



The Commonwealth

Commonwealth Secretariat submission to the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences

The Commonwealth is an association of 54 countries around the world and is home to 2.4 billion people. While a third of the world's population are Commonwealth citizens, the Global Slavery Index indicates that a staggering 55% of those currently enslaved are in Commonwealth countries¹. Therefore, the Commonwealth is a critical stakeholder in the fight against slavery given that an estimated 46 million people worldwide are trapped in conditions of modern slavery, and more than half of them are in its member states.

This submission is informed by the online discussion organized by the Human Rights Unit of the Commonwealth Secretariat that took place on 12th June 2020, which witnessed participation of the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Prof Tomoya Obokata, Commonwealth Member States, Commonwealth Civil Society Organizations, officials from UN agencies and Commonwealth Secretariat staff. This submission aims at contributing to some of the questions related to child slavery raised in the call for inputs by the UN Special Rapporteur.

Impact of the COVID-19 crisis on contemporary forms of slavery, including descent-based slavery; forced labour; debt bondage; serfdom; sexual slavery; commercial sexual exploitation of children; child labour; domestic servitude; and servile forms of marriage.

In 54 countries of the Commonwealth, a total of 1,140,459 confirmed cases and 66,035 deaths have been reported thus far due to the Covid-19 pandemic². Covid-19 represents unprecedented economic, health and social challenges to governments around the Commonwealth. Vulnerable groups and marginalised sections of the society, including persons affected by various forms of slavery, are particularly impacted by the pandemic. The main causes of child labour and forced labour such as poverty, limited access to decent work opportunities for those of legal working age, social marginalization, discrimination, the lack of universal quality education, the prevalence of the informal economy, are likely to be exacerbated due to the ongoing pandemic.

¹ <https://www.globalslaveryindex.org/>

²As on 16 June 2020. Commonwealth Covid-19 Tracker. Available at <https://www.thecommonwealth.io/coronavirustracker/>

Loss of employment: One of the impacts of this crisis is the rising unemployment due to closure of businesses and companies. It is reported that companies are laying off workers because of the economic impact of the Covid-19 pandemic in 95% of the Commonwealth countries³. In developing countries, a large number of the vulnerable people are employed in informal business and these have been severely disrupted. Loss of employment of elder family members may result in increased vulnerability of children. Coping mechanisms of families hit by social and economic impact of Covid-19 may result in them using children to earn incomes, and force girls into marriage, resulting in slavery, exploitation and sexual abuse of children. Additionally, children live on streets in search of jobs or food and may fall in the trap of human traffickers and other abusers. This vulnerability, exploitation and abuse of children is exacerbated by inadequate social protection in developing states to mitigate the impact of COVID-19 on incomes and food security.

Additional burden on states: In Fiji, the pre-existing challenges faced by the country to eradicate slavery such as poverty, social marginalization and the prevalence of the informal work sector becomes more prominent during the Covid-19 pandemic.

Economic impact: The Commonwealth consists of 32 small states. Majority of these countries have tourism as primary source of economy, which has been negatively impacted by the Covid-19 pandemic. Furthermore, in small states economic impact and subsequent resource constraints may impact on the ground protection provisions for persons vulnerable to trafficking, including migrant workers. In Fiji, for instance, there are no current cases, but the economic impact has been considerable. Trade has decreased and tourism has stopped due to the closing of borders.

Reduced child protection: Covid-19 pandemic has also affected child slavery in the context of reduced protection measures for children, such as suspension of labour laws including child labour laws in India. Similarly, suspension of children in care regulations in the United Kingdom has resulted in reduced monitoring of their situation by social care staff that may make them more vulnerable to exploitation.

³ https://www.ituc-csi.org/IMG/pdf/covid-19_commonwealth_fourth_survey.pdf

Use of internet: Increased internet use by children during the pandemic lockdown has made children more vulnerable to exploitation. With many schools and universities shifting to online teaching due to lockdown in countries, children are spending more time online. This may lead many children vulnerable to sexual abuse, sexual coercion and cybersex trafficking.

