# HUMAN TRAFFIC KING IN A CHANGING CLIMATE

PREPARED BY

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# INTRODUCTION

INTRODUCTION

We live in an era of climate disasters. Over the last four decades, climaterelated emergencies have increased by over 80%, with reports from the Intergovernmental Panel on Climate Change (IPCC) describing <u>"changes in the Earth's climate in every region and across the whole climate system."</u> Across a wide range of countries, like <u>India</u>, <u>Germany</u>, <u>Pakistan</u>, <u>British Columbia</u>, and <u>South Africa</u>, in addition to <u>many others</u>, the negative impact of climate change is already being felt, impacting countless thousands. Media channels around the world report on climate-related <u>mass displacements</u> with growing regularity, with increasingly frequent severe weather events serving as catalysts for political and economic instability. Instability breeds chaos, which <u>generates and perpetuates a</u> <u>steadily growing range of vulnerabilities</u> for impacted families and communities



A California wildfire. Source: <u>WBUR</u>

forced to flee their homes and businesses. And between the threat of <u>more frequent droughts and</u> wildfires, <u>sea level rise</u> swallowing communities or entire countries, soaring temperatures <u>making many</u> <u>places (especially cities) unlivable</u>, and a <u>host of other climate-related</u> <u>threats</u>, the negative consequences of climate change are poised to harm and displace over <u>one billion</u> <u>people</u>. What once seemed a distant threat is now a bleak feature

of our everyday lives. Amid these trends, human trafficking and modern slavery continue to be massive and pernicious problems. The International Labour Organization (ILO) estimates that 50 million people are enslaved today, more than at any other time in history. Recent studies show increases in the number of enslaved people driven by a number of compounding factors, including the pandemic, armed conflict, and the focus of this report, climate change. It is clear that environmental changes are having a profound impact on every aspect of global society, including income generation and political stability, which affect vulnerability to human trafficking and modern slavery.

# INTRODUCTION

Climate change has become the <u>number one cause of internal displacement</u> <u>globally</u>, with Oxfam finding you are three times more likely to be internally displaced by cyclones, floods and wildfires than by conflict. It is predicted that by 2050, <u>216 million people will be displaced</u> by the impacts of climate change alone if governments do not take sufficient climate action. Even if the international community begins a more robust response to climate change right now, and finds a way to stop further warming, some of these changes may be here to stay for centuries.

The IPCC reports that "many of the changes observed in the climate are unprecedented in thousands, if not hundreds of thousands of years, and some of



A figure demonstrating the impact of human factors on global temperature. Source: <u>BBC</u>

the changes set in motion—such as continued level rise—are sea irreversible hundreds over to thousands of years." It is a known fact that increasing global instability has a direct relationship with increasing vulnerabilities to human trafficking and modern slavery. Yet climate <u>change is often ignored as a</u> contributing factor in human trafficking discussions, and the connection between these two phenomena is broadly understudied.

Those who seek to prevent and address the issue of human trafficking need to consider the disruptive underlying force of climate change as part of any solution. In this report, we aim to analyze the complex and multilayered relationship between climate change and human trafficking. Drawing on the work of experts, researchers and analysts across both fields we will help unpack the factors at play in this intersection and illuminate some of the challenges found in today's migration landscape.





**Asylum-seekers:** People seeking international protection from conflict and/or persecution by applying or preparing to apply for asylum in another country. A final determination of the need for protection has not yet been made for an asylum seeker, and the process through which a government decides on the status of their claim often takes years. Proving life threatening conflict and/or persecution is often difficult if not impossible, especially if the asylum seeker was forced to leave quickly without time to gather documentation, as is often the case. If the government considers that an asylum-seeker is at risk of persecution or threat to their life in their country of origin, they will be granted 'refugee' status in that destination country. Being designated legally as a 'refugee' qualifies an individual for particular benefits and protections. While not every asylum-seeker will ultimately be recognized as a refugee, an asylum-seeker cannot be sent back to their country of origin pending a final determination.

**Debt bondage:** The term debt bondage, also known as bonded labor or debt slavery, refers when an individual is forced to work in order to pay off a debt. Migrants who travel within and across national borders in order to find work are particularly vulnerable to debt bondage due to a lack of official identity documents. <u>The ILO points out</u>, " a lack of official documentation renders workers 'invisible' to national authorities and makes it virtually impossible for them to denounce forced labor abuse and seek remedial action."

**Internally displaced people (IDP):** Internally displaced people have been forced to flee from their home due to violence and conflict or natural disasters, but remain within their country. As they remain within their own country, they remain under the protection of its government, even if that government is the reason for their displacement. They are not afforded many protections under international law and are amongst the most vulnerable people in the world.

**Irregular migration:** Movement of persons that takes place outside the laws, regulations, or international agreements governing entry into or exit from the state of origin, transit or destination. This type of migration can render migrants

definition of Irregular migration continued on next page...

### **TERM DEFINITIONS**

vulnerable to abuse, trafficking and exploitation as a result of the migrants' irregular status. The irregular routes used are often precarious and can be deadly.

Additionally, irregular migrants may have arrived in a state through regular pathways but become an irregular migrant for reasons including denied asylum claims, trafficking, victimization, and others. Please also refer to the note below on Irregular Migration.

Note on Irregular Migration from the International Organization on Migration (IOM): Although a universally accepted definition of irregular migration does not exist, the term is generally used to identify persons moving outside regular migration channels.

The fact that they migrate irregularly does not relieve States from the obligation to protect their rights. Moreover, categories of migrants who may not have any other choice but to use irregular migration channels can also include refugees, victims of trafficking, or unaccompanied migrant children. The fact that they use irregular migration pathways does not imply that States are not, in some circumstances, obliged to provide them with some forms of protection under international law, including access to international protection for asylum seekers fleeing persecution, conflicts or generalized violence. In addition, refugees are protected under international law against being penalized for unauthorized entry or stay if they have traveled from a place where they were at risk (Convention relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954)189 UNTS 137, Art. 31(1)).

