihood — I was free but had no way to move on with life.

Awah Francisca Mbuli, Survivors’ Network, Cameroon

Government contributions to the operational costs of victim shelters are limited across the region and supplemented by international organisations and NGOs. There has been some evidence of a reduction in funding for shelters. In Lesotho in 2018, for example, funding provided to shelters was consistently late, while in Nigeria in 2019, multiple NGOs reported that government funding was insufficient for operations.⁶²

Most Commonwealth countries in Africa (12) do not have clear national guidelines for all first responders on how to identify and screen victims of modern slavery (only the Kingdom of eSwatini, Ghana, Nigeria, Rwanda, Seychelles, South Africa and Uganda do have clear guidelines). Less than half (8) of the countries assessed have an NRM (Cameroon, Kenya, Kingdom of eSwatini, Nigeria, Seychelles, Sierra Leone, South Africa and Zambia). The coordination of victim support is essential in providing a comprehensive, holistic approach to combating modern slavery.



●●
Training and re-training on victims’ protection will be needed to enhance the management and coordination of all actors in the protection of victims of trafficking and smuggling. Structures exist to protect victims but they are not functional, funds are needed to nurture the coordination.

Centre for Youth Integrated Development, Nigeria

●●
Malelane, Nelspruit, South Africa, December 15, 2006. A 14-year-old boy takes a shower at the Amazing Grace Children Centre. The centre takes care of orphans from the Kingdom of eSwatini and Mozambique brought over to South Africa through children trafficking between borders of the three countries. With South Africa’s economy booming, social workers say that the phenomenon of people trafficking is becoming increasingly common at the bottom of the world’s poorest continent. Photo credit: Fati Moalusi/AFP via Getty Images.

CRIMINAL JUSTICE

Domestic legislation on some forms of modern slavery exists in most African Commonwealth countries, but there must be more focus on strengthening and enforcing this legislation.

●●
The law concerning the child trafficking is not working, they are not enforced, nobody is arrested and prosecuted

Survivor, Ghana

Promisingly, human trafficking is criminalised in all Commonwealth African countries apart from Lesotho. All countries, apart from Uganda, have also ratified the 2000 UN Trafficking Protocol. Beyond gaps in criminalisation of forced marriage, few countries have criminalised commercial sexual exploitation of children, with 10 countries failing to criminalise child prostitution (Botswana, Cameroon, Kingdom of eSwatini, Ghana, Malawi, Mozambique, Namibia, South Africa, Tanzania, Uganda) and five failing to criminalise child pornography (Cameroon, Kingdom of eSwatini, Lesotho, Tanzania, and Zambia).

Despite the existence of relevant laws, there are relatively few convictions for modern slavery in Africa. For example, after passing anti-trafficking legislation in 2005, Sierra Leone made its first criminal convictions for human trafficking in February 2020, 15 years later.⁶³ One issue is that legislation too frequently focuses specifically on trafficking rather than covering the exploitation itself as a standalone offence.

●●
It is very difficult — in the Human Trafficking Act, when you define a trafficked person, you need to know the origin, transit and last destination. With our capacity, to work to evidence that definition is hard. The core problems are that sometimes victims don’t remember who took them, who transported them, who exploited them and who received them. To win a case, they have to give evidence on all these things, and it is very difficult. Most cases are not successful in court.

Justa Mwaituka, KIWOHEDE, Tanzania

Further, where these laws exist, they should be strengthened; 14 countries report disproportionate penalties in modern slavery related legislation (only Cameroon, Mauritius, Mozambique, Seychelles and Zambia do not report disproportionate penalties). Most commonly, these punishments include fines for crimes such as trafficking, forced labour, and forced marriage. Punishments need to be strict enough to deter criminals, otherwise these practices will persist. For example, in Ghana, a parent or guardian who traffics or facilitates the trafficking of their child can be punished with a fine. This is an issue of particular concern in Ghana where there are reports of children forced into labour or marriage by their parents.⁶⁴ Similarly, in Kenya, the 2010 Counter Trafficking in Persons Act criminalises trafficking for sexual and labour exploitation, but those convicted may be punished with a fine, which is not sufficient to deter perpetrators.⁶⁵

Conflict across Africa also drives modern slavery, as reflected in the use of child soldiers by armed groups. Despite this, the use of children in armed conflict is illegal only in Rwanda and Uganda. Encouragingly, Gambia ratified the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in December 2019, bringing it in line with the rest of the assessed countries (excluding Zambia).⁶⁶

●●
Some of the policemen have sympathy for the slave masters

Survivor, Ghana

Legislation allowing victims of exploitation to access justice and participate in court processes is generally weak across Commonwealth Africa. Botswana and Tanzania are the only Commonwealth countries in Africa that regularly implement national laws enabling victims to participate in the court process to receive justice. Legislation that provides for compensation or restitution for victims of modern slavery does exist in 16 out of 19 countries (only Mauritius, Nigeria and United Republic of Tanzania do not provide such legislation) — however, it is rarely implemented. In Tanzania, the 2008 Anti-Trafficking in Persons Act entitles victims to compensation from convicted traffickers — however, in 2019 the government did not award any such compensation.⁶⁷ Corruption and weak enforcement also undermine victims’ access to justice. In Malawi, there are reports of systemic police corruption in which officers have threatened to charge trafficking victims with prostitution if they do not provide free sexual services to police.⁶⁸

●●
Legal processes are behind when it comes to survivors. Most traffickers are rich and known by the law enforcement. The system is corrupt, they have money and can bribe. Sometimes they even turn it around, and survivors are jailed in the process as we can’t pay our way through the corruption. Most survivors end up not having any legal justice.

Awah Francisca Mbuli, Survivors’ Network, Cameroon



●●
(Previous page) Lagos, Nigeria, March 18, 2017. Women carry placards as rights activists march in Lagos to protest child abuse, trafficking, violence and other forms of human degradation to mark the International Day of Prayer and Awareness against Vices. Photo credit: Pius Utomi Expei/AFP via Getty Images.

COORDINATION

In 2018, 13 countries in the region had a National Action Plan (NAP) in place to combat modern slavery — in early 2020, this has decreased to 10 countries, with Cameroon, Rwanda, and Uganda yet to adopt new NAPs after previous plans expired.⁶⁹ Government funding of NAPs is limited across Commonwealth Africa. Ghana was the only country where activities listed in the NAP were fully funded, either by government, international organisations or NGOs. In contrast, despite the launch of an anti-trafficking fund in 2017, the Malawi Government did not distribute any funds as allocated in its NAP.⁷⁰

●●
In terms of improvements, a key issue is the structure of government departments — they sometimes work in silos, and each has its own mandate. In human trafficking, there are various role players which need to work together but some departments are more involved than others. Collaboration among government departments is a key area for improvement. Support structures from the start up to prosecution, and more clarity on what role NGOs play in terms of things like providing support for victims.

Evan Cupido, Stronger Together, South Africa

Commonwealth governments in Africa are collaborating across borders — 16 out of 19 countries (all except Mauritius, Seychelles and Uganda) have agreements in place to collaborate on modern slavery issues such as cross-border trafficking. There is evidence that 15 countries (all except Gambia, Mauritius, Namibia and Seychelles) work with victims’ home country governments to repatriate foreign victims. However, these victims are still vulnerable. There have been reports of detaining and/or deporting of foreign victims in Namibia, Nigeria, South Africa, Tanzania, and Uganda for immigration violations. For example, poor screening of male victims in South Africa has led to labour trafficking victims being detained, deported and/or penalised for immigration offenses.⁷¹

Unemployment and poverty drive many people from the Africa region to migrate for employment, either within Africa,⁷² or increasingly to the Gulf States⁷³ — although there is evidence that migration to the Gulf has decreased as a result of COVID-19.⁷⁴ Despite this trend, many governments do not have appropriate labour migration agreements in place that protect their workers. Poorly managed labour migration can place people at high risk of exploitation through human trafficking, debt bondage, and forced labour.⁷⁵ There are multiple labour agreements in place across Commonwealth Africa, however they lack clarity on the existence of protections for workers and vary in strength and implementation. Uganda has bilateral agreements, which include protection mechanisms, with Saudi Arabia for domestic workers and an agreement with Jordan that covers all labour migrants.⁷⁶ However, it is unclear if these protection mechanisms are respected.

●●
Lagos, Nigeria, August 29, 2018. Prime Minister Theresa May meets two victims of modern slavery (identity protected) at a Salvation Army centre in Lagos, where she discussed modern slavery and saw the work they are doing to make Nigerians more aware of the threats of slavery, on day two of her trip to Africa. Photo credit: Stefan Rousseau/PA Images via Getty Images.



ADDRESS RISK

Addressing the risk factors that enable exploitation to thrive is an essential component of any government response. Poverty, inequality, conflict, and corruption continue to drive exploitative practices across the region.

●●
Vulnerability is something that comes with poverty for me. The minute you feel a sense of need and can’t get it due to no income, being sick, or being traumatised — that is already a sign of poverty. The water runs out, electricity goes off, there is no police van for 8 hours, and 2–3 shootings in that time — that is what poverty is, and that is what the vulnerability is. Your mind gets manipulated and traumatised.

Grizelda Grootboom, Survivor, South Africa

In Africa, most concerningly, state-imposed forced labour exists in the Kingdom of eSwatini and Rwanda, under the guise of long-standing cultural practices and community service, effectively undermining their efforts towards achieving SDG Target 8.7. In the Kingdom of eSwatini, families face threats and intimidation by their chiefs for non-compliance in the customary practice of *Kuhlehla* in which children are expected to harvest the King’s fields.⁷⁷ In Rwanda, citizens refusing to take part in compulsory *Umuganda* on the last Saturday of every month for at least three hours (where duties include building infrastructure), may face fines and/or arrest.⁷⁸

Inadequate labour law protections enable exploitative practices to persist. Only eight countries (Botswana, Mauritius, Rwanda, Seychelles, Sierra Leone, South Africa, Uganda and United Republic of Tanzania) conduct inspections in informal sectors to address labour exploitation and forced labour — this is crucial given that 85 per cent of the workforce in Africa is in the informal sector.⁷⁹ According to NGOs, the Rwandan Government funded inspections in the large and high-risk informal sector, which employs 75 per cent of the workforce,⁸⁰ to identify cases of labour exploitation. In contrast, Malawi has not conducted labour inspections for four consecutive years, with 60 per cent of positions in the Ministry of Labour vacant due to lack of funding.⁸¹ The lack of oversight means that those working in sectors such as the high-risk tobacco industry continue to be vulnerable to forced labour. Even where adequate labour protections exist in law and are operating in practice, NGOs have highlighted the need to make both employers and workers aware of these laws and protection mechanisms to ensure their implementation.

●●
Many people don’t know their labour rights, and the labour court of Cameroon is not known to many people, including employers, so they think they can exploit.

Awah Francisca Mbuli, Survivors’ Network, Cameroon

Only nine countries extend labour laws to all workers, including migrant workers, domestic workers, and those in fishing and construction (Cameroon, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa and United Republic of Tanzania.) In Mauritius and South Africa there are reports of systemic and unchecked patterns of abuse of labour migrants. For example, in Mauritius there are more than 45,000 migrant workers in the garment and textile industry, and reports that passports are routinely confiscated from the workforce by their employers, despite laws against this.⁸²

●●
There needs to be social and economic empowerment education so that men cannot control women’s futures.

Awah Francisca Mbuli, Survivors’ Network, Cameroon

The provision of basic healthcare and education for all citizens and non-citizens can reduce vulnerability to exploitation. Health shocks can lead families to take on debt, while girls without an education are three times more likely to be forced into marriage before the age of 18.⁸³ Despite this, no Commonwealth country in Africa provides access to healthcare for all populations, and only in nine countries are all children able to access public primary education (Botswana, Kingdom of eSwatini, Lesotho, Malawi, Mauritius, Namibia, Rwanda, Seychelles and South Africa). Additionally, in 13 countries, there are lower primary school enrolment rates for specific groups such as girls, children with disabilities, and children from ethnic minorities (Cameroon, Kingdom of eSwatini, Kenya, Malawi, Mauritius, Mozambique, Nigeria, Rwanda, Seychelles, Sierra Leone, South Africa, Uganda, and Zambia). This places these children at risk of the worst forms of child labour and child marriage.

●●
Direct support and survivors is most important [sic] because most of the children and survivors need support. They have never been to school before, so we should prioritise this one first.

Survivor, Ghana

Homosexuality remains a criminal offence in 14 Commonwealth countries in the Africa region (all except Botswana, Lesotho, Mozambique, Seychelles, and South Africa). Without decriminalisation, and confronted with often violent discrimination, people in the LGBTQI+ community can find it difficult to access basic services and obtain work, rendering them vulnerable to exploitation. Where homosexuality is criminalised, people are forced to keep their sexuality a secret in fear of punishment and/or family banishment. This places the LGBTQI+ community at high risk of exploitation through blackmail, entrapment and a reluctance to report any such behaviour to police. For example, in Nigeria homosexual women have been subjected to forced sexual exploitation or blackmailed to give away their salary in exchange for keeping their sexual identity secret.⁸⁴

In a region with high rates of displacement as a result of poverty, climate change, and conflict — at the end of 2018, there were 16.8 million Internally Displaced Persons (IDPs) and 7.4 million refugees in Africa⁸⁵ — it is concerning that only eight countries have systems in place to register IDPs (Cameroon, Kenya, Lesotho, Namibia, Rwanda, South Africa, Uganda and Zambia). A further 11 countries have systems in place to allow asylum seekers to seek protection (Kingdom of eSwatini, Gambia, Ghana, Lesotho, Malawi, Mozambique, Namibia, Nigeria, Rwanda, Sierra Leone, and Uganda). It is promising that 17 countries have legislative or administrative measures to address environmental degradation and climate change (all except Mauritius and Nigeria). This is particularly important in the Africa region where the effects of climate change are influencing the dominant agricultural industry and driving the displacement of people, as farms and homes are threatened by drought, flooding, and locust swarms.

While corruption in the public sector is criminalised in all 19 countries, there have been reports that officials complicit in modern slavery cases have not been investigated in seven countries (Cameroon, Ghana, Kenya, Mozambique, Nigeria, United Republic of Tanzania and Uganda). Movement of victims of human trafficking across borders in Africa is aided by corruption,⁸⁶ and there is evidence that corrupt border officials financially benefit from allowing known human traffickers to transport victims into and out of nations.⁸⁷ In Ghana, NGOs expressed ongoing concerns that investigations and prosecutions of expected human trafficking cases were being interfered with by complicit political officials. Over half of African Commonwealth governments extend these investigations to protect citizens overseas. In Malawi, Nigeria, and Uganda, for example, diplomatic staff have been investigated for alleged complicity in modern slavery cases or abuse of victims.

SUPPLY CHAINS

Recognition of the role of business in eradicating labour exploitation is growing globally. Africa remains at the beginning of its journey to act within this dimension. No Commonwealth country in Africa regulates or investigates public procurement to prevent the use of forced labour within government supply chains. In 2010, Ghana joined the declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol, aimed at eradicating the worst forms of child labour in the cocoa sector. Outside of Ghana, no Commonwealth governments in Africa are encouraging business to practice due diligence on this matter. Governments need to, at the very least, identify sectors at risk within their own country and work with businesses to protect workers.

●●
Businesses need to be equipped with the tools on where to refer cases of exploitation, how to seek help, how to build all this into business management practices.

Evan Cupido, Stronger Together, South Africa

Although some progress has been made in strengthening legislative frameworks on modern slavery, effective enforcement and implementation is lacking in Commonwealth governments’ responses across the Africa region. Identification of, and support for, victims and survivors are also key areas for improvement across this region.

Risk factors that drive exploitation include barriers to accessing education, healthcare, and social support, which are created by poverty and inequality. These risk factors, combined with discriminatory norms, leave women and girls particularly vulnerable to child marriage, domestic servitude, and forced sexual exploitation.

CHRI and Walk Free call on Commonwealth governments in the Africa region to:

SUPPORT SURVIVORS:

- Provide adequate and timely resources to shelters and victim-centred support services to enable all victims and survivors of modern slavery to access assistance.
- Establish clear national guidelines on identifying and screening victims of modern slavery and provide regular, systematic training for police and first responders.

STRENGTHEN CRIMINAL JUSTICE:

- Strengthen legislative frameworks to ensure that all forms of modern slavery are criminalised in line with international standards.
- Enforce legislation, including by providing adequate resources, as well as training for all officials within the criminal justice system, to effectively investigate and prosecute modern slavery cases.
- Criminalise forced marriage and raise the age of marriage to 18 in all African Commonwealth countries.

IMPROVE COORDINATION AND ACCOUNTABILITY:

- Establish bilateral labour migration agreements with key receiving countries, including the Gulf States, that provide protection for migrant workers.
- Develop and fund national action plans or strategies in collaboration with relevant stakeholders that are evidence -based and include survivor perspectives.

ADDRESS RISK FACTORS:

- Provide education to all children, particularly girls and marginalised groups, and provide access to healthcare for all people.
- Protect labour rights for all in the formal and informal economies and high-risk sectors, including by strengthening and enforcing national laws and policies and regulating recruitment processes.
- Address corruption by investigating and prosecuting cases of government complicity in modern slavery cases.

