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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Contemporary forms of slavery affecting persons belonging  
to ethnic, religious and linguistic minority communities****Report of the Special Rapporteur on contemporary forms of slavery,  
including its causes and consequences, Tomoya Obokata***Summary*

The present report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, is submitted pursuant to Human Rights Council resolution 42/10.

The report is focused on contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities. In that context, the Special Rapporteur identifies the main causes of contemporary forms of slavery affecting these groups and the main manifestations, such as chattel slavery; forced and bonded labour; domestic servitude; sexual slavery; child and forced marriage; and child labour.

The Special Rapporteur outlines some positive developments recorded in protecting minorities from contemporary forms of slavery and formulates recommendations for States, businesses, civil society, national human rights institutions and trade unions, academia and regional and international organizations, with the objective of providing constructive guidance on how to prevent and address contemporary forms of slavery affecting minorities.



## I. Introduction

1. The year 2022 marks the thirtieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. To commemorate the adoption of this important instrument, the Special Rapporteur focuses the present report on the vulnerabilities and lived realities of minorities with regard to contemporary forms of slavery. The scope of the report is not limited to national minorities, as it also covers non-citizens such as migrant workers, many of whom are minorities in destination States.<sup>1</sup> The Special Rapporteur will also assess the experiences of people who are discriminated against based on work and descent, such as those subjected to caste-based discrimination or descent-based slavery, as they can be regarded as part of an “ethnic minority”.<sup>2</sup> Indigenous peoples may experience similar causes and consequences of contemporary forms of slavery, but the present report does not focus on them as that would merit a separate analysis.

2. To inform his research, the Special Rapporteur issued a call for input to a wide range of stakeholders, including Member States, national human rights institutions, civil society organizations, United Nations entities and regional human rights bodies. He wishes to thank all entities who responded and welcomes the engagement demonstrated in this process.<sup>3</sup> The Special Rapporteur also drew on information gathered from desk research and consultations with multiple stakeholders.

## II. Activities of the Special Rapporteur

3. An overview of the Special Rapporteur’s main activities undertaken during the reporting period is available in the thematic report he will present to the General Assembly at its seventy-seventh session.<sup>4</sup>

### A. Legal framework related to the rights of minorities

4. Key instruments on contemporary forms of slavery, such as the Slavery Convention, the Abolition of Forced Labour Convention, 1957 (No. 105) of the International Labour Organization (ILO), and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, apply to minorities. These are supplemented by international and regional human rights instruments, including the International Covenant on Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), the American Convention on Human Rights, and the African Charter on Human and Peoples’ Rights, which oblige States to prohibit slavery and slavery-like practices.

5. There are other relevant human rights instruments and provisions, such as the right to work under the International Covenant on Economic, Social and Cultural Rights. The obligation to respect that right, as set out in article 6, includes prohibiting forced labour and refraining from denying or limiting access to decent work for, among others, members of minorities and migrant workers.<sup>5</sup> This is complemented by article 7 on the right to just and favourable conditions of work.<sup>6</sup> Equally important is the right to education under article 13, as it prevents child labour and facilitates access to decent work. Accessibility must be guaranteed without discrimination, and temporary special measures to promote de facto

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<sup>1</sup> Human Rights Committee, general comment No. 23 (1994) on the rights of minorities, para. 5.2.

<sup>2</sup> [A/75/211](#), paras. 69–70; and [A/HRC/31/56](#), para. 21.

<sup>3</sup> All submissions are available at <https://owncloud.unog.ch/s/65CjhIlud3G2yBu>.

<sup>4</sup> [A/77/163](#).

<sup>5</sup> Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005) on the right to work, para. 23.

<sup>6</sup> Committee on Economic, Social and Cultural Rights, general comment No. 23 (2016) on the right to just and favourable conditions of work, para. 5.

equality for men and women and for disadvantaged groups can be considered,<sup>7</sup> and should be. These obligations relating to the rights to work and education are strengthened by other treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>8</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>9</sup> the Convention on the Rights of the Child,<sup>10</sup> and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

6. Turning to provisions and instruments specific to ethnic, religious or linguistic minorities, article 27 of the International Covenant on Civil and Political Rights and article 30 of the Convention on the Rights of the Child guarantee the right of members of those minorities to enjoy their culture, profess and practise their religion and use their own language. These provisions are important, as an inability to secure this right is closely interlinked with discrimination and a lack of access to quality education and decent work, all of which can result in contemporary forms of slavery. While not legally binding, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities reaffirms non-discrimination as a core principle for the protection of minorities and touches upon education, economic progress and development, and participation in decision-making. These provisions are strengthened by the Durban Declaration and Programme of Action. Regionally, the Framework Convention for the Protection of National Minorities of the Council of Europe obliges State parties to, among other things, guarantee equality in relation to cultural, social and economic life and in public affairs (arts. 4 and 15) and access to education (art. 12).

7. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families includes the prohibition of slavery and forced labour (art. 11), equal conditions of work (art. 25), trade union rights (art. 26), social security (arts. 27, 43 and 45), access to education and training (arts. 30, 43 and 45) and the right to information (art. 37), all of which are important for the prevention of contemporary forms of slavery. Some provisions apply to undocumented migrant workers, including the prohibition of slavery and forced labour, just and favourable conditions of work, trade union rights and access to social security.<sup>11</sup> The Convention is supplemented by the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). The principle of non-discrimination in areas such as education and employment stipulated under the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women also applies to migrant workers.<sup>12</sup>

8. In relation to people and communities that are discriminated against based on work and descent, the International Convention on the Elimination of All Forms of Racial Discrimination specifically mentions “descent” in article 1. The Committee on the

<sup>7</sup> Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999) on the right to education, para. 32; and Committee on the Rights of the Child, general comment No. 5 (2003) on general measures of implementation of the Convention, para. 12.

<sup>8</sup> Committee on the Elimination of Racial Discrimination, general recommendations No. 29 (2002) on descent in the context of article 1 (1) of the Convention and No. 32 (2009) on the meaning and scope of special measures in the Convention.

<sup>9</sup> Committee on the Elimination of Discrimination against Women, general recommendations No. 25 (2004) on temporary special measures and No. 28 (2010) on the core obligations under article 2 of the Convention, para. 9.

<sup>10</sup> Committee on the Rights of the Child, general comments No. 1 (2001) on the aims of education, No. 19 (2016) on public budgeting for the realization of children’s rights and No. 20 (2016) on the implementation of the rights of the child during adolescence. See also joint general comment No. 3 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/ No. 22 of the Committee on the Rights of the Child (2017) on the general principles regarding the human rights of children in the context of international migration.

<sup>11</sup> See also Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families.

<sup>12</sup> Committee on the Elimination of Racial Discrimination, general recommendation No. 30 (2004) on discrimination against non-citizens, and Committee on the Elimination of Discrimination against Women, general recommendation No. 26 (2008) on women migrant workers.

Elimination of Racial Discrimination has confirmed that “descent” does not solely refer to “race”, and strongly reaffirmed that descent-based discrimination includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights.<sup>13</sup> In order to protect their rights, States are urged to outlaw descent-based discrimination and adopt special measures to ensure access to public functions, education and employment, as well as justice and remedies. The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) obliges States to promote equality of opportunity and treatment in relation to employment and occupation and to work with businesses and trade unions to eliminate discrimination. In addition, in its resolution 2000/4, the Sub-Commission on the Promotion and Protection of Human Rights, requested Governments to ensure that constitutional, legislative and administrative measures, including appropriate forms of affirmative action, were in place to prohibit and redress discrimination based on work and descent.<sup>14</sup>

9. Finally, although not yet formally adopted, the draft principles and guidelines for the effective elimination of discrimination based on work and descent<sup>15</sup> provide guidance to address various forms of discrimination, including to tackle forced, bonded and child labour. In the draft principles and guidelines, States are urged to take appropriate legislative and other measures to address discrimination in areas including education and work, and to ensure just and favourable conditions of work, land ownership and access to justice. There is recognition that special measures may be needed in relation to some of these areas.

## **B. Main causes of contemporary forms of slavery affecting minorities**

10. Deep-rooted intersecting forms of discrimination, in combination with multiple other factors elaborated in the present section, are the main causes of contemporary forms of slavery affecting minorities. They are often the result of historical legacies, such as slavery and colonization, systems of inherited status, and formalized and State-sponsored discrimination.<sup>16</sup>

11. Systematic discrimination has profound implications for the ability of affected individuals and communities to live a life in dignity and enjoy human rights on equal footing with others. Marginalized communities often remain overlooked in public policies and national budgetary allocations, and their access to justice and remedies in cases of human rights violations, including contemporary forms of slavery, is generally limited.<sup>17</sup> The stigmatization of some communities is perpetuated by negative stereotypes in the media, textbooks, or on the Internet, which contributes to their disempowerment.