**Migrants**: People who move away from where they typically reside. This can include both moving within their own country (internal) or to another (external) and can be both temporary or permanent. Migrants move for a variety of reasons including, employment opportunities, flight from violent conflict, environmental factors, educational purposes, or reunification with family. There are different types of human migration, both external or internal, which may be either forced or voluntary. The term 'migrant' has been traditionally used to refer to voluntary migration rather than forced migration to escape violence and/or persecution.

**Migrant Smuggling (or People Smuggling):** The United Nations Office on Drugs and Crime defines smuggling as the "facilitation, for financial or other material gain, of irregular entry into a country where the migrant is not a national or resident." Smuggling is distinct from trafficking as the participant has given their consent to be transported. However, migrants who originally agreed to be smuggled can be exploited and trafficked against their will during their journey. Migrant's increased

MIgrant Smuggling definition continued on next page...

# **TERM DEFINITIONS**

vulnerability to trafficking during transport makes the line between human trafficking and migrant smuggling harder to define. Smuggled migrants can easily become victims of trafficking, as they are often held in debt bondage or sold on to traffickers on arrival in the destination country.

**Refugees**: Under international law, refugees are defined as people who have fled their country to seek safety in another. This can be due to war, conflict, violence, or persecution. Refugees are unwilling or unable to return to their home country out of a well-founded fear of persecution. Refugees are protected by international law and cannot be sent back home if their life or freedom would be at risk.

Note about the term <u>'Climate Refugee' or Climate Migrant</u>: these terms can be found used in much of the current discourse about climate change but this concept does not exist in international law and legislation. The <u>1951 Refugee Convention</u> which defines who may be eligible to qualify as a refugee does not mention climate change related reasons. Climate refugees can be forcibly displaced both internally and across borders. It is still possible for persons displaced due to climate related reasons to be considered as refugees if the climate related reasons result in any of the reasons accepted in the <u>Refugee Convention</u>.

**<u>Risky Migration</u>**: Migration that involves one or more major risk factors that can be part of irregular migration (see definition above). These risk factors include:

- **Social Risk:** If migrants run out or are short of money, they cannot access basic services, like accommodation, health care and education;
- **Environmental Risk:** While in transit, migrants may experience extreme weather like storms, flooding and drought that imperil the transit route. Many migrants' routes include long journeys through desert or across the ocean;
- **Economic Risk:** If travel money dries up due to delays during the journey or if migrants cannot find a job during stops along the journey, they risk destitution;
- Legal Risk: People with no permits or visas to legally stay in transit or destination countries risk arrest and detention with poor or no access to justice;
- **Physical Risk:** Many journeys involve unsafe means of transportation and long waiting periods in difficult environments between successive steps of the journey;
- Intrinsic Risk: Sex, age and other characteristics, such as family status, country of origin, education and religion can create risk.

### **TERM DEFINITIONS**

**Returnees:** Returnees are former refugees who have returned to their country of origin after being displaced, either spontaneously or in an organized fashion, but have not yet been fully (re)integrated. Repatriating voluntarily is a choice influenced by many factors, including the reasons for their flight and conditions if they return.

**Slow-onset Disasters:** Environmental events unfolding gradually over time that result in the steady loss of natural resources, strain or loss of employment prospects and income generation, increasing food insecurity and water scarcity, and agricultural devastation. These events include sea level rise, increasing temperatures, ocean acidification, glacial retreat and related impacts, water tables and soil salinization, land and forest degradation, loss of biodiversity and desertification. Slow-onset disasters lead to a steady flow of people leaving impacted areas to look for a more stable environment.

**Stateless People:** Stateless people do not have the nationality of any country such that no State recognizes this person as a national according to the State's law. This may be due to incompatible legislation across countries, discrimination/denationalization, unclear status at birth, state succession, displacement and forced migration. Stateless people face significant challenges accessing basic rights including, education, healthcare, employment, etc.

**Sudden-onset Disasters:** Unexpected and rapidly developing environmental events such as typhoons, floodings, hurricanes, tornadoes, tropical cyclones, earthquakes and tsunamis. These disasters result in a sudden and unexpected loss of land and lives as well as the abrupt loss of jobs, food, housing and income generation, which render individuals vulnerable to poverty, especially those from low income or marginalized groups who lack a safety net. Events and related effects can lead to mass amounts of displaced people in a short span of time.

**Supply Chain:** In commerce, a supply chain is a network of groups and facilities that procure raw materials, transform them into components or goods and then final products sold to customers through a distribution system. The term refers specifically to the network of organizations, people, activities, information, and resources involved in delivering a product or service to a consumer. Certain supply chains across the global South (notably in the <u>textile</u>, <u>coffee</u>, <u>cocoa</u> and <u>mining</u> sectors) have been well documented as frequently using labor trafficking, labor exploitation and child labor in the early stages of their production.

## TRAFFICKING IN A CHANGING CLIMATE

Disasters and climate events that lead to the displacement of people cause spikes in both short and long-term vulnerability to human trafficking. Individuals forced to flee their homes due to an unexpected event like flooding or a storm instantly become more vulnerable to different types of trafficking. In the long-term, the slow accretion of access to food, water or income due to climate-related reasons leads to desperation as individuals or families face starvation and are forced to move. The separation of individuals or families from the social support networks in their home community and the loss of fundamental resources when on the move makes both sets of displaced people more likely to accept questionable offers of assistance or employment that may turn out to be fraudulent or exploitative. <u>Research has established clear links</u> between risky migration and various forms of modern slavery, including labor and sex trafficking, debt bondage, and forced labor.



Sudden-onset climate disasters cause an abrupt and unexpected loss of lives, property, and livelihoods, plunging those without a safety net into poverty. In the immediate aftermath of a sudden disaster, displacement is also likely to occur. The desire for safety and a stable source of income to help restore their lives may lead impacted people to pursue risky economic opportunities, incur predatory debt, or try risky migration channels, as discussed in more detail below. This can lead to a sharp rise in trafficking if trafficking was already present, or the creation of a new hotspot for human trafficking and exploitation. The U.N. Environment Programme <u>found</u> that trafficking may increase by 20–30% during sudden-onset disasters. Examples of this vulnerability uptick abound: in the wake of Typhoon Haiyan in the Philippines, many survivors were coerced into forced labor or sex work. After Hurricane Katrina, vulnerabilities to trafficking compounded as many were left homeless with destroyed livelihoods, opening the door for survivors to be lured into forced labor and labor exploitation.

