

# Key Stakeholder Perspectives on the Potential Impact of COVID-19 on Human Trafficking for the Purpose of Labour Exploitation

*Muiread Murphy*

## Abstract

While human trafficking in its different forms has received growing recognition, currently there is an absence of research providing empirical evidence on the potential impact of COVID-19. COVID-19 and its related challenges provide a lens through which the vulnerability and complexities inherent in human trafficking can be further ascertained and analysed. This article explores challenges encountered by key stakeholders primarily operating in the field of countering human trafficking for the purpose of labour exploitation across Europe. These challenges are categorised as increased vulnerability to human trafficking for the purpose of labour exploitation; the impact on services and support; and limitations on professional duties. A qualitative method involving sixty-five semi-structured interviews was employed to capture the on-the-ground experiences of a diverse cohort of stakeholders active during the pandemic.

**Keywords:** COVID-19, key stakeholders, qualitative data, challenges, Europe, labour exploitation

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## Introduction

The lasting impact of COVID-19 remains a global concern for potentially contributing to instances of human trafficking.<sup>1</sup> The United Nations Special Rapporteur on trafficking in persons, especially women and children outlined that the crisis ‘has a potentially far-reaching, long-term negative impact on trafficked and exploited persons’.<sup>2</sup> Media reports and press releases from international organisations sought to draw attention to severely exploitative circumstances faced by individuals during this period.<sup>3</sup> Although research regarding the impact of COVID-19 on human trafficking has emerged, for example, in India<sup>4</sup> and the Philippines,<sup>5</sup> European studies remain limited. Moreover, there is a scarcity of qualitative studies exploring other challenges experienced during COVID-19.<sup>6</sup> This article aims to address this gap by contributing to the evaluation of the potential effects of COVID-19 on human trafficking for the purpose of labour exploitation (HTLE) across Europe.

Previous research has documented how disasters and crises can result in situations that may facilitate human trafficking offences.<sup>7</sup> As COVID-19 spread, a number

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<sup>1</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*, UNODC, Vienna, 2020.

<sup>2</sup> M G Giammarinaro, Special Rapporteur on Trafficking in Persons, Especially Women and Children, *COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons*, United Nations, 2020, p. 2.

<sup>3</sup> European Union Agency for Fundamental Rights (FRA), ‘Stop Labour Exploitation and Protect Workers From COVID-19’, 13 July 2020, <https://fra.europa.eu/it/news/2020/stop-labour-exploitation-and-protect-workers-covid-19>; A Kelly, ‘Garment Workers Face Destitution as COVID-19 Closes Factories’, *The Guardian*, 19 March 2020, <https://www.theguardian.com/global-development/2020/mar/19/garment-workers-face-destitution-as-covid-19-closes-factories>; United Nations Human Rights Office, ‘Exploitation of Desperate Workers Should Never Be the “New Normal”, Says UN expert’, 30 July 2020, <https://www.ohchr.org/en/press-releases/2020/07/exploitation-desperate-workers-should-never-be-new-normal-says-un-expert>.

<sup>4</sup> G Byrne *et al.*, ‘Fluid Vulnerabilities: Narratives of modern slavery in India during lockdown’, *Journal of Modern Slavery*, vol. 6, issue 2, 2021, pp. 51–78.

<sup>5</sup> L Cordisco Tsai, J Eleccion, and A Panda, ‘Impact of the COVID-19 Pandemic on Survivors of Human Trafficking in the Philippines’, *Journal of Modern Slavery*, vol. 6, issue 2, 2021, pp. 231–46.

<sup>6</sup> United Nations Office on Drugs and Crime (UNODC), *The Effects of the COVID-19 Pandemic on Trafficking in Persons and Responses to the Challenges: A global study of emerging evidence*, UNODC, Vienna, 2021, p. 75.