12. People discriminated against on the basis of work and descent represent one example. They are bound by their inherited status and subjected to dehumanizing discourses that refer to “pollution” or “untouchability”, with no respect for human dignity and equality. Consequently, such people have limited freedom to renounce inherited occupations or degrading or hazardous work and are often subjected to debt bondage<sup>18</sup> without sufficient access to justice.<sup>19</sup> Additional intersectional factors, such as class, gender and religion, are also affected by caste realities. Dalit women in South Asia face severe discrimination, and as a result they are systematically denied choices and freedoms in all spheres of life.

<sup>13</sup> Committee on the Elimination of Racial Discrimination, general recommendation No. 29 (2002).

<sup>14</sup> [E/CN.4/2001/2–E/CN.4/Sub.2/2000/46](#), p. 25.

<sup>15</sup> Contained in the annex to the final report of the Special Rapporteurs on the topic of discrimination based on work and descent. Available at <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session11/documentation>.

<sup>16</sup> [A/68/333](#), paras. 3, 18 and 23.

<sup>17</sup> [A/HRC/36/43](#), para. 19.

<sup>18</sup> Committee on the Elimination of Racial Discrimination, general recommendation No. 29, sect. 1 (a); and [A/HRC/24/43](#), [A/HRC/24/43/Corr.1](#) and [A/HRC/24/43/Corr.2](#), para. 16.

<sup>19</sup> [A/HRC/31/56](#), paras. 60–63.

Consequently, their access to services and resources is very limited, increasing their risk of being subjected to contemporary forms of slavery.<sup>20</sup>

13. Similarly, members of the Muhamasheen (“marginalized ones”), a minority group in Yemen, have long suffered discrimination based on descent. Many engage in waste management as street cleaners, where they work for daily wages and without employment contracts. In the private sector, they tend to be confined to low-paid, stigmatized work with harsh working conditions, such as shining shoes, washing cars and collecting plastic and scrap materials.<sup>21</sup>

14. Discrimination pushes minorities further into poverty, which is another cause of contemporary forms of slavery. In Latin America, for example in Brazil, Ecuador, Peru and Uruguay, people of African descent are disproportionately affected by poverty.<sup>22</sup> The income gaps among different ethnic groups in the United States of America are also large, with median white families having a net worth of approximately \$189,000, compared to \$24,000 for families of people of African descent.<sup>23</sup> Minority populations have limited access to decent work, even within the European Union,<sup>24</sup> leading to the transmission of poverty from generation to generation.<sup>25</sup> This leaves no choice for them but to accept jobs that are inherently exploitative.

15. One of the reasons why many minority groups remain trapped in poverty is their limited access to education. In Croatia, only about 30 per cent of Roma children are enrolled in school,<sup>26</sup> and there are similar trends in other parts of Europe.<sup>27</sup> Disparities in access to education among minority children have also been reported in Latin America,<sup>28</sup> South Asia<sup>29</sup> and North America.<sup>30</sup> There is a clear gender dimension, as the majority of girls not in primary school belong to ethnic minorities and other excluded groups.<sup>31</sup> Migrant children also experience obstacles in accessing education in destination States due to insufficient places, capacity, resources and training, as well as to language difficulties.<sup>32</sup> This has been observed in South and Central Europe.<sup>33</sup>

16. Within the classroom, minority and migrant children often are subjected to direct or indirect discrimination. The language of tuition is a case in point. Minority students who are taught only in the official languages are said to achieve worse results, repeat grades or are more likely to drop out of school.<sup>34</sup> Yet tuition and teaching materials in minority languages are not always available. Teachers may not always encourage minority students to maximize their potential, and provision of lower quality education in schools populated by minority

<sup>20</sup> International Dalit Solidarity Network, “Dalit women”. Available at <https://idsn.org/key-issues/dalit-women/>.

<sup>21</sup> Sana’a Center for Strategic Studies, “The Historic and Systematic Marginalization of Yemen’s Muhamasheen Community” (June 2019).

<sup>22</sup> Economic Commission for Latin America and the Caribbean, “Children of African descent in Latin America”, briefing note (November 2019).

<sup>23</sup> [A/HRC/49/46/Add.1](#).

<sup>24</sup> European Union Agency for Fundamental Rights, “Being Black in the EU: Second European Union Minorities and Discrimination Survey”, summary (2019), p. 1.

<sup>25</sup> Committee on the Elimination of Racial Discrimination, general recommendation No. 34 (2011) on racial discrimination against people of African descent, para. 6.

<sup>26</sup> Report by the Organization for Security and Cooperation in Europe Special Representative and Coordinator for Combating Trafficking in Human Beings following his visit to Croatia in September 2019 (2020), para. 59.

<sup>27</sup> European Union Agency for Fundamental Rights, *Roma and Travellers in Six Countries* (2020); [A/HRC/43/47/Add.1](#), paras. 44–47; [E/C.12/FIN/CO/7](#), para. 46; and [E/C.12/UKR/CO/7](#), para. 14.

<sup>28</sup> [A/HRC/45/44/Add.2](#), paras. 57–60; and [A/HRC/45/44/Add.1](#), paras. 55–59.

<sup>29</sup> [A/HRC/29/30/Add.1](#), para. 53.

<sup>30</sup> [A/HRC/49/46/Add.1](#), Part V.

<sup>31</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 36 (2017) on the right of girls and women to education, para. 41.

<sup>32</sup> [A/76/158](#), sect. IV.

<sup>33</sup> [CRC/C/BIH/CO/5-6](#), para. 39; and Office of the United Nations High Commissioner for Refugees, United Nations Children’s Fund (UNICEF) and International Organization for Migration, “Access to education for refugee and migrant children in Europe” (September 2019).

<sup>34</sup> [A/HRC/43/47](#), para. 52.

students has been recognized.<sup>35</sup> The public school-private school divide, in particular with regard to school funding, is also an issue, as many minority parents are economically disadvantaged and thus are not able to send their children to the schools that have better education, resources and support.<sup>36</sup> Consequently, the completion rate is lower and the drop-out rate is higher among minority students.

17. A lack of adequate, accessible and affordable education among minorities and migrant workers means that their chances of accessing decent work, particularly in the formal economy, remain limited. Consequently, they are disproportionately represented in the informal economy<sup>37</sup> in sectors such as agriculture, domestic work, and manufacturing, where they risk being subjected to contemporary forms of slavery, with harsh working conditions, including low or no wages, long working hours, and lack of access to benefits. The unemployment rate is higher among minorities,<sup>38</sup> and children who have dropped out of school are often encouraged or forced to work, including in the worst forms of child labour, and subjected to criminal exploitation.<sup>39</sup>

18. The coronavirus disease (COVID-19) pandemic has made minorities and migrant workers more vulnerable to debt bondage and other types of exploitation, as many became unemployed or underemployed.<sup>40</sup> Due to capacity and time constraints, relevant authorities have reduced their vigilance and resources for addressing contemporary forms of slavery.<sup>41</sup> Insufficient regulation and social and economic protection in the informal economy enable employers to undermine existing labour laws, increasing the risk of exploitation and abuse.

19. An interlinked issue is the lack of access to land and public services, which can increase the risk of contemporary forms of slavery, including serfdom. In the Niger, land traditionally owned by slave masters has been transferred by inheritance, which prevents former slaves and their descendants from owning it themselves. Due to a lack of other economic activities, they are obliged to work the land owned by former masters.<sup>42</sup> Similar situations have been observed in Mauritania and South Asia.<sup>43</sup> The difficulty of minorities in accessing land has been reported in, for example, Angola, Botswana and Equatorial Guinea.<sup>44</sup> Minorities also experience obstacles in accessing basic public services.<sup>45</sup> Many do not have access to birth registration and identity documents, which prevents them from benefiting from economic, social, health and other services. This has been observed in States such as Cambodia, Colombia, Ecuador and Serbia.<sup>46</sup>

20. In relation to migrant workers, additional factors render them vulnerable to labour or sexual exploitation, such as a lack of safe and regular migration pathways, immigration status, limited freedom of movement, language barriers, insufficient awareness of their rights, and difficulties in accessing economic and social assistance. Undocumented migrants or those with an irregular migration status are more vulnerable, as they often fear approaching the authorities for assistance due to a risk of being arrested, detained and/or deported. Many

<sup>35</sup> A/74/274, paras. 71–72.