The 7.8 followed by the 7.3 magnitude earthquake that happened in Nepal in 2015 led to an uptick in child trafficking. Desperate parents believed false promises of jobs or a better life for their children as they struggled to rebuild and feed them in the aftermath, agreeing to dodgy offers from traffickers. Anna Childs, academic director for International Development at The Open University, <u>writes</u>:

"The people they exploit are extremely vulnerable. With family breadwinners killed or injured, land and livelihoods destroyed and food and shelter hard to come by, people are more inclined than ever to take desperate actions."



Slow-onset climate disasters also significantly impact trafficking dynamics, though slow-onset outcomes are often more subtle and harder to detect than the impacts of sudden-onset events. For example, rising temperatures and sea-level rise can damage or completely strip agricultural or natural resource-based

livelihoods, putting people at risk of food insecurity. This in turn leads to increasing desperation to feed and provide for themselves or their dependents. Just as with sudden-onset disasters, desperation serves as an impetus to pursue riskv employment opportunities or migration risky channels, opening up affected people to modern slavery and traffickingrelated exploitation. For

#### **SLOW ONSET vs RAPID ONSET**

Research by the <u>International Institute</u> <u>for Environment and Development (IIED)</u> found people in India migrating to escape slow onset climate disasters like drought are, two and a half times more likely to experience trafficking or modern slavery than those fleeing rapid onset disasters like floods or cyclones.

climate migrants, studies show traffickers are likely to <u>recruit in the places of</u> <u>origin but also at their destinations</u>, such as the haphazard and unofficial urban slums found in destination cities like Nairobi and Delhi. As climate migrants

Slow-onset Disasters continued on next page...

become more desperate they often take on debt that puts them into bondage or, in extreme cases, may even sell family members into bonded labor or forced marriage to make ends meet. Slow-onset climate phenomena are especially damaging to rural and poor communities. In parts of Bangladesh, both sudden and slow-onset climate events have decimated income channels for many families who relied on farming or related work, leaving them with few options for feeding their families. This situation puts everyone, but especially young girls, at an increasing risk of sex trafficking either through kidnapping or forced marriage as parents try to find ways to feed themselves and their children.



When slow and sudden-onset events strike, they tend to disrupt the social and economic fabric of impacted communities, creating conditions that make individuals more vulnerable to exploitation and abuse. At the same time, the chaos and confusion that follow a disaster and the heightened demand for goods and services create many types of opportunities for traffickers to exploit. Disasters also create new economic opportunities for traffickers, such as the huge demand for cheap labor to help in the reconstruction of damaged buildings, homes and infrastructure or other services in the aftermath of an event.

Both slow and sudden-onset disasters permanently disrupt trafficking patterns in the areas they impact, creating vulnerabilities and shifting the environment in which traffickers operate. As Dr. Kevin Bates writes in the Journal of Modern <u>Slavery</u>,

"Disasters both end and begin trafficking and slavery activities. Chaos has long been understood as a context in which slavery flourishes. The disruption of a natural disaster may temporarily hinder the business of trafficking and slavery, but unlike most businesses, crime feeds on chaos, and new modalities of trafficking and enslavement will emerge."

After a disaster, there is a high likelihood that criminals will change the types of exploitation they practice, if not the methods by which they 'recruit' and control the individuals they intend to exploit. Bates also postulates the existence of a disaster snowball effect. When a disaster is added to an existing situation of slavery and trafficking, the number of highly vulnerable people tends to increase dramatically. Because of this, amidst the chaos of a post-disaster scenario, *"the volume of slavery crime will increase over time, only to shrink when law enforcement, public safety, and personal security recovers."* 

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#### **TAKE NOTE**

The UN's International Organization for Migration writes:

"Climate change is rendering rural livelihoods more precarious. Issues such as extremes of temperature, unpredictable rain patterns, loss of biodiversity, and insufficient access to clean water interact with existing economic marginalization to threaten the viability of smallscale agriculture and fishing. Without suitable policies to support rural communities, this situation leads to the loss of food security, damages physical and emotional wellbeing, heightens economic precarity, and drives migration."

# **RECONSTRUCTION: MYTH VS. REALITY**

When envisioning the relationship between human trafficking and natural disasters, it is easy to conjure an image of criminal organizations entering impacted areas during a disaster and preying upon newly vulnerable individuals. While there is perhaps some truth to this idea, <u>there is little evidence that slavery</u> flourishes during disaster events. In practice, the opposite seems to be true, with traffickers fleeing disaster-impacted areas during the disaster in the same way that the rest of the population has. But when they return, criminal organizations adapt to changes brought on by the disaster, moving away from old patterns of trafficking and exploiting new vulnerabilities and opportunities associated with a post-disaster population. Rather than victimizing impacted people during disasters, research points to the idea that traffickers take advantage of the chaos and vulnerability during the aftermath and reconstruction periods when the event itself is over.

In the wake of a disaster, large populations flee impacted areas either permanently or temporarily, leaving behind or losing their livelihoods and homes. As previously discussed, populations who leave become migrants and are in an economically precarious position, putting them at risk for trafficking. However, some may choose to remain in impacted communities either due to lack of resources to leave or to retain/protect their current assets. Those who choose to remain in disaster-stricken areas also tend to be especially vulnerable to trafficking due to disruption in the local economy and the vital resource scarcity that occurs after an event. For example, a disaster may destroy businesses or infrastructure, making it difficult for people to earn a living, find safe housing, buy food and find clean water. In such cases, individuals are more likely to accept offers of work, housing or access to vital supplies that turn out to be fraudulent or exploitative.

Another important aspect of the relationship between trafficking and disaster response is the new opportunities for labor trafficking and labor exploitation that grow out of the structural devastation of a given event. After a disaster, traffickers often take advantage of the high labor demand associated with the post-disaster rebuilding process by trafficking people from other regions into disaster-stricken areas.