<sup>7</sup> See, for example: Z Bowersox, ‘National Disasters and Human Trafficking: Do disasters affect state anti-trafficking performance?’, *International Migration*, vol. 56, issue 1, 2017,

of international organisations appealed for enhanced efforts to address organised crime and illicit labour markets, including human trafficking.<sup>8</sup> These calls arose due to concerns that COVID-19 could fuel the primary drivers of HITLE among vulnerable and marginalised groups given the growing rates of poverty, the absence of social or economic opportunities, and the associated risks from conflict or instability.<sup>9</sup> As Richey argues, ‘It is precisely when our global community is shaken by a crisis of this magnitude that our obligation to combat the exploitation of vulnerable people becomes most acute’.<sup>10</sup> Additionally, COVID-19 impacted the response to human trafficking in relation to the effective and efficient identification of victims, provision of assistance and support to victims, protection and prevention measures, and accessing compensation.<sup>11</sup> Building on these recent reports, the subsequent sections outline the main qualitative findings derived from the primary data collection phase of this study.

### *The Pandemic in Europe*

COVID-19 was first detected in Europe in January 2020<sup>12</sup> and caused several infection waves. The first peaked in spring 2020 and eased during that summer. The second peaked in autumn 2020 and endured throughout the winter period. As a result of mass vaccination campaigns, by October 2021, more than 74 per cent of all adults over the age of eighteen in the European Union (EU) and European Economic Area (EEA) had received a vaccination, although there were notable differences across the countries. During the periods of high concern, strict public health measures with varying durations were imposed across European states to reduce virus transmission. This resulted in the shutdown of a number

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pp. 196–212, <https://doi.org/10.1111/imig.12374>; A Tillinac *et al.*, *Addressing Human Trafficking and Exploitation in Times of Crisis*, International Organization for Migration (IOM), Geneva, 2015.

- <sup>8</sup> Global Initiative Against Transnational Organized Crime (GITOC), *Crime and Contagion: The impact of a pandemic on organized crime*, GITOC, Geneva, 2020.
- <sup>9</sup> Global Initiative Against Transnational Organized Crime (GITOC), *Aggravating Circumstances: How coronavirus impacts human trafficking*, GITOC, Geneva, 2020, p. 9; Office to Monitor and Combat Trafficking in Persons, *2021 Trafficking in Persons Report*, United States Department of State (USDS), Washington, 2021, p. 2.
- <sup>10</sup> V Richey, ‘Statement by OSCE Special Representative for Combating Trafficking in Human Beings on Need to Strengthen Anti-Trafficking Efforts in a Time of Crisis’, OSCE, 2020.
- <sup>11</sup> OSCE Office for Democratic Institutions and Human Rights (ODIHR), *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic*, ODIHR, Warsaw, 2020, p. 153.
- <sup>12</sup> A Moreira *et al.*, ‘In the Eye of the Storm... Again! Social policy responses to COVID-19 in Southern Europe’, *Social Policy & Administration*, vol. 55, issue 2, 2020, pp. 339–357, <https://doi.org/10.1111/spol.12681>.

of economic sectors, border closures, travel restrictions, bans on public events, and the imposition of social distancing and mask-wearing requirements. These responses were generally quite similar across Europe.<sup>13</sup> Most restrictions were lifted in 2022. As of May 2023, the World Health Organization reports that there have been a total of 277,478,963 cases and 2,241,071 deaths in the European region due to COVID-19.<sup>14</sup> COVID-19 remains a concern, as new variants continue to emerge.

In seeking to provide an overview of the potential impact of COVID-19 in relation to HTLE from the perspective of key stakeholders, this article is structured as follows. It begins by outlining the research methodology and identifies the characteristics of the stakeholders who participated. The findings are set out in three sections: perceived vulnerability of individuals to HTLE; the impacts on services and support available to victims; and the limitations on professional duties. A brief conclusion follows.