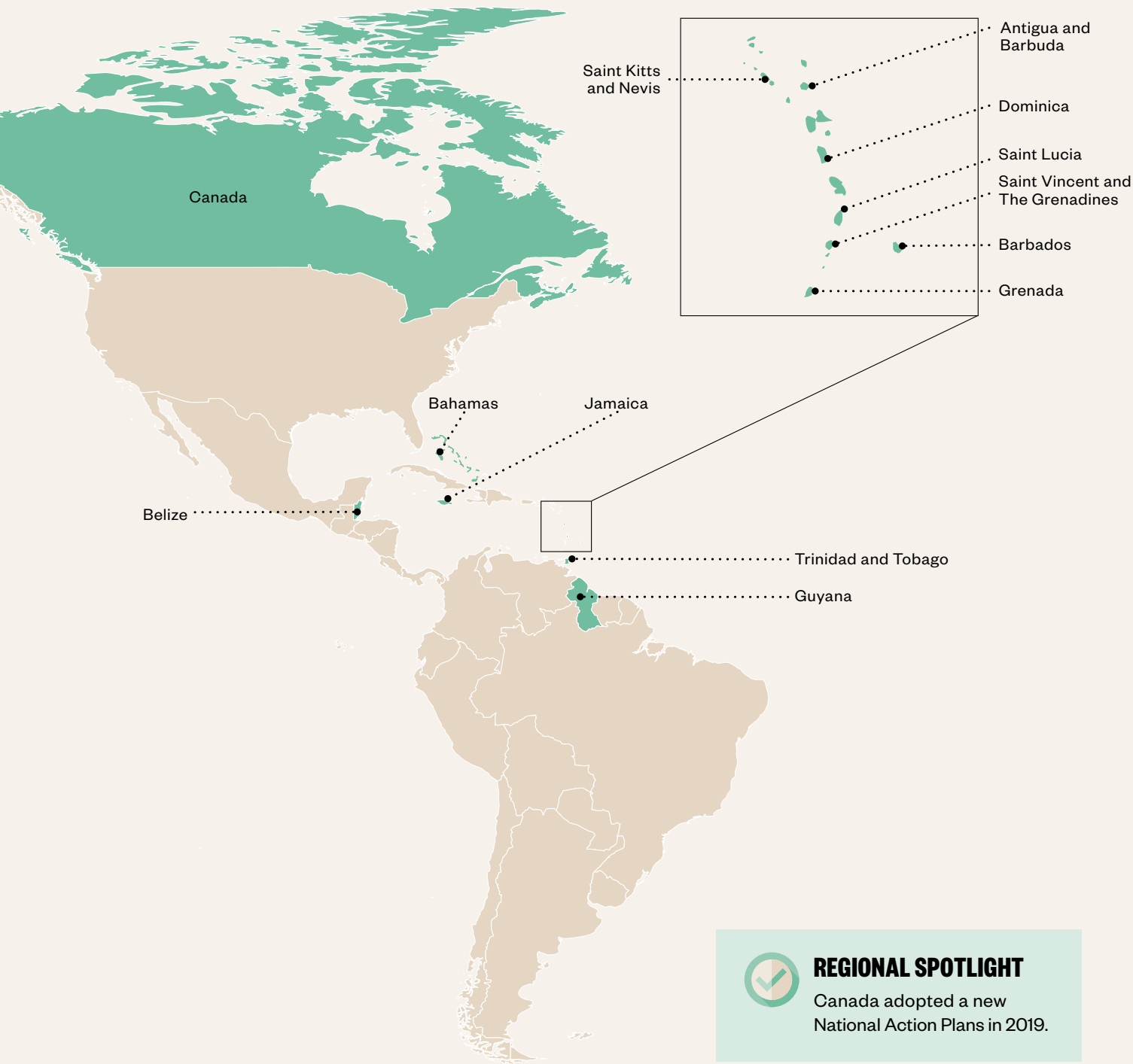
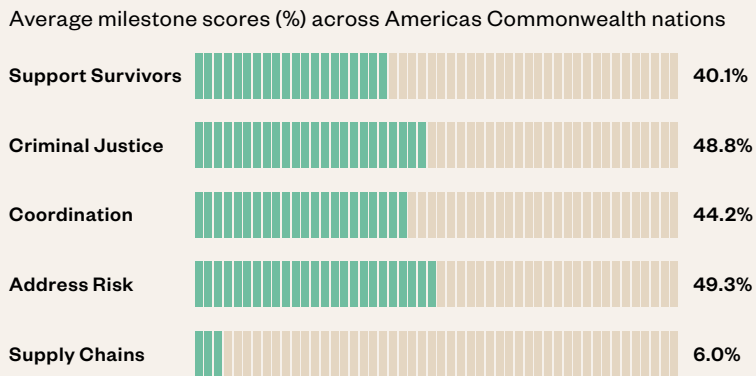
ERADICATE FORCED LABOUR FROM THE ECONOMY:

- Identify sectors at high risk of forced labour, and work with businesses in those sectors and civil society to develop initiatives to eradicate forced labour and other forms of exploitation.

AMERICAS

Regional Analysis

The Americas region encompasses 13 nations from the Commonwealth: Antigua and Barbuda, the Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago.



REGIONAL SPOTLIGHT

Canada adopted a new National Action Plans in 2019.



Forced sexual exploitation, commercial sexual exploitation of children, and the exploitation of migrant and undocumented workers remain major concerns in the Americas region, including for Commonwealth countries. The Caribbean, with open unsecured borders and economies heavily reliant on tourism, represents opportunities for undocumented migrants seeking employment as well as a destination for sex tourism,⁸⁸ including the commercial sexual exploitation of children.⁸⁹ Child sex tourism in the Caribbean results in the exploitation of numerous children each year,⁹⁰ while there is evidence that foreign child sex tourists, primarily from the United States, exploit children in Belize.⁹¹

Migration to, from, and between Commonwealth countries heightens vulnerability to exploitation. The Caribbean experiences higher rates of extra-regional migration than intra-regional migration, especially among skilled labourers — Antigua and Barbuda, Barbados, Dominica, Grenada and Saint Kitts and Nevis are among the world's top ten per capita emigration countries.⁹² Migration flows into the Caribbean include individuals from China and Latin America working in agriculture and manufacturing. These individuals are tricked or coerced into forced labour and have their passports withheld, preventing their ability to leave.⁹³ The economic and political crisis in Venezuela⁹⁴ has led some 40,000 Venezuelans to arrive in Trinidad and Tobago, often by boat, despite reports that the country's refugee and asylum policy offers limited protection.⁹⁵ Many Venezuelan migrants are vulnerable to exploitation through debt bondage,⁹⁶ and forced sexual exploitation.⁹⁷ Migrant workers from the Caribbean and Mexico working under temporary visa streams in Canada have also reported exploitative working conditions and poor treatment following injury.⁹⁸

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New Hamburg, Ontario, August 28, 2017. Migrant workers from Jamaica prepare to sort beets. Pfennig's Organic Farms in New Hamburg, Ontario, employs Canadians and Jamaican migrant farm workers to work its fields and packing warehouse. The owners would like to see its Jamaican workers afforded better pathways to becoming permanent residents and have open work permits that give workers the ability to easily change employers. Photo credit: Jim Rankin/Toronto Star via Getty Images.

Migration to, from, and between Commonwealth countries heightens vulnerability to exploitation.

Amid this, the response of Commonwealth nations in the Americas to modern slavery is often strong on paper, with developed legislative frameworks and policy responses, but limited in implementation and enforcement. In 2019, Canada introduced its 2019-2024 National Strategy to Combat Human Trafficking, three years after the previous plan expired.⁹⁹ Most countries in the region have basic victim support services, although these are limited in smaller island nations in the Caribbean. For example, Dominica, Grenada, and Saint Kitts and Nevis do not provide emergency support for identified victims, while funding for the operational costs of services has decreased in Trinidad and Tobago¹⁰⁰ and Barbados¹⁰¹ in recent years. A similar trend can be found in the criminal justice response, with legislation undermined by gaps in enforcement and corruption. In the Bahamas, there were reports of official involvement in the protection of sex trafficking rings.¹⁰² This is concerning, as it reduces victims’ willingness to self-identify or assist law enforcement in the investigation and prosecution of their traffickers.

Limited data hampers the response across the Commonwealth Americas region. Many nations in the Commonwealth Americas are Small Island Developing States (SIDS) with small populations and limited publicly available data. Only four of the 13 Commonwealth governments in the region have facilitated or funded research to understand risk patterns, drivers, and prevalence of exploitation (Canada, Guyana, Jamaica and Trinidad and Tobago). For example, the Jamaican National Task Force Against Trafficking in Persons commissioned a study in 2015 on the scope and nature and emerging trends in relation to human trafficking, which was used to inform its response.¹⁰³ A lack of research and reliable information jeopardises the existence of evidence-based policy and funding decisions, and restricts the effectiveness of interventions.

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(Next page) Caracas, Venezuela, February 26, 2020. The mother of a victim who disappeared in a shipwreck en route from Venezuela to Trinidad and Tobago on May 16, 2019, poses for a picture during an interview with AFP at her house in Cota 905 neighbourhood in Caracas. Criminal groups often transport groups at risk of human trafficking in precarious boats which often wreck from Guiria, Venezuela to Trinidad and Tobago. Photo credit: Federico Parra/ AFP via Getty Images.

SUPPORT SURVIVORS

Mechanisms to identify and support victims of modern slavery are varied across Commonwealth nations in the Americas.

Reporting mechanisms, such as a hotline, are available across all but two Commonwealth nations in the Americas (Dominica and Grenada). Four countries (Canada, Belize, Jamaica, and Saint Lucia) have made this mechanism freely available 24/7 for men, women, and children, and in multiple languages. Notably, Saint Lucia’s Government introduced a hotline in 2019, which takes tips about all forms of human trafficking and facilitates reporting to specialised human trafficking task forces, federal authorities, local law enforcement, and service providers.¹⁰⁴ In 2018, the Government of Canada invested CAD \$14.51 million (US \$11 million) over five years to put in place the Canadian Human Trafficking Hotline, which will also assist in informing response and detecting gaps in services.¹⁰⁵

●●
Trainings like this are important so that all government officials, who deal with vulnerable communities, understand the crime of human trafficking, and they know what signs to look for that might indicate a case of trafficking.

Inspector LeRoy Hernandez, head of the Belize Anti-Trafficking in Persons Specialised Police Unit¹⁰⁶

The training of first responders is key to effectively identifying victims and referring them to support services. Victim-identification training for police and frontline workers occurred in most countries with 10 out of 13 providing training for police since 2013 (Dominica, Grenada and Saint Kitts and Nevis do not provide such training for police). In Antigua and Barbuda, the Trafficking in Persons (Prevention) Secretariat and the Education Task Force provided victim identification training to a total of 108 staff in 2018-2019,¹⁰⁷ while in the Bahamas, the National Trafficking Commission funded and trained agencies to identify and protect victims and make referrals.¹⁰⁸



However, despite this training, there are concerns that the identification of vulnerable populations, such as migrants, is inconsistent.¹⁰⁹ Only in Canada, Guyana, and Trinidad and Tobago was training conducted on a regular basis — ensuring that training is systematic rather than one-off is crucial for effective identification of victims.

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We are stuck trying to re-educate a stigma. Even many support workers have the attitude of not believing — I hope that people will be believed even without evidence.

Survivor, Canada

Most countries in the Commonwealth Americas provide support services to victims, but their application is inconsistent. All countries apart from Dominica, Grenada, and Saint Kitts and Nevis provide emergency support, but NGOs have highlighted that funding is inconsistent and patchy, with reports of reduced or inadequate funding for shelters in Canada,¹¹⁰ Trinidad and Tobago,¹¹¹ and Barbados.¹¹² It is essential to provide long-term support for victims as the path to recovery requires the provision of education, training, employment, housing, and financial assistance. All countries apart from Saint Vincent and the Grenadines, Dominica, Grenada, and Saint Kitts and Nevis, provide some aspects of these services, including flexibility to tailor services to victims’ needs. In the Bahamas, victims are referred to a care facility and a social worker;¹¹³

in Guyana, victims who do not wish to stay in a shelter are provided with direct financial assistance which can be used for alternative shelter, food, training, and psychological therapy;¹¹⁴ while in Canada all victims can access education.¹¹⁵ Gaps in services for male victims of modern slavery were reported in Canada, Guyana, and Saint Vincent and the Grenadines.

●●
I was constantly being questioned by staff in the safe house. The police work with staff in the safe house to get information from victims. We are constantly being drilled for more information and being triggered, it is not dealt with properly.

Survivor, Canada

National Referral Mechanisms and training for staff who provide support services are critical to match victims with the resources they need to recover and to prevent re-trauma and re-exploitation. However, there are currently only two Commonwealth countries in the Americas that have such referral structures in place — the Bahamas and Barbados. Training for staff on how to assist victims, including do-no-harm principles, individualised treatment care, and self-determination, exists in only four countries (Barbados, Bahamas, Saint Vincent and the Grenadines, and Trinidad and Tobago).

CRIMINAL JUSTICE

Given the vulnerability of migrant workers across the region, it is important the countries ratify conventions that offer protection. All countries have ratified the UN Trafficking Protocol, while Grenada’s recent ratification of the 2011 ILO Domestic Workers Convention (No. 189) is a further positive step.¹¹⁶ However, gaps remain — only Jamaica and Canada have ratified the 2014 Forced Labour Protocol with the Protocol entering into force in Canada on 17 June 2020.¹¹⁷

No Commonwealth country in the Americas region has criminalised all forms of modern slavery. Although Jamaica has ratified all relevant international conventions, it only criminalises human trafficking and child pornography, and omits other forms of modern slavery including forced labour, child prostitution, and forced marriage. Encouragingly, all countries, apart from Dominica, have criminalised human trafficking in line with international standards. Data on child marriage is limited across the Caribbean,¹¹⁸ and as such the scale of the practice may be underestimated.¹¹⁹ Only five countries have legislation fully criminalising forced marriage (Bahamas, Belize, Canada, Grenada and Saint Lucia).

Despite the existence of legislation, there are persistent issues relating to its implementation. Saint Vincent and the Grenadines has not prosecuted a human trafficking case since 2015, and Trinidad and Tobago is yet to convict a trafficker under the 2011 Trafficking in Persons Act. In March 2020, Belize marked its second ever conviction under the 2013 Trafficking in Persons Act, finding the defendant guilty of two counts of trafficking in persons. This was the first trial and conviction for more than five years.¹²⁰ Convictions that do occur may be insufficient to deter perpetrators, with evidence of insufficient punishments in Antigua and Barbuda, Barbados, and Canada. For example, in Antigua and Barbuda a fine may be prescribed as a penalty for sex trafficking in lieu of imprisonment.¹²¹

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We do not have the expertise in human trafficking as a subject for which the courts are responsible. It means we have to partner with someone who has the expertise in order to render ourselves capable and competent to perform the role we are constitutionally required to perform.

Chief Justice Kenneth Benjamin, Belize Judiciary¹²²

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The Crown Attorney is there to protect the Crown’s interests and the population’s safety, the criminal lawyer is there to protect the criminal — no one is there for the victim.

Survivor, Canada

Similarly, while countries across the region have legal frameworks to allow victims to access justice, there are difficulties in their implementation. Access to justice incorporates protection for victims and witnesses, as well as mechanisms that provide for compensation and restitution. There are examples of strong witness protection programs — witnesses in Trinidad and Tobago are supported through the National Witness Protection Program before, during, and after the court process.¹²³ Every nation, except for Dominica, has provided for victim compensation or restitution within legislation, but this is often not awarded in practice. In 2016, Belize awarded compensation to a victim of sex trafficking, but it is unclear if this has happened subsequently.¹²⁴ Guyana ordered restitution in 2017, although the amount is unknown.¹²⁵ In Canada, a recent journal article indicates there was at least one case of trafficking in which restitution was required.¹²⁶ In *R v Domotor*, the offenders pleaded

guilty to human trafficking and were required to pay restitution of \$4,363.66 CAD (US\$3,295) to the city of Hamilton, not to the victims, for welfare payments received through false refugee claims made by two of the victims.¹²⁷ Beyond these examples, it is unclear if further compensation has been awarded across the region because of limited data and few convictions, or because courts did not order compensation.

●●
I was scared and did not understand that I could tell my lawyer everything. I thought she was questioning me to doubt me, not to help me.

Survivor, Canada

Nine countries in the region have specialised police units (Antigua and Barbuda, Dominica, Grenada, and Saint Kitts and Nevis do not have these units) facilitating the investigation of modern slavery crimes. For example, in Saint Lucia, there is an Anti-Trafficking Task Force consisting of three officers dedicated to trafficking investigations.¹²⁸ Guyana has committed to fund its anti-trafficking unit,¹²⁹ while the budget for the Bahamas’ Trafficking in Persons Unit has more than tripled in the last year¹³⁰ However, gaps remain in funding in Canada and Trinidad and Tobago.



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Suore State, Venezuela, March 13, 2020. Migrants fleeing economic and political crises in Venezuela are vulnerable to debt bondage and forced sexual exploitation throughout the Americas region. Over 40,000 Venezuelans have arrived in Trinidad and Tobago, often by boat, despite reports that the country’s refugee and asylum policy offers limited protection. Criminal groups smuggle individuals into Trinidad and Tobago on precarious boats which are in danger of shipwreck. Photo credit: Federico Parra/ AFP via Getty Images.



COORDINATION

Many countries are coordinating their national responses, with nine countries having a current National Action Plan (Barbados, Dominica, Grenada, and Saint Kitts and Nevis do not have current plans). Since 2018, Canada has joined Jamaica as the only Commonwealth country in the Americas with an independent entity to monitor the government’s response.¹³¹

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[M]any(sic) of the criminal networks of traffickers cross borders, making cooperation between countries fundamental. Actions to align investigation and sanction efforts, as well as those to assist victims of trafficking, require, now more than ever, more regional cooperation initiatives.

Marcelo Pisani, IOM Regional Director for Central America, North America and the Caribbean¹³²

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Port of Spain, Trinidad, March 11, 2017. Stephanie Leitch (C), co-director of Womantra, leads women’s rights supporters during a Women’s Rights March as part of International Women’s Day. The event was organised by Coalition of Organizations Against Gender Based Violence. Sexual violence and exploitation, the unequal division of unpaid care and domestic work, and discrimination in public office all remain huge barriers to gender equality in Trinidad and Tobago. Photo credit: Sean Drakes / LatinContent via Getty Images

Given the high rates of migration among Commonwealth countries in the region, bilateral and multilateral coordination is important to government efforts for achieving SDG Target 8.7. Every Commonwealth country in the Americas is a member of a regional body acting against modern slavery, including the African, Caribbean, and Pacific Group of States (ACP). The ACP runs technical seminars and peer-to-peer exchanges on human trafficking, including sharing the main challenges and policies to tackling this issue.¹³³ All countries except for the Bahamas, Belize, and Guyana have bilateral labour agreements which include protections for labour migrants. All Caribbean Commonwealth countries are also part of Canada’s Seasonal Agricultural Worker Program,¹³⁴ which has been criticised for creating vulnerability to abuse and exploitation. In 2017, there were approximately 35,175 workers under the Program in Canada, whose work permits were tied to a particular employer, limiting a migrant worker’s ability to leave a situation of exploitation.¹³⁵ Countries also collaborate on investigations; in 2018 nearly 350 potential victims of modern slavery were rescued in coordinated raids over 13 countries, including Antigua and Barbuda, Barbados, Belize, Guyana, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago.¹³⁶

ADDRESS RISK

It is vital that government responses to modern slavery address root causes of vulnerability and risk factors that enable exploitation to persist, including poverty, inequality, and corruption. No evidence of laws that criminalise corruption in the public sector were found in three nations (Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines), and in a further four countries, reports of alleged trafficking-related complicity by individual government officials have not been investigated. In Belize, NGOs claim that police and immigration officials have received bribes in exchange for enabling unlawful immigration, have failed to respond to cases under their jurisdiction, have overlooked incidents of trafficking, and have failed to identify suspected victims and offenders.¹³⁷ There have been no investigations into these allegations.¹³⁸

Given the large number of labour migrants in the region, it is essential that governments put in place policies to prevent exploitation. The payment of recruitment fees by employees increases the risk of accruing unmanageable debts and ending up in situations of debt bondage and forced labour. Only Barbados, Belize, and Guyana have enacted legislation to ensure that such fees are paid by employers instead of employees. In 10 of the 13 nations, labour inspections are not conducted in the informal sector to identify incidents of forced labour (Bahamas, Canada, and Guyana do conduct these inspections). Systematic abuse and discriminatory visa regimes for migrant workers remain ongoing issues. In Belize, work permits for migrant workers are tied to specific employers; the Director of Immigration may give permission to work for another employer, but this remains discretionary. It is difficult for employees to leave exploitative employers without the possibility of losing their visas and being deported.¹³⁹ In 2019, Canada made amendments to its employer-specific work permits so that temporary foreign workers could apply for a new permit with a different employer, including those who have experienced abuse. However, workers must wait until a Labour Market Impact Assessment is completed to prove a Canadian could not fill the role, before a new work permit can be issued.¹⁴⁰ Some, including the Canadian Council for Refugees and the Ontario Council of Agencies Serving Immigrants, see the changes as a positive step, but recognise they do not address the root causes of migrant worker vulnerabilities, such as a lack of support services, limited labour protections, and the inability to unionise.¹⁴¹

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The erosion of worker organising and unionising is a big issue... There is a negative connotation attached to workers organising — that needs to change.