<sup>36</sup> A/HRC/49/46/Add.1, para. 35.

<sup>37</sup> E/C.12/CZE/CO/3, paras. 20–21; and E/C.12/NIC/CO/5, para. 21.

<sup>38</sup> E/C.12/NOR/CO/6, para. 20; E/C.12/UKR/CO/7, para. 21; E/C.12/LVA/CO/2, para. 22; and E/C.12/EST/CO/3, para. 12.

<sup>39</sup> A/76/170, paras. 22–24.

<sup>40</sup> E/C.12/FIN/CO/7, para. 23; E/C.12/BOL/CO/3, para. 26; Brigid Francis-Devine, “Unemployment by ethnic background”, Research Briefing No. 6385 (House of Commons Library, 2022); and Ernst Coupet and Ehab Yamani, “The impact of the coronavirus on African American unemployment: lessons from history” *Journal for Labour Market Research*, vol. 56, No. 1 (December 2022).

<sup>41</sup> Submission by Different & Equal.

<sup>42</sup> A/HRC/30/35/Add.1, para. 42.

<sup>43</sup> See <https://www.ohchr.org/en/press-releases/2022/05/mauritania-un-expert-encouraged-progress-says-more-work-needed-fully>; submission by Humanists International; and A/HRC/51/26/Add.1, para. 61.

<sup>44</sup> CCPR/C/AGO/CO/2, para. 49; CCPR/C/BWA/CO/2, para. 37; and CCPR/C/GNQ/CO/1, para. 26.

<sup>45</sup> CCPR/C/BEL/CO/6, para. 15; CCPR/C/NGA/CO/2, para. 50; and CCPR/C/VNM/CO/3, para. 55.

<sup>46</sup> CCPR/C/KHM/CO/3, para. 14; International Organization for Migration Colombia, general report on the Displacement Tracking Matrix Survey results (April 2020); A/HRC/45/44/Add.1, para. 50; and CRC/C/SRB/CO/2-3, para. 30.

migrant workers therefore remain hidden and continue to be exploited, without effective access to justice and remedies.<sup>47</sup> Similarly, displaced persons are in a disadvantaged position as many do not enjoy equal access to education, training and decent work in the same way as the non-displaced population.<sup>48</sup> Many migrants are exploited by criminal actors, including transnational organized criminal groups.<sup>49</sup>

21. Finally, the exclusion of minorities from public or political life leads to increased vulnerability to contemporary forms of slavery. The lack of representation and spaces for active participation means that they have no say regarding access to education and decent work and, consequently, the risk of abuse and exploitation is increased.<sup>50</sup> In addition, their lack of participation also maintains or increases bias and stereotypes in decision-making.<sup>51</sup> Such exclusion of minorities has been reported in Chile, Czechia, Finland, Kazakhstan, Kyrgyzstan, Latvia, Nigeria, Spain and the United States.<sup>52</sup> Migrant workers are in a more disadvantaged position, as several factors may hinder their participation in work-related decision-making processes, particularly in States where migrant workers do not have the right to unionize.<sup>53</sup>

## C. Main manifestations of contemporary forms of slavery affecting ethnic, religious or linguistic minorities

### 1. Chattel slavery

22. Although legally abolished globally, traditional slavery as defined in the Slavery Convention continues to affect minorities, as has been observed in the Sahel region. In Mauritania, slavery is practised between different ethnic groups (e.g., Beydans and Haratins) or within the same groups (e.g. communities of Mauritians of African descent, such as the Soninke, Fulani and Wolof peoples).<sup>54</sup> It also exists in Mali, where ethnic groups such as the Tuareg (Bellas), Songhai, Kakolo, Malinké, Sarakolé, Soninke, Fulani and Arab peoples – descendants of slaves – continue to be considered the property of their masters and many are said to work without remuneration.<sup>55</sup> In the Niger, descent-based slavery, child marriage and sexual slavery are often interlinked through the practice of *wahaya*, which involves the purchase of one or more girls, usually of slave descent, under the guise of a fifth wife.<sup>56</sup>

### 2. Forced and bonded labour

23. Based on an independent assessment of available information, including submissions by stakeholders, independent academic research, open sources, testimonies of victims, consultations with stakeholders, and accounts provided by the Government, the Special Rapporteur regards it as reasonable to conclude that forced labour among Uighur, Kazakh and other ethnic minorities in sectors such as agriculture and manufacturing has been

<sup>47</sup> See [A/73/178/Rev.1](#); Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, general comments No. 1 (2011) on migrant domestic workers, para. 17 and No. 2 (2013), para. 2.

<sup>48</sup> [A/HRC/48/52](#), paras. 19–20.

<sup>49</sup> [A/76/170](#), paras. 22–24.

<sup>50</sup> See, for example, submission by Nadia's Initiative.

<sup>51</sup> [A/74/274](#), para. 72.

<sup>52</sup> [CERD/C/CHL/CO/22-23](#), para. 8; [CCPR/C/CZE/CO/4](#), para. 14; [CCPR/C/FIN/CO/7](#), para. 12; [CERD/C/KAZ/CO/8-10](#), para. 29; [A/HRC/46/57/Add.1](#), paras. 50–59; [CEDAW/C/LVA/CO/4-7](#), para. 30; [CCPR/C/NGA/CO/2](#), para. 50; [A/HRC/43/47/Add.1](#), para. 44; and [A/HRC/49/46/Add.1](#).

<sup>53</sup> Institute for Human Rights and Business, “Migrant workers and trade unions”, briefing (February 2019).

<sup>54</sup> See <https://www.ohchr.org/en/press-releases/2022/05/mauritania-un-expert-encouraged-progress-says-more-work-needed-fully>.

<sup>55</sup> National Human Rights Commission of Mali, “Consultance enquête : besoins et attentes des victimes de l’esclavage par ascendance à Kayes (September 2021).

<sup>56</sup> [A/HRC/30/35/Add.1](#), paras. 48–53.

occurring in the Xinjiang Uighur Autonomous Region of China.<sup>57</sup> Two distinct State-mandated systems exist: (a) the vocational skills education and training centre system, under which minorities are detained and subjected to work placements; and (b) the poverty alleviation through labour transfer system, where surplus rural labourers are transferred into secondary or tertiary sector work. Similar arrangements have also been identified in the Tibet Autonomous Region,<sup>58</sup> where an extensive labour transfer programme has shifted mainly farmers, herders and other rural workers into low-skilled and low-paid employment.

24. While these programmes may create employment opportunities for minorities and enhance their incomes, as claimed by the Government,<sup>59</sup> the Special Rapporteur considers that indicators of forced labour<sup>60</sup> pointing to the involuntary nature of work rendered by affected communities have been present in many cases. Further, given the nature and extent of powers exercised over affected workers during forced labour,<sup>61</sup> including excessive surveillance, abusive living and working conditions, restriction of movement through internment, threats, physical and/or sexual violence and other inhuman or degrading treatment, some instances may amount to enslavement as a crime against humanity, meriting a further independent analysis.

25. Minorities are also subjected to forced labour in Latin America, among other regions. In rural areas of Brazil, extractive or labour-intensive industries such as cattle ranching, coffee production, forestry and charcoal production create a demand for cheap labour. In the Brazilian Amazon region, slavery is intricately linked with economic activities that are causing environmental devastation, including illegal logging and mining.<sup>62</sup> The majority of victims of forced labour are said to be men of African descent with a low level of education.<sup>63</sup>

<sup>57</sup> A/HRC/50/33, para. 37; communication CHN 18/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25545>; joint submission by Anti-Slavery International, Investor Alliance for Human Rights, Uyghur Human Rights Project and World Uyghur Congress; *Application of International Labour Standards 2022: Report of the Committee of Experts on the Application of the Conventions and Recommendations*, International Labour Conference, 110th Session, 2022 (International Labour Office, Geneva, 2022); Uyghur Tribunal, Judgment, 9 December 2021; Amy K. Lehr and Mariefaye Bechrakis, “Connecting the dots in Xinjiang: forced labor, forced assimilation, and western supply chains” (Center for Strategic and International Studies, 2019); Vicky Xiuzhong Xu, “Uyghurs for sale: ‘re-education’, forced labour and surveillance beyond Xinjiang” (International Cyber Policy Centre, 2020); Laura T. Murphy and Nyrola Elimä, *In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains* (Sheffield Hallam University Helena Kennedy Centre for International Justice, 2021); Laura T. Murphy and others, *Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains* (Sheffield Hallam University and Helena Kennedy Centre for International Justice, 2021); Adrian Zenz, “Coercive labour in Xinjiang: labor transfer and the mobilization of ethnic minorities to pick cotton” (Newlines Institute for Strategy and Policy, 2020); Adrian Zenz, “Unemployment monitoring and early warning: new trends in Xinjiang’s coercive labour placement systems”, early warning brief, 5 June 2022; and Special Rapporteur consultation with stakeholders, including victims (May 2022).