The post-disaster rebuilding process can also serve as the catalyst for changes in the volume and type of forced labor in the disaster-stricken area, as was seen in Hurricane Katrina and the labor trafficking case that came out of reconstruction.

Prior to Hurricane Katrina, New Orleans was considered to have a significant <u>number of people</u> trafficked into commercial sexual exploitation (CSE). This market for commercial sexual exploitation, however, was massively disrupted by Katrina and the <u>abrupt demise of the local tourist and convention trade</u>. In the gap left by the loss of CSE, there was an opportunity for traffickers to pivot towards the mass reconstruction necessary after Katrina. The huge amounts of cheap labor needed to feed reconstruction created economic opportunities for criminal traffickers related to labor exploitation and forced labor.



Destruction in the wake of Hurricane Katrina. Source: Pixabay

Soon after Hurricane Katrina, the Bush Administration's suspension of the Davis-Bacon Act eliminated the <u>requirement</u> for federal <u>contractors to pay their</u> workers locally prevailing wages on all projects in excess of \$2,000, incentivizing firms to source migrant workers accustomed to much lower wages. These migrant workers were often trafficked or coerced into forced labor by

American firms. This problem was widespread, and a <u>study on construction</u> <u>workers following Hurricane Katrina</u> found that <u>nearly one-fourth</u> of construction workers in New Orleans were undocumented. Many of these workers <u>were</u> <u>coerced</u>, <u>placed in debt bondage or subjected to inhumane working conditions</u>.

Benjamin Thomas Greer highlights an example of this phenomenon in his HTS blog post, *Illuminating a Nexus: The Interplay Between Disaster Events and Exploitation*:

"Post-Hurricane Katrina, Signal International (Signal) was found guilty of exploiting workers' rights during the suspension of the Davis-Bacon Act requirements. Signal, a marine construction firm specializing in the commissioning, repair, and upgrade of offshore drilling rigs, saw their workforce depleted after the storm. Recruiting agents working on behalf of Signal fraudulently induced and coerced nearly 500 guest workers from India utilizing the H-2B guestworker program to work for Signal in the United States. The fraudulent inducement and means of coercion utilized by these recruiters primarily consisted of false promises of becoming lawful U.S. residents. In a clear example of labor exploitation and debt bondage, upon arrival recruiting agents confiscated their visas and passports, convinced the guestworkers to pay exorbitant fees to cover their recruitment, travel, and immigration processing, and threatened them with legal actions and serious bodily harm unless they worked for Signal. Once employed by Signal, the guest workers were forced to live in labor camps under unhealthy and unhygienic conditions while also suffering psychological abuse and being defrauded of hard-earned wages. Upon conclusion of the civil case, the jury found Signal, the attorney who assisted in this scheme, as well as the Indian recruiter, guilty of labor trafficking, racketeering, and discrimination."



The migrant workers marching from New Orleans to Washington, DC to demand accountability. Source: <u>NPR</u>

Conditions in the camps were <u>deplorable</u>. Despite promises of reasonable compensation, workers paid exorbitant extremely rates for cramped living conditions that were <u>constantly surrounded</u> by barbed wire and watched by guards. The workers were fed frozen rice and moldy bread and were subjected to grueling 24hour work shifts. Eventually, the workers and launched a escaped years-long campaign to hold Signal accountable. The

exploited guest workers, with the help of Saket Soni of <u>Resilience International</u>, a nonprofit that advocates for workers who rebuild communities after weather disasters, launched a successful years-long campaign to raise awareness of Signal's crimes. In Soni's words, "This was an international conspiracy spanning from Mumbai to Mississippi," Soni says. "They were sold an American Dream but dropped into an American nightmare."

# HURRICANE KATRINA: LESSONS LEARNED

This incident highlights the flaws in current U.S. legislation meant to protect workers from forced labor and labor trafficking, as the workers were brought in legally through the guest worker visa program. Soni documents the story of the guest workers in his book <u>The Great Escape: A True Story of Forced Labor and</u> <u>Immigrant Dreams in America</u>. Soni describes how a program intended to enable affordable disaster rebuilding was used to exploit vulnerable migrant workers.

Katrina serves as a powerful case study in how natural disasters shift trafficking dynamics. It also revealed flaws in current legislation intended to prevent this from happening. After Katrina, the type of trafficking quickly adapted to the shift in demand for commercial sexual exploitation to that of forced labor. How traffickers respond to disasters and how to prevent these activities remains heavily understudied. The landscape of trafficking in New Orleans pre and post Katrina were entirely different, a

#### TAKE NOTE

"Guest worker programs are a complete failure in the United States...It's not a coincidence that the scheme trafficked these workers in the Trojan horse of the perfectly legal guest worker program. It's rife with abuse and can be co-opted to do this kind of harm." - Saket Soni

and despite evidence showing this shift and the legislative failings, policymakers have been slow to respond. Greer <u>writes</u>:

"Traffickers, like victims, will alter their actions and tactics based on their environment. Scant research or analysis has been conducted on the 'push' and 'pull' factors of the exploiters, as to how and why they select their victims and what type of events they choose to exploit."

Climate events like Hurricane Katrina have since been demonstrated to be the "new normal" across the globe. Researchers and policymakers need to prioritize the gathering of data and study of the intersection of climate change and all forms of human trafficking and modern slavery in order to prevent these types of exploitation from happening again.

### INTERNATIONAL LAW AND POLICY

The connection between migration and climate change is just beginning to be considered or addressed in legal and policy-making settings. There is currently <u>no</u> <u>legal definition of climate related migration</u>, and without such a definition, policy and legislation around the issue becomes difficult. However, the lack of policy and a legal definition will not slow or stop the reality of climate change as a <u>significant</u> <u>driver</u> of internal and international displacement globally. Both slow-onset and sudden-onset disasters will <u>continue to drive forced migration</u>, especially for those who flee immediately after sudden onset disasters, those who have to migrate to avoid destitution and those who leave an area impacted by slow onset disasters in anticipation of the loss of sustainable livelihood.

