

# Far Too Socially Distant: Trafficking in Persons Policy Responses for Governments in the COVID-19 Pandemic and Beyond

## A Summary of Key Findings

The COVID-19 pandemic has exacerbated an already widespread and pervasive issue: trafficking in persons. In its 2020 biennial report, the United Nations Office on Drugs and Crime (UNODC) stated that nearly 50,000 victims of trafficking were detected in 135 countries prior to the pandemic between 2016-2018, with those undetected likely a much larger figure.<sup>1,2</sup>

The pandemic has changed nearly every aspect of human life, and trafficking in persons is no different. Shifting trafficking flows have created gaps in identification of victims, allowing offenders to act with more impunity. Moreover, the economic and isolation consequences of the pandemic have placed millions around the world at risk for becoming victims of trafficking, placed those already identified and rescued at risk of revictimization, and exacerbated the exploitation that current victims already face. As a result, it is likely that countries around the world can expect both rising numbers of new and re-exploited victims.

Due to the unique challenges presented by the pandemic, governments worldwide must implement policy responses in terms of addressing the impacts to trafficking flows and trafficking victims.

### Trafficking Flows

Trafficking in persons occurs within the wider context of global migration. Across the world,

different levels of border and immigration controls have caused usual flows of migration to reduce significantly in some ways and shift in others. Due to the pandemic, three main impacts affecting trafficking in persons flows have developed.

#### **TRAFFICKING FLOW IMPACT #1. More migrants seeking smuggling services equals more at risk for trafficking.**

Restrictive border and immigration controls have limited the options of migrants who rely on employment in other countries and those seeking a better life. While legal migration has fallen sharply, illegal border crossings are still common. In terms of trafficking in persons, their significance is important as trafficking is often interwoven with illegal border crossings, often facilitated by smuggling of migrants. While trafficking and smuggling are two distinct crimes, trafficking often occurs within the context of smuggling due to the dependency of the migrants on their smugglers for survival. This vulnerability, paired with the smugglers' control over the migrants' autonomy, documents, assets, and outside communications creates fertile ground for trafficking to occur within a smuggling journey.<sup>3</sup> And, as evidenced by recent studies, due to the global poverty rate increasing as a result of the pandemic, more migrants, desperate for economic opportunity, are seeking smuggling services, smugglers are

<sup>1</sup> Kristiina Kangaspunta, Fabrizio Sarrica, Giulia Serio, Kelly Whelan, Jesper Samson, and Candence Wills, *Global Report on Trafficking in Persons 2020*, United Nations Office on Drugs and Crime (UNODC) (2021) at 15.

<sup>2</sup> *Id.* at 31. Note: 48,478 victims detected in 135 countries in 2018 or, if data not available for that year, in 2019, 2017 and 2016.

<sup>3</sup> Kristiina Kangaspunta, Angela Me, Fabrizio Sarrica, and Raggie Johansen, et. al., *Global Study on Smuggling of Migrants*, United Nations Office on Drugs and Crime (UNODC) (2019) at 19.

using riskier routes, and exploitation at the hands of smugglers is commonplace.<sup>4</sup>

**Policy response #1. Governments should improve and expand screening and identification measures, including screening of all smuggled migrants as potential victims of trafficking in persons.**

Governments should establish better mechanisms to screen and identify potential trafficking victims disguised by their outward appearances as smuggled migrants. Furthermore, given the prevalence of trafficking in the context of smuggling, all smuggled migrants should be screened as being potential trafficking victims. Pursuant to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, States Parties have an obligation to identify victims of trafficking to ensure that their rights are not further violated and that they can access assistance and protection measures, as appropriate.<sup>5</sup>

**TRAFFICKING FLOW IMPACT #2. Domestic trafficking increasing in response to tighter border controls.**

While many migrants may seek the assistance of a smuggler to leave their countries of

origin, trafficking is likely to increase within the confines of national borders.<sup>6</sup> The rate of detections of domestic victims of trafficking has steadily and significantly increased since 2010, and more than doubled between 2014 and 2018.<sup>7</sup> While the pre-pandemic explanation for this increase was the result of improved border controls and better national detection systems, it is likely that there will be increased domestic trafficking due to restrictive border controls. Moreover, due to law enforcement being diverted toward pandemic duties, traffickers have more opportunities to act with greater impunity.<sup>8</sup>

**Policy response #2. Shift law enforcement focus toward domestic rather than cross-border trafficking.**

In many countries, identification and assistance for trafficking victims is related to immigration and border control, thus directing heavy law enforcement focus towards cross-border, rather than domestic, trafficking. In addition, public perception in some countries, which influences governmental actions, views trafficking victims as vulnerable women and girls, transported from distant countries and places very little focus on domestic, own-national victims.<sup>9</sup> Yet, meanwhile, domestic victims are either unidentified or identified as domestic violence victims, often leaving them without adequate

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<sup>4</sup> Samuel Hall, *Migrant Smuggling to Canada*, International Organization for Migration (IOM) (2018) at 16, note: in this study of Afghan and Syrian migration to Canada, all migrants interviewed said they experienced some form of extortion or violence at the hands of smugglers; Mixed Migration Centre (MMC), *Impact of COVID-19 on migrant smuggling*, COVID-19 Global Thematic Update #1 (September 1, 2020), note: in this study, migrants in North Africa and Asia reported that smugglers are the actors most likely to perpetrate violent acts and protection incidents against them during their journeys.