<sup>58</sup> Tibet Advocacy Coalition, “Assaulting identity: China’s new coercive strategies in Tibet” (2021); Adrian Zenz, “Xinjiang’s system of militarized vocational training comes to Tibet”, policy brief 22 September 2020; Xinhua News Agency, “Over 600,000 farmers and herdsman in Tibet start a new life by transferring jobs this year”, December 14, 2020, available at <https://archive.is/2gT9r#selection-553.0-553.330> (in Chinese); and the Special Rapporteur’s consultation with stakeholders.

<sup>59</sup> The State Council Information Office of China, “Employment and labour rights in Xinjiang” (September 2020). Available at <https://archive.ph/iWiLy>. See also reply from China to CHN 18/2020, dated 14 December 2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36605> and additional information provided by China

<sup>60</sup> See “ILO Indicators of Forced Labour” (2012).

<sup>61</sup> See, among others, International Tribunal for the Former Yugoslavia, *Prosecutor v. Kunarac et al.*, Case Nos. IT-96-23-T and IT-96-23/1-T, Judgment, 22 February 2001, para. 543; and International Criminal Court, *The Prosecutor v. Dominic Ongwen*, Case No. ICC-02/04-01/15, Trial Judgement, 4 February 2021, paras. 2711–2713.

<sup>62</sup> A/HRC/45/12/Add.2, paras. 74 and 93.

<sup>63</sup> Walk Free, Global Slavery Index 2018: Brazil. Available at

Labour exploitation of migrant workers has also been reported in Argentina and Guatemala.<sup>64</sup> Access to justice and remedies remains limited for people of African descent and other minorities, such as Roma, in the region.<sup>65</sup>

26. Bonded labour continues to be prevalent among people discriminated against on the basis of work and descent, such as Dalits in South Asia.<sup>66</sup> In the agricultural sector, an informal credit may be granted as an advance payment for subsistence, through which the credit's beneficiary incurs debt.<sup>67</sup> Consequently, labourers may be subjected to exploitative labour practices, violence and unsuitable living conditions.<sup>68</sup> Dalits in Bangladesh are forced to undertake certain types of labour as a consequence of their assigned caste status and are almost exclusively working in "unclean" jobs in urban areas, like street sweeping and burying the dead.<sup>69</sup>

27. Intersecting forms of discrimination based on gender and descent should be also highlighted. Manual scavenging, predominantly carried out by Dalit women, is widely regarded as forced labour and a contemporary form of slavery, entailing harsh working conditions that have a negative impact on mental and physical health.<sup>70</sup> Another sector disproportionately represented by women and girls is the garment/textile industry, where indicators of forced labour, such as restriction of movement, low or no wages, and forcible taking of medicine to suppress menstruation, have been reported.<sup>71</sup>

28. Migrant workers globally face a disproportionate risk of being subjected to forced labour. Due to excessive recruitment fees, many fall into debt bondage.<sup>72</sup> Both documented and undocumented migrant workers have been exploited in various sectors. For instance, labour exploitation in agriculture has been reported in Canada, Italy and Spain.<sup>73</sup> Domestic servitude of migrant women and girls is a concern in the region of the Cooperation Council for the Arab States of the Gulf,<sup>74</sup> as they face double discrimination as both migrants and women. Other instances of forced labour have been reported in North America, Central Asia, South-East Asia and Europe.<sup>75</sup>

### 3. Child and/or forced marriage

29. The prevalence of child marriage under the age of 18 is influenced by the interplay of low economic status, gender inequality, patriarchal or misogynistic attitudes, a lack of access to education, and cultural beliefs and practices, as well as the absence or flawed

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<https://www.globalslaveryindex.org/2018/findings/country-studies/brazil/>. See also submission by Ewelina Ochab.

<sup>64</sup> CMW/C/ARG/CO/2, para. 36 and CMW/C/GTM/CO/2, para. 34.

<sup>65</sup> A/HRC/45/44/Add.1, para. 51; A/HRC/45/44/Add.2, para. 46; and A/HRC/42/59/Add.2, para. 40.

<sup>66</sup> A/HRC/31/56, paras. 75–78; and ILO, *Understanding Patterns of Structural Discrimination against Migrant and Other Workers in Some Countries of South and West Asia* (2022), pp. 32 and 63–64.

<sup>67</sup> See, for example, A/HRC/31/56, para. 76.

<sup>68</sup> Pakistan Dalit Solidarity Network and International Dalit Solidarity Network, "Caste-based discrimination in Pakistan", alternative report submitted to the Human Rights Committee, at its 120th session for the review of Pakistan, June 2017; and Asian Forum for Human Rights and Development, *Tied Hands: Fact Finding Mission Report on Harawa-Charawa: Debt, Poverty and Climate Change in Dhanusha, Nepal* (April 2021).

<sup>69</sup> E/C.12/BGD/CO/1, para. 31; and ILO, *Understanding Patterns of Structural Discrimination*, p. 32.

<sup>70</sup> A/HRC/26/38/Add.1, para. 15; see also

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:3255922](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3255922), para. 2.

<sup>71</sup> Testimonies provided at an event held by Asia Floor Wage Alliance on 25 February 2022.

<sup>72</sup> Institute for Human Rights and Business, "Eradicating recruitment fees is crucial for tackling modern slavery" (June 2018).

<sup>73</sup> Minority Rights Group International, *Minority and Indigenous Trends 2022: Focus on Work*, pp. 73–81; and A/HRC/42/44/Add.1.

<sup>74</sup> E/C.12/KWT/CO/3, para. 22; and CERD/C/SAU/CO/4-9, para. 19;

<sup>75</sup> A/HRC/50/33/Add.1; CMW/C/IDN/CO/1, para. 32; CERD/C/KHM/CO/14-17, para. 31;

A/HRC/38/33/Add.1, para. 59; CCPR/C/UZB/CO/5, para. 34; E/C.12/KAZ/CO/2, para. 29;

submission by Comité d'action contre la traite humaine interne et internationale; and European Union Agency for Fundamental Rights, "Severe labour exploitation of migrant workers: FRA report calls for 'zero tolerance' of severe labour exploitation", press release, 25 June 2019.

implementation of legislative and administrative frameworks for the protection of children. In many States, early marriage is socially accepted and considered a traditional practice. Owing to racial and ethnic biases, minority women and girls are disproportionately affected by child and/or forced marriage.<sup>76</sup>

30. Rates of child marriage spike among marginalized communities in particular, such as Roma girls in South-Eastern Europe. In parts of the Balkans, half of all Roma women aged 20 to 24 were married before the age of 18, compared to around 10 per cent nationally.<sup>77</sup> Forced marriage among minority women is also an issue in Western Europe. Most cases include an international dimension, usually with a clear relationship between the nationality and ethnicity of the victim or spouse.<sup>78</sup> Official data collected by the Forced Marriage Unit of the United Kingdom of Great Britain and Northern Ireland suggests that a large majority of forced-marriage cases relate to Pakistan and, to a lower extent, to Afghanistan, Bangladesh, India and Somalia.<sup>79</sup>

31. In other regions, the armed group Boko Haram has forced Christian women and girls to convert to Islam and to marry,<sup>80</sup> and some ethnic minority groups in Nigeria practice forced or child marriage at particularly high rates: 74.9 per cent, among the Kambari, and 73.8 per cent, among the Fulfude.<sup>81</sup> In the Democratic Republic of the Congo, forced marriage of women and girls has been reported,<sup>82</sup> and these practices are also a concern in Asia, including in Cambodia, India, Kazakhstan, Sri Lanka and Viet Nam<sup>83</sup> and in Latin America, including in Bolivia (Plurinational State of), Colombia, Honduras and Panama.<sup>84</sup>

#### 4. Domestic servitude

32. Domestic servitude is another form of exploitation affecting minorities, particularly women. Victims tend to feel so dependent on their employers that they are unable to escape. Many of them have to work long hours for less than minimum wage, without access to annual or sick leave or rest days. In States including Brazil and Colombia, the majority of the victims of domestic servitude are said to be women of African descent.<sup>85</sup> Labour exploitation reflects

<sup>76</sup> Submission by the Organization for Security and Cooperation in Europe.