International climate policy today mainly focuses on mitigation and adaptation to the climate emergency and less on loss and damage, ultimately failing to consider the impact of climate change on displacement and resettlement. And although the topic of loss and damage was debated during <u>COP 27</u>, and new agreements like the <u>Santiago Framework</u> set out plans to create financing mechanisms to help developing countries cope with loss and damage resulting from climate change, displacement did not receive as much attention. While efforts made to fund the most at-risk countries are important steps forward, international bodies must take steps to address displacement. International instruments and bodies are currently neither equipped nor capable of processing asylum seekers and refugees through the appropriate channels. Bodies must develop international legal definitions, legislation and international agreements on climate-related migration.

Environmentally displaced persons <u>currently cannot claim any legal protection</u> <u>under international refugee law</u> because the term 'climate refugee' is not recognized under any protection or convention and these types of migrants are not eligible for asylum. As a result, the international community is woefully unprepared for increases in the number of climate refugees, IDP and asylumseekers. In addition, for environmental reasons, <u>climate refugees may have limited</u> <u>access to legal documentation</u> regarding the disasters they experienced. A <u>lack of</u> <u>consideration</u> for the emergence of climate-induced migration and climate refugees has created an elevated threat of human trafficking for many people around the world.



# THE GLOBAL COMPACT FOR SAFE, ORDERLY, AND REGULAR MIGRATION

The <u>Global Compact for Safe, Orderly and Regular Migration</u> is one example of an attempt to address these issues. However, the Compact has several shortcomings. As a non-treaty document, it is non-binding, so countries that sign on cannot be held accountable for not adhering to the compact. Also, by focusing only on regular migrants, it neglects irregular migrants, who make up the lion's share of climate refugees and who need to be considered as part of any effective policy.



This graphic shows the main irregular migration routes to Europe from the Middle East and Africa. Source: <u>Overseas</u> <u>Development institute</u>

#### **TAKE NOTE**

Many displaced persons irregular who see migration as the only viable option to pursue better opportunities may seek assistance from human smugglers, placing themselves at risk of many of the forms of exploitation that are commonly associated with trafficking, such as sexual exploitation, forced labor. forced marriage, as well as organ removal." - IOM

It is crucial to consider vulnerability to trafficking as both situational and individual, with specific attention on doubly vulnerable groups, like children, indigenous peoples, people living with disabilities and other marginalized communities.

# DISABILITY, CLIMATE, AND HUMAN TRAFFICKING

People with disabilities are disproportionately affected by natural disasters. During a disaster, the mortality rate for people with disabilities tends to be <u>two to</u> <u>four times higher</u> than the overall mortality rate. In addition, reports indicate that people with disabilities, more than any other group, are likely to face major hardships, especially displacement from their homes, due to a major disaster. To make matters worse, data indicates that most displaced people with disabilities <u>never return home</u>.

At the same time, people with disabilities are <u>more likely to experience human</u> <u>trafficking than their peers</u>. Traffickers deliberately target victims they think they can isolate and control, and people with disabilities are <u>often viewed as vulnerable</u> because of economic, social, and judicial marginalization. People with disabilities also tend to face <u>attitudinal, physical, and financial barriers</u> to full societal participation, making them dependent on others. They are often reliant on caregivers or family members, which creates vulnerability to abuse. Additionally, people with disabilities also often distrust law enforcement due to the <u>challenging historical relationship between the disability community and law</u> <u>enforcement</u>. In disaster and climate events, these vulnerabilities can compound, making an already-vulnerable population exceptionally vulnerable to predatory traffickers. As a result of these and other factors, <u>traffickers often target people</u> with disabilities.

In addition, when displaced, people with disabilities are more likely to be subjected to inhumane conditions that create increased vulnerability to trafficking. When people with disabilities evacuate an area during a climate event or natural disaster, they face <u>"dangerous levels of isolation, squalid living conditions, shortages of food and water and electricity, and permanent dislocation.</u>"

For example, <u>Census Data</u> indicates that "70 percent of deaf people who were evacuated in 2021 reported living in unsanitary conditions a month after the disaster. More than 74 percent of evacuees who are unable to walk reported experiencing a lack of food one month after a disaster. By contrast, just 9 percent of people who can walk faced a food shortage, and only 7 percent of evacuees with good hearing were in unsanitary conditions." These disparities speak for themselves. When people are placed into intolerable conditions, they are more willing to put themselves at risk in order to escape, creating vulnerability to trafficking.



As was highlighted during the COP27 in Egypt, the severe impacts of climate change have especially harsh in <u>Sub-Saharan Africa, Asia, Central America and the Caribbean</u>. In these regions of the world, it is most often women and girls who are responsible for raising or gathering food and water as well as being responsible for the care and running of the household. This means that women and girls currently shoulder more of the burden of climate change impact than men.

On top of existing forms of <u>systemic and structural inequality</u> baked into most cultures, there is an elevated burden on women and girls in low-income countries and rural areas. In much of the global South, women are primarily responsible for walking to get water, farming and child rearing. This increased burden through the filter of water scarcity, drought and food insecurity leaves women especially vulnerable to trafficking and exploitation, especially with <u>domestic exploitation and sex trafficking</u>, as was <u>evidenced by the 2013 Haiyan Typhoon</u>. Paired with these inequalities is the stark difference in education amongst boys and girls across the globe, more specifically in those <u>climate-vulnerable and rural states</u> where girls are sometimes pulled out of school for agricultural and domestic work, both of which increase with climate variability. As was highlighted in the <u>2022 TIP Report</u>,

"Four million girls in low and lower-middle income countries will be prevented from completing their education due to climate change and, consequently, will be more vulnerable to exploitation."