## Methodology

This paper is based on qualitative data obtained through semi-structured interviews with key stakeholders involved in addressing forms of severe labour exploitation, primarily HTLE. A total of sixty-five interviews were conducted with labour inspectors, law enforcement officers, and government officials, as well as members of non-governmental organisations and trade unions across twenty-three countries in Europe (within and outside the European Union).

I obtained ethical approval from Maynooth University's Research Ethics Committee and conducted all data collection in compliance with the EU General Data Protection Regulation requirements. Prior to the interviews, I provided participants with an information sheet and a consent form, which outlined the purpose of the study. All participants were anonymised, unless explicit permission was provided.

This data collection took place between December 2020 and March 2021 and, thus, occurred during the associated national COVID-19 restrictions. As such, it was necessary to engage with alternative data collection methods for qualitative research. While face-to-face interviews have been deemed to be the 'optimal

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<sup>13</sup> B Colfer, 'Public Policy Responses to COVID-19 in Europe', *European Policy Analysis*, vol. 6, issue 2, 2020, pp. 126–137, <https://doi.org/10.1002/epa2.1097>.

<sup>14</sup> World Health Organization (WHO), *COVID-19 Situation in the WHO European Region*, WHO, 2023, retrieved 29 May 2023, <https://who.maps.arcgis.com/apps/dashboards/ead3c6475654481ca51c248d52ab9c61>.

way to actively engage with research participants',<sup>15</sup> this research project was adapted to the changing circumstances. As a result, I conducted the interviews primarily using online communication platforms, such as Microsoft Teams, and by phone. The interviews lasted between 18 and 105 minutes, with an average duration of 52 minutes. The interviews were audio-recorded and transcribed verbatim. I conducted thematic analysis using NVivo12 to code and categorise the main themes derived from the interviews.<sup>16</sup> The use of this software helped to counteract potential selection bias, with thematic analysis deemed appropriate for analysing larger data sets.<sup>17</sup>

For the purpose of this research and to address the gap in the literature, I applied a purposive sampling approach in determining the research sample. At the outset, participants were contacted via publicly available contact details, primarily published on the websites of governmental, non-governmental, and relevant European organisations, such as the European Commission. Snowball sampling was used on five occasions. I contacted participants directly upon being recommended by other study participants who provided the relevant information and contact details. The inclusion criteria required that participants were English-speaking professionals directly engaged in responding to human trafficking. All participants were aged above 18 years. The sixty-five interviews were comprised of seventy-eight participants, with twenty-eight non-governmental organisation (NGO) participants, ten National Coordinators or National Rapporteurs, eleven trade unionists, eleven government officials, eight labour inspectors, nine law enforcement officials, and one European research body representative.

Such a methodological approach facilitates an assessment of the practical implementation of the policy and regulatory decisions imposed by states. This on-the-ground perspective is effective in drawing attention to the increased difficulties experienced during COVID-19. The different perspectives provided by each group of interviewees furnish a better contextual understanding of the implications of COVID-19 in practice, and how they are viewed by the stakeholders themselves. The purpose of this data collection is to include diverse voices in this sphere which have not yet been fully explored in the literature. These alternative perspectives can be contrasted with official responses to the problem.<sup>18</sup> It must be acknowledged that the perspectives of these participants may not necessarily be representative of the experiences of *all* stakeholders involved in the field of counter-human

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<sup>15</sup> N James and H Busher, *Online Interviewing*, Sage Publications, London, 2009, p. 11.

<sup>16</sup> H Boeije, *Analysis in Qualitative Research*, Sage Publications, London, 2010, p. 95.

<sup>17</sup> L S Nowell *et al.*, "Thematic Analysis: Striving to meet the trustworthiness criteria", *International Journal of Qualitative Methods*, vol. 16, issue 1, 2017, pp. 1–13, <https://doi.org/10.1177/1609406917733847>.

<sup>18</sup> M Hennink, I Hutter, and A Bailey, *Qualitative Research Methods*, Sage Publications, London, 2011, p. 109.

trafficking work; for example, social workers or healthcare personnel were not interviewed in this research.