<sup>77</sup> United Nations Population Fund (UNFPA), “Depicting life for Roma girls on stage to combat early marriage in Bosnia and Herzegovina” (2018); Centar za romske inicijative, *The Prevention of Child Marriage in Montenegro* (2018); and UNICEF, “Preventing child marriage”, available at <https://www.unicef.org/eca/what-we-do/child-marriage>.

<sup>78</sup> Submission II (on forced marriage) by the Rights Lab at the University of Nottingham.

<sup>79</sup> Forced Marriage Unit Statistics 2020. Available at <https://www.gov.uk/government/statistics/forced-marriage-unit-statistics-2020/forced-marriage-unit-statistics-2020>.

<sup>80</sup> CEDAW/C/NGA/CO/7-8, para. 15; International Criminal Court, statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria, 11 December 2020 (available at <https://www.icc-cpi.int/news/statement-prosecutor-fatou-bensouda-conclusion-preliminary-examination-situation-nigeria>); and submission by Ewelina Ochab.

<sup>81</sup> Jacob Wale Mobolaji, Adesegun O. Fatusi and Sunday A. Adedini, “Ethnicity, religious affiliation and girl-child marriage: a cross-sectional study of nationally representative sample of female adolescents in Nigeria”, *BMC Public Health* (2020).

<sup>82</sup> CEDAW/C/COD/CO/8, paras. 32 and 52.

<sup>83</sup> See, for example, CEDAW/C/KHM/CO/6, para. 48; United Nations Entity for Gender Equality and the Empowerment of Women (UN-WOMEN), *The Minimization of Child Marriage and Consanguineous Marriage in Ethnic Minority Areas Period 2015–2025*(2020); submission by University of Cambodia; UNFPA, “Child marriage in Eastern Europe and Central Asia: regional overview” (July 2015); [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:3255918](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3255918); and A/HRC/51/26/Add.1, paras. 33–34.

<sup>84</sup> UNICEF, “A profile of child marriage and early unions in Latin America and the Caribbean” (2019).

<sup>85</sup> Delta 8.7, “Domestic slave labour in Brazil” (February 2022); and information received by the Special Rapporteur during a consultation with civil society organizations from Brazil and Colombia (April 2022).

deeply entrenched social attitudes based on the legacy of slavery: Upper-class employers feel entitled to have servants who earn low or no wages.<sup>86</sup>

33. Migrant workers are equally vulnerable to domestic servitude, with the majority being women. Additional vulnerabilities to exploitation include an inability to change employers, an irregular migration status, and a lack of adequate access to economic, social and other assistance from States. The sponsorship (*kafala*) system in the region of the Cooperation Council for the Arab States of the Gulf is widely known for enabling labour and sexual exploitation in private homes,<sup>87</sup> but domestic servitude also exists in other regions, including Europe.<sup>88</sup> There is a link between domestic servitude and debt bondage as recruitment agencies charge high fees that must be repaid by domestic workers.<sup>89</sup>

## 5. Sexual slavery

34. While sexual slavery can occur in peacetime, its systematic commission has been particularly notable during armed conflicts and other humanitarian crises. For instance, more than 6,500 Yazidi women were reportedly taken captive by Da'esh in 2014 and nearly 2,800 women and children remain missing or in captivity today.<sup>90</sup> Da'esh systematically used sexual slavery, including rape, as a weapon of war against Yazidi women and girls, and sold or gifted them as “spoils of war”.<sup>91</sup> Women from other ethnic and religious minority communities, such as Christian, Shabak, Sunni and Shia women, were allegedly also subjected to sexual slavery by Da'esh members.<sup>92</sup>

35. Minority women and girls in the Tigray, Amhara and Afar regions of Ethiopia have been subjected to rape, sexual mutilation and other forms of sexual violence by parties to the armed conflict.<sup>93</sup> These human rights violations appear to have been used as part of a deliberate strategy to terrorize, degrade and humiliate the victims and their ethnic minority group with the acquiescence of the State and non-State-actor parties to the conflict.<sup>94</sup> Similarly, in northern Nigeria, Boko Haram primarily targeted Christians and moderate Muslims for enslavement, including for sexual slavery and other human rights violations.<sup>95</sup> Rohingya women in Myanmar have been subjected to systematic sexual violence by the country's security forces which may be regarded as war crimes or crimes against humanity.<sup>96</sup>

## 6. Child labour

36. Child labour (among children 5 to 17 years of age), including its worst forms, exists in all regions of the world. In Asia and the Pacific, the Middle East, the Americas and Europe, between 4 and 6 per cent of children are said to be in child labour, and the percentage is much

<sup>86</sup> Louisa Acciari, “Decolonising labour, reclaiming subaltern epistemologies: Brazilian domestic workers and the international struggle for labour rights” *Contexto Internacional*, vol. 41, No. 1 (January/April 2019).

<sup>87</sup> A/HRC/39/52, para 36.

<sup>88</sup> Submission by La Strada International (available at <https://owncloud.unog.ch/s/YeoiIVoJJq14ZWn?path=%2FCivil%20Society>); and European Court of Human Rights, “Factsheet – slavery, servitude and forced labour” (January 2022).

<sup>89</sup> A/HRC/39/52, para. 14.

<sup>90</sup> Submissions by Nadia's Initiative and Ewelina Ochab.

<sup>91</sup> Patricia Viseur Sellers and Jocelyn Getgen Kestenbaum, “‘Sexualized slavery’ and customary international law”, in *The President on Trial: Prosecuting Hissène Habré*, Sharon Weill, Kim Thuy Seelinger and Kerstin Bree Carlson, eds. (Oxford University Press, 2020).

<sup>92</sup> A/HRC/44/41/Add.1, paras. 53–54; and submission by Nadia's Initiative.

<sup>93</sup> See communications ETH 2/2021 and ETH 3/2021, available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>; and Amnesty International, “Ethiopia: Troops and militia rape, abduct women and girls in Tigray conflict” (August 2021).

<sup>94</sup> “Tigray conflict: UN experts call for urgent action to stop violence against women”, 3 December 2021.

<sup>95</sup> CCPR/C/NGA/CO/2, para. 30; International Criminal Court, statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria; and submission by Ewelina Ochab.

<sup>96</sup> A/HRC/49/76, sect. V.

higher in Africa (21.6 per cent), with the highest rate in sub-Saharan Africa (23.9 per cent).<sup>97</sup> In India, child labour,<sup>98</sup> caste-based discrimination and poverty are closely interlinked. Child labour among minority and migrant children have also been reported in Angola, Costa Rica, Honduras and Kazakhstan, in various sectors.<sup>99</sup>

37. School dropout is also closely interlinked with child labour. For instance, in States affected by armed conflict, such as the Democratic Republic of the Congo, boys belonging to minorities are forcibly recruited by illegal armed groups and are often subjected to worst forms of child labour, as diggers in mineral pits.<sup>100</sup> Forcible recruitment for various forms of exploitation has also been reported in Mali and Nigeria.<sup>101</sup> Similar instances have been observed in Colombia, where migrant and Colombian children of African descent are allegedly subjected to forced recruitment by illegal armed groups.<sup>102</sup>

## D. Positive developments

38. Despite the persistence of contemporary forms of slavery among minorities, the Special Rapporteur wishes to acknowledge that States, national human rights institutions, civil society organizations, intergovernmental organizations and other stakeholders have been playing an important role in preventing the exploitation of minorities. Some examples are highlighted below, but should not be construed as providing a representative analysis of positive developments regarding the realization of minority rights and the prevention of contemporary forms of slavery.

39. Various States have taken legislative and other measures to address inequality and discrimination experienced by minorities. This is often done through the implementation of temporary special measures. In the area of employment, Brazil, through its Law No. 12990 of 2014, established an affirmative action programme for federal civil servant positions countrywide, reserving 20 per cent of these positions for Brazilian *negros* (blacks) and *pardos* (mixed race). This also applies to public companies controlled by the federal Government. In the United States, federal contractors and subcontractors must take affirmative action to recruit and advance qualified minorities, and other initiatives including vocational training and outreach are simultaneously facilitated.<sup>103</sup> Similar measures to enhance employability among minorities have been promoted in Albania,<sup>104</sup> Australia,<sup>105</sup> Belgium,<sup>106</sup> India,<sup>107</sup> Iraq,<sup>108</sup> New Zealand,<sup>109</sup> and the United Kingdom.<sup>110</sup>

40. Equality in access to education has also been observed, for instance in providing education in languages minority children can understand. The United Republic of Tanzania started using Kiswahili instead of English in 2015 as the main medium of instruction in all levels of primary and secondary education in recognition of the overall positive effects of

<sup>97</sup> ILO and UNICEF, *Child Labour: Global Estimates 2020: Trends and the Road Forward* (2021), p. 74.