The challenges caused by climate change also lead to boys being pulled out of school for child labor as food insecurity and reduced income place additional burdens on families, but girls are usually the first to leave school for these same reasons. Examples of men who experience increased vulnerability to trafficking due to climate-induced reasons can be found often in the <u>construction sector</u>. Evidence points to increased exposure to labor exploitation and trafficking for men due to the loss of a sustainable livelihood as a result of climate change. In addition the ILO stresses' the increased vulnerability of children to forced labor and child sex trafficking as a result of <u>displacement</u>, <u>being orphaned</u>, <u>and food insecurity</u>, all stemming from climate change caused factors. Analysis of these emerging dynamics must be holistic. Evidence demonstrates that these vulnerabilities are not siloed, but take place in tandem with larger situational vulnerabilities such as <u>forced migration</u>, <u>displacement and resettlement</u>.

# INDIGENOUS COMMUNITIES

Evidence demonstrates that indigenous communities have disproportionately low emissions when compared with other similar non-indigenous communities. However, there are multiple climate-change-related reasons indigenous communities are at increased risk of human trafficking, with discrimination and dislocation from their traditional lands being at the forefront. Firstly, indigenous communities experience structural and systemic discrimination, creating economic insecurity and increasing their vulnerability to exploitation. For example, indigenous people often lack citizenship or are stateless and cannot access basic services, sometimes including education and any associated economic opportunities. In addition, indigenous communities' symbiotic relationship with nature can render them more vulnerable to loss of infrastructure and land, potentially leading to displacement and economic precarity. Thirdly, the disruption of indigenous people's way of life should be seen through the lens of the multiple human rights violations they are already experiencing as a result of extractive industries and industrial agriculture done on their traditional home lands around the world. Extractive industries and industrial agriculture across the globe are reported to be increasing the level of modern slavery found among indigenous communities by creating economic and food insecurity due to loss of livelihood and habitat. Deforestation, forced displacement caused by pollution, and

forced evictions for resource extraction are just some of the destructive acts that leave indigenous communities especially vulnerable to trafficking. Indigenous communities across the globe find themselves increasingly faced with exploitative, dangerous and dehumanizing forced labor. Women and men in indigenous communities often find employment in the informal economy. This includes casual and seasonal work on farms, construction sites, street vending and domestic work. These types of jobs can be precarious due to their seasonal nature and are <u>often</u> <u>linked</u> to forced labor and exploitation. Climate change has stripped away previously reliable agricultural work, leaving indigenous communities desperate and more willing to accept exploitative situations. In addition, similarly to people with disabilities, indigenous populations may be unfamiliar with reporting processes for human trafficking and labor exploitation, and they may not know their rights or how to report violations.

#### SPOTLIGHT: "FROM A VICIOUS TO A VIRTUOUS CYCLE"

Anti-Slavery International's 2021 <u>"From a Vicious to a Virtuous Cycle"</u> highlights the nature of the vicious cycle between environmental degradation, climate change, and human trafficking. It offers practical and systemic solutions to the crisis facing the international community, focusing in particular on the systemically imposed vulnerabilities marginalized groups face from climate change and human trafficking. The report reads:

"Vulnerabilities take different forms, and include individual-level factors such as gender, age, migrant status and ethnicity; and structural factors such as economic marginalisation, inequitable land distribution, increased precariousness, conflict and direct human impacts on the environment. Rather than reflecting inherent vulnerabilities, these so-called individual-level risk factors are themselves the products of historical and contemporary structures and processes that are often used to justify the exclusion and exploitation of certain groups within societies."

In discussing the particular vulnerabilities of communities or individuals, we must always recognize the social and systemic factors that make communities vulnerable in the first place. So long as we perpetuate systems and structures of power that reproduce vulnerability, targeted interventions intended to help specific communities can only do so much.

#### A VICIOUS CYCLE: CLIMATE CHANGE, HUMAN TRAFFICKING, AND DISASTER RESILIENCE

The ongoing relationship between climate change, human trafficking, and disaster resilience is "<u>circular, compelling and calamitous</u>." Organizations like <u>Anti-Slavery</u> <u>International</u> view the relationship between these phenomena as <u>fundamentally</u> <u>cyclical</u>:

"The impacts of climate change worsen existing economic and environmental vulnerabilities, and deepen exclusion and marginalization, leading some to fall into conditions of debt bondage, labor and sexual exploitation, and conditions analogous to slavery. Many of these workers, in turn, are employed – directly and indirectly – in activities that cause environmental devastation, resulting in higher emissions that further fuel climate change."

Disaster-related response and displacement result from the interaction of both sudden and slow-onset disasters paired with socio-economic and political factors that place strain on people's ability to remain in their community or make staying a choice between life or death. Discussions about how to address the issues of human trafficking and climate change should not be siloed. It is imperative to examine these two issues with a keen eye on their intersections and overlaps. Anti-Slavery's report <u>"From a vicious cycle to a virtuous cycle</u>" underlines clearly just how interlinked both issues are through clear analysis of the structural systems that cause climate change, worsen its impact and in turn link to increases in modern slavery and human trafficking.

As the <u>primary driver of migration globally</u>, slow and sudden-onset climate impacts continue to force people from their homes and disrupt communities. However, as discussed, what climate-induced migrants and refugees do after being displaced is often neglected in contemporary conversations about migration and climate change. The results of displaced and desperate people lured into modern slavery can be evidenced in some types of environmentally destructive work like <u>mining</u>, <u>exportoriented agriculture</u>, fishing, and <u>resource extraction</u>. In <u>Thailand and other Southeast</u> <u>Asian countries</u>, fishing vessels make use of exploitative labor practices in illegal operations that overfish and cause depletion of fish stock and long-term <u>ecosystem damage</u>.

### A VICIOUS CYCLE

<u>In India</u>, enslaved people are forced to operate inefficient and antiquated brick kilns, significantly contributing to a <u>worsening pollution problem</u>. Academics have documented the entanglement of deforestation and bonded labor in Brazil and the growth of an enormous illegal gold mining economy in Peru that <u>relies on a cheap</u> labor base created through modern slavery and pollutes the air and drinking water with arsenic and mercury. These are just a few examples highlighting the interlinked and cyclical nature of climate change and human trafficking.