<sup>5</sup> Kristiina Kangaspunta, *supra* note 43; United Nations General Assembly. 2000. *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. A/RES/55/25.

<sup>6</sup> Kristiina Kangaspunta, Fabrizio Sarrica, Raggie Johansen, Jesper Samson, Agata Rybarska, and Kelly Whelan, *Global Report on Trafficking in Persons 2018*, United Nations Office on Drugs and Crime (UNODC) (2019) at 41; Kristiina Kangaspunta, *supra* note 1 at 55.

<sup>7</sup> *Id.* at 41.

<sup>8</sup> United Nations, *COVID-19 crisis putting human trafficking victims at risk of further exploitation, experts warn* (May 6, 2020), [www.news.un.org/en/story/2020/05/1063342](http://www.news.un.org/en/story/2020/05/1063342).

<sup>9</sup> Tabitha Bonilla and Cecilia Hyunjung Mo, The evolution of human trafficking messaging in the United States and its effect on public opinion, 39 *Journal of Public Policy* 201–234 (2019).

assistance and protection.<sup>10</sup> While interrelated, domestic violence and trafficking are distinct, with different legal protections and services available for each.

Thus, governments must first shift their focus inward, train appropriate law enforcement on identification of victims, establish a plan to monitor shifting domestic flows, and conduct comprehensive studies on the impact of the pandemic on the modus operandi of offenders, particularly organized criminal groups. Second, governments must work to ensure all victims of crime are able to access and receive services and protection on an equal footing.

**TRAFFICKING FLOW IMPACT #3.** As a result of lockdowns, many trafficking flows have moved to cyber space, allowing offenders to traffic more victims across a greater geographic area with minimal effort.

Due to social distancing measures in place, much of the Global North has been forced to resort to technology to facilitate work, study, and entertainment remotely. Unfortunately, it is not just the facilitation of school and work that has moved to cyber space – offenders have also found that the Internet is an exceptionally fertile ground for operations that would have taken place in person only months prior. Like all trafficking, cyber trafficking flows are driven by vulnerability, which is in strong supply with many worldwide having lost their livelihoods. And, with the rising demand for entertainment, particularly illicit sexual forms of it, traffickers have access to lucrative business schemes to exploit such vulnerable people for a fraction of the labor output.

Technology allows traffickers to easily and anonymously establish significant cyber flows of victims. Cyber trafficking flows are often characterized by victims held and

coerced into video performances, allowing the perpetrators to connect with potential clients living abroad.<sup>11</sup> This type of trafficking has been identified in several countries and typically relies on the availability of video equipment and digital recording devices to broadcast victims' exploitation.<sup>12</sup> Before the emergence of today's Internet technology, a trafficker would have to put in great planning and effort to transport a victim from one location to another to "sell" their services to a limited number of "customers," risking the detection of law enforcement. Now traffickers may easily exploit multiple victims at home at the click of a button behind a screen and "sell" their services to multiple locations around the world to potentially thousands of "customers." Unfortunately, the pandemic has increased people's use of technology, their vulnerability, and therefore their likelihood of being trafficked in this manner.

**Policy response #3.** Governments should establish specialized task forces that include law enforcement and technology companies that set up adaptive controls.

While many governments have task forces designed to combat trafficking in persons, the increased cyber flows and the unique qualities of the pandemic require a distinct approach.

As such, governments should seek to establish specialized task forces that include all actors involved with a particular focus on strengthening cooperation between law enforcement and technology companies. Through this cooperation, taking into account the particular ways that the pandemic has facilitated cyber trafficking, governments and technology sites should set up comprehensive and cooperative controls to reduce the risk of exposing vulnerable people to trafficking

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<sup>10</sup> Sarah Bessell, *Human Trafficking and Domestic Violence Fact Sheet*, The Human Trafficking Legal Center (2018).

<sup>11</sup> Kristiina Kangaspunta, *supra* note 1 at 125.