Vera Belazelkoska, Ulula, Canada

The economic and political crisis in Venezuela has significantly contributed to the movement of people in the region. As of 5 May 2020, almost 5.1 million individuals have left Venezuela and 17,391 Venezuelan citizens have applied for asylum in Trinidad and Tobago alone.¹⁴² Trinidad and Tobago has been criticised for not having formal asylum legislation in place, despite efforts in June 2019 to register Venezuelans with ID cards, and provide a six-month to one-year work permit and basic medical care.¹⁴³ Coupled with the COVID-19 lockdown and ongoing instability in Venezuela, many asylum seekers are now asking the government to extend the registration policy for a further year.

“We started seeing more and more of Venezuelans coming in. Coming in to buy food and buying medication and going to Venezuela, and then started seeing them in bars trying to work, restaurants and what not, getting exposed to being detained.

Heidi Diquez, activist for Venezuelans in Trinidad and Tobago¹⁴⁴

Minority groups are also at risk of exploitation across the region due to gaps in socio-economic protections and civil rights. Health care is accessible to all populations in Canada alone, while nine nations have yet to decriminalise homosexuality (Bahamas, Belize, Canada, and Trinidad and Tobago have decriminalised homosexuality). In Grenada, Saint Kitts and Nevis, and Saint Lucia there are lower primary school enrolment rates for minority groups, including girls, children with disabilities, and ethnic minority children. Without safety nets and social protections, these individuals can become vulnerable to exploitation and modern slavery.

SUPPLY CHAINS

In the Americas, very little action has been taken to reduce forced labour in supply chains, with all thirteen Commonwealth nations failing to take sufficient steps to regulate public procurement.

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Before governments put legislation on corporations, they should also look at their own public procurement. It is interesting to see legislation being passed on reporting where public procurement is not included — that is a big missed opportunity.

Vera Belazelkoska, Ulula, Canada

Although every country except for the Bahamas and Antigua and Barbuda has anti-money laundering legislation, there are often issues regarding effectiveness in practice. Jamaica’s anti-money laundering regime, for example, is undermined by weak implementation, with the real estate sector and the legal profession being the most vulnerable industries to money laundering.¹⁴⁵



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Sucre State, Venezuela, April 23, 2020. Mother of girl who disappeared on April 23, 2019 in a shipwreck en route from Venezuela to Trinidad and Tobago, poses after an interview with AFP at her house in Cumana, Sucre State, Venezuela. Criminal groups are said to transport victims of human trafficking in precarious boats which often wreck from Guiria in Sucre state, Venezuela, to Trinidad and Tobago. Photo credit: Federico Parra/ AFP via Getty Images.

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Any illicit trade requires money to be laundered — anti-money laundering legislation must be strengthened, as it will definitely have an impact on humans. Better ways to track and trace financial transactions will inevitably benefit our fight against human trafficking and forced labour — all these pieces of regulatory legislation are tied to each other.

Vera Belazelkoska, Ulula, Canada

Canada is a G20 country with capacity to tackle forced labour in the private and public economy. A 2019 private member’s bill would, if passed, lead to the enactment of Modern Slavery Act similar to the UK and Australia.¹⁴⁶ The Canadian act would require businesses in Canada with a turnover of CAD \$40 million (US\$30 million) to publish an annual modern slavery statement describing the actions they are taking to tackle the use of forced labour in their direct operations and supply chain. In 2018, Canada created the Canadian Ombudsperson for Responsible Enterprise (CORE) to monitor and investigate claims of abuses by Canadian firms operating internationally.¹⁴⁷ However, as of November 2019, CORE was yet to take on a single case. Nonetheless, there have been developments in corporate liability. In a landmark case in March 2020, Canada’s supreme court ruled that a Vancouver-based mining company, Nevsun Resources, could be sued in Canada for alleged human rights abuses overseas, including allegations of forced labour.¹⁴⁸ The decision means that three Eritreans who filed a civil suit against Nevsun Resources in British Columbia can continue their case in a lower court. This is a significant ruling and sets an important precedent for companies to be held responsible for their actions overseas.

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As governments are analysing what legislation to pass, this is a really good opportunity to understand from key stakeholders what will create the most difference on the ground. Having modern slavery statements is good, but what will actually make a difference? These things must be action driven, with an action plan and not just statements.

Vera Belazelkoska, Ulula, Canada

Commonwealth governments within the Americas region have promising legislative and policy frameworks tackling modern slavery, but enforcement is limited. The lack of available data on modern slavery is a barrier to evidence-based interventions and effective allocation of the limited resources available in many countries.

Commercial sexual exploitation of children, including child sex tourism, is a significant concern in the Caribbean. Risk factors, such as corruption and gaps in labour law protections, also contribute to an enabling environment for exploitation, particularly in the context of high levels of migration within, from, and to the region.

CHRI and Walk Free call on Commonwealth governments in the Americas region to:

SUPPORT SURVIVORS:

- Provide adequate and timely funding to shelters and victim-centred support services to enable all victims and survivors of modern slavery to access assistance.
- Ensure national referral mechanisms are in place to improve coordination of identification and support for victims between government agencies, and between government and civil society.

STRENGTHEN CRIMINAL JUSTICE:

- Strengthen legislative frameworks to ensure that all forms of modern slavery are criminalised in line with international standards, especially with regards to protecting children from exploitation.
- Enforce legislation, including by providing adequate resources, as well as training for all officials within the criminal justice system, to effectively investigate and prosecute modern slavery cases.

IMPROVE COORDINATION AND ACCOUNTABILITY:

- Develop and fund national action plans or strategies in collaboration with relevant stakeholders that are evidence-based and include survivor perspectives.
- Establish and strengthen bilateral or multilateral labour agreements that provide protections for migrant workers.

ADDRESS RISK FACTORS:

- Address corruption by criminalising and investigating government complicity in modern slavery cases.
- Extend labour laws to cover all workers, including migrant workers and workers in informal sectors such as domestic work.
- Enforce labour protections by establishing and strengthening mechanisms, including systematic and regular labour inspections.

ERADICATE EXPLOITATION FROM SUPPLY CHAINS:

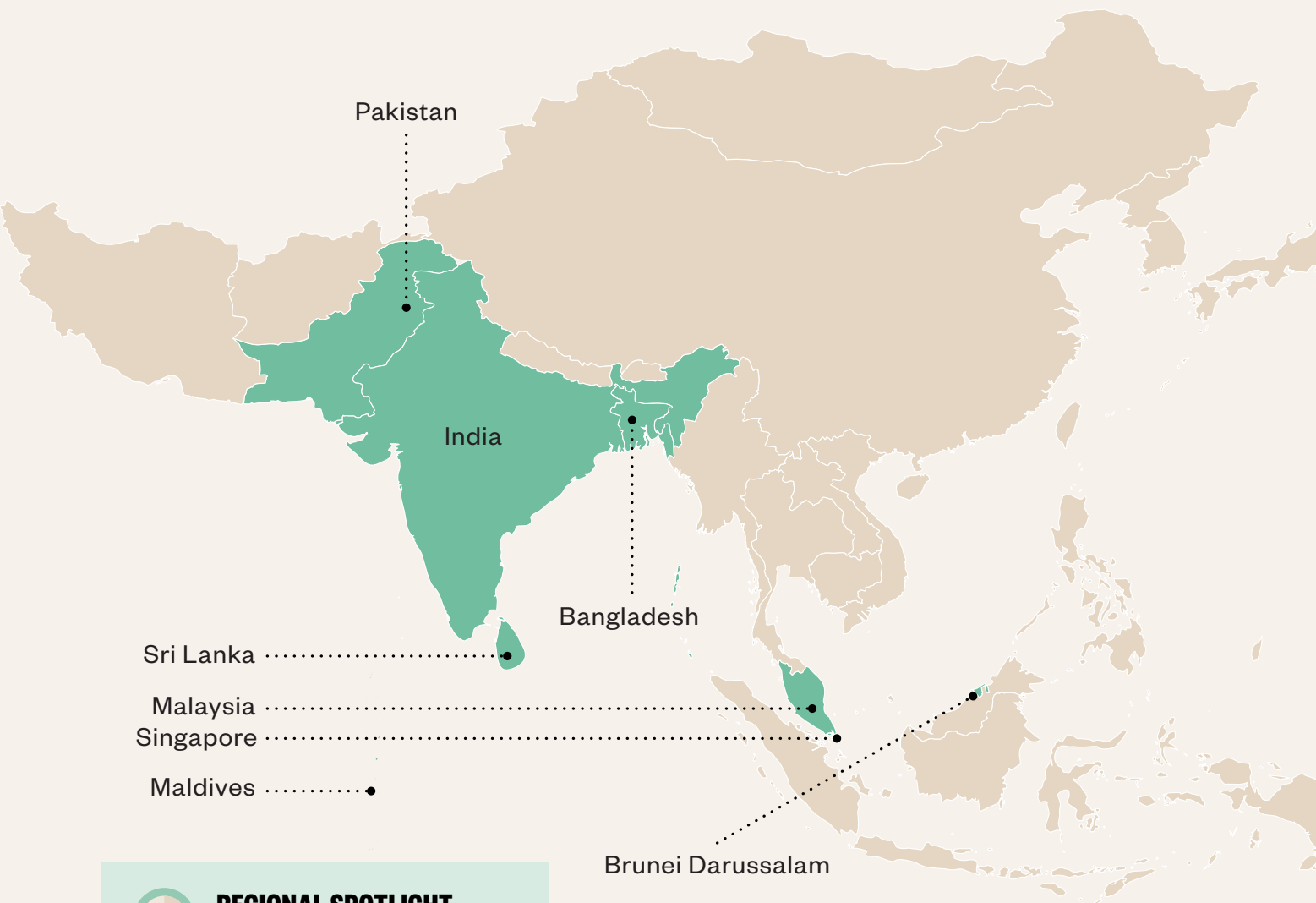
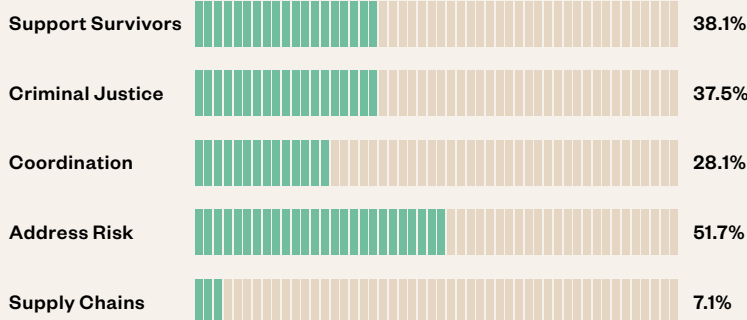
- Identify sectors at high risk of forced labour and work with businesses in those sectors and civil society to develop initiatives to eradicate forced labour and other forms of exploitation.
- Strengthen laws and policies regarding due diligence in government procurement and business supply chains. In Canada, implement legislation requiring business and the public sector to conduct mandatory due diligence and reporting.

ASIA

Regional Analysis

The Asia region encompasses eight Commonwealth countries, including Bangladesh, Brunei Darussalam, India, Malaysia, Maldives, Pakistan, Singapore, and Sri Lanka.

Average milestone scores (%) across Asian Commonwealth nations



REGIONAL SPOTLIGHT

In 2018, Pakistan passed comprehensive trafficking legislation that criminalised human trafficking and provided protection for victims and witnesses as well as the payment of compensation.



Systemic inequality and discrimination contribute to the exploitation of certain socially disadvantaged groups across the Asia region.

In India, caste-based discrimination plays a significant role — individuals from scheduled castes and tribal groups are disproportionately represented among those in bonded labour.¹⁴⁹ In Bangladesh, where almost one million Rohingya people are living in the world's largest refugee settlement after fleeing from persecution in Myanmar,¹⁵⁰ the Rohingya population continues to be extremely vulnerable to exploitation due to limited access to formal state services. Women and girls are more vulnerable to certain types of exploitation — including forced sexual exploitation, in which they represent the overwhelming majority of victims. Child marriage is particularly prevalent in the Asian Commonwealth; the prevalence of child marriage is higher in Asia than any other Commonwealth region, with one in two girls married before the age of 18 worldwide residing in this region.¹⁵¹ Progress in this sphere remains limited.

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Shamlapur, Bangladesh July 4, 2015. Rohingya men push a fishing boat to shore. Thousands of Rohingya have landed on the shores of Indonesia, Malaysia and Thailand, many of them by way of Bangladesh. The Rohingya pay up to US\$2,000 to traffickers, and they sail out from Bangladesh's southern coastline on fishing boats to meet larger ships in the deep sea that will take them to Malaysia. Photo credit: Shazia Rahman via Getty Images.

In 2015, over 40 per cent of all migrants in the world originated from Asia, while Asian countries hosted 30 million more international migrants in 2015 than in 1995, an increase of 60 per cent.¹⁶² Migration from Southeast Asia, South Asia and Southwest Asia is motivated by demand for workers in the Middle East, with 95 per cent of migrant workers from India, Pakistan, and Sri Lanka, and around two thirds of migrant workers from Bangladesh living and working in the Arab States region.¹⁶³ Rapid development of economies within the region, as witnessed in Malaysia and Singapore, has also created new markets for people seeking economic opportunities. These trends have created a pool of vulnerable migrants as well as opportunities for those who would seek to make money through exploitative practices, including forced labour, debt bondage, and forced sexual exploitation.¹⁶⁴

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I found out there was no job — it was all a lie. Then two women came and demanded I go with them. They said, “We bought you”. I wondered, how can you buy a human? I could do nothing.

Ela Sangma, Survivor, Impulse NGO Network, India

The response of Asian Commonwealth countries to modern slavery varies across the region. Although many countries have relevant legislation aimed at tackling modern slavery and trafficking, protections are limited for groups such as migrant and informal workers, despite the prevalence of these workers in Asia. Further, effective implementation and enforcement of existing legislation is lacking across the region. Although efforts are being made to train police, frontline responders, the judiciary and prosecutors, such training needs to be regular and systematic in order to maximise effectiveness.

Data gaps are a key issue across the region — robust research and data is crucial for ensuring that policy decisions and interventions are evidence-based, and that funding and resources are allocated to maximise impact. No country has evidence that it is funding or facilitating prevalence or estimation research, and only Pakistan, Singapore, and Sri Lanka have conducted other forms of research. An evidence mapping study in South Asia has shown that most research is focused on child labour and sexual exploitation, with limited research on forms of slavery such as debt bondage, domestic servitude, and forced labour that does not specifically involve trafficking.¹⁶⁵



SUPPORT SURVIVORS

Identification and support for victims and survivors of modern slavery are key areas for improvement across all eight Asian countries. Effective mechanisms for identifying and referring victims to services are critical to enable them to exit their situation and access ongoing support. Although five countries ran national campaigns informing the public of how to identify and report victims (Bangladesh, Brunei Darussalam, India, Pakistan, and Sri Lanka), these were not always conducted regularly and, as such, no country has shown an increase in cases of modern slavery reported by the public. All countries have a reporting mechanism, such as a hotline, that is available to men, women and children — however, there is inconsistency across the region in whether it is free to access, available 24/7, and operating in multiple languages. Accessibility for those who do not speak the local language is particularly important given the exploitation of migrant workers who might not speak the local language.

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Lack of monitoring, for example, the hotline. God only knows if there [is] any monitoring of it. One of the biggest problems with the hotline is it initiates the case but doesn’t follow through and doesn’t follow-up. Their job is just to trace and if they can’t trace their job is seen as done.

Survivor, India

Encouragingly, all countries have evidence of some training for police and frontline first responders on how to identify victims. In 2019, the UNODC supported the government to conduct capacity building training for law enforcement and other stakeholders to enhance victim identification and protection in Sri Lanka.¹⁶⁶ However, there is inconsistency in which groups are trained, and only in India and the Maldives is the training systematic rather than one-off. No country has evidence that first responders mostly succeed in identifying victims, indicating that more work is needed to strengthen identification mechanisms. In addition to lack of awareness, corruption can also be a barrier to identification of victims.

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(Previous page) Dhaka, Bangladesh, October 9, 2019. Labourers unload bricks from a boat in the Buriganga River. They work 12 hours shifts for wages as low as US\$3.60 per day. Photo credit: Zakir Hossain Chowdhury/Barcroft Media/Barcroft Media via Getty Images.



●●
Churachandpur, India, January 22, 2018. A Manipuri girl who was rescued from Yangon in 2017, at home with her mother at Churachandpur, some 200 Km from Imphal, India. A promise of employment as a housemaid or babysitter, with food and accommodation, in Singapore, Thailand, or China, while earning 500 Singapore dollars a month, is irresistible for both the parents and girls. Often these individuals are tricked or coerced into modern slavery. Photo credit: Vipin Kumar/Hindustan Times via Getty Images.

●●
I was taken to a brothel with the other girls. After a couple of days, a policeman came there. We told him about our problem, but the owner gave him money to keep him quiet.

Ela Sangma, Survivor, Impulse NGO Network, India

Most countries do not have clear national guidelines on identifying victims (Brunei Darussalam, Malaysia, Maldives, Pakistan, and Sri Lanka), and none make provision for “presumed victims” to be provided with support until a formal decision is made. This is problematic given that victims may not have alternative means to support themselves and may be at risk of re-trafficking. Only Singapore has a National Referral Mechanism (NRM) to coordinate identification and referral of victims, though NGOs reported that opaque victim identification and referral standards complicated effective use of this mechanism.¹⁶⁷

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Firstly, punishment of traffickers is key, high conviction rates is the most important thing. Secondly, there needs to be support services for victims after they’re rescued. Lastly, freedom. Governments need to value freedom. We have a right to move and choose how we want to live.

Survivor, India



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Mewat, India, March 14, 2014. Trafficked brides are locally known as Paro or Molki (means one who has a price) and often have to work as bonded labour in the fields and as domestic help. The skewed sex ratio and entrenched feudalism in Haryana, Punjab and western Uttar Pradesh has resulted in a flourishing trade in women trafficked from the poverty-ridden villages of Assam, West Bengal, Jharkhand and Odisha. The women, who are usually promised marriage, find themselves in places like Mewat where they are often confined and forced to work as bonded labour or pushed into forced marriages or sex work by go-betweens who sell them to local men. Photo credit: Subrata Biswas/Hindustan Times via Getty Images.