Emissions cause environmental devastation, which in turn create more climate refugees and drive more climate migration. Desperate people pushed from their homes are lured into slavery and environmentally destructive work. This work then adds to the climate crisis creating more climate refugees and the cycle starts again. This "vicious cycle" is at the heart of the climate crisis. The relationship between human trafficking and climate change has begun to inform the work of many leading anti-trafficking <u>scholars</u> and <u>organizations</u>. As Kevin Bates and Benjamin K. Sovacool write in their article From Forests to Factories: How Modern Slavery Deepens the Crisis of Climate Change, "Put simply, criminals rushed into the vacuum created by new environmental treaties. Not caring about people or nature, they destroyed both in the process."



Emergency workers making their way through a flood in Jakarta, Indonesia. Source: <u>P</u>ixabay



The cyclical nature of human trafficking and climate change presents a remarkable opportunity for policymakers to address both crises at the same time. What this means in practice is that effective steps taken to curb human trafficking can be expected to reduce emissions, and that effective steps taken to curb emissions can be expected to reduce future human trafficking. Beyond this observation, though, addressing the dual problem of human trafficking and climate change is one of the greatest challenges policymakers face today. There is no "silver bullet" for addressing human trafficking or climate change respectively, but steps can and must be taken towards addressing the root causes of both. Below are a few potential solutions.

#### ADDRESSING GAPS IN RESEARCH

One of the largest and best documented challenges faced by anti-trafficking advocates and governments is <u>a lack of data about the phenomenon</u> of this interrelationship. We have very little solid research on trafficking dynamics, especially through the lens of climate change and increased climate disasters. Most studies are <u>based only on estimates</u> rather than extensive research and data. Until we fill gaps in the data coupled with expert analysis, it will be extremely difficult to develop a comprehensive response to the dual threat of climate change and human trafficking. As researchers, governments, and NGOs address this lack of data, we should work to ensure research includes the perspectives of marginalized groups and survivors by partnering with representative organizations to ensure data collection methods are inclusive.



States must take a multifaceted approach to the dual threat of climate change and human trafficking. Policymakers must create equitable and effective adaptation plans that include the projected impacts of climate change and comprehensive human trafficking training to first responders well ahead of crises. They must also create safe paths to migration and integration that prevent exploitation and support both regular and irregular migrants. This may entail shifting focus from a carcerally-oriented



criminal justice approach to trafficking, which currently centers on capturing and prosecuting traffickers to deter future trafficking, and focusing on the root economic and social causes of both <u>climate change and human trafficking</u>.

Anti-Slavery International writes:

"An unduly limited approach to tackling contemporary slavery can result in institutional, legislative and implementation gaps that fall far short of states' positive obligations under international human rights law to actively prevent the exploitation of vulnerable populations."

Working through international institutions, states should also <u>create an</u> <u>international legal definition of climate migration</u> and/or climate migrant. As addressed above, individuals who migrate due to the impacts of climate change are not entitled to protection under the <u>1951 Refugee Convention and its 1967</u> <u>Protocol</u>, which form the backbone of most countries' asylum systems. The creation of an international definition <u>will come with challenges</u>, and reformers must be careful not to change existing definitions in a way that creates unexpected downstream consequences or weakens the overall definition. However, creating an agreed upon legal definition is an essential first step to ensuring protection for a growing group of climate migrants. Legally defining is integral for climate migrants to have their human rights protected under international law and could also set the tone for domestic legislation globally.

These steps are achievable, and action is necessary. States must create domestic responses to the climate crisis and make full use of international institutions in creating equitable, multilateral plans for increased migration and climate change that is in alignment with international human rights law and respects the dignity of migrants around the world. The changing environment and flow of displaced people won't stop due to inadequate legislation and out-dated migration policies.

To name a few examples:

- Planners need to represent the voices of indigenous communities at the local, national and global level to understand the unique challenges, knowledge and solutions these populations represent.
- Women from the global South and North need to have a seat at the table to ensure policies consider the key role of women and girls as changemakers in their communities and their increased vulnerability when it comes to the effects of climate change and human trafficking.

# RECOMMENDATIONS

Planners must work to ensure that every individual—regardless of gender, race, ethnicity, income, and other characteristics—<u>can benefit from a clean environment</u> <u>and access the resources and opportunities they need to protect themselves from</u> <u>the impacts of climate change.</u>

# SPOTLIGHT ON PEOPLE WITH DISABILITIES

As mentioned above, planners must work to anticipate and address the <u>vulnerabilities</u> of individuals with disabilities with regard to both disasters themselves and <u>downstream</u>, trafficking-related phenomena. The best way to protect people with disabilities from these threats is to encourage the active participation of people with disabilities in every stage of the planning process. Here, we can look to one of the key mantras of the disability rights movement: "Nothing about us, without us." When governments create programs intended to help individuals with disabilities, disability perspectives need to be front and center. Evidence shows that there's no substitute for this type of participation; people with disabilities are the best experts on what they need to be resilient during a climate event.

Looking deeper, including a diverse set of disability stakeholders is essential for successful planning. People across the spectrum of need disability representation, whether they have physical disabilities. disabilities, cognitive sensory disabilities. chronic conditions, or other disabilities. All of these groups have unique needs and vulnerabilities which need to be taken into consideration.



A person with a disability making their way through a flooded area. Source: <u>Pixabay</u>

Inclusive adaptation is key to ensuring a just transition. Similar approaches should be taken to ensure that stakeholders in other marginalized groups enjoy representation in organizations planning to counter human trafficking and modern slavery in the context of a changing climate.



#### THE PRIVATE SECTOR'S ROLE: ENVIRONMENTAL AND SOCIAL GOVERNANCE

While not not specifically mentioned, human rights law forbids modern slavery and human trafficking by forbidding specific forms of labor exploitation and trafficking like debt bondage, slavery, servitude, child sexual exploitation, forced marriage, and enforced prostitution. Being found committing or enabling these activities is considered a human rights violation under international law. In order to be compliant with international law, private entities have a responsibility to be proactive in identifying and addressing human trafficking and modern slavery in their supply chain and to take steps to mitigate the reality or possibility of such. Leaders in the private sector should adopt a multi-disciplinary and multistakeholder approach with detailed supply chain mapping to ensure substantive and concrete prevention measures and outcomes. Examples of what should be included when formulating private sector policy can be found in several international documents. The United Nations Guiding Principles on Business and Human Rights (UNGP) provide a framework for "enhancing standards and practices with regard to business and human rights so as to achieve tangible results for affected individuals and communities, and thereby also contributing to a socially sustainable globalization." The UNGP principles are built on three foundational principles which include a role for the private sector:

- States' existing obligations to respect, protect and fulfill human rights and fundamental freedoms;
- The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- The need for rights and obligations to be matched to appropriate and effective remedies when breached.