<sup>98</sup> A/HRC/36/10, para. 117.

<sup>99</sup> CCPR/C/AGO/CO/2, para. 33; CRC/C/CRI/CO/5-6, para. 45; A/HRC/44/43/Add.2, para. 54; and E/C.12/KAZ/CO/2, para. 38.

<sup>100</sup> CCPR/C/COD/CO/4, para. 27; and submission by Centre d'Études sur le Leadership et la Promotion des Droits Humains.

<sup>101</sup> Security Council resolution 2374 (2017); E/C.12/MLI/CO/1, para. 34; A/HRC/41/46/Add.1, paras. 43–44; and submission by Ewelina Ochab.

<sup>102</sup> CERD/C/COL/CO/17-19, para. 12.

<sup>103</sup> United States Department of Labour, “Affirmative action”. Available at <https://www.dol.gov/general/topic/hiring/affirmativeact>.

<sup>104</sup> Law No. 15/2019; and submission by Different and Equal.

<sup>105</sup> Racial Discrimination Act 1975.

<sup>106</sup> Royal Decree of 2019 on the conditions of affirmative action.

<sup>107</sup> Alexander Lee, “Does affirmative action work? Evaluating India’s quota system” *Comparative Political Studies*, vol. 54, No. 9 (2021).

<sup>108</sup> Yazidi female survivors law of 2021.

<sup>109</sup> Human Rights Act 1993.

<sup>110</sup> Equality Act 2010.

education being provided in the mother tongue of most of its children, including minorities.<sup>111</sup> The teaching of minority languages is also actively promoted in Europe.<sup>112</sup> Governments and educational institutions around the world implement special measures to secure access to higher education for minority students, including provision of dedicated scholarships.<sup>113</sup> The California State University system in the United States, for instance, updated its anti-discrimination policy to include caste-based discrimination, effective in 2022.<sup>114</sup> In relation to migrant children, those with an irregular status are granted the rights to public and private education in Argentina and the Niger and in some European States, such as Belgium, Bulgaria, Finland, Italy, the Netherlands, Spain and Sweden.<sup>115</sup>

41. Many States have also introduced initiatives to protect the rights of migrant workers. In relation to destination States, some action has been taken towards reforming the *kafala* system within the region of the Cooperation Council for the Arab States of the Gulf. In this regard, Kuwait passed Decree No. 378/2016, allowing migrant workers to change their employer. Similar legislation has been enacted in Qatar and Saudi Arabia.<sup>116</sup> While much more needs to be done to protect the rights of all migrant workers in all employment sectors in the region and to prevent exploitation, the Special Rapporteur considers that these measures represent a step in the right direction. Other positive action includes the establishment of a dedicated governmental department charged with the protection of migrant workers. Israel established the Commissioner for Foreign Workers' Labour Rights unit, which can bring cases of labour rights violations before the judiciary, among other functions.<sup>117</sup>

42. Sending States are also taking steps to protect the rights of their citizens. Cambodia and Nepal,<sup>118</sup> among others, have actively sought to conclude bilateral agreements with destination States, particularly in the region of the Cooperation Council for the Arab States of the Gulf, in order to ensure the protection of the rights of their nationals, including with regard to the introduction of enforceable employment contracts. Thailand concluded agreements with the Lao People's Democratic Republic, Myanmar and Viet Nam.<sup>119</sup> Support for the integration of returned migrants, including counselling, basic amenities assistance, and job training, is provided under the National Reintegration Programme of the Philippines. Indonesia established the Productive Migrant Workers' Village, which provides, among other things, support for business enterprises development, community parenting and village-owned cooperatives.<sup>120</sup> In addition, protection measures have been implemented for undocumented or irregular workers. In this regard, Canada<sup>121</sup> and Ireland<sup>122</sup> have

<sup>111</sup> Special Rapporteur on minority issues, "Language rights of linguistic minorities. a practical guide for implementation" (March 2017), p. 20.

<sup>112</sup> European Commission, *The Teaching of Regional or Minority Languages in Schools in Europe: Eurydice Report* (Publications Office of the European Union, Luxembourg, 2019).

<sup>113</sup> [A/HRC/45/44/Add.1](#), para. 58; [A/HRC/33/61/Add.1](#), para. 59; [A/HRC/42/59/Add.2](#), para. 19; and submission by Humanists International.

<sup>114</sup> See <https://calstate.policystat.com/policy/10926024/latest/>.

<sup>115</sup> [OECD/ILO, How Immigrants Contribute to Argentina's Economy](#) (2018), p. 56; Law No. 2015-36 on illicit smuggling of migrants (Niger); and Office of the United Nations High Commissioner for Refugees, UNICEF and IOM, "Access to education for refugee and migrant children in Europe" (2019).

<sup>116</sup> Law No. 19 of 2020 (Qatar); and Ministry of Human Resources and Social Development, Labor Reform Initiative (LRI) Services Guidebook (2020) (Saudi Arabia).

<sup>117</sup> Submission by Israel.

<sup>118</sup> IOM, *Economic Empowerment of Women Migrant Workers in Cambodia* (2022); and memorandums of understanding between Nepal and: Japan, Jordan, Malaysia, Mauritius, Qatar, the Republic of Korea and the United Arab Emirates (available at <https://www.ceslam.org/governance/bilateral-arrangements>).

<sup>119</sup> [A/HRC/41/43/Add.1](#), para. 57.

<sup>120</sup> IOM, *Economic Empowerment*, p. 30.

<sup>121</sup> Canada, "IRCC Minister Transition Binder: Temporary Workers". Available at <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/transition-binders/minister-2021/temporary-workers.html>.

<sup>122</sup> Platform for International Cooperation on Undocumented Migrants, "Regularisation and access to a secure residence status" (2022), p. 5.

implemented visa extension measures or regularization of migration status for undocumented workers, allowing them to access essential services, the labour market, and the justice system.

43. In addition to special or positive measures for minorities, other types of action are being taken to protect minority rights. Formalization of the informal economy is a case in point, as a large number of minorities are represented within that economy. In relation to domestic work, some Latin American States have launched national reforms to bring their legislation into line with the ILO Domestic Workers Convention, 2011 (No. 189). While Chile sought to ensure non-discriminatory practices regarding access to public spaces, working time and wages, Paraguay engaged in a comprehensive reform, recognizing various labour and social rights.<sup>123</sup> Regulation of domestic work has also been implemented in Ghana,<sup>124</sup> Kuwait,<sup>125</sup> Morocco,<sup>126</sup> the Philippines<sup>127</sup> and South Africa.<sup>128</sup>

44. With regard to other sectors, in Rwanda, Law No. 66/2018 regulating labour applies to various industries in both the formal and informal economy, guaranteeing equal rights for all, including migrant workers. Brazil has facilitated the formalization of the waste collection sector through, among other things, the recognition of this occupation in the Brazilian classification of occupations.<sup>129</sup> In 2017, Bulgaria amended its Labour Code to introduce a contract for short-term seasonal agricultural work<sup>130</sup> and a degree of formalization has been achieved for childcare work in Colombia.<sup>131</sup>

45. Promotion of human rights due diligence in supply chains is another important area, as many minorities work in sectors that produce goods for the global market. One example is the Uyghur Forced Labour Prevention Act of 2021, which prevents goods produced as a result of forced labour in that region from entering the United States. Germany<sup>132</sup> requires companies to identify risks of human rights violations and implement preventive measures, an approach also taken by France.<sup>133</sup> In addition, due diligence reporting requirements have been implemented in Australia<sup>134</sup> and the United Kingdom,<sup>135</sup> and the European Union is in the process of adopting a legally binding instrument on corporate sustainability due diligence.<sup>136</sup> These directives should encourage companies to bring their operations into line with international human rights and labour standards.

46. In protecting the rights of minorities and migrant workers, the role of non-governmental entities should be recognized. For instance, independent national human rights institutions in various parts of the world have been increasingly addressing contemporary forms of slavery affecting minorities. The National Human Rights Commission of Mauritania regularly conducts campaigns to raise awareness about minorities held in descent-based slavery and monitors the progress made by the Government to tackle this and other slavery-like practices.<sup>137</sup> A memorandum of understanding was signed between the national human rights institutions in Nepal, the Philippines and Qatar to facilitate better cooperation and

<sup>123</sup> C189 European Alliance, *Step Up Efforts towards Decent Work for Domestic Workers in the EU: 10th Anniversary of ILO Domestic Workers Convention, 2011 (No. 189)* (2021), p. 45.