<sup>12</sup> *Id.*

and exploitation. Second, online platforms should use their data, artificial intelligence, and analytics to identify any pattern that could lead to trafficking and identification of the involved parties taking part in illegal operations and share this information with governments to better tailor law enforcement response.<sup>13</sup> Finally, technology companies should work with governments to put appropriate governance structures and procedures in place that allow law enforcement to be effective in their response and provide the relevant level of information to the concerned authorities.<sup>14</sup>

### **Victims of Trafficking**

The pandemic has exacerbated already existing vulnerabilities and created risk for more people to fall victim to trafficking as well as heightening the risks for those already in trafficking situations. Vulnerability, particularly economic vulnerability, provides the fuel for the engine of trafficking to start, and in some cases, continue to run for a prolonged period of time.

**VICTIM IMPACT #1. Increasing numbers of economically vulnerable people are seeking employment outside government labor controls, placing themselves at risk.**

The effects of the global curbing of migration flows on the world economy are clear. Spiking unemployment and lost wage rates are commonplace, while global remittance rates have plummeted. As such, many economically vulnerable people are seeking employment, often outside of government regulation.

Moreover, vulnerable individuals are more likely to accept riskier jobs in order to survive. Particularly vulnerable are undocumented migrants along with already identified and rescued victims of trafficking, vulnerable to being re-exploited. Beyond seeking risky and unregulated employment, those who have lost jobs or wages are at risk of becoming victims of trafficking for sexual exploitation and debt bondage with reports of landlords exchanging reduced rent for sex and loan sharks promising low interest loans in debt bondage schemes.<sup>15,16</sup>

**Policy response #4. Governments should strengthen and expand labor inspections while at the same time granting immediate immigration and labor documentation to undocumented migrants and those identified and rescued as victims of trafficking within their countries, at a minimum, for a temporary period.**

Many governments have reduced on-site police and labor inspections while diverting resources to address the pandemic.<sup>17,18</sup> Under these conditions, there is a looming danger that investigating trafficking in persons will become a lower priority and that proactive inspections of suspect sites and cases are reduced, leading to a climate of practical impunity where offenders can operate with low risk of detection and conviction.<sup>19,20</sup> As such, at a minimum, governments should provide appropriate protective measures and funding to labor inspectorates so that they may continue, if not strengthen, their efforts to pre-pandemic levels.

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<sup>13</sup> United Nations, *supra* note 8.

<sup>14</sup> *Id.*

<sup>15</sup> United Nations Office on Drugs and Crime (UNODC), *Impact of the COVID-19 Pandemic on Trafficking in Persons: Preliminary findings and messaging based on rapid stocktaking* (2020).

Polaris Project, *Landlords Coercing Tenants Unable to Pay Rent to Provide Sex: Sex Trafficking or Not?* (May 6, 2020), [www.polarisproject.org/blog/2020/05/landlords-coercing-tenants-unable-to-pay-rent-to-provide-sex-sex-trafficking-or-not/](http://www.polarisproject.org/blog/2020/05/landlords-coercing-tenants-unable-to-pay-rent-to-provide-sex-sex-trafficking-or-not/).

<sup>16</sup> United Nations Office on Drugs and crime (UNODC), *supra* note 15.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

Furthermore, a lack of documentation leads migrants to seek risky employment and victims of trafficking already identified and rescued to be exploited again. Many migrants and already identified victims are often (re)exploited in illegal, informal, or unregulated sectors.<sup>21</sup> Due to their undocumented status, many are unwilling, frightened and/or unable to report their victimization, fearful of being detained and/or deported.<sup>22</sup> As such, governments should immediately provide, at least for a temporary period of time, immigration documentation to undocumented migrants and identified and rescued victims of trafficking. In addition, governments should immediately provide undocumented migrants and identified and rescued victims of trafficking employment documentation that allows them to seek formal employment, thus aiding in keeping them out of particularly risky, unregulated sectors. This documentation should be given immediately and should be untied to any employer.

**VICTIM IMPACT #2. Levels of violence appear to be on the rise toward current victims of trafficking with decreased interventions by law enforcement.**

As discussed above, many households are confined to their homes and in close quarters. Similar to patterns of domestic violence, economic stress, coupled with physical confinement in the home is likely to lead to increased abuse and violence for those trapped in trafficking situations.<sup>23</sup>

In particular, in situations where the trafficking occurs – and has always occurred – within the home, the exploitation may be exacerbated.

Even pre-pandemic, victims of trafficking for the purpose of domestic servitude faced unique difficulties relating to their exploitation, such as the private nature of the work and being in close contact with their offender(s). Victims of trafficking for the purpose of sexual exploitation also are at risk of facing rising levels of violence towards them. Restricted in their ability to “earn,” victims trapped with intimate partners or pimps are particularly vulnerable.<sup>24</sup> Moreover, the potential loss of financial gains can result in worse treatment for their victims.<sup>25</sup> And, as discussed above, further exacerbating the abuse these victims face, their offenders may move their trafficking operations to cyber space, thus compounding their exploitation.