Prior to the onset of COVID-19, frontline personnel were considered as necessary stakeholders in attempting to prevent, protect against, and prosecute the offence of HITLE. International bodies<sup>19</sup> and academics<sup>20</sup> alike have called for the integration of additional stakeholders and organisations in this process. Active stakeholders encountered challenges in addressing this complex criminal offence before the emergence of COVID-19, and these were exacerbated during the pandemic. This study aims to highlight that while these challenges are not necessarily new and the essential role of such key stakeholders in this field must continue to be acknowledged and resourced by states, the challenges were further compounded. The voices and perspectives of these stakeholders engaged in the practical implementation of national policies are vital in assessing the on-the-ground experiences in reality, particularly from an operational perspective.

The themes emerging from this qualitative study are not intended to represent an exhaustive account of the potential impacts of COVID-19. The study attempts to address a current gap in the literature by outlining the most pressing areas of concern as articulated by these participants during intense COVID-19 restrictions.

## Findings

### *Increased Vulnerability of Individuals to Human Trafficking for the Purpose of Labour Exploitation*

The circumstances of victims of trafficking are complex, diverse, and may not be fully understood. Distinguishable characteristics of vulnerability identified in the scholarly literature include, but are not limited to, irregular immigration status,

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<sup>19</sup> OSCE Office for Democratic Institutions and Human Rights (ODIHR), *National Referral Mechanisms: Joining efforts to protect the rights of trafficked persons – A practical handbook*, OSCE, 2004, p. 64; Group of Experts on Action against Trafficking in Human Beings (GRETA), *Fourth General Report on GRETA's Activities, covering the period from 1 August 2013 to 30 September 2014*, Council of Europe, Strasbourg, 2015, p. 40.

<sup>20</sup> A Ricard-Guay and J Hanley, 'The Challenge of Addressing Both Forced Labor and Sexual Exploitation', in J Winterdyk and J Jones (eds.), *The Palgrave International Handbook of Human Trafficking*, Palgrave Macmillan, London, 2020, p. 289; E Marks and A Olsen, 'Policy and Practice: 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, 2015, pp. 111–128, <https://doi.org/10.14197/atr.20121557>.

disadvantaged socio-economic backgrounds, poverty, and low education levels.<sup>21</sup> It is also important to acknowledge that the characteristics of victims differ depending on recruiters, sectors of employment, and the countries of origin or destination.<sup>22</sup> Galos *et al.* define vulnerability as ‘the diminished capacity of an individual or group to have their rights respected, or to cope with, resist or recover from exploitation, or abuse’.<sup>23</sup> Vulnerability can result from two main factors: the particular characteristics of the individuals and the labour sectors; and the lack of labour law protections which may create precarious employment situations.<sup>24</sup> Thirty participants in this study referred to the increased vulnerabilities of certain groups to HTLE. One Dutch NGO participant stated that ‘those group [*sic*], which is already quite vulnerable, gets even more vulnerable now’,<sup>25</sup> with a National Rapporteur indicating that ‘the situation is really difficult for many people and the marginalised persons are even more marginalised’.<sup>26</sup> Specific concern was raised for migrant workers, undocumented workers, seasonal workers, and those already enduring poor working conditions. As previous research has documented, migrant workers can be particularly vulnerable to exploitation if their immigration status is ‘illegal/irregular’ or unlawful.<sup>27</sup>

In terms of this increased vulnerability among certain groups, one NGO interviewee stressed that the current climate has ‘highlighted where the weaknesses are in our political, business, economic and cultural systems’.<sup>28</sup> The United Nations Trafficking Protocol of 2000 ‘recognises the specific vulnerability caused by structural socio-economic and political challenges, such as chronic poverty and

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<sup>21</sup> For example, M Radeva Berket, ‘Labour Exploitation and Trafficking for Labour Exploitation – Trends and Challenges for Policy-Making’, *ERA Forum*, vol. 16, issue 3, 2015, pp. 359–377, <http://doi.org/10.1007/s12027-015-0389-9>.