<sup>124</sup> Labour Act No. 651 of 2003 and the Labour (Domestic Workers') Regulations, 2020.

<sup>125</sup> Law No. 68 of 2015, on employment of domestic workers.

<sup>126</sup> Law No. 19-12 on the conditions of work and employment of domestic workers, published in 2017.

<sup>127</sup> Act of 2013 instituting policies for the protection and welfare of domestic workers.

<sup>128</sup> Commonwealth Human Rights Initiative, *Domestic Work Is Work: Using ILO Convention 189 to Protect Workers' Rights Across the Commonwealth* (2021), p. 47.

<sup>129</sup> ILO, *Interactions between Workers' Organizations and Workers in the Informal Economy: A Compendium of Practice* (2019), p. 81.

<sup>130</sup> Colin C. Williams and Adrian Horodnic, *Tackling Undeclared Work in the Agricultural Sector* (2018), p. 53.

<sup>131</sup> ILO, *Interactions between Workers' Organizations and Workers in the Informal Economy*, p. 88.

<sup>132</sup> Supply Chain Due Diligence Act of 2021.

<sup>133</sup> Law No. 2017-399 on the duty of care of parent companies and ordering companies.

<sup>134</sup> Modern Slavery Act 2018.

<sup>135</sup> Modern Slavery Act 2015.

<sup>136</sup> European Commission, "Proposal for a directive of the European Parliament and of the Council on corporate sustainability due diligence and amending Directive (EU) 2019/1937".

<sup>137</sup> See <https://www.ohchr.org/en/press-releases/2022/05/mauritania-un-expert-encouraged-progress-says-more-work-needed-fully>.

coordination to protect the rights of migrant workers,<sup>138</sup> and a similar arrangement is in place between the national human rights institutions of Malawi and Mozambique in relation to the protection of displaced persons.

47. Civil society organizations continue to play a vital role in protecting minorities from contemporary forms of slavery. In Albania, they have contributed to increasing the number of Roma children attending school through awareness-raising campaigns among Roma parents,<sup>139</sup> and empowerment of minority children has been promoted in Cambodia, Kenya and West Africa.<sup>140</sup> Civil society organizations in South-East Asia helped women migrant workers to establish networks in Cambodia, Myanmar and Thailand in 2021 in order for them to be able to add their voices to national and local conversations on decent work, labour rights and equality.<sup>141</sup>

48. Many civil society organizations provide practical training on issues such as leadership skills and income generation,<sup>142</sup> and others engage in research and advocacy and raising awareness of labour rights among minorities, migrants and public authorities.<sup>143</sup> Furthermore, many organizations provide direct support to the victims of contemporary forms of slavery. In Iraq, various organizations support Yazidi women in establishing sustainable livelihoods and decreasing poverty through enhanced access to education.<sup>144</sup> Provision of economic, social and other assistance to migrant workers, including for their reintegration upon return, is another important contribution made by many civil society organizations.<sup>145</sup>

49. Trade unions also make important contributions in advocating for the rights of minorities and migrant workers. There are a number of trade unions representing sectors, particularly in the informal economy, that are largely populated by minorities, such as agriculture, domestic work, construction and waste management.<sup>146</sup> They not only help the workers organize or unionize through awareness-raising, but also provide support, which includes, but is not limited to, creation of job opportunities and facilitation of access to finance, social security and health care. Many trade unions, including in Brazil, Costa Rica, the Philippines and Senegal, have also been instrumental in promoting the formalization of these sectors by working closely with States and other actors, and it is encouraging that trade unions in Chile, Colombia, Ghana and India provide dedicated support and services for women workers.<sup>147</sup> Moreover, examples of good practice can be observed in regions, including Europe and South-East Asia, where trade unions actively promote and protect the rights of migrant workers.<sup>148</sup>

<sup>138</sup> A/HRC/47/39/Add.3, para. 51; and Danish Institute for Human Rights, *National Human Rights Institutions and Access to Remedies in Business and Human Rights* (2020), p. 36.

<sup>139</sup> Submission by Different & Equal.

<sup>140</sup> Submissions by University of Cambodia, by Life Bloom Services International and by Anti-Slavery International, SOS Esclaves, Timidria and Temedt.

<sup>141</sup> ILO, TRIANGLE in ASEAN Quarterly Briefing Notes (2022) on Cambodia [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms\\_735105.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_735105.pdf); Myanmar ([https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms\\_735107.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_735107.pdf)) and Thailand ([https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms\\_735108.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_735108.pdf)).

<sup>142</sup> Submissions by Life Bloom Services International and by Global Alliance against Traffic in Women.

<sup>143</sup> Submissions by Anti-Slavery International, SOS Esclaves, Timidria and Temedt, by Global Alliance against Traffic in Women, by the International Dalit Solidarity Network and by POURAKHI Nepal.

<sup>144</sup> Submission by Nadia's Initiative.

<sup>145</sup> Submissions by Comité d'action contre la traite humaine interne et internationale, by Different & Equal and by the Novi Put Association; and Vatican City, Migrants & Refugees Section, Migration Profile: Cameroon (2021).

<sup>146</sup> ILO, *Interactions between Workers' Organizations and Workers in the Informal Economy*.

<sup>147</sup> Ibid.

<sup>148</sup> European Commission, *Trade Union Practices on Non-Discrimination and Diversity* (2019); and Eliza Marks and Anna Olsen, "The role of trade unions in reducing migrant workers' vulnerability to forced labour and human trafficking in the Greater Mekong Subregion" *Anti-Trafficking Review*, Issue 5.

50. Lastly, international and regional organizations and entities contribute to the prevention of contemporary forms of slavery affecting minorities and migrant workers. The special procedures of the Human Rights Council and human rights treaty bodies regularly examine pertinent issues through their thematic reports, country visit reports and concluding observations in order to raise awareness, and make concrete and practical recommendations to be taken up by States and other stakeholders.<sup>149</sup> The United Nations voluntary fund on contemporary forms of slavery recently funded two civil society organizations in Montenegro and Bosnia and Herzegovina that specialize in the protection of Roma rights and that have provided direct assistance to victims of child and forced marriage.<sup>150</sup> Specialized agencies such as ILO and IOM also have extensive experience in promoting and protecting the rights of minorities and migrant workers in their respective work. Regionally, the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights established a Contact Point for Roma and Sinti Issues in 1994, which has been working with national and local governments, civil society and international organizations to promote equal opportunities for these minorities, including with regard to access to education and decent work.<sup>151</sup> The Special Rapporteur recognizes that much more needs to be done to tackle deep-rooted intersecting forms of discrimination against minorities and migrant workers and their victimization in contemporary forms of slavery in all regions of the world, and hopes that these positive developments continue to expand in the future.

### III. Conclusions and recommendations

#### A. Conclusions

51. **Contemporary forms of slavery among minorities, including migrant workers, remain a serious concern. Members of those groups have long suffered from deep-rooted discrimination, which has limited their access to quality education and decent work. Consequently, many remain trapped in poverty generation after generation. Other intersecting forms of discrimination, based on gender, inherited status, age and migration status, have left them with no choice but to accept jobs that may result in contemporary forms of slavery such as serfdom, bonded or forced labour and domestic servitude. Minorities are also disproportionately represented in the informal economy, which is characterized by casualization and precariousness, with clear indicators of forced labour in many cases.**

52. **Minority women and girls are disproportionately affected by poverty, ethnic prejudice, stigmatization and gender-based restrictions, and are often not recognized as “workers” in the informal/domestic sector. They also face an increased risk of child/forced marriage and sexual slavery. Migrant workers face additional issues, such as language barriers, migration status and limited access to wider public services, all of which make them susceptible to exploitation and abuse.**

53. **Generally, access to justice and remedies among minorities who have been subjected to contemporary forms of slavery is limited, due to persisting discrimination and practical obstacles, such as insufficient awareness of and means to access the processes. Therefore, more needs to be done to make those processes accessible and affordable through, among other things, awareness-raising, financial assistance and language support. Public authorities must also be properly trained.**

54. **In order to overcome various challenges experienced by minorities and migrant workers, a number of initiatives and measures have been advanced that can directly or indirectly prevent them from being victimized in contemporary forms of slavery. Those initiatives range from temporary special measures, to facilitate easier access to education and employment, to formalization of the informal economy. However, deep-**

<sup>149</sup> See the various reports and concluding observations referred to in the present report.

<sup>150</sup> Information received from the secretariat of the fund, June 2022.