Support for victims and survivors is inadequate across the region. While all countries have some victim support services, these frequently do not meet victims’ needs, particularly over the longer term. In five countries there is evidence that suspected victims have restrictions placed on their movements when residing in shelters (Bangladesh, Brunei Darussalam, India, Malaysia, and Pakistan). For example, in Brunei, victims had to apply to leave a shelter and could only do so with a chaperone.¹⁵⁸ Shelters remain underfunded and do not have the resources to properly support victims. In five countries, the government does not make adequate contributions to the operational costs, leading to significant resource gaps (Bangladesh, Brunei Darussalam, India, Malaysia, and Pakistan). In Bangladesh, NGOs reported government services did not meet minimum standards of care, and insufficient rehabilitation resources contributed to re-trafficking of victims.¹⁵⁹ Although in six countries physical and mental health services are provided to victims (Bangladesh, Malaysia, Maldives, Pakistan, Singapore, and Sri Lanka), there was evidence in five countries that support was not available to all (Bangladesh, Brunei Darussalam, India Pakistan, and Sri Lanka) — with particular concerns in Bangladesh regarding the discrimination of the Rohingya population, which excludes them from receiving support.¹⁶⁰

Only Bangladesh and Pakistan had training for staff providing victim assistance, and no country evaluated its victim support services. Survivors have repeatedly reported that insensitive treatment from staff who do not properly understand how to provide support can lead to further traumatisation.¹⁶¹

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Many times, girls and women don’t want to be in the homes, as they fear being sold out again or singled out by the community and the family members. Due to deep rooted customs and traditions victims of trafficking are looked at as “Being Responsible for Trafficking” (sic) rather than “Victims” (sic) who need our support.

Wahida Banu, Aparajeyo, Bangladesh

CRIMINAL JUSTICE

Criminal justice mechanisms do not work effectively in the region — even where legislation exists, the key issue is often a lack of implementation.

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Survivors and their families often do out of court settlements with the traffickers due to finance, fear, and not wanting to be stigmatised by community — because once legal proceedings start, the whole community knows and stigmatises them.

Emarine Kharbhiih, Impulse NGO Network, India

Bangladesh’s accession to the 2000 UN Trafficking Protocol in September 2019 is a positive step in strengthening its international commitment to eradicating trafficking. However, no country in the Asian Commonwealth has ratified either the 2011 ILO Domestic Workers Convention (No. 189) or the 2014 Forced Labour Protocol. These represent big gaps in international commitments given the exploitation of domestic workers and forced labour in Asian Commonwealth countries.

All countries criminalise forced labour and human trafficking (apart from the Maldives, which has not criminalised trafficking). However, the strength of this legislation varies, and implementation needs to be significantly improved across all countries. For example, in Malaysia, cases of forced labour have been reportedly charged as labour law violations instead of criminal cases of human trafficking.¹⁶² India has proposed a draft bill aiming to strengthen anti-trafficking protection — however, the bill was criticised when first introduced in 2018 for including vague provisions with potentially counterproductive or harmful consequences, and setting the bar too high for immunity for victims from criminal prosecution. Further, there is concern that the bill replicates provisions which already exist, further fragmenting the legal framework around trafficking. A recently revised version of the bill does not appear to address these criticisms.¹⁶³

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Shamlapur, Bangladesh, July 4, 2015. Fatama Khatun holds a photograph of her son, who fled to Bangladesh from Myanmar in 1992. In September of 2012 he left for Malaysia. “I tried to stop him, but he wanted a better life”, says Fatama. She has not heard from her son since. In recent years, thousands of Rohingya have landed on the shores of Indonesia, Malaysia and Thailand, many of them by way of Bangladesh. The Rohingya pay up to US\$2,000 to traffickers, and they sail out from Bangladesh’s southern coastline on fishing boats to meet larger ships in the deep sea that will take them to Malaysia. UNHCR estimates that there are more than 300,000 Rohingya living in Bangladesh. Photo credit: Shazia Rahman via Getty Images.



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...make punishment quicker and stricter. Why? Because if you give strong punishments there will be a fear and if traffickers don't fear punishment, they will act with impunity.

Survivor, India

Only Malaysia, Pakistan and Singapore criminalise forced marriage and only India has raised the age of marriage to 18. The lack of specific provisions criminalising forced marriage and a minimum age of marriage is concerning given the high prevalence of early and forced marriage in the Asian Commonwealth countries.¹⁶⁴

In six out of eight countries (Bangladesh, Brunei Darussalam, India, Malaysia, Pakistan, and Singapore), criminal laws related to modern slavery were found to have disproportionate penalties, which affects the impact of this legislation in practice. For example, the 2018 Prevention of Trafficking in Persons Act in Pakistan allows for the imposition of a fine instead of imprisonment for sex trafficking offences.

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If governments are not able to prevent trafficking, it is at least their responsibility to give compensation to victims. Every government is responsible to give compensation to victims of human trafficking.

Survivor, India

Access to justice for victims and survivors is a key area for improvement. Only Bangladesh and the Maldives have laws explicitly recognising that victims should not be treated as criminals for conduct that occurred while under control of their exploiters, and there is evidence in all countries except the Maldives that victims have in practice been treated as criminals for such conduct. In Malaysia, for example, NGOs suggest that victims have been detained by law enforcement, sometimes for more than one year.¹⁶⁵ No country provides visas to stay in the country which are not dependent on victim participation in the court process — yet victims may not wish to testify due to trauma or fears over safety and they are at risk of re-exploitation without a visa to remain in the country. Justice for migrants exploited outside of their home country can be extremely difficult to achieve in practice.

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There is a victim support centre where migrants can come and get support, but the problem is that a lot of violence takes place in the destination country where Bangladesh has no legal jurisdiction.

Mehjabin Ferdous, WARBE Development Foundation, Bangladesh

Specialised units and training for justice officials are crucial to ensure victims have access to justice. Six countries have specialised law enforcement units, but there is evidence in India and Pakistan that these units do not have the resources to operate effectively. In India, NGOs have reported that Anti-Human Trafficking Units within the police force are not focused entirely on trafficking work and there is a large variation in how active they are in different states.¹⁶⁶

Training for the judiciary and prosecutors is also limited — only in India and Malaysia is there evidence of training to both groups on a systematic and regular basis. Victim-centred training is crucial to ensure that the court process is not traumatic for survivors. Sri Lanka has produced a handbook on prosecution of trafficking cases and begun training state prosecutors,¹⁶⁷ while specific “child-friendly” courts are being tried in some Indian states for child-trafficking cases. Such initiatives are promising and can help to increase conviction rates and significantly improve victims’ experience of the legal process by minimising re-traumatisation.¹⁶⁸

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Lots of lawyers will use the normal criminal code and forget about specific human trafficking offences. That is where we come in and train them on how to creatively use the laws that the country has to bring justice and make cases stronger in court.

Emarine Kharbhih, Impulse NGO Network, India

Effective training and strengthening legislation must go together — critics of the low conviction rate of a specialised trafficking court set up in Malaysia in 2018 cite weak legislation as one of the main problems, as the requirement for physical coercion excludes many cases from being considered.¹⁶⁹ In 2019, the UNODC organised capacity building workshops in Sri Lanka to develop victim-centred anti-trafficking legislation.¹⁷⁰

Even where criminal justice mechanisms are available, systemic discrimination may exclude certain groups from accessing them. In Bangladesh, there is evidence that the High Court did not consider trafficking claims filed by Rohingya.¹⁷¹

COORDINATION

National coordination mechanisms across the region are weak. Six countries have a National Action Plan to coordinate the national response and allocate responsibilities (Bangladesh, Malaysia, Maldives, Pakistan, Singapore, and Sri Lanka) — however, only Bangladesh releases reports on its actions to combat modern slavery; only Malaysia has evidence that activities in the National Action Plan are fully funded; and no country has any independent entity in place to monitor the implementation and effectiveness of its response. Despite being the largest country in the region, India has the weakest response on national coordination, with no national coordinating body or National Action Plan in place.

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We have a victim support centre, and hotlines for in-country problems. But migration is not a problem which can only be solved by the origin country — both countries have responsibilities.

Jasiya Khatoon, WARBE Development Foundation, Bangladesh



Cross-border collaboration is particularly crucial in Asia given the high prevalence of migration for work. All governments are involved in some form of regional response, but specific protections for foreign workers are weak — only three countries (Bangladesh, India, and Malaysia) coordinate with other governments to facilitate repatriation of foreign victims, and in six countries (Bangladesh, Brunei Darussalam, Malaysia, Maldives, Pakistan, and Singapore) there is evidence that foreign victims are detained and/or deported for immigration violations. In Brunei, foreign women and children have been detained and deported for immigration violations following brothel raids — such actions perpetuate victims’ fears of cooperating with law enforcement.¹⁷² Bangladesh and India continue to work together on cross-border trafficking under a 2015 memorandum of understanding. However, NGOs or victims’ families often cover the costs of repatriation themselves.¹⁷³

All Asian Commonwealth countries are involved in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime — which brings together government and UN officials to develop regional strategies to combat human trafficking and forced labour. Collaboration through capacity-building workshops and the Government and Business Forum has produced commitments to strengthen policy frameworks and remains an important mechanism for ensuring a coordinated regional approach to tackle modern slavery.¹⁷⁴

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Colombo, Sri Lanka, August 30, 2010. Sri Lankan protestors hold placards as they stage a demonstration outside the Saudi Arabian Embassy to protest against a Saudi family who had allegedly abused a Sri Lankan maid driving some 24 steel nails inside her body. Most Sri Lankan women abroad are employed as housemaids in the Middle East, while smaller numbers are in Singapore and Hong Kong. Complaints of harassment are made regularly and the government has made it compulsory for migrant workers to register with local authorities to ensure they can be provided with consular services if they get into difficulties. Photo credit: Ishara S. Kodikarar/AFP via Getty Images.

ADDRESS RISK

All countries are making efforts to prevent exploitation through awareness campaigns. For example, in 2018, Singapore conducted campaigns to educate workers on their rights, raise public awareness of trafficking, and publicise efforts to punish employers for trafficking-related violations.¹⁷⁵ In Sri Lanka, the government partnered with the International Organisation for Migration to launch a campaign raising awareness of human trafficking¹⁷⁶ Despite this, violations persist, as the root causes and drivers of slavery are not being addressed. NGOs across the region have emphasised that awareness raising is not enough — prevention efforts must focus on vulnerability factors, such as poverty and lack of education.¹⁷⁷

These factors are exacerbated for marginalised groups in society— for example, the Rohingya population in Bangladesh are denied access to formal schooling, prevented from working legally, and restricted in their movements.¹⁷⁸ Laws which perpetuate the marginalisation of certain groups should be reformed — homosexuality is criminalised in all countries except India, and there is evidence that LGBTQI+ individuals are more vulnerable to trafficking as a result.¹⁷⁹

Weak social protections across the region are a major driver of exploitation — individuals without a safety net are more susceptible to exploitation.

Unemployment benefits are not available in most countries. Although some form of elderly and disability pension is available in all countries, eligibility is restricted and tends to exclude vulnerable workers most in need of protection — for example, in India, Malaysia, Pakistan, and Sri Lanka, self-employed workers are excluded.¹⁸⁰

Protection for labour rights, particularly those of informal and migrant workers, is poor across the region. Only four countries have laws that recruitment fees are to be paid by employers rather than employees (Bangladesh, Brunei Darussalam, Maldives, and Sri Lanka).

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There are a huge number of unscrupulous middlemen (dalal). This is also a major risk factor, which is not regularised by our law. Bangladesh has more than 1500 recruiting agencies, and not all of them are working ethically. They are motivated to victimise migrants who are uneducated, and take advantage of the lack of awareness in rural areas.

Jasiya Khatoon, WARBE Development Foundation, Bangladesh

The Maldives is the only country with labour laws that extend to all workers, including migrant and domestic workers. Despite this, the Maldives has failed to provide adequate support for the thousands of Indian, Bangladeshi and Sri Lankan migrant workers stranded there without work due to COVID-19.¹⁸¹ In Malaysia and Singapore, migrant workers are routinely denied the right to unionise — removing a key route to advocate for better treatment and seek help if needed.¹⁸² Only Brunei, India and Malaysia conduct labour inspections in the informal and formal sectors to address exploitative practices — however, this is not always an effective safeguard. In Malaysia, labour inspectors have limited capacity and inspections only cover a proportion of workplaces and workers. Further, most visits are announced in advance, meaning that it is less likely that inspectors will uncover instances of forced labour.¹⁸³ Recent reforms across Indian states to weaken labour laws and remove key protections for workers — such as maximum working hours and minimum wages negotiated through collective bargaining agreements — are particularly concerning. There are concerns from civil society that the COVID-19 crisis is being used as a pretext for pushing through regressive reforms to the Indian labour law framework.¹⁸⁴

Bonded labour, particularly in brick kilns and agriculture, remains prevalent in the region and is intrinsically linked with caste-based discrimination.¹⁸⁵ In India, government efforts to address bonded labour remain insufficient — in the majority of reported cases, officials did not follow the law, which requires the provision of release certificates and compensation to bonded laborers removed from exploitation, thereby preventing victims from accessing government services and in some cases leading to re-victimisation.¹⁸⁶ In Pakistan, the Bonded Labour Liberation Front emphasises that greater efforts must be made to rehabilitate the survivors of bonded labour in brick kilns in a way that allows them to recover and prevents them from returning to the kilns — particularly through mental health care, education, legal assistance and training in alternative skills.¹⁸⁷

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This happens because police don't try to find out the power holders - there is corruption. Corruption gets in the way because at all levels of implementation of every system there is corruption. No one is held accountable. Owners are not criminalized (sic) and settings are not shut down.

Survivor, India

Although national laws criminalise corruption in all countries, there were reports in five countries that official complicity was not investigated in practice (Bangladesh, Malaysia, Maldives, Pakistan, and Sri Lanka). For example, in Sri Lanka, the government did not initiate any new investigations into allegedly complicit officials.¹⁸⁸ Lack of action on corrupt officials creates a culture of impunity in which traffickers operate on the basis they are above the law, and undermines trust in the justice system.

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Male, Maldives, May 9, 2020. Migrant workers from Bangladesh gathering in their accommodation block after being put under quarantine to contain the spread of COVID-19. Impoverished migrant labourers are being economically excluded in the Maldives as the once-bustling tourist paradise battles to contain the deadly coronavirus in its densely populated city. Photo credit: Ahmed Shurau/AFP via Getty Images.



SUPPLY CHAINS

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Bangladesh has laws and regulations regarding child and forced labour, but there are gaps in implementation.

Mehjabin Ferdous,
WARBE Development Foundation, Bangladesh

Of all areas, the regulation of government and business supply chains is the one requiring the most improvement. No countries in the region have implemented laws or policies to combat forced labour in the supply chains. Large economies within and outside the Asia region drive demand for goods and services which put individuals at risk of forced labour — something which is likely to be exacerbated as countries seek to kick start economic growth after the COVID-19 crisis. In Bangladesh’s garment sector — where exploitation was already rife — workers have suffered the consequences of many large western brands not honouring orders, leading to unpaid wages.¹⁸⁹ Although progress has been made in improving the safety of workers in factories through initiatives such as the Bangladesh Accord, there are concerns that the expiry of the Accord will create gaps in protection for the most vulnerable. More emphasis must be placed on initiatives that directly tackle very low wages and excessive working hours.

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After Rana Plaza, there was a group of international trade unions who put pressure and international agencies were deployed, but they were mainly looking at factories, buildings, fire safety etc, not at the social protections and workers’ health and wellbeing, and at the work without pay that is happening.

Syed Saiful Haque, WARBE Development Foundation, Bangladesh

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Singapore, December 16, 2018. Migrant workers are seen at the Little India town. More than 296,700 migrant workers from Bangladesh, Myanmar, India and China work in the construction industry for an average daily salary of SG\$18 (approximately US\$13) to SG\$20 (approximately US\$15). According to the local NGO Transient Workers Count Too (TWC2), the most common issues these workers face are work injuries, salary non-payment and premature termination. Photo credit: Mohd Samsul Mohd Said/Getty Images.



Commonwealth countries in Asia must address the systemic inequality and discrimination which drive exploitation in this region, including caste-based discrimination. Discriminatory social, cultural, and legal norms contribute to women and girls being particularly impacted by child marriage and domestic servitude. Protections for migrant workers remain inadequate despite high levels of migration to, from, and within the region.

Some progress has been made as a result of efforts to combat modern slavery, though gaps remain. There is a lack of resources and training for relevant actors to effectively implement laws and policies relating to support for survivors, criminal justice, and addressing the root causes of exploitation. Measures to prevent forced labour and other forms of exploitation in supply chains is another key area for improvement, given that many countries in the region feature significantly in global supply chains.

CHRI and Walk Free call on Commonwealth governments in the Asia region to:

SUPPORT SURVIVORS:

- Provide adequate and timely funding for victim identification and comprehensive support services for all victims and survivors, including for migrant workers.
- Establish clear national guidelines on identifying and screening victims of modern slavery and provide regular, systematic training for police and first responders.

STRENGTHEN CRIMINAL JUSTICE:

- Criminalise forced marriage and raise the minimum age of marriage to 18 in all Asian Commonwealth countries.
- Ensure access to justice for victims in law and in practice, including by providing compensation and by ensuring victims are not punished for conduct resulting from their exploitation.

IMPROVE COORDINATION AND ACCOUNTABILITY:

- Establish fully funded national action plans and national bodies to coordinate action on modern slavery between government agencies and between government and civil society.
- Establish and implement bilateral and multilateral labour agreements with key receiving countries, including the Gulf States, to provide protection for migrant workers.

ADDRESS RISK FACTORS:

- Extend labour laws to cover all workers, including migrant workers and workers in informal sectors such as domestic work.
- Enforce labour protections by establishing and strengthening mechanisms, including systematic and regular labour inspections.
- Provide access for all individuals to basic social protections such as education, healthcare, and financial assistance – including for disability, unemployment, and for the elderly.