<sup>22</sup> C Allais, ‘The Profile Less Considered: The trafficking of men in South Africa’, *South African Review of Sociology*, vol. 44, issue 1, 2013, pp. 40–54, <https://doi.org/10.1080/21528586.2013.784447>.

<sup>23</sup> E Galos *et al.*, *Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean migration routes*, International Organization for Migration (IOM), Geneva, 2017.

<sup>24</sup> D Demetriou, ‘“Tied Visas” and Inadequate Labour Protections: A formula for abuse and exploitation of migrant domestic workers in the United Kingdom’, *Anti-Trafficking Review*, issue 5, 2015, pp. 69–88, <https://doi.org/10.14197/atr.20121555>.

<sup>25</sup> Interview 18.

<sup>26</sup> Interview 39.

<sup>27</sup> Europol, *Trafficking in Human Beings in the European Union*, Europol, 2011, p. 7; United Nations Human Rights Office, *Human Rights and Human Trafficking*, United Nations, New York and Geneva 2014, p. 16; European Union Agency for Fundamental Rights (FRA), *Protecting Migrant Workers from Exploitation in the EU: Workers’ perspectives – The Netherlands*, FRA, Vienna, 2017, p. 48.

<sup>28</sup> Interview 2.

unemployment, and requires that states take appropriate measures to prevent the victimisation and revictimization of trafficked victims'.<sup>29</sup> In this regard, an Austrian interviewee described a stark effect of COVID-19 in terms of employment opportunities, stating that individuals 'have been trafficked because in times of COVID, a work offer, like the only work offer that they got was from a trafficker. So they went. Of course, they didn't know but ... the traffickers exploited this global pandemic'.<sup>30</sup>

Five interviewees stated that COVID-19 particularly affected individuals 'that are in precarious situations' in terms of their employment<sup>31</sup> or those employed in 'a grey area'.<sup>32</sup> Such precarity, particularly among migrant workers, has been highlighted in literature.<sup>33</sup> It is further compounded by the economic and labour market consequences of COVID-19, and participants shared that 'it forces people to accept even worse' working conditions,<sup>34</sup> 'fall for the deceptive offers',<sup>35</sup> and that 'the crisis might lead to worsen the phenomenon of trafficking'.<sup>36</sup> Therefore, the risk factors previously identified as increasing the vulnerability of people to HITLE were intensified by the effects of COVID-19 on the labour market.

Human traffickers employ different methods of control and coercion to ensure that victims remain in their exploitative situation, such as withholding of documentation, including passports, psychological violence, threats of physical harm, threats against family members, and threats of deportation.<sup>37</sup> This makes it difficult for victims to seek help to leave their exploitative situations. As the former UN Special Rapporteur on trafficking observed, COVID-19 is 'shaping the way human trafficking is perpetrated'.<sup>38</sup> Another concern raised by study participants centred on unscrupulous employers who might take advantage of

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<sup>29</sup> J Haynes, *Caribbean Anti-Trafficking Law and Practice*, Hart Publishing, Oxford, 2019, p. 54.

<sup>30</sup> Interview 49.

<sup>31</sup> Interview 11.

<sup>32</sup> Interview 13.

<sup>33</sup> H Lewis and L Waite, 'Migrant Illegality, Slavery and Exploitative Work', in G Craig *et al.* (eds.), *The Modern Slavery Agenda: Policy, politics and practice in the UK*, Policy Press, Bristol, 2019, pp. 219–242, p. 220.

<sup>34</sup> Interview 3.

<sup>35</sup> Interview 43.

<sup>36</sup> Interview 16.

<sup>37</sup> D M Doyle *et al.*, "'I Felt Like She Owns Me": Exploitation and uncertainty in the lives of labour trafficking victims in Ireland', *British Journal of Criminology*, vol. 59, issue 1, 2019, pp. 231–251, <https://doi.org/10.1093/bjc/azy025>.