The <u>OECD Due Diligence Guidance for Responsible Supply Chains of Minerals</u> provides recommendations to help companies mining and purchasing raw minerals avoid contributing to conflict through their decisions and practices in order to maintain respect for human rights throughout all purchases and business ventures. The EU's <u>Directive on corporate sustainability due diligence</u> aims to "foster sustainable and responsible corporate behavior throughout global value chains".



These rights include human trafficking and modern slavery issues like child labor, labor exploitation. The same prevention and mitigation approach is also placed on activities that could or are negatively impacting the environment, for example pollution and biodiversity loss.



People march against modern slavery in London. Source: <u>The Guardian</u>

Additionally, the Environmental, Social and Corporate Governance (ESG) approach should be standardized and enforced to ensure a just, sustainable equal transition. and energy Organizations should use inclusive and participatory processes, such as stakeholder engagement, grievance mechanisms and worker/community perception studies, to ensure that operations and supply chains do not rely

on human trafficking or modern slavery. Enforcement of the ESG approach can be carried out by both international institutions and governments.

Adoption of an ESG-informed approach would enable companies to clean up their act with regard to trafficking and environmental impact. For example, with regard to cobalt mining in the DRC, an effective ESG regime would reduce, and in theory eradicate, the prevalence of child labour, labour exploitation and corruption. This may also include the formalization of Artisanal and Small-Scale Mining practices contributing to abuse-free supply chains. In places where mining activities affect indigenous populations, such as in certain regions of Latin America, this would require community consultation. Finally, this would aim to reduce and prevent the toxic and fatal water, air, and soil pollution resulting from the extractive industries. It is essential for initiatives and frameworks to be global and regulated as the resource rich countries often fall in developing nations where corruption and political instability are ongoing.



#### INCREASING ENFORCEMENT OF INTERNATIONAL ANTI-SLAVERY LAW

One novel and thought-provoking proposal could theoretically hugely reduce the prevalence of modern slavery while substantially slashing emissions. The proposal involves increasing enforcement of existing international laws against slavery and hiring modern slavery survivors to work on climate mitigation projects. Professor Kevin Bates and Benjamin K. Sovacool estimate that, "at the current averaged rates of expenditure needed to remove people from slavery, the cost of freeing 40 million slaves is in the order of \$20 billion over a ten to twenty-year period." If these enslaved people were rehired by states and NGOs to work rebuilding the ecosystems they were initially forced to damage (e.g., replanting trees), carbon emissions could be significantly reduced. This reduction would also serve to reduce the impacts of future climate phenomena, preventing people from being made vulnerable to trafficking down the line.

Continued on next page...



A protected forest and river in Ghana strip mined for gold. Source: <u>CNN</u>



#### Bates writes:

"Unlike fossil fuels, trees can be replanted and quickly resume their work of sweeping carbon from the air. What's more, freed slaves can be paid to replant the forests they've been forced to destroy, and the cost can be covered through carbon credits sold on the basis of the new forest's carbon sequestration. **If one looks closely at slavery and climate change, it can miraculously open up new ways to reduce both.**"



The findings and recommendations above are drawn from the writings and research of leading scholars and activists currently working at the intersection of human trafficking and climate change. Their collective message is clear: <u>action is urgent</u>. If policymakers don't take <u>preventative steps soon</u>, we may be heading down a road of increasingly <u>desperate measures</u> to try and save our planet and our families.

Governments, policy makers, and corporations should take heed of these recommendations sooner rather than later. They should work together with NGOs to create a green transition that is equitable, speedy, and effective. Steps taken now to address the vicious cycle of climate change and human trafficking will help prevent the worst impacts of the cycle down the line and lead to more effective responses to disasters happening now. By working together, we can change the "new normal" and begin building a better tomorrow.



#### **RESOURCES ON CLIMATE CHANGE AND HUMAN TRA**FFICKING

There are many valuable publications from leading NGOs, academics, and activists on the intersection between human trafficking and climate change. A few examples include

- 1. <u>"From a Vicious to Virtuous Circle: Addressing climate change, environmental</u> <u>destruction and contemporary slavery</u>" by Dr. Chris O'Connell for Anti-Slavery International
- 2. <u>"COVID-19, Climate Change, Impunity & Conflicts Aggravating Human Trafficking"</u> by Aurora Weiss for In-Depth News
- 3. <u>"Illuminating a Nexus: The Interplay Between Disaster Events and Exploitation"</u> by Benjamin Greer for Human Trafficking Search
- 4. <u>"The Climate Change and Human Trafficking Nexus"</u> by the International Organization for Migration
- 5. <u>"The Climate Crisis: Exacerbating Vulnerabilities and the Looming Increase of</u> <u>Exploitation"</u> by the Office on Trafficking in Persons (OTIP)
- 6. <u>"In the Sundarban, climate change has an unlikely effect on child sex-trafficking"</u> by the Ritwika Mitra for the Fuller Project
- 7. <u>"Climate change, migration and vulnerability to trafficking"</u> by the International Institute for Environment and Development:
- 8. "<u>What is the Link between Natural Disasters and Human Trafficking and Slavery?</u>" by Dr. Kevin Bales for the Journal of Modern Slavery
- 9. <u>"Women on the Front Lines of Change: Empowerment in the Face of Climate and</u> <u>Displacement"</u> by the Wilson Center
- 10. <u>"Climate Refugees are Increasingly Victims of Exploitation"</u> by Geert Van Dok for Reliefweb

For more resources on all forms of human trafficking and modern slavery, please visit <u>HumanTraffickingSearch.org</u> and select or enter specific search terms in the <u>Global Database</u>.