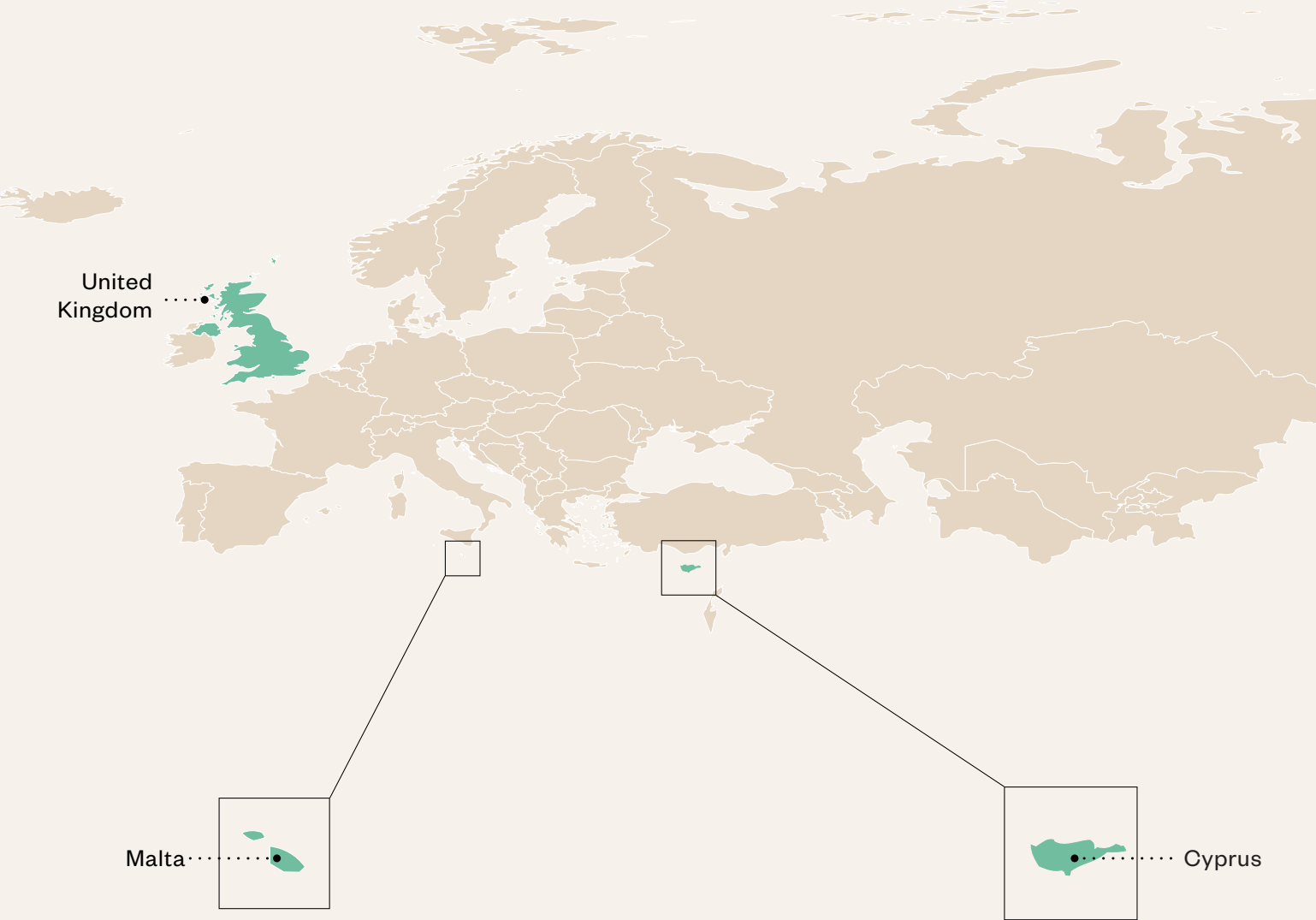
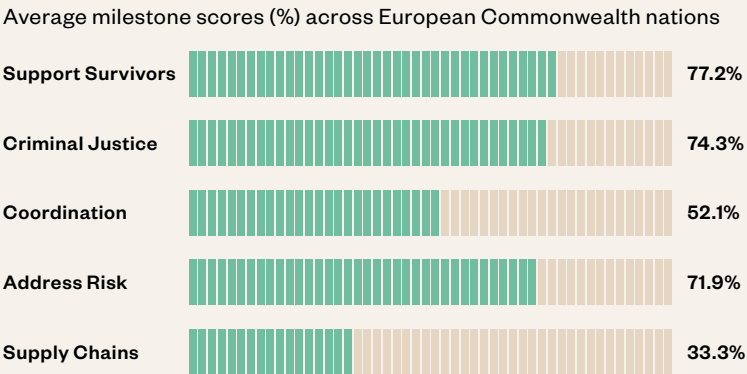
ERADICATE EXPLOITATION FROM SUPPLY CHAINS:

- Identify sectors at high risk of forced labour, and work with businesses and civil society in those sectors to develop initiatives to eradicate forced labour and other forms of exploitation.

EUROPE

Regional Analysis

Europe has the fewest member countries of all the Commonwealth regions, with only the UK, Cyprus, and Malta.



REGIONAL SPOTLIGHT

In 2018, Malta passed amendments to its forced marriage legislation, criminalising the exploitation of its citizens overseas

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(Next page) Nicosia, Cyprus, July 12, 2019. A partial view shows tents at Pournara camp for migrants and asylum seekers, 20 kilometres from Nicosia. Cyprus is just 100 kilometres (62 miles) from Lebanon and 80 kilometres from Turkey, leading traffickers to offer this risky crossing to Syrians. Since the start of 2019, the small country of 873,000 people has had the highest per capita rate of first-time asylum applications in the EU, according to the European statistics office Eurostat. Photo credit: Christina Assi / AFP via Getty Images.

The so-called “migrant crisis” has led to more restrictive immigration policies across Europe, including in the UK, Cyprus, and Malta, leaving migrants vulnerable to exploitation.



Migration is a key issue affecting all three Commonwealth countries in this region. Conflict and displacement in the Middle East and Sub-Saharan Africa, along with people seeking economic opportunities to escape poverty, have contributed to an increase in migration flows to Europe. This so-called “migrant crisis” has led to more restrictive immigration policies across Europe, including in the UK, Cyprus, and Malta, leaving migrants vulnerable to exploitation.¹⁹⁰ Malta, for example, has shut its ports to rescue vessels who have picked up migrant boats in distress in the Mediterranean Sea.¹⁹¹

There are concerns that the UK’s exit from the European Union (EU) could impact its anti-slavery efforts through a lack of access to EU-wide mechanisms such as Europol or Eurojust, and more people being made vulnerable by potential changes to their immigration status.¹⁹²

Compared to other regions, Europe generally has a comprehensive response to modern slavery, particularly with regards to transnational coordination and regulation of government procurement and business supply chains. More specifically, the European region is relatively strong in terms of research and evidence-based interventions. All three governments facilitate or fund research on modern slavery, though only the UK has developed its own estimate of modern slavery. It is encouraging that government interventions appear to be tailored to known risks, however further research is required to ensure that high-risk sectors or regions are identified and appropriately addressed through evidence-based policy making. The establishment of the Modern Slavery and Evidence Centre by the UK Government in 2019 is a promising initiative.¹⁹³

SUPPORT SURVIVORS

The European region generally performs well on the identification and support of victims and survivors of slavery, though there is significant room for improvement — many victims remain unidentified, and there are gaps in support services.

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Domestic slavery is more hidden, in the home environment, which makes identification a lot more difficult. ... Agencies say it is a cultural issue. Even where the case is brought to their attention, they say there is no domestic slavery or exploitation here, it is just a family issue. What may be seen as exploitation in other contexts is seen as a cultural practice here and not dealt with properly at all.

Debbie Ariyo, AFRUCA

Training is provided in all three countries for police and first responders who work in front line organisations, and all countries have clear national guidelines on identification of victims. However, this does not always translate into an increase in the identification of victims. For example, in the UK, NGOs have reported that although training does occur, high staff turnover or infrequent cases mean the training does not always translate into good practice on the ground.¹⁹⁴ The UK has systematic and regular national public campaigns on how to identify and report victims, and there has been an increase in cases of modern slavery reported by the public. Initiatives include a campaign by the Gangmasters and Labour Abuse Authority,¹⁹⁵ the government-funded “Spot the Signs” campaign, and NGO initiatives. Conversely, Cyprus does not appear to have any national campaigns and there is no evidence of an increase in the number of cases reported by the public. Although Malta has undertaken project specific awareness initiatives, such as distribution of leaflets targeting potential victims, there is no evidence of systematic awareness-raising campaigns.¹⁹⁶

All three countries encouragingly have reporting mechanisms which are free to access and available 24/7 for men, women, and children. However, only the UK has a national helpline, which caters for victims who speak languages other than English, through real-time translation services.¹⁹⁷ The availability of assistance in multiple languages is crucial to ensure that reporting mechanisms are accessible to individuals from migrant backgrounds who may not speak the local language and may be among the most vulnerable.

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There is still lack of enough support for victims to get the education and support they need to become part of society again and find employment — all this is very difficult.

Nelson Neocleus, Cyprus Stop Trafficking

There is evidence in all countries that victim support services are available, including physical and mental health services. Importantly, all Commonwealth countries in the region offer services to presumed victims until the authorities make a formal determination whether they are a victim. However, NGOs in Cyprus have reported that in practice some victims lack access to adequate accommodation and financial assistance while waiting for a decision to be made.¹⁹⁸ Training has been conducted in all countries for staff providing direct victim assistance services. NGOs in the UK have highlighted particular gaps in support for child trafficking victims in access to education and support within the local authority care system, putting them at risk of re-exploitation.¹⁹⁹ Survivors in the UK also described how the UK Government’s migration policy of creating a “hostile environment”²⁰⁰ for migrants, and the inability to work while going through the National Referral Mechanism (NRM) in particular, hampered their recovery and prevented them from being able to support their families.

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Give victims indefinite leave to remain so they can build up their lives.

Survivor, UK

While all three countries have an NRM, there is a lack of evidence of use in Malta, and concerns over its operation in practice in both the UK and Cyprus. In Cyprus, NGOs reported that the Social Welfare Services to whom referrals of potential trafficking victims were made sometimes did not respond in a timely manner, leading to delays in formal identification.²⁰¹ A recent joint civil society report noted a number of concerns with the NRM in the UK, including that despite an increase in referrals, the number of formal determinations that the individual referred is a victim remain fairly stagnant. The report states that: “The system is bureaucratic, lacks transparency and accountability, is often a matter of chance, and largely rests on decision-making by people who lack the legal training to accurately identify trafficking and modern slavery.” It also emphasised that not only do many victims remain unidentified, but there is limited information on what happens to those who have been through the NRM, with fears that many are exploited again.²⁰²

CRIMINAL JUSTICE

There is generally a strong legal framework in each of the Commonwealth countries in the region — Malta’s ratification in 2019 of the 2014 Forced Labour Protocol means that all three countries have ratified the majority of the relevant international conventions and have domestic legislation criminalising human trafficking, child pornography and forced marriage. None, however, have ratified the 2011 ILO Domestic Workers Convention (No. 189) — this lack of commitment to protections for domestic workers exacerbates the vulnerability of this group, who are often among the most hidden members of society and at high risk of exploitation.

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Training- especially police need more training on the signs of victims, many don’t know what the signs are and therefore they take the word of the trafficker over the victim.

Survivor, UK

Compared with other regions, Europe performs relatively well in terms of access to justice for victims. In all three countries, specialised law enforcement units exist; national laws allow victims to participate in the legal system regardless of their role as a witness; and training has been provided to the judiciary and prosecutors — with evidence in the UK²⁰³ and Cyprus²⁰⁴ that this was offered on a regular or systematic basis. Yet the findings

also show that although all countries have laws that recognise victims should not be treated as criminals for conduct that occurred while they were under the control of criminals, in the UK there is evidence that foreign victims are still detained and deported for offences committed in such circumstances — this includes cannabis production, prostitution-related offences, fraud, and begging.²⁰⁵ Further, only in Cyprus are visas to stay in the country not dependent on victim participation in the court process. Without these visas in the UK and Malta, victims can be pressured to testify when they may not wish to due to ongoing trauma or fears over safety. Without a visa to remain in the country, they are also at risk of being deported to their country of origin in which they may be at risk of re-exploitation.

There is also evidence that victims are not accessing legal aid in practice, even though free legal services for victims are available in the UK and Cyprus. In the UK, a recent Joint Civil Society report noted that very few survivors were accessing legal aid for advice on obtaining compensation — less than one per cent of those referred to the NRM between 2014 and 2017. The report further notes that where survivors do obtain compensation, the government recovers the cost of legal aid from their award, which in some cases almost entirely extinguishes their compensation.²⁰⁶

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There is a culture of disbelief which is hampering the ability of many victims to access justice. For whatever reasons, there are so many factors. Some judges are not very knowledgeable about these circumstances. It could even be because the young person is not able to divulge all the information, as they are afraid that whoever trafficked them might harm them or their families. ... Their stories are not deemed to be credible because there are gaps, which could be down to trauma. They are often told they are changing their stories — this can also be due to trauma they are gradually trying to open up and tell their stories in little bits.

Debbie Ariyo, AFRUCA



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Grays, UK, October 23, 2019. British Police officers in forensic suits work near a lorry, believed to have originated from Bulgaria, and found to be containing 39 dead bodies. All the victims were pronounced dead at the scene in an industrial park in Grays, east of London, raising questions about the role of organised criminal networks in human smuggling. Many of those smuggled into the UK may be at risk of modern slavery. Photo credit: Ben Stansall /AFP via Getty Images.

COORDINATION

Coordination among national government agencies and NGOs, as well as bilateral and multilateral international coordination, are crucial for an effective government response. Survivors report that a lack of coordination means they often have to repeatedly re-tell their stories to officials from different agencies, leading to re-traumatisation.²⁰⁷

National coordination mechanisms must be improved in all three countries. While the UK and Malta both have National Action Plans (NAPs), only Malta has evidence of a national coordinating body and sufficient funding for implementation of its NAP. However, NGOs in Malta continue to report a lack of effective interagency coordination on trafficking issues.²⁰⁸ In Cyprus, a national coordinating body exists on paper — however, the OSCE Co-ordinator for Combating Trafficking in Human Beings noted on a visit in September 2018 that the body had reportedly only met once in the two years prior to the visit, despite the fact that its mandate requires it to meet three times a year.²⁰⁹ Only the UK Government routinely releases reports on its actions to combat modern slavery and has independent entities in place — the Inter-Departmental Ministerial Group and an Independent Anti-Slavery Commissioner — to monitor the implementation and effectiveness of its National Action Plan.



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Give people the choice whether to remain or go back to their country or elsewhere, there needs to be some sort of global standard of aftercare to avoid re-trafficking — need to have policy, support, etc and that this is funded and organised before they go back(sic). Only go back if they choose. This should help prevent re-trafficking.

Survivor, UK

Cross-border collaboration is strong in Europe generally. All three Commonwealth countries have ratified the Council of Europe Convention on Trafficking in Human Beings, and all have concluded a number of bilateral agreements with other countries covering trafficking. For example, Malta has agreements with, among others, Greece, Georgia, and Slovakia. The UK has strong cooperation with Nigeria since signing a memorandum of understanding on human trafficking in 2004. However, UK NGOs report although cooperation has improved between the two countries, the focus is primarily on sex trafficking and that other key forms of exploitation for which Nigerian victims are trafficked to the UK, are still not being addressed, such as domestic servitude.²¹⁰

The detention and deportation of foreign victims for immigration violations is a key problem in all three countries. In the UK, victims of trafficking are sometimes held in immigration detention centres pending deportation.²¹¹ Further, there is evidence that authorities typically deport foreign victims once the period of support under the NRM ends. As a result, some foreign victims are reluctant to seek assistance or they opt to seek asylum instead of entry into the NRM.²¹² It is essential that foreign victims are appropriately supported as victims, regardless of the means by which they entered the country.

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Brithdir, Wales, UK, November 7, 2019. Police search team enter the rear of a property in South Wales, close to Ashville nursing home where police are conducting an investigation into suspected victims of modern slavery among the staff. Photo credit: Ben Birchall/PA Wire via Getty Images.

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(Next page) Haiphong, Vietnam, August 7, 2019. This photograph shows Cuong Nguyen, who was convicted on drugs charges and subsequently deported from Britain, smoking a cigarette. Holed up alone in a suburban British house thousands of miles from home, Cuong Nguyen was one of thousands of Vietnamese migrants working in the UK's multi-billion dollar cannabis industry. The industry includes Vietnamese children who trafficked into the industry. Photo credit: Manan Vatsyayana / AFP via Getty Images.

ADDRESS RISK

Insufficient efforts to address the root causes of vulnerability continue to hamper efforts to achieve SDG Target 8.7 in Europe. The protection of migrant populations remains a significant gap in the region, including in the UK, Malta and Cyprus. The tightening of immigration policies, reduction in the protections for migrants across the region,²¹³ and restrictions on search and rescue operations in the Mediterranean Sea²¹⁴ create obstacles to addressing key risk factors for exploitation.

All three countries have strong legal and policy frameworks that protect against labour exploitation. For example, all have mechanisms to conduct labour inspections and act to address exploitative practice, the right to freedom of association is enshrined in domestic law, and migrant workers are entitled to unionise. Despite this, there is evidence of continued exploitation in practice, particularly with regards to migrant workers. There are reportedly 5,000 irregular migrants from African countries residing in Malta who are vulnerable to trafficking within the country's informal labour market.²¹⁵ It is vital to ensure that labour inspectors are looking out for poor working conditions and signs of exploitation, and not merely seeking to identify immigration violations.²¹⁶

••
Social attitudes are sometimes a factor. People are occasionally too complacent on the treatment of foreign workers, including agricultural workers and domestic assistants.

Nelson Neocleus, Cyprus Stop Trafficking

Further, laws or policies that prevent or make it difficult for workers to leave abusive employers without risk of loss of visa and deportation and/or forfeit of security deposits must be addressed. In Cyprus, residence permits are linked to a specific employer and employers are required to provide “a release paper” without which the domestic worker cannot exit the employment.²¹⁷ In the UK, despite reforms to the domestic workers' visa system which allow them to switch employers within the original six month period of their visa, the fact that they cannot renew their visa with the new employer and thus cannot continue to legally work in the UK beyond the six month period, prevents many workers from actually leaving abusive employers.²¹⁸

There is a strong legal framework against corruption in all three countries, which is crucial to ensure that any complicity of public officials in slavery or trafficking can be appropriately penalised. In Cyprus, the Anti-Trafficking Law specifically criminalises “abuse of power”, including by public officials. Police officers complicit in trafficking were arrested as part of anti-trafficking operations in 2018.²¹⁹



All countries have a strong social protection framework in place, which address vulnerability created by socio-economic factors. However, the exclusion of migrant workers from many social protection schemes means that this group remains particularly vulnerable to exploitation. For example, social assistance schemes providing elderly and disability support in Malta are only available to Maltese and EU citizens.²²⁰

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Community cultural sensitisation programs especially with issues that are believed to be cultural, such as forced marriage. Letting people actually understand that it isn't right- just because something has been ongoing for 1,000 years doesn't make it right. People who have experienced forced marriage would find it difficult to recognise they are slaves because they know it's happened a long time in their own cultures. Targeting of minority groups across the world- it's explained away as their culture or if they get paid poorly and it's justified by saying in China it would be a lot. If you wouldn't accept it yourself, why should they?

Survivor, UK

SUPPLY CHAINS

Europe generally has the strongest regional response on the issue of forced labour in supply chains, though there is significant room for improvement.