<sup>38</sup> Giammarinaro, p. 10.

these developing conditions of vulnerability.<sup>39</sup> A Swiss trade union participant stated that these are ‘the best circumstances for employers who want to misuse this situation’.<sup>40</sup> The interviewees indicated that the rising rate of poverty and unemployment resulted in individuals being increasingly susceptible to severe forms of labour exploitation. A Swedish government official noted that ‘they take whatever job of course they can get’.<sup>41</sup> High unemployment rates, whilst previously identified as a push factor,<sup>42</sup> worsened during the pandemic.

Previous research has concluded that while human trafficking can take many forms, occurring in numerous sectors and industries, in terms of HTLE specifically, there are areas in which such cases are commonly detected and viewed as creating or exacerbating the vulnerability of workers to labour exploitation.<sup>43</sup> Sectors identified within the literature include, for example, domestic work, fishing, construction, manufacturing, service industries, and agriculture.<sup>44</sup> COVID-19 affected the occurrence and visibility of HTLE in specific sectors and industries. As one trade union interviewee observed in their jurisdiction, ‘the tourism industry is non-existent [during the period of COVID-19 restrictions]. So we don’t have these tough cases within the tourism industry, which was a really big headache and took [a lot of] resources before COVID’. The same participant also noted changes in the construction industry where they ‘are seeing far less cases’.<sup>45</sup> One German NGO participant recalled in the context of the agricultural sectors ‘that there are a lot of problems with people being in quarantine, but not being safe, not being paid, being very dependent on the employers, and a lot more than before’.<sup>46</sup> Another NGO interviewee from the Netherlands indicated that during COVID-19, ‘a lot of people in the food industry, food processing, were quite

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<sup>39</sup> P Dwyer *et al.*, ‘Socio-legal Status and Experiences of Forced Labour Among Asylum Seekers and Refugees in the UK’, *Journal of International and Comparative Social Policy*, vol. 32, issue 3, 2016, pp. 182–198, <https://doi.org/10.1080/21699763.2016.1175961>.

<sup>40</sup> Interview 3.

<sup>41</sup> Interview 62.

<sup>42</sup> R Tallmidge and RJ Gitter, ‘The Determinants of Human Trafficking in the European Union’, *Journal of Human Trafficking*, vol. 4, issue 2, 2018, pp. 155–168, <https://doi.org/10.1080/23322705.2017.1336368>.

<sup>43</sup> M Lee, *Trafficking and Global Crime Control*, Sage Publications, London, 2011, p. 41.

<sup>44</sup> H Lewis *et al.*, ‘Hyper-precarious Lives: Migrants, work and forced labour in the Global North’, *Progress in Human Geography*, vol. 39, issue 5, 2015, pp. 580–600, <https://doi.org/10.1177/0309132514548303>.

<sup>45</sup> Interview 1.

<sup>46</sup> Interview 17.

vulnerable'.<sup>47</sup> These participants noted that exploitative situations were heightened due to the imposition of local and national restrictions, which are discussed below.

### *Impacts on Services and Support Available to Victims*

The activities of civil society stakeholders, such as NGOs and trade unions, were affected by COVID-19. This included, for example, disruptions in providing face-to-face services, while 'many of them have not been consulted by their governments in developing and implementing COVID-19 responses' in terms of requests for support and assistance.<sup>48</sup> The United Nations Office on Drugs and Crime (UNODC) found that such stakeholders encountered significant challenges in conducting their normal activities during the pandemic as a result of, for example, reduced financial resources; difficulties in reaching vulnerable groups and trafficked persons; and increased needs of vulnerable people and victims for support services.<sup>49</sup> A Bulgarian NGO interviewee described the impact on their work: 'We faced a lot of challenges, because we have to really change the way we are working, we have to restructure and adapt our services to these new situations'.<sup>50</sup> In this section, I explore the specific disruptions experienced by the respondents.