**Policy response #5. Governments should provide law enforcement proper protection and prioritize trafficking investigations.**

Much like with labor inspections, while trafficking and exploitation is on the rise, both in public employment and in private homes, anti-trafficking law enforcement authorities appear to have decreased investigations and rescues in this area. This could be due to a lack of proper pandemic-appropriate protection and shift in priorities.

In many countries, law enforcement officials have expressed that they lack basic protective gear and fear infection when dealing with vulnerable people living in precarious conditions, thus reducing their ability and willingness to enter potential trafficking situations.<sup>26</sup> However, law enforcement must be given the best available protection in order

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<sup>21</sup> Id.

<sup>22</sup> Id.

<sup>23</sup> RESPECT International, *The Effect of COVID-19: Five Impacts on Human Trafficking*, Tech Against Trafficking (2020), [www.respectinternational/the-effect-of-covid-19-five-impacts-on-human-trafficking/](http://www.respectinternational/the-effect-of-covid-19-five-impacts-on-human-trafficking/).

<sup>24</sup> Id.

<sup>25</sup> International Organization for Migration (IOM), *Why has the vulnerability of victims of human trafficking increased during COVID-19?* (2020), [www.rosanjose.iom.int/SITE/en/blog/why-has-vulnerability-victims-human-trafficking-increased-during-covid-19](http://www.rosanjose.iom.int/SITE/en/blog/why-has-vulnerability-victims-human-trafficking-increased-during-covid-19).

<sup>26</sup> United Nations Office on Drugs and Crime (UNODC), *supra* note 15.

to continue to respond to reports of trafficking safely, and as aggressively, as before the pandemic.

Second, the attention of governments, and thus that of law enforcement, has been shifted greatly to public health purposes in the interior of most countries. The worldwide lockdowns are likely to have triggered significant changes in patrol allocations, as police and supplementary forces are called upon to ensure that residents do not violate stay-at-home ordinances.<sup>27</sup> Governments should reallocate at least a minimal number of law enforcement to prioritize trafficking investigations during the pandemic and immediately afterward.

### **VICTIM IMPACT #3. Vulnerable people and current victims of trafficking have diminished access to services, protection, and justice at a time where demand for these is rising.**

As discussed above, the greatest of all the pandemic's impacts have placed vulnerable people at risk of trafficking, already identified and rescued victims at risk of revictimization, and current victims at risk of their exploitation being exacerbated. Yet, in spite of the rising numbers of potential and actual victims, social support services have been limited, shelters closed, and medical facilities restricted. Government funding that was present in pre-pandemic times has often been reduced and diverted elsewhere.<sup>28</sup> Justice systems are also

limiting services usually available to victims of trafficking, with adjudication of cases, including those on compensation, many times halted and justice delayed for victims.<sup>29</sup>

### **Policy response #6. Governments should mandate at least pre-pandemic level funding to social services providers and ensure that justice processes for victims are designated as essential.**

While social services providers have had greater demand from victims, they have had to decrease their operations due to the pandemic's safety concerns and associated costs (protective equipment, cleaning fees, etc.) along with funding cuts. However, governments should restore funding to social services providers to, at a minimum, pre-pandemic levels. Governments should also ensure that justice processes for victims of trafficking are designated as essential, including provision of translation services.

### **Conclusion**

The pandemic has placed the vulnerable in even more untenable situations that expose them to a greater risk of trafficking. At the same time, government actions around the world, such as tight border controls and diverting funding meant to assist victims of trafficking in order to better control the spread of COVID-19, have inadvertently assisted offenders to exploit their victims. The policy responses recommended above serve to assist vulnerable people, already identified and rescued victims, and victims currently in their trafficking situations in an emergent and immediate way. However, there is a need for long-term improvements in cooperation between countries as well as structural improvements in each country alone, as unfortunately, and sometimes tragically, revealed in a time of crisis.

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<sup>27</sup> Vanda Felbab-Brown, *How COVID-19 is changing law enforcement practices by police and by criminal groups*, Brookings Institute (April 7, 2020), [www.brookings.edu/blog/order-from-chaos/2020/04/07/how-covid-19-is-changing-law-enforcement-practices-by-police-and-by-criminal-groups/](http://www.brookings.edu/blog/order-from-chaos/2020/04/07/how-covid-19-is-changing-law-enforcement-practices-by-police-and-by-criminal-groups/).

<sup>28</sup> Simon Bottery, *How Covid-19 has magnified some of social care's key problems*, The King's Fund (August 25, 2020), [www.kingsfund.org.uk/publications/covid-19-magnified-social-care-problems](http://www.kingsfund.org.uk/publications/covid-19-magnified-social-care-problems).

<sup>29</sup> United Nations Office on Drugs and Crime (UNODC), *supra* note 69.