All three countries have public procurement policies and systems to minimise the risk of governments purchasing products tainted by forced labour. This includes the transposition into domestic law of EU Directive 2014/24/EU, which encourages European governments to take social considerations into account in their public procurement processes.²²¹ It requires that public authorities exclude a business from the procurement or award procedure if the business was convicted by final judgment for child labour or human trafficking, and recommends integrating social considerations as part of the contract performance conditions — including asking businesses to comply with the ILO core conventions, such as the 1930 Convention on Forced Labour (No. 29) and the 1999 Convention on the Worst Forms of Child Labour (No. 182).²²² However, there was no evidence found in any of the countries of remedies where forced labour had been discovered in government supply chains.



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Knightsbridge, London, UK, December 9, 2016. A protestor at the anti-slavery march raises their fist in solidarity. Hundreds of protesters descended on the Libyan embassy in London demanding more is done to stop the sale of slaves in Africa. Demonstrators gathered outside the embassy in Knightsbridge at about midday calling for an end to the crime against humanity. Photo credit: Ryan Ashcroft/SOPA Images/LightRocket via Getty Images.

All three countries have laws or policies that require businesses to report on their actions to implement risk minimisation policies. This includes the transposition into domestic law of EU Directive 2014/95/EU on disclosure of non-financial and diversity information, which requires large businesses to include in their management reports a non-financial statement relating to social, environmental, and human rights matters.²²³ While modern slavery is not expressly mentioned, it is captured under the category of human rights.²²⁴ The European Commission is currently undertaking a review of the Directive to ensure companies improve disclosure on sustainability issues and provide more data on their impact on society and the environment.²²⁵ The UK’s Modern Slavery Act 2015 requires large businesses to publish an annual statement that outlines what they do to ensure there is no form of slavery within their own organisation and, importantly, within their supply chains — however there has not been any enforcement for non-compliance. A review of this legislation recommended that the government extend this obligation to the public sector and establish an internal list of companies which should be reporting under the legislation and a central government-run repository where companies could upload their statements.²²⁶ The UK Government has committed to develop a public registry and in March 2020 released a statement on public procurement action to combat modern slavery, but is yet to release a list of companies which should be reporting.²²⁷ Even if reporting requirements were strengthened, significant gaps remain in the regulation of this area. No country has adopted requirements for: mandatory due diligence with regards to human rights or modern slavery risks in supply chains; a public list of businesses that tolerate modern slavery in supply chains; responsible investment reporting; or laws preventing the import of goods and services produced with forced labour.

The EU has recently announced plans to develop a legislative proposal for mandatory due diligence on human rights and environmental impacts in supply chains.²²⁸ Such action is very promising and would significantly strengthen the legal framework in this area — though with the UK leaving the EU, the obligation would not apply to the UK unless it voluntarily chose to introduce similar measures itself.

Commonwealth countries in Europe perform relatively well in terms of transnational coordination and research to enable evidence-based interventions, which reflects the fact that all three Commonwealth countries in the region are higher income countries. There remains, however, significant room for improvement. The combination of increased migration flows to Europe and restrictive immigration policies render migrants particularly vulnerable to exploitation, and there are substantial gaps in support for migrant victims.

Countries have established national mechanisms which have the potential to increase identification of and support for victims, though implementation often falls short in practice. While Europe has taken some steps to address modern slavery risks in supply chains, more robust enforcement of this legislation is required.

CHRI and Walk Free call on Commonwealth governments in the Europe region to:

SUPPORT SURVIVORS:

- Improve support for victims by ensuring national referral mechanisms are effectively implemented to strengthen coordination between government agencies, and between government and civil society.
- Ensure that mechanisms to report modern slavery, including helpline services, are available in multiple languages.

STRENGTHEN CRIMINAL JUSTICE:

- Provide visas for modern slavery victims on humanitarian or other grounds that do not require participation in criminal investigations or prosecutions.
- Ensure access to justice for victims in law and in practice, including by providing compensation and by ensuring victims are not punished for conduct resulting from their exploitation.

IMPROVE COORDINATION AND ACCOUNTABILITY:

- Establish a national coordinating body which is adequately resourced and operational, with an independent entity to monitor progress and ensure public accountability.
- Screen potential foreign victims of modern slavery for evidence of exploitation, rather than detain victims on the grounds of immigration violations and deport them without providing access to victim assistance.

ADDRESS RISK FACTORS:

- Protect the rights of migrants and refugees, regardless of whether their entry was legal, by reviewing restrictive immigration policies and implementing legislation to ensure asylum seekers are able to seek access to basic support and protection.
- Ensure laws, policies and practices do not prevent or make it difficult for workers to leave abusive employers without risk of loss of visa and deportation.

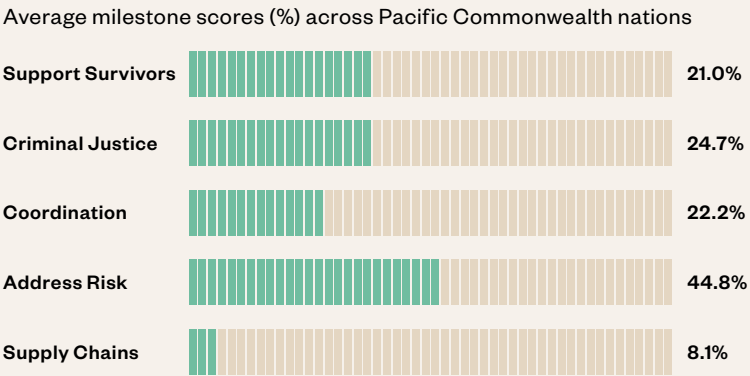
ERADICATE EXPLOITATION FROM SUPPLY CHAINS:

- Implement legislation requiring business and the public sector to conduct mandatory human rights due diligence in supply chains.
- Identify sectors at high risk of forced labour, and work with businesses in those sectors and civil society to eradicate exploitative practices.

PACIFIC

Regional Analysis

The Pacific region is home to 11 Commonwealth countries assessed in this report, including Australia, Fiji, Kiribati, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.



REGIONAL SPOTLIGHT

In 2018, Australia passed the Modern Slavery Act that requires companies to report on their actions to combat modern slavery.



Modern slavery in the Pacific is reported in sectors with a high proportion of migrant labour, including hospitality and tourism, construction, fishing, logging, domestic work, and horticulture.

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Tarawa, Kiribati, September 28, 2015. A fisherman putting out his nets in North Tarawa. Fish is a mainstay of the Kiribati diet, however fish populations have decreased in the Pacific in recent years and it is becoming increasingly difficult to make a living by fishing. The people of Kiribati are also under pressure to relocate due to rising sea levels. Photo credit: Jonas Gratzner/ LightRocket via Getty Images.

Various forms of modern slavery are documented across the Pacific Commonwealth region, including forced labour, human trafficking, child and forced marriage, and commercial sexual exploitation of children (CSEC).²²⁹ Poverty and gender inequality drive modern slavery across the Pacific Islands Countries (PICs), and abuse of cultural practices such as informal adoption and payment of bride price render women and children especially vulnerable. CSEC is particularly pervasive and is found in all Commonwealth countries in the region (except Nauru)²³⁰ and in geographically remote sectors such as logging, mining, and fishing.²³¹ Cultural taboos, stigmatisation, and family complicity makes commercial sexual exploitation extremely difficult for victims to report.²³²

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When we are talking about exploitation and human trafficking, it is happening a lot with schoolgirls, and this really needs to be addressed, to protect the girls’ dignity.

Anne Pakoa, Vanuatu Human Rights Coalition

Modern slavery in the Pacific is reported in sectors with a high proportion of migrant labour, including hospitality and tourism, construction, fishing, logging, domestic work, and horticulture. Forced labour and domestic servitude is reported among Pacific Islands migrant workers in Australia and New Zealand.²³³ Meanwhile, an influx of foreign investment projects has led to increased risk of forced labour and sexual exploitation among Asian migrant workers in the PICs.²³⁴ Labour migration is a well-recognised risk factor for exploitation across the region, compounded by widespread poverty and displacement. Responses to modern slavery in the Pacific region varies, with some countries (Australia, Fiji, and New Zealand) taking relatively strong action to tackle this issue, and others hampered by limited capacity and competing priorities. The PICs are considered Small Island Developing States, characterised by small yet growing populations, limited resources, and a dependence on international aid to mobilise health and social justice reform.²³⁵ Further, one in every four Pacific Islanders live below their national poverty line.²³⁶ These shared development challenges are exacerbated by geographic remoteness and susceptibility to natural disasters, and environmental degradation due to climate change. Displacement driven by natural disasters creates vulnerability to exploitation and disproportionately affects those already living in poverty. In 2018 alone, an estimated 32,123 Pacific Islanders were newly displaced as a result of natural disasters,²³⁷ while in April 2020, Cyclone Harold ripped through Fiji, Solomon Islands, Tonga, and Vanuatu destroying schools, medical sites, houses, roads and crops.²³⁸

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Tuvalu, Funafuti, August 31, 2006. School children reading books in Funafuti, Tuvalu. Respondents in Walk Free’s Murky Waters report indicated that, as a result of poverty and distance from schools, biological parents may feel forced to informally adopt children out to extended family members in order to give children better education outcomes. Photo credit: Stephanie Rabemiafara via Getty Images.

Robust data and research are needed to paint an accurate picture of the forms of exploitation, risk factors and profile of victims to inform effective government policy in the region. However, limited and irregular data collection on human trafficking in the PICs in particular poses a barrier to improving local understanding of the issue.²³⁹ Since June 2013, only Australia, New Zealand and Solomon Islands have conducted research on modern slavery, and only Australia has funded its own national prevalence estimate. While some official data on human trafficking in the PICs are collected — for example, the Pacific Immigration Development Community produces an annual report containing data on human trafficking in the region — it is not made publicly available.²⁴⁰ Likewise, the Australian Interdepartmental Committee on Human Trafficking and Slavery has not released its annual report outlining the Australian Government’s response to modern slavery since 2016.²⁴¹ Facilitating research on all forms of modern slavery will significantly aid efforts to identify and address critical risk factors across the region.



SUPPORT SURVIVORS

The provision of mechanisms to identify and support victims varies across the Pacific region.

Only Australia, Fiji, and New Zealand have run a national campaign on how to identify and report possible victims of modern slavery in recent years. Australia is the only country to run these campaigns regularly and has witnessed an increase in public reporting as a result. Forced marriage and labour exploitation referrals to the Australian Federal Police (AFP) increased each year between 2013/2014 and 2016/2017, largely due to the AFP’s human trafficking campaign and its hotline.²⁴² A 24/7 hotline that is free to access for men, women and children exists in Papua New Guinea, and in multiple languages in Australia, Fiji, and New Zealand.²⁴³ In Kiribati, a police-supported hotline is available just for children.

Clear national guidelines and training are important to identify victims and refer them to appropriate services. Only two countries, Australia and the Solomon Islands, have national guidelines for all first responders to identify and screen victims, and no countries in the region have a National Referral Mechanism to refer victims to services. Seven countries provide training for police (Australia, Fiji, New Zealand, Papua New Guinea, Solomon Islands, Tonga and Tuvalu); five countries provide training to other officials, such as immigration officers (Australia, New Zealand, Fiji, Tuvalu, and Solomon Islands); and five countries provide training for frontline workers, such as social workers, doctors, and nurses (Australia, New Zealand, Papua New Guinea, Tuvalu, and Vanuatu). Only Australia, New Zealand, and Tuvalu provide training to all three groups, and training is only delivered regularly in Australia and New Zealand. Systematic and regular training is vital to effective identification of victims — without this, training can become out of date and staff turnover can negatively impact first responders’ ability to identify victims. Despite the provision of police training in Fiji, Papua New Guinea and Tonga, there is concerning evidence that police officers have not identified victims of modern slavery, questioning the effectiveness of this training.

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Commercial sexual exploitation of children (CSEC) in the Pacific is an issue rarely discussed in mainstream spaces, however growing evidence and anecdotal stories reveal its prevalence in the region

Roshika Deo, Gender Equality & Social Development Specialist Consultant²⁴⁴

Victim-centred support services are essential to help victims to exit and remain out of modern slavery. Of the 11 Pacific countries assessed in this report, six countries have support services available for some victims of modern slavery (Australia, Fiji, New Zealand, Solomon Islands, Tonga, and Vanuatu). There are gaps in the provision of services for vulnerable groups in Solomon Islands and Tonga, which do not provide services for labour trafficking victims and male victims over the age of 15 respectively.²⁴⁵ Furthermore, no victims reportedly accessed services in Tonga.²⁴⁶ Child-friendly services are critical to support victims to exist and remain out of modern slavery, yet only two countries (Australia and Fiji) have specialised services for child victims. Despite resourcing gaps, Australia is the only country to deliver training for staff providing direct assistance services since 2013, such as shelter workers and social service case managers.

CRIMINAL JUSTICE

While governments have strengthened legislation, considerable gaps remain across the region around implementation and enforcement of modern slavery laws.

Given the prevalence of the exploitation of children in the region, it is encouraging that Tuvalu ratified the 1999 Worst Forms of Child Labour Convention (No. 182) in 2019.²⁴⁷ However, this is the only international convention related to ending any form of modern slavery that has been ratified by the country. Tonga has not ratified any international conventions related to modern slavery, and no counties in the region have ratified the 2011 ILO Domestic Workers Convention (No. 189), or the 2014 Forced Labour Protocol. Concerningly, less than half of the Commonwealth countries in the region have ratified the 2000 Optional Protocol on the sale of children, including Australia, Kiribati, New Zealand, Samoa, and Vanuatu.

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The patriarchal and harmful gender norms prevent a survivor-centered intervention and a rights-based approach in prosecuting and preventing commercial sexual exploitation of children.

Roshika Deo, Gender Equality & Social Development Specialist Consultant²⁴⁸

An effective criminal justice response requires robust domestic legislation — however, only Australia has criminalised all forms of modern slavery. Fiji, Kiribati, Samoa, Tonga, Tuvalu, and Vanuatu have not criminalised human trafficking in line with international standards, while legislation in Tuvalu and Fiji does not recognise that human trafficking may occur within state borders.²⁴⁹ Only six countries have criminalised forced labour (Australia, Fiji, Tuvalu, Solomon Islands, Kiribati, and Vanuatu), and only four countries (Australia, Kiribati, New Zealand, and Vanuatu) have criminalised forced marriage. In Tonga and Samoa, child marriage occurs under customary law, which is constitutionally protected.²⁵⁰ Encouragingly, all countries in the region, except Nauru, Tonga, and Tuvalu, have criminalised child prostitution in their national legislation, and seven countries have criminalised child pornography (Tuvalu, Kiribati, Vanuatu, and Nauru have not). However, challenges associated with identifying and reporting CSEC pose barriers to enforcement.

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One big gap is to formalise domestic human trafficking in the Pacific context — this type of human trafficking has to be made known to all.

Anne Pakoa, Vanuatu Human Rights Coalition

Four countries (Australia, Fiji, New Zealand, Vanuatu) provide free legal services for victims and implement witness and victim protection mechanisms to prevent the intimidation of victims. In Nauru, Tonga, and Vanuatu, free legal services are available, but not for all groups of victims. For example, asylum seekers and refugees sent from Australia to Nauru do not have access to free legal services beyond the determination of their status as a refugee.²⁵¹ Australia shares responsibility for the provision of legal services to asylum seekers under a Memorandum of Understanding (MoU) signed by both countries.²⁵² In Tonga, while free legal assistance for women and children victims of family and sexual violence has been available since the establishment of a dedicated legal centre under the Ministry of Justice in 2018, not all victims of modern slavery are eligible for support.²⁵³ Without access to legal aid and adequate protection, victims are inhibited from accessing justice through fair participation in the judicial process.

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Survivors do not have the support to walk them through from the exit point to going through the court system. ... We need appropriate support in their own languages, so they fully comprehend what is happening to them. They are going through their own issues dealing with the trauma itself, and then on top of this dealing with the different issues to get through the system and get support. ...if the process can be tightened and streamlined so that they only have to speak to one person who thereafter becomes their advocate and champion, that would make a big difference.

Pefi Kingi, Pacific WIN

Across the Pacific, limited enforcement of legislation undermines the criminal justice response to modern slavery. In Australia, New Zealand and Papua New Guinea, judicial punishments are not proportionate to the severity of the crime. For example, authorities in Australia tend to pursue labour violations rather than trafficking charges, meaning trafficking offenders usually only receive fines and other civil penalties. Such penalties are too lenient to deter offenders.²⁵⁴ Alarmingly, victims in Papua New Guinea, Solomon Islands, and Vanuatu have been treated as criminals for conduct that occurred while under the control of their exploiters, despite laws in each of these countries that recognise victims should not be criminalised. New Zealand is the only country to provide visas for victims which are not tied to participation in the court process.²⁵⁵

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Justice is that rainbow that is almost unattainable at times. One thing to address is the expectations of survivors themselves — so that they are realistic about the world they have come into.

Pefi Kingi, Pacific WIN



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Sydney, Australia, June 13, 2014. Case worker and former child bride Eman Sharobeem, outside a girls college in Sydney where she spoke to students about domestic violence, slavery and trafficking in Australia. Getting a sense of how many marriage visas are used to bring women to Australia for exploitation is difficult, with social workers saying victims are often deliberately isolated and threatened if they seek help. Photo credit: Peter Parks/AFP via Getty Images.

COORDINATION

The level of regional coordination to tackle modern slavery in the Pacific is encouraging, with all governments actively engaged in one or more regional response mechanisms.

All countries in the region, except for Tuvalu, are members of the Bali Process and its Government and Business Forum.²⁵⁶ All countries also participate in the Pacific Islands Forum, comprising 18 members working to improve cooperation, coordination, and collaboration to achieve sustainable development in the region.²⁵⁷ At the 49th Pacific Islands Forum in 2018, leaders welcomed Australia’s decision to work with regional security agencies to strengthen the response to transnational crimes, including human trafficking, through the establishment of a Pacific Fusion Centre.²⁵⁸



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Sydney, Australia, November 08, 2019. Transport workers protest at Sydney Airport. Baggage handlers, drivers, airline caterers, cleaners, cabin crew, security staff, refuellers, customer service and check-in staff are calling on airports and airlines to address the low wages, lack of full-time secure jobs and safety issues that workers face. They are also calling on more efforts to be made to tackle workplace sexual harassment after a Qantas review this week found one in four cabin crew and female pilots experience sexual harassment but only three percent report it. Photo credit: Mark Metcalfe via Getty Images.