<sup>151</sup> See <https://www.osce.org/odihr/roma-and-sinti>.

rooted systematic, historical and institutionalized discrimination as well as other causes must be sufficiently addressed alongside these measures.

55. It is essential that a joined-up approach to eradicating contemporary forms of slavery is promoted with the full participation of minorities and migrant workers in all decision-making processes. Other stakeholders, such as national human rights institutions, civil society organizations, trade unions and regional and international partners should also work constructively with affected communities, States, businesses and employers to eradicate discrimination and contemporary forms of slavery. This is key in ensuring that even the most marginalized are not left behind, as per States' commitment under the 2030 Agenda for Sustainable Development.

## **B. Recommendations**

56. The Special Rapporteur recommends that States:

(a) Take legislative and other steps to eliminate deep-rooted intersecting forms of discrimination against minorities. To this end, they should enforce relevant equality and labour laws and regulations with appropriate civil and criminal sanctions, and implement more effective awareness-raising campaigns, human rights education and training among the general public, public authorities and businesses/employers;

(b) Ensure that minorities and migrant workers enjoy the same treatment as other nationals in respect of their rights to work and just and favourable conditions of work without discrimination, in areas such as wages, working hours and access to work related benefits;

(c) Adopt temporary special measures to improve the integration of minorities into the labour market, particularly in the formal economy;

(d) Ensure the protection of trade union rights for minorities and migrant workers;

(e) Ensure access to land rights to enable them to earn a livelihood, particularly in rural areas;

(f) Ensure access to free quality education and vocational training for minority and migrant children and adults without discrimination; temporary special measures should be considered where appropriate;

(g) Ensure equal access to public services, including economic and social protection, without discrimination;

(h) Secure the active participation of minorities, migrant workers and survivors of contemporary forms of slavery in decision-making processes at local and national levels;

(i) Enhance representation of minorities in all branches of the government, particularly at the leadership level, and implement temporary special measures in this regard;

(j) Secure access to justice and remedies for the victims of contemporary forms of slavery without discrimination. To this end, States should ensure that the relevant information is effectively communicated to victims in the languages they understand, and conduct sufficient awareness-raising and training among local and national authorities;

(k) Facilitate full participation of the survivors of contemporary forms of slavery in developing tailored medical, economic, social and other forms of assistance, as well as wider anti-slavery policies and programmes;

(l) Provide effective equality training for governmental service providers in order to tackle prejudice and discrimination;

(m) **Formalize the informal economy, in which minorities and migrant workers are disproportionately represented, including through regulation and registration of informal businesses and provision of economic, social and labour protection to informal workers;**

(n) **Strengthen labour inspection in the informal economy in order to identify instances of contemporary forms of slavery at an early stage;**

(o) **Address child and forced marriages, which affect minority communities, through a holistic, intersectoral approach, going beyond criminalization of these practices; and actively involve religious and community leaders in decision-making, particularly women leaders and youth leaders, in order to gain wider support for the elimination of these practices;**

(p) **Strengthen efforts to eliminate child labour involving minorities both in the formal and informal economy, in line with target 8.7 of the Sustainable Development Goals, on ending child labour in all its forms by 2025;**

(q) **Implement a joined-up approach to tackle the deep-rooted societal and cultural attitudes condoning child labour and to keep children in school by working closely with parents, teachers, social services, national human rights institutions, civil society organizations and other relevant stakeholders;**

(r) **Establish safe, orderly and regular migration pathways for migrant workers in order to prevent human trafficking and smuggling.**

(s) **Enhance cooperation between sending and destination States to protect the rights of migrant workers and prevent contemporary forms of slavery and other exploitative practices; and conclude and implement bilateral agreements on issues such as employment contracts, change of employers, access to education and training, and other public services and grievance procedures;**

(t) **Provide opportunities for granting permanent residency to migrant workers in order to enhance their access to rights and services and to prevent exploitation and abuse;**

(u) **Regularize the irregular status of migrant workers who have been victimized in contemporary forms of slavery;**

(v) **Establish bilateral mechanisms to systematically monitor and assess the impact of relevant national laws, policies and programmes on the working and living conditions of migrant workers;**

(w) **Develop and implement an effective poverty reduction strategy that sufficiently addresses the historical inequality and injustice that minorities have been experiencing;**

(x) **Recognize and respect the role of national human rights institutions, civil society organizations and trade unions in tackling discrimination and contemporary forms of slavery among minorities and migrant workers, actively support their work and ensure civic space;**

(y) **Improve data collection regarding contemporary forms of slavery affecting minorities. Data should be benchmarked and disaggregated by, inter alia, ethnicity, language and religion, and cross-tabulated by sex, age, disability and urban-rural and/or geographical residence;**

(z) **Make regular financial contributions to the United Nations voluntary fund on contemporary forms of slavery so that it can continue to support civil society organizations that provide direct support to the victims.**

57. **The Special Rapporteur recommends that businesses:**

(a) **Ensure access to decent work among minorities by upholding human rights and labour standards;**

(b) Incorporate the Guiding Principles on Business and Human Rights into their business action plan or policy, and establish and implement mandatory human rights due diligence frameworks;

(c) Regularly conduct equality training among workers, particularly those holding leadership positions, in order to tackle prejudice and discrimination at work; and work cooperatively with national human rights institutions, civil society organizations and trade unions for this purpose;

(d) Establish grievance mechanisms that are accessible to minorities and migrant workers; provide sufficient information in languages they understand; and include minority representatives in all relevant procedures and mechanisms in order to boost mutual trust and confidence;

(e) Take firm disciplinary action against those who breach equality laws, regulations and policies and/or engage in contemporary forms of slavery, with appropriate sanctions;

(f) Cooperate fully with the labour inspectorate in order to improve working conditions and protect the human rights of minorities and migrant workers;

(g) Respect and protect trade union rights of minorities and migrant workers;

(h) Increase the number of minority workers, including women and migrants, in the leadership positions within their businesses, and take special measures in this regard;

(i) Take active steps to formalize their businesses and prevent contemporary forms of slavery.

58. The Special Rapporteur recommends that national human rights institutions, civil society organizations and trade unions:

(a) Work closely with States to identify victims of contemporary forms of slavery and promote their access to justice and remedies;

(b) Strengthen legal, medical, psychosocial and financial assistance for victims/survivors;

(c) Conduct up-to-date research on the exploitation of minorities in contemporary forms of slavery and raise awareness nationally, regionally and internationally;

(d) Provide equality and human rights training to public officials, community and faith-based leaders, and personnel of businesses and employers in order to tackle intersecting forms of discrimination against minorities and migrant workers and prevent their victimization in contemporary forms of slavery;

(e) Help increase consumer demand for slavery-free goods in key sectors such as agriculture and manufacturing;

(f) Provide accurate information to minorities and migrant workers about their rights and existing grievance mechanisms in languages they understand;

(g) Provide sufficient support to minorities and migrant workers so that they can organize themselves effectively to negotiate and agree on working conditions with businesses and employers;

(h) Conduct regular awareness-raising among the general public with the objective of eliminating deep-rooted discrimination against minorities and migrant workers.

59. The Special Rapporteur recommends that academics:

(a) Conduct targeted research on the intersectional vulnerability of minority communities to contemporary forms of slavery, and disseminate their findings widely to enhance the knowledge base on the issue;

(b) Proactively engage with stakeholders at the national, regional and international levels and provide evidence-based recommendations in order to tackle intersecting forms of discrimination against minorities and migrant workers and prevent their victimization in contemporary forms of slavery more effectively.

60. The Special Rapporteur recommends that regional and international organizations:

(a) Work collaboratively with States and non-governmental stakeholders to eliminate intersecting forms of discrimination experienced by minorities and migrant workers, to promote access to education and decent work, and to tackle contemporary forms of slavery in line with target 8.7 of the Sustainable Development Goals;

(b) Assist States in developing coherent and comprehensive national education, employment and poverty reduction strategies that sufficiently reflect the needs and voices of minorities and migrant workers;

(c) Provide expertise and resources to enhance the knowledge and capacity of States to investigate and prosecute contemporary forms of slavery and protect the victims;

(d) Promote the implementation of international human rights and labour standards at the national level;

(e) Regularly conduct equality and human rights training among State and non-State actors to address discrimination and contemporary forms of slavery;

(f) Establish strong partnerships with minority communities, national human rights institutions, civil society and trade unions, and create space for free, informed and empowered participation without fear of reprisal;

(g) Increase attention paid to contemporary forms of slavery and related practices, including by the Forum on Minority Issues;

(h) Conduct targeted research on contemporary forms of slavery affecting minorities and migrant workers in cooperation with academics and other stakeholders.

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