Hanley and Gauci identified some short-term impacts of COVID-19, including the disruption of 'the provision of, and access to, protection services for both potential and identified trafficked persons'.<sup>51</sup> In this study, participants were particularly concerned with the inability of victims to access services and support, stating that victims were less able 'to find help and to get to where they could denounce the situation they were being victims of' during COVID-19.<sup>52</sup> This strand of the research illustrates the specific impact of COVID-19 on victims who managed to leave their human trafficking situation and who were subsequently seeking assistance and support.

Across the world, local and national restrictions on movement, often referred to as 'lockdowns', were introduced to stem the spread of the virus. However, these lockdown measures raised concerns about the visibility of potential victims of

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<sup>47</sup> Interview 18.

<sup>48</sup> T Obokata, *et al.*, *Good Practice in Protecting People from Modern Slavery during the Covid-19 Pandemic: Research summary*, Modern Slavery & Human Rights Policy & Evidence Centre, 2021, p. 5.

<sup>49</sup> UNODC, 2021, p. 45.

<sup>50</sup> Interview 25.

<sup>51</sup> I Hanley and J P Gauci, 'COVID-19's Impact on Anti-Trafficking Efforts: What do we know?', *Journal of Modern Slavery*, vol. 6, issue 2, 2021, p. 11.

<sup>52</sup> Interview 33.

trafficking and the ability of stakeholders to identify them.<sup>53</sup> Moreover, as a Swiss trade union official shared, the ‘pandemic added something in the psychological and physical coercion for people’ who are unable to escape their exploitative situation.<sup>54</sup> A number of additional challenges resulting from the imposition of national lockdowns were noted by twelve participants. These included decreased access to support and assistance, a reduction in the ability of members of the public to encounter instances of human trafficking, and the impact that this had in terms of reporting rates. From the perspective of those working to detect cases of HITLE, one government official from Luxembourg stated: ‘When everything was closed, we have no idea what happens with the people working in the restaurants. Are they sent back? Are they going back on their own?’<sup>55</sup>

The importance of adequate shelters and support for victims of human trafficking cannot be overstated. As the former UN Special Rapporteur indicated, ‘Without access to shelters, health care and psychological assistance, victims of trafficking, even when identified, might be re-victimized’.<sup>56</sup> Friman and Reich found that safe shelter and accommodation can contribute to both the physical and psychological recovery of trafficked persons, ‘giving them the feeling that their needs are being looked after and their worries are being taken seriously’.<sup>57</sup> During COVID-19, accessing sheltered accommodation was difficult due to shelter closures and their inability to accept new clients.<sup>58</sup> This was raised as a limitation by participants in this study who stated that the ‘shelters have to be protected, you could accept less people’,<sup>59</sup> and that it was very difficult to keep the service ‘accessible to people, because now when someone needs accommodation, we can’t simply tell her “just come”’.<sup>60</sup> One Belgian NGO interviewee succinctly articulated the complexities encountered by service providers in the context of lockdowns and mandatory quarantine requirements:

*If we had, for example, a victim that we thought we could take [...], then there were these conditions of the shelter house that they have to stay in a quarantine for, like 10 days or something, in the beginning and the first week,*

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<sup>53</sup> Modern Slavery & Human Rights Policy & Evidence Centre, *Policy Brief: Impact of Covid-19 on identification of potential victims of modern slavery in the UK in 2020*, MSPEC, 2021, p. 8.

<sup>54</sup> Interview 3.

<sup>55</sup> Interview 16.

<sup>56</sup> Giammarinaro, p. 6.

<sup>57</sup> H R Friman and S Reich (eds.), *Human Trafficking, Human Security, and the Balkans*, University of Pittsburgh Press, Pittsburgh, 2007, p. 124.

<sup>58</sup> ODIHR, 2020, p. 155.

<sup>59</sup> Interview 18.

<sup>60</sup> Interview 25.