Forced labour, debt bondage, and exploitation have been widely reported aboard fishing vessels in Pacific waters, often in association with illegal, unreported, and unregulated fishing.²⁵⁹ In 2019, all 11 member states of the Pacific Islands Forum Fisheries Agency introduced new minimum terms regarding crew employment conditions, based largely on the ILO 188 Work in Fishing Convention, to be met by foreign fishing vessels licenced to fish in member states’ waters.²⁶⁰ Additionally, the PICs tackle modern slavery through the African, Caribbean, and Pacific Group of States, which in 2017, brought together 70 delegates and experts to expedite action to counter human trafficking and migrant smuggling.²⁶¹

Commendably, New Zealand and Australia cooperate with victims’ home countries to facilitate repatriation, and to support travel arrangements for return of citizens. However, there is concerning evidence that in Australia, as well as Fiji and Vanuatu, foreign victims have been detained or deported for immigration violations, such as not having the correct visa.²⁶² In Fiji for example, 77 Chinese nationals were deported, many of whom appeared to be teenage girls, who were possibly trafficked for forced sexual exploitation.²⁶³

Agreements between source and destination countries can play a pivotal role in protecting migrant workers from exploitation. However, only two countries (Australia and Solomon Islands) have established agreements to collaborate on these issues. For example, the Royal Solomon Islands Police Force and the Australian Federal Police have signed an MoU to work together to tackle transnational crimes, including human trafficking.²⁶⁴

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Immigration is an issue — most times, most often, those people who are caught at the borders are treated as immigration criminals rather than human trafficking victims. That is such a pity — it is an indicator of the fact that specialised training is required at the borders.

Pefi Kingi, Pacific WIN

Beyond regional cooperation, domestic coordination falls short. Five countries (Australia, New Zealand, Papua New Guinea, Solomon Islands, and Tuvalu) have a National Action Plan (NAP) in place to combat modern slavery, yet activities in the NAP are insufficiently funded across the board. Coordination between different agencies and departments is crucial to an effective national response.

ADDRESS RISK

Addressing risk factors and drivers of modern slavery is critical to achieving SDG Target 8.7, yet several gaps remain across the region.

Since June 2013, only five countries (Australia, Fiji, Kiribati, New Zealand, and Papua New Guinea) have disseminated awareness campaigns that target specific high-risk areas. For example, the Australian Government has released campaigns targeting forced marriage, and forced labour among migrant workers,²⁶⁵ campaigns in Fiji and Kiribati have aimed to educate workers departing overseas on the risks of labour exploitation,²⁶⁶ and Kiribati has used radio broadcasts to raise awareness of CSEC.²⁶⁷

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There is a lack of exposure to learning materials on what human trafficking and exploitation are — so people don’t know that these activities are not ok (sic) and they become the norm. Traditional customs or traditions play a role — there is hard labour with no pay happening in a lot of families and communities... We need a contextualised definition of what human trafficking and slavery is in Vanuatu.

Anne Pakoa, Vanuatu Human Rights Coalition

Migrant workers are at heightened risk of exploitation across the Pacific, yet targeted efforts to protect this vulnerable group are lacking. Labour laws in only four countries (Fiji, Kiribati, New Zealand, and Tonga) extend to all workers, including migrant workers, domestic workers, and those in the fishing and construction sectors. In other countries, laws may intensify risks for migrant workers trapped in exploitation. For example, Papua New Guinea’s Foreign Seafarer’s Act discourages crew members from leaving exploitative work environments by allowing officials to apprehend non-citizen crew members and return them to their ship if they fail to re-join it themselves.²⁶⁸ Migrant worker abuse is also present in Papua New Guinea’s logging and mining sectors, and is enabled by official corruption and lack of government oversight.²⁶⁹ More monitoring and enforcement is needed in these remote sectors to protect vulnerable workers.

All countries except New Zealand lack protections for asylum seekers, and Australia continues to defy international conventions through Operation Sovereign Borders, under which the Government turns back boats, and keeps asylum seekers who do arrive by boat in indefinite detention.²⁷⁰

There is a need for governments to address patriarchal beliefs that reinforce male dominance, devalue women, and lie at the root of gender-based violence in the PICs. The PICs experience some of the highest rates of violence against women globally,²⁷¹ which creates vulnerability to exploitation among women and children. For example, in the Solomon Islands, social norms make it difficult for young women to refuse male relatives who facilitate transactional sexual relations or informal marriage with logging workers.²⁷² Once logging operations conclude, these women and girls can be left without social support or a source of income, exacerbating economic insecurity and driving their vulnerability to exploitation. Some reports note that girls have moved to urban centres and engaged in commercial sex because of ostracisation from their communities.²⁷³

The Solomon Islands Government has taken steps to address risk factors in the logging sector by facilitating research to develop and implement evidence-based policies.²⁷⁴ A 2019 report launched by the Ministry of Women, Youth, Children and Family Affairs, and commissioned by the International Organisation for Migration (IOM), explores how mobility dynamics related to the logging sector expose women and girls to heightened risk of human trafficking, sexual exploitation, and forced marriage.²⁷⁵

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You are not able to have a voice as you don’t have the education or tools to protect yourself. Little education means greater risk.

Pefi Kingi, Pacific WIN

Despite widespread discrimination of women, PICs have limited social protection and safety nets. All PICs lack birth registration systems and fail to provide universal healthcare, and the majority fail to provide accessible public primary education to all children.²⁷⁶ Gender discrimination also occurs in the legal system. In Vanuatu, for example, the courts adopt decisions based on customary laws, which are frequently discriminatory towards women.²⁷⁷ In light of these issues, Australia funds development programs across the Pacific to tackle women’s empowerment.²⁷⁸

Encouragingly, given the role of climate change as a driver of increased vulnerability to exploitation, almost all countries (except Solomon Islands) address environmental degradation and climate change.²⁷⁹ While the Australian Government continues to declare it is meeting internationally agreed upon carbon emission reduction targets, an independent report by the Sustainable Development Solutions Network rates Australia poorly on its action on climate, as judged against Sustainable Development Goal 13 indicators.²⁸⁰

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A woman or girl who has been displaced because of a disaster — she is very vulnerable. 15,000 people were evacuated from one of our northern islands to seek shelter — we followed a lot of evacuees and a lot of the women and girls shared stories of sexual, domestic and physical violence. The impact of climate change and natural disasters is huge. They have no ability to grow food — displacement creates vulnerability. Vulnerability means they surrender to any form of exploitation.

Anne Pakoa, Vanuatu Human Rights Coalition

SUPPLY CHAINS

Eliminating forced labour throughout the Pacific region will require legislation to motivate government and business to stop sourcing goods and services made using forced labour. While anti-money laundering legislation exists in almost all countries in the region (except Solomon Islands and Vanuatu), Australia is the only country to tackle modern slavery in supply chains. Australia continues to regulate its financial sector as founding partner of the Liechtenstein Initiative, and through the 2018 Modern Slavery Act, requires businesses with a combined revenue of AU\$100 million (US\$69 million) per annum to report on their actions to mitigate the risk of modern slavery in their direct operations and supply chains.²⁸¹ This legislation also covers many large New Zealand businesses who carry out business in Australia. This is commendable; however, Australia should strengthen this legislation to ensure businesses are held to account for non-compliance, and include an Independent Commissioner to monitor the Government’s response. Further, although reporting requirements are a good starting point, the next step must be to enact legislation requiring mandatory due diligence on risks of forced labour and other exploitation in supply chains.

Beyond Australia, efforts to minimise forced labour in supply chains are limited. No country in the region (including Australia) has enacted laws to prevent the import of products made using forced labour. Without adequate legislation in place, forced labour in supply chains will persist.

Poverty and natural disasters increase the vulnerability of people in Pacific small island states to exploitation. Commercial sexual exploitation of children is prevalent, and gender inequality continues to drive the exploitation of women, girls, and LGBTQI+ individuals. There is a lack of protection for migrant workers, who are particularly vulnerable to exploitation in remote and high-risk sectors such as fishing and logging. Although some countries in the region have made progress in strengthening legislative frameworks on modern slavery, there are still significant gaps.

Beyond the Pacific Islands, Australia has recently enacted mandatory reporting requirements for business and government agencies, while New Zealand criminalised forced marriage in 2018. However, even where legislation exists across the region, there are inadequate resources to enable its effective enforcement and implementation. The significant lack of data on modern slavery within the region also creates barriers to effective, evidence-based interventions.

CHRI and Walk Free call on Commonwealth governments in the Pacific region to:

SUPPORT SURVIVORS:

- Implement culturally specific public campaigns that raise awareness of modern slavery and how to report it.
- Establish clear national guidelines for identifying and screening victims for all first responders.
- Strengthen victim support services, ensuring all groups are able to access support, and building on existing programs where possible (for example, building the capacity of gender-based violence services to identify and support modern slavery victims).

STRENGTHEN CRIMINAL JUSTICE:

- Strengthen legislative frameworks to ensure that all forms of modern slavery are criminalised in line with international standards.
- Enforce legislation, including by providing adequate resources , as well as training for all officials within the criminal justice system, to effectively investigate and prosecute modern slavery cases.
- Ensure access to justice for victims in law and in practice, including by providing compensation and by ensuring victims are not punished for conduct resulting from their exploitation.

IMPROVE COORDINATION AND ACCOUNTABILITY:

- Ensure effective domestic coordination through a national coordinating body which is adequately resourced and operational in practice, with an independent entity to monitor progress and enable public accountability.
- Improve data collection and analysis on modern slavery, and ensure that this data is publicly available, to inform coordinated national and regional responses to modern slavery.

ADDRESS RISK FACTORS:

- Provide access to basic social protections such as education, healthcare, and government financial assistance for all populations, including migrant workers, women, children, and other vulnerable populations.
- Extend labour laws to cover all workers, including migrant workers and workers in informal sectors such as domestic work.
- Enforce labour protections by establishing and strengthening mechanisms, including systematic and regular labour inspections.

ERADICATE FORCED LABOUR FROM THE ECONOMY:

- In Australia and New Zealand, implement legislation requiring all large businesses and the public sector to conduct mandatory human rights due diligence in supply chains.
- Identify sectors at high risk of forced labour, and work with businesses in those sectors and civil society to eradicate exploitative practices.

APPENDIX A: TERMINOLOGY

In the context of this report, modern slavery covers a set of specific legal concepts including forced labour, debt bondage, forced marriage, slavery and slavery-like practices, and human trafficking.

Although modern slavery is not defined in law, it is used as an umbrella term that focuses attention on commonalities across these legal concepts. Essentially, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power. For example, their passport might be taken away if they are in a foreign country, they might experience or be threatened with violence, or their family might be threatened.

Different countries use different terminologies to describe modern slavery, including the term slavery itself but also other concepts such as human trafficking, forced labour, debt bondage, forced or servile marriage, and the sale or exploitation of children. These terms are defined in various international agreements (treaties), which many countries have voluntarily signed on and agreed to. The following are the key definitions to which most governments have agreed, thereby committing to prohibit these crimes through their national laws and policies.

HUMAN TRAFFICKING

Human trafficking is defined in the UN Trafficking in Persons Protocol as involving three steps.

1. Recruitment, transportation, transfer, harbouring or receipt of persons;
2. By means of 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;
3. With the intent of exploiting that person through: prostitution of others, sexual exploitation, forced labour, slavery (or similar practices), servitude, and removal of organs.

The recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve threat, use of force, or coercion.

FORCED LABOUR

Forced labour is defined in the International Labour Organization (ILO) Convention on Forced Labour 1930 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.” This excludes compulsory military service, normal civil obligations, penalties imposed by a court action taken in an emergency, and minor communal services.

SLAVERY AND SLAVERY-LIKE PRACTICES

Slavery is defined in the 1926 Slavery Convention as the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. In a later treaty, States agreed that there are also certain “slavery-like practices”: debt bondage, forced or servile marriage, sale or exploitation of children (including in armed conflict), and descent-based slavery.

DEBT BONDAGE

Debt bondage is a status or condition, where one person has pledged his or her labour or service (or that of someone under his or her control), in circumstances where the fair value of that labour or service is not reasonably applied to reducing the debt or length of debt, or the length and nature of the service is not limited or defined.

FORCED OR SERVILE MARRIAGE

The following are defined as practices “similar to slavery” in the 1956 Slavery Convention. Any institution or practice whereby:

- A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or
- The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or
- A woman on the death of her husband is liable to be inherited by another person.

More recent interpretations of forced marriage are broader than the practices defined in the 1956 Slavery Convention. In 2006, the United Nations Secretary-General noted that “a forced marriage is one lacking the free and valid consent of at least one of the parties.” Forced marriage therefore refers to any situations in which persons, regardless of their age, have been forced to marry without their consent.

Child, early, and forced marriages are terms that are sometimes used interchangeably. Some child marriages, particularly those involving children under the age of 16 years, are considered a form of forced marriage, given that one and or/both parties have not expressed full, free, and informed consent (as noted in the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women). It is important to note that in many countries 16 and 17-year-olds who wish to marry are legally able to do so following a judicial ruling or parental consent.

WORST FORMS OF CHILD LABOUR

Drawing on the 1999 International Labour Conference Convention No.182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the term “worst forms of child labour” comprises:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances;
- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

APPENDIX B: CONCEPTUAL FRAMEWORK

Data to assess the 54 Commonwealth government responses was collected and analysed against the below conceptual framework. It is organised by five milestones, 28 activities and 116 indicators (102 from Walk Free and 14 from CHRI (highlighted in italics). Further detail regarding the methodology can be found online at: minderoo.org/walk-free/eradicating-modern-slavery.

Milestone	Activity	Indicator
1: Survivors of slavery are identified and supported to exit and remain out of modern slavery	1.1 The public knows what modern slavery is and how to report it.	1.1.1 National campaigns provide information to members of the public on how to report and identify victims.
		1.1.2 These campaigns are distributed systematically and at regular intervals (as distinct from one-off, isolated).
		1.1.3 There has been an increase in reported cases of modern slavery from the public.
	2.1 Comprehensive reporting mechanisms operate effectively.	2.1.1 There is a reporting mechanism, such as a hotline.
		2.1.2 Reporting mechanism is available for men, women, and children.
		2.1.3 Reporting mechanism is free of charge to access.
		2.1.4 Reporting mechanism operates 24/7.
		2.1.5 The reporting mechanism operates in multiple languages or has capacity to provide immediate access to translators.
	2.2 Front-line police know what modern slavery is and how to identify victims.	2.2.1 Training on basic legal frameworks and victim identification has been carried out for front-line “general duties” police.
		2.2.4 NEGATIVE There is evidence that police officers have not identified victims of modern slavery.
	2.3 First responders know what modern slavery is and how to identify victims.	2.3.1 Training on how to identify victims of modern slavery is provided to officials with front-line regulatory bodies likely to be “first responders.”
		2.3.2 Training on how to identify victims of modern slavery is provided to non-regulatory workers likely to be “first responders.”
		2.3.3 Training for first responders is delivered systematically and at regular intervals (as distinct from one-off, isolated).
		<i>3f: Statutory first responders mostly succeed in identifying victims of modern slavery</i>

	3.1 Victim-determined emergency support is available for all identified victims.	3.1.1 Victim support services are available for some suspected victims of modern slavery (men, women, non-binary, and children where relevant).
		3.1.2 NEGATIVE Suspected victims are held in shelters against their will and do not have a choice about whether or not to remain in a shelter.
		3.1.3 Government contributes to the operational costs of the shelters and there are no significant resource gaps.
		3.1.4 Physical and mental health services are provided to victims of modern slavery.
		3.1.5 NEGATIVE Victim support services are not available for all victims of modern slavery.
	3.2 Victim-determined longer-term support is available for all identified victims.	3.1.7 NEGATIVE No victims have accessed the services or shelters.
		3.2.1 Services provide long-term reintegration support.
		3.2.2 Visas are in place to address the migration situation of victims who want to remain.
		3.2.3 Services are child-friendly.
		3.2.4 Victims are assisted to make contact with their family or contact person of choice.
	3.3. Services have been evaluated and findings inform provision of services.	3.3.1 Training has been carried out for all staff providing direct victim assistance services.
		3.3.2 Direct victim assistance services have been evaluated.
		3.3.3 Evaluations of services have been provided to the National Referral Mechanism or coordinating referral body.
	4.1 Identification guidelines are used by all first responders.	4.1.1 The government has clear national guidelines on identifying and screening victims for all first responders.
		4.1.2 The guidelines make provision for a category of “presumed victims” who can be provided with services until a formal determination is made.
		4.1.3 The guidelines clearly set out which organisations have the authority to identify victims of modern slavery.
		<i>27: NEGATIVE First responders mostly do not follow referral protocols</i>
	4.2 National Referral Mechanism (NRM) is operating effectively.	4.2.1 A “National Referral Mechanism” brings together government and civil society to ensure victims are being referred to services.
		4.2.2 There is evidence that victims are being referred to services using the National Referral Mechanism.

Milestone	Activity	Indicator
2: Criminal justice mechanisms function effectively to prevent modern slavery	1.1 Relevant international conventions are ratified.	1.1.1 Slavery Convention, 1926.
		1.1.2 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.
		1.1.3 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000.
		1.1.4 ILO Abolition of Forced Labour Convention, 1957 (No. 105).
		1.1.5 ILO Domestic Workers Convention, 2011 (No. 189).
		1.1.6 ILO Worst Forms of Child Labour Convention, 1999 (No. 182).
		1.1.7 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000.
		1.1.8 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000.
		1.1.9 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990.
		1.1.10 P029 - Protocol of 2014 to the Forced Labour Convention, 1930.
		<i>6: Protocol against the Smuggling of Migrants by land, Sea and Air (2000) is ratified</i>
	1.2 Domestic legislation is in line with international conventions.	1.2.1 Human trafficking is criminalised.
		1.2.2 Slavery is criminalised.
		1.2.3 Forced labour is criminalised.
		1.2.4 Use of children in armed conflict is criminalised.
		1.2.5 Child prostitution is criminalised.
		1.2.6 Forced marriage is criminalised.
		<i>7: Child pornography is criminalised</i>
		1.2.7 NEGATIVE Criminal laws have disproportionate penalties.
	1.4 National laws recognise that victims are able to participate in court process to receive justice.	1.4.1 National laws allow victims to participate in the legal system regardless of their role as a witness.
		1.4.2 Law recognizes that victims should not be treated as criminals for conduct that occurred while under control of criminals.
		1.4.3 Visas to stay in the country are not dependent on victim participation in the court process.
		1.4.5 NEGATIVE There is evidence that victims of modern slavery have been treated as criminals for conduct that occurred while under control of criminals.

	2.1 Services exist in legislation to allow victims to access justice.	2.1.1 Free legal services for victims of modern slavery are made explicit in legislation.
		<i>25: NEGATIVE: Free legal services are not accessible to all groups</i>
		2.1.3 Witness and victim protection mechanisms are explicit in legislation to ensure that neither witnesses nor victims are intimidated nor interfered with INSIDE the court.
		2.1.4 Witness and victim protection mechanisms are explicit in legislation to ensure that neither witnesses nor victims are intimidated nor interfered with OUTSIDE the court.
		2.1.5 The legal framework supports compensation or restitution for victims of modern slavery from perpetrators.
		2.1.6 Child-friendly services are provided for in legislation.
	3.1 Specialised police units are able to investigate modern slavery crimes.	3.1.1 Specialised law enforcement units exist.
		3.1.3 NEGATIVE Units do not have necessary resources to be able to operate effectively.
		3.1.4 Units have standard operating procedures for modern slavery cases.
	3.2 Increased number of quality prosecutions.	3.2.1 Training is provided to the judiciary.
		3.2.2 Training is provided to prosecutors.
		3.2.4 Training is systematic and recurrent (as distinct from one-off, isolated).
		3.2.5 NEGATIVE Judicial punishments are NOT proportionate to severity of the crime and culpability of the offender.