Steps have been taken by the Government to reduce increased risks of contemporary forms of slavery in the context of the outbreak? Please, share any good practices and identify persistent challenges, including with regards to prevention; identification of victims; provision of access to recovery and rehabilitation services; and investigation and prosecution of slavery-related crimes.

Commonwealth countries have taken steps to reduce the economic impact of the Covid-19 pandemic. Of the 26 Commonwealth countries tracked by the Commonwealth⁴, 18 have taken monetary policy action such as cutting interest rates, while over a third of countries are currently offering cash transfers⁵, wage employment support⁶, subsidies and tax deferrals to support the people worst hit by the pandemic.

In Fiji, the Fiji Broadcasting Corporation has been producing a daily education programme. Furthermore, the Child Labour Unit of the Ministry of Employment, Productivity and Industrial Relations of Fiji receives and resolves complaints regarding child labour, trains the labour inspectorate on child labour issues and conducts awareness-raising activities regarding child labour legislation. The Child Labour Unit complements Fiji's robust legislative framework for eradicating contemporary forms of slavery. Legislative framework includes:

- a. The Crimes Act 2009, which criminalizes forced labour and slavery as well as domestic and international human trafficking;
- b. The Employment Relations Act 2007, which prohibits the worst forms of child labour and provides for a minimum age of employment; and
- c. The Hazardous Occupations Prohibited to Children under 18 Years of Age Order 2013, which provides a list of occupations and workplaces that are prohibited to children.

⁴ Australia, Bangladesh, Belize, Botswana, Cameroon, Canada, The Gambia, Ghana, India, Kenya, Malawi, Malaysia, Mauritius, Mozambique, New Zealand, Nigeria, Pakistan, Papua, New Guinea, Rwanda, Sierra Leone, Singapore, Solomon Island, South Africa, Sri Lanka, Uganda, The UK. Accessible at <https://www.thecommonwealth.io/coronavirustracker/>

⁵ Australia, Belize, Canada, India, Kenya, Malaysia, New Zealand, Pakistan, Solomon Islands, South Africa, the UK. Accessible at <https://www.thecommonwealth.io/coronavirustracker/>

⁶ Australia, Botswana, Canada, Mauritius, New Zealand, Singapore, Solomon Islands, South Africa, the UK. Accessible at <https://www.thecommonwealth.io/coronavirustracker/>

However, children's access to the Child Labour Unit and the justice system remains a challenge.

In The Gambia, government had contracted with television and other media outlets in the country to deliver educational programmes for children to ameliorate the impact of COVID-19 on children's education. COVID-19 provides the opportunity for States to plan ahead on how to protect children in future crisis and the pandemic should not be used as an excuse to exploit children.

Recommendations:

- Governments should protect workers in the informal economy and in agriculture under labour laws. Effective implementation and enforcement of labour laws will allow them to bargain for a living wage that will help their family to send the kids to school instead of getting exploited or being a victim of forced labour;
- Businesses have additional responsibility to protect children in their supply chains and to respect their contractual obligations to pay to their workers so their family income is maintained;
- A universal health coverage and expanding social security for children, unemployed people, elderly persons can go a long way in protecting children against child labour in this era of COVID-19;
- Civil society have a greater role to play to highlight the scale of child slavery, which is often hidden and the Covid-19 pandemic may make it less evident;
- Consistent internet access, adaptation to remote learning and widespread ability to learn online, particularly in Small Island Developing States (SIDS), will ensure that the education of children is not imperilled even within the period of the COVID-19 pandemic.

Conclusion:

As an outcome of the virtual discussion on the subject of child labour, the Commonwealth Secretariat has undertaken to calibrate the following:

- Develop a pathway for working with the UN Special Rapporteur to support his mandate in combating and preventing contemporary forms of slavery;
- Provide member states with a briefing on how to become an 8.7 Alliance pathfinder country;

- Consider current pathfinder countries, such as Fiji, to take a lead in advocacy around more member states joining the pathfinder group;
- Spread awareness about the work of the UN Voluntary Fund on Contemporary Forms of Slavery (the Fund) to Commonwealth member states so that CSOs working at national level on these issues could benefit from the Fund;
- Encourage member states to use the Universal Periodic Review (UPR) mechanism to raise issues concerning contemporary forms of slavery and make specific recommendations.