Milestone	Activity	Indicator
3. Coordination occurs at the national level and across borders, and governments are held to account for their response	1.1 National mechanisms exist to coordinate the response.	1.1.1 National coordination body exists involving both government and NGOs.
		1.2.1 A National Action Plan exists with clear indicators and allocation of responsibilities.
		1.3.2 Government routinely releases reports on its actions to combat modern slavery and uses the National Action Plan as a framework for reporting its actions.
		1.3.5 Activities in the National Action Plan are fully funded.
	2.1 Government monitors its response.	2.1.1 Independent entity to monitor the implementation and effectiveness of National Action Plan exists.
	3.1 Cross-border collaboration exists.	3.1.1 The government is involved in a regional response.
		3.1.3 Agreements exist between the government and countries of origin and/or destination to collaborate on modern slavery issues.
	3.2 Cross border collaboration exists, specific to foreign victims of modern slavery.	3.2.1 The government cooperates with the government of the home country to facilitate repatriation.
		3.2.4 NEGATIVE Foreign victims are detained and/or deported for immigration violations.
		3.2.6 Agreements exist between countries on labour migration, which provide protection for labour migrants.

Milestone	Activity	Indicator
4: Government programming reflects and responds to known risk factors and drivers of modern slavery and patterns of exploitation	1.1 Risk factors, drivers, and patterns of exploitation are understood and inform government action.	1.1.1 Government facilitates or funds non-prevalence research on modern slavery.
		1.1.2 Government facilitates or funds research on prevalence or estimation studies of modern slavery.
		1.1.3 Government interventions that aim to address modern slavery are evidence-based.
	1.2 Government interventions are tailored to known risks.	1.2.1 Awareness campaigns target specific known risks of modern slavery.
	1.3 Safety nets exist for vulnerable populations.	1.3.2 The government conducts labour inspections in the informal and formal sectors and acts to address exploitative practice.
		1.3.3 All are able to access to health care.
		1.3.4 All children are able to access public primary education regardless of ethno-cultural or religious background.
		1: The right to freedom of association is enshrined in law.
		42: There are legislative and/or administrative measures to address environmental degradation and climate change.
		2: NEGATIVE: Certain groups, such as migrant workers or domestic workers are not able to unionise.
		46: NEGATIVE There are lower primary school enrolment rates for specific groups (ie girls, children with disabilities, ethnic minority children).
	1.4 Official complicity is illegal.	1.4.1 National laws criminalise corruption in the public sector.
	1.4 NEGATIVE Official complicity is not investigated.	1.4.3 NEGATIVE Reports of individual officials' complicity in modern slavery cases have not been investigated.
	1.5 Social protections exist.	1.5.1 All are able to access birth registration (rates).
		1.5.2 Systems are in place to allow asylum seekers to seek protection.
		1.5.4 Legal age of marriage is 18 and above.
		3: Homosexuality is decriminalised.
		37a: Elderly pensions are available.
		37b: Disability pensions are available.
		40: Systems are in place to register IDPs.
	1.6 Protections exist for migrants.	1.6.3 Laws or policies state that private recruitment fees are paid by the employer, not the employee.
		1.6.5 Labour laws extend to everyone, including migrant workers, domestic workers, and those in the fishing and construction sectors.
		1.6.7 NEGATIVE Patterns of abuse of labour migrants are institutionalised, or systematic and unchecked.
		1.6.9 NEGATIVE There are laws or policies that prevent or make it difficult for workers to leave abusive employers without risk of loss of visa and deportation and/or security deposits.
	1.7 Government provides support for citizens overseas.	1.7.1 Government provides training on modern slavery for its consular staff.
		1.7.2 Government provides identification documents and support travel arrangements for citizen return.
		1.7.5 NEGATIVE Diplomatic staff are not investigated for alleged complicity in modern slavery cases or abuse of victims.
	1.8 NEGATIVE Government places its population, or part of its population, in forced labour.	1.8.1 NEGATIVE State-sanctioned forced labour exists.

Milestone	Activity	Indicator
5: Government and business stop sourcing goods and services produced by forced labour	1.1 Government regulates and investigates public procurement to prevent use of forced labour.	1.1.1 Guidelines exist for public procurement officials.
		1.1.2 Public procurement policies and systems exist to minimise the risk of governments purchasing products tainted by forced labour.
		1.1.3 Annual reports on government action to prevent use of forced labour in public procurement are produced and publicly available.
		1.1.4 The government has provided training to public procurement officials on modern slavery.
		1.1.5 There is evidence that the government has taken remedial action where forced labour has been discovered.
	2.1 Government encourages business to practice due diligence.	2.1.1 Laws or policies require businesses to report on their actions to implement risk minimisation policies.
		2.1.2 Governments have identified high-risk sectors and have taken action to work with these sectors to eradicate modern slavery.
		2.1.3 Laws or policies allow governments to create a public list of businesses that have been found to tolerate slavery in their supply chains.
		35: Anti-Money Laundering legislation exists.
		2.1.4 Governments implement a responsible investment reporting requirement for investment funds and banks headquartered in their country to ensure that investment does not support modern slavery.
		2.1.5 Laws or policies prevent the import of goods and services made with forced labour.
		2.1.6 Laws are in place that make it a criminal offence for company directors or companies to fail to prevent modern slavery and fail to undertake reasonable due diligence in first tier supply chain.

APPENDIX C:

ENDNOTES

- ¹ The Commonwealth 2018. [Commonwealth Heads of Government Meeting Communiqué “Towards a Common Future”](#). [12 June 2020].
- ² The 2020 Commonwealth Heads of Government Meeting (CHOGM) due to take place in Kigali, Rwanda in June 2020 was postponed due to the COVID-19 pandemic. At the time of publication, a date for the CHOGM had not yet been fixed.
- ³ Commonwealth Lawyers’ Association 2018, [The Role of Law in Eliminating Child Marriage in the Commonwealth](#). [7 June 2020].
- ⁴ More specifically, the Global Estimates of Modern Slavery and the Global Slavery Index states that there are 40,293,000 people living in modern slavery, with 15,710,000 of those living in Commonwealth countries. As a percentage, this is 38.99 per cent of the 40.3 million people living in modern slavery residing in the Commonwealth, which has been rounded to an estimated 40 per cent.
- ⁵ United Nations, [Sustainable Development Goals: SDG 8](#). [30 June 2020].
- ⁶ The Commonwealth 2018. [Commonwealth Heads of Government Meeting Communiqué “Towards a Common Future”](#). [12 June 2020].
- ⁷ Thornton, S 2020, IASO Lecture: [“Half the world’s victims of slavery live in the Commonwealth: What can be done about it?”](#) Speech delivered at the Annual Commonwealth Day Westminster Seminar organised by the Council for Education in the Commonwealth. [1 July 2020].
- ⁸ Walk Free 2020, [Protecting People in a Pandemic](#). [3 June 2020].
- ⁹ Nagaraj, A. and Srivastava, R. 2020, [No Work. New Debt: Virus Creates Perfect Storm for Slavery in India](#), Thomson Reuters. [7 June 2020].
- ¹⁰ Guilbert, K. 2020, [Coronavirus feared delivering double blow to modern slaves in Britain](#), Thomson Reuters. [7 June 2020].
- ¹¹ The 2013 Charter of the Commonwealth states that the Commonwealth is uniquely placed to serve as “a model and as a catalyst for new forms of friendship and co-operation” based largely on its diversity and shared inheritance. See: [The Commonwealth 2013. Charter of the Commonwealth](#). [12 June 2020].
- ¹² The Commonwealth 2017. [Working together to end child marriage](#). [13 February 2018].
- ¹³ The Commonwealth 2018. [Commonwealth Heads of Government Meeting Communiqué “Towards a Common Future”](#). [12 June 2020].
- ¹⁴ The Commonwealth 2018. [Commonwealth Women’s Forum 2018: Outcome Statement Of The Commonwealth Women’s Forum \(CWF\)](#). p.7. [12 June 2020].
- ¹⁵ UK Home Office 2019. [Home Office awards millions to help tackle worldwide slavery](#). [12 June 2020].
- ¹⁶ UK Government 2019. [Commonwealth 18-20 fund: security programme. Conflict, Stability and Security Fund: Commonwealth programme summaries 2019 to 2020](#). [12 June 2020].
- ¹⁷ Commonwealth Human Rights Initiative 2018, [Creating an Effective Coalition to Achieve SDG 8.7](#). [19 June 2020].
- ¹⁸ Commonwealth Human Rights Initiative 2018, [The Commonwealth Roadmap to SDG 8.7](#). [19 June 2020].
- ¹⁹ The Commonwealth 8.7 Network works collaboratively to raise awareness, strengthen skills, share good practice, provide support to survivors, and advocate for change to laws and policies. In 2019, the Network received the Commonwealth Secretary-General’s Innovation for Sustainable Development Award. More information on the Commonwealth 8.7 Network and CHRI’s work on SDG Target 8.7 is available at: <https://www.humanrightsinitiative.org/content/contemporary-forms-of-slavery> and <https://commonwealth-87.org>
- ²⁰ Commonwealth Parliamentary Association UK 2020. [CPA UK Modern Slavery Project](#). [12 June 2020].
- ²¹ Clarke, R & Homel, R 1997, ‘A Revised Classification of Situational Crime Prevention Techniques’ in SP Lab, Crime Prevention at a Crossroads, ACJS/Anderson monograph series, Academy of Criminal Justice Sciences, Greenbelt, MD. Ekblom, P & Tilley, N 2000, ‘Going equipped: criminology, situational crime prevention and the resourceful offender’, British Journal of Criminology, vol. 40. Lampe, KV 2011, ‘The application of the framework of Situational Crime Prevention to ‘organized crime’, Criminology and Criminal Justice, vol. 11, pp. 145-163.
- ²² For more information on these joint advocacy efforts see: [Freedom United, Field report: Commonwealth Heads of Government commit to ending modern slavery](#). [22 June 2020].
- ²³ Commonwealth Human Rights Initiative 2018, [Creating an Effective Coalition to Achieve SDG 8.7](#). [19 June 2020].
- ²⁴ Commonwealth Human Rights Initiative 2018, [The Commonwealth Roadmap to SDG 8.7](#). [19 June 2020].
- ²⁵ Special Rapporteur on contemporary forms of slavery, including its causes and consequences 2019, Current and emerging forms of slavery: [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Human Rights Council](#). [17 June 2020].
- ²⁶ Countries which have reporting mechanisms which are available 24/7, free, available to men, women, and children, and operate in multiple languages: Australia, Bangladesh, Belize, Canada, Fiji, India, Jamaica, Mauritius, New Zealand, Nigeria, Saint Lucia, South Africa, United Kingdom, Zambia.
- ²⁷ After Exploitation 2020, [1 in 5 potential slavery victims identified but not referred for support](#). [25 June 2020].
- ²⁸ Countries which provided training for staff providing direct victim assistance: Australia, Bahamas, Bangladesh, Barbados, Cameroon, Cyprus, Ghana, Malta, Mozambique, Nigeria, Pakistan, Saint Vincent and the Grenadines, South Africa, Tanzania, Trinidad and Tobago, United Kingdom.
- ²⁹ Countries where human trafficking is not criminalised: Dominica, Fiji, Kiribati, Lesotho, Maldives, Samoa, Tonga, Tuvalu, Vanuatu.
- ³⁰ Countries where forced labour is not criminalised: Antigua and Barbuda, Canada, Grenada, Guyana, Jamaica, Malta, Mauritius, Mozambique, Nauru, New Zealand, Papua New Guinea, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, South Africa, Tonga, Trinidad and Tobago.
- ³¹ Countries which have criminalised forced marriage: Australia, Bahamas, Belize, Canada, Cyprus, Ghana, Grenada, Kiribati, Malaysia, Malta, New Zealand, Pakistan, Rwanda, Saint Lucia, Singapore, South Africa, United Kingdom, Vanuatu.
- ³² Countries which have not criminalised child pornography: Antigua and Barbuda, Bangladesh, Cameroon, Dominica, eSwatini, Kiribati, Lesotho, Maldives, Nauru, Pakistan, Saint Kitts and Nevis, Saint Lucia, Tanzania, Tuvalu, Vanuatu, Zambia.
- ³³ Countries which have not criminalised child prostitution: Barbados, Belize, Botswana, Cameroon, eSwatini, Ghana, Grenada, Guyana, Jamaica, Malawi, Maldives, Malta, Mozambique, Namibia, Nauru, Pakistan, Saint Kitts and Nevis, South Africa, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda.
- ³⁴ Guarascio, F. and Macfie, N. 2020, [Online sex abuse rises with COVID-19 lockdown: Europol, Thomson Reuters](#). [12 June 2020].
- ³⁵ Countries which provide visas to remain in the country: Antigua and Barbuda, Bahamas, Botswana, Canada, Cyprus, Jamaica, Lesotho, New Zealand, Saint Vincent and the Grenadines, Tanzania, Uganda, and Zambia
- ³⁶ Countries in which law recognizes that victims should not be criminalised for crimes committed while under the control of their exploiters: Antigua and Barbuda, Bangladesh, Belize, Botswana, Cyprus, Gambia, Guyana, Jamaica, Kenya, Malawi, Maldives, Malta, Mozambique, Namibia, Nigeria, Papua New Guinea, Saint Lucia, Sierra Leone, Solomon Islands, South Africa, Tanzania, Uganda, United Kingdom, Vanuatu.
- ³⁷ Countries in which training for judges and/or prosecutors on issues related to modern slavery is systematic and recurrent: Bahamas, Canada, Cyprus, India, Malaysia, Maldives, Mauritius, Nigeria, Papua New Guinea, South Africa, Tanzania, United Kingdom.
- ³⁸ Countries with a national coordination body: Bangladesh, Australia, Antigua and Barbuda, Malta, Bahamas, Barbados, Canada, Kenya, Cameroon, Lesotho, Ghana, Guyana, Papua New Guinea, Malaysia, eSwatini, Seychelles, Mozambique, Gambia, Nigeria, Sierra Leone, Tanzania, Malawi, South Africa, Solomon Islands, Uganda, Saint Lucia, Saint Vincent and the Grenadines
- ³⁹ Countries with no current national action plan: Barbados, Brunei Darussalam, Cyprus, Dominica, Cameroon, Grenada, Lesotho, India, Zambia, Rwanda, Seychelles, Mozambique, Mauritius, Saint Kitts and Nevis, Fiji, South Africa, Uganda, Kiribati, Vanuatu, Tonga, Samoa, Nauru.
- ⁴⁰ Countries who do not have a collaboration agreement: Antigua and Barbuda, Barbados, Belize, Brunei Darussalam, Dominica, Grenada, Maldives, New Zealand, Papua New Guinea, Malaysia, Seychelles, Mauritius, Saint Kitts and Nevis, Singapore, Fiji, Tuvalu, Uganda, Kiribati, Saint Lucia, Vanuatu, Tonga, Samoa, and Nauru
- ⁴¹ Countries with bilateral labour agreements: Antigua and Barbuda, Australia, Bangladesh, Barbados, Canada, Cyprus, Dominica, Grenada, India, Jamaica, Kiribati, Malaysia, Malta, New Zealand, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sri Lanka, Trinidad and Tobago, Uganda, and United Kingdom.
- ⁴² Countries where foreign victims are detained or deported: Australia, Bahamas, Bangladesh, Belize, Brunei Darussalam, Cyprus, Fiji, Grenada, Guyana, Malaysia, Maldives, Malta, Namibia, Nigeria, Pakistan, Singapore, South Africa, Tanzania, Uganda, United Kingdom, and Vanuatu.
- ⁴³ Countries with “employer pays” principle: Bangladesh, Barbados, Belize, Brunei Darussalam, Cyprus, Guyana, Kenya, Maldives, New Zealand, Papua New Guinea, Seychelles, Sierra Leone, South Africa, Sri Lanka, Tuvalu, Uganda, and United Kingdom.
- ⁴⁴ Countries where official complicity is not investigated: Antigua and Barbuda, Bangladesh, Belize, Cameroon, Ghana, Jamaica, Kenya, Malaysia, Maldives, Mozambique, Nigeria, Pakistan, Sri Lanka, Tanzania, Trinidad and Tobago, and Uganda.
- ⁴⁵ Office to Monitor and Combat Trafficking in Persons 2019, [Trafficking in Persons Report: Antigua and Barbuda, United States Department of State](#). [16 June 2020].
- ⁴⁶ Guilbert, K2019, [Lawmakers urge UK to punish big companies that fail to tackle modern slavery](#), Thomson Reuters. [16 June 2020].
- ⁴⁷ UK Government 2020, [UK Government Modern Slavery Statement](#). [26 June 2020].
- ⁴⁸ European Parliament Working Group on Responsible Business Conduct 2020, [European Commission Promises Mandatory Due Diligence Legislation in 2021](#), European Parliament. [10 June 2020].
- ⁴⁹ UNICEF 2015, [A profile of child marriage in Africa](#). [3 June 2020].
- ⁵⁰ International Labour Organization (ILO) & Walk Free Foundation 2017, [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage](#), ILO. [29 May 2020].
- ⁵¹ The World Bank 2018, [Missed opportunities: The high cost of not educating girls](#). [7 June 2020].
- ⁵² Tostan 2018, [Empowerment of women and girls](#). [8 June 2020]. Girls Not Brides 2015, [Ending child marriage in Africa](#). [8 June 2020].
- ⁵³ Equality Now 2019, [‘Urgent action is needed to address Malawi’s mounting sex trafficking problem’](#), Equality Now, 12 August. [29 May 2020].
- ⁵⁴ Office to Monitor and Combat Trafficking in Persons 2019, [Trafficking in Persons Report: Lesotho, United States Department of State](#). [3 June 2020].
- ⁵⁵ Office to Monitor and Combat Trafficking in Persons 2018, [Trafficking in Persons Report: Kenya, United States Department of State](#). [12 June 2020].
- ⁵⁶ Office to Monitor and Combat Trafficking in Persons 2019, [Trafficking in Persons Report: Seychelles, United States Department of State](#). [29 May 2020].
- ⁵⁷ Support services are available to all victims in: Botswana, eSwatini, Gambia, Lesotho, Mozambique, and Sierra Leone.
- ⁵⁸ Office to Monitor and Combat Trafficking in Persons 2019, [Trafficking in Persons Report: Kenya, United States Department of State](#). [29 May 2020].
- ⁵⁹ Business & Human Rights Resource Centre 2020, [Kenya: Lack of state-supported human trafficking victim support services hampering perpetrator accountability](#), Business & Human Rights Resource Centre. [2 June 2020].
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