*and then a lot of people, they come out of a situation where they are feeling captured by somebody and you have to propose [to] them, 'Oh yeah, we can take you out of there. But we will lock you up in our own house'. I think on a psychological [level] that was very difficult and that some of the victims that we should have reached, we lost.<sup>61</sup>*

Sixteen participants described a reduction in service provision and the alternative measures put in place, with some interviewees outlining that services which used to be provided face-to-face were now conducted by phone or internet. While this enabled some support to continue, issues arose in terms of language barriers and when individuals seeking help did not have mobile phones or lacked access to the internet.

### *Limitations on Professional Duties*

The UNODC indicated that challenges arose in this context, noting that 'Normal police and immigration activities such as investigations, labor inspections and border monitoring—which are already challenging in "normal" times—have slowed or stalled for periods of time, meaning that traffickers may be continuing or even increasing their activities, but law enforcement have not been alerted by the public to the crimes'.<sup>62</sup> Study participants suggested a number of limitations in terms of exercising the obligations and duties of certain stakeholders in the fight against HITLE, with twenty interviewees identifying such restrictions, for example in terms of redeployment, limited access to certain sectors and sites, and less proactive engagement opportunities.

In the context of COVID-19, some law enforcement officials were redeployed to assist with health enforcement measures associated with the pandemic and, as such, had been diverted from investigating certain criminal offences for a period of time, limiting investigation and identification capacity.<sup>63</sup> Hanley and Gauci observed that this 'diversion of priorities and resourcing indirectly limits capacity for anti-trafficking work'.<sup>64</sup> A Bulgarian NGO interviewee reiterated these findings, stating that 'currently because of the COVID [pandemic], [the] police is engaged with many new things' and this 'somehow steals from their time for other issues, including trafficking'.<sup>65</sup> Another NGO participant from Belgium stated that the

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<sup>61</sup> Interview 53.

<sup>62</sup> UNODC, 2021, p. 26.

<sup>63</sup> Group of Experts on Action against Trafficking in Human Beings (GRETA), *In Time of Emergency the Rights and Safety of Trafficking Victims Must Be Respected and Protected*, Council of Europe, Strasbourg, 2020.

<sup>64</sup> Hanley and Gauci, p. 15.

<sup>65</sup> Interview 25.

'Police services are immensely restricted because of COVID restrictions' and pointed out the potential consequences: 'If they can't do their first-line work and first-line detection, basically they're not going to signal any potential victims'.<sup>66</sup>

During COVID-19, the effectiveness and ability of labour inspectors to detect situations of potential HTLE were hindered too. A primary concern for one German trade unionist related to the reduction in the level of controls and inspections carried out in certain sectors which had 'been cut down as much as possible'.<sup>67</sup> The importance of these controls and the significant role that labour inspectors can play in this context has been recognised in both academic research and by international organisations.<sup>68</sup> They have a key role to perform in the active identification and investigation of severe forms of labour exploitation, including HTLE.<sup>69</sup>

A Czech labour inspector said: 'As for our inspections, we, of course, do inspections but it's very complicated to do in a situation when our government made some restrictions for all industries'.<sup>70</sup> Alternative approaches to workplace inspections were adopted by some countries, with a labour inspector from Spain commenting: 'The Inspectorate tried to perform all the investigations that were possible to perform that way via internet or [telephone]. So it was quite a difficult moment, but whenever there was an urgent, very severe issue to investigate, there was an on-site investigation, but normally only for very specific issues'.<sup>71</sup> However, the impact of using these new approaches during COVID-19 was noted by one labour inspector from Finland who stated that it 'made our work more difficult because ... the information we get that way is only partial'.<sup>72</sup> Overall, the participants indicated that the alternative approaches to carrying out controls

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<sup>66</sup> Interview 54.

<sup>67</sup> Interview 34.

<sup>68</sup> E Kenway, 'Overcoming "Modern Slavery" With a Rights-Based Labour Market for All', *IPPR Progressive Review*, vol. 25, issue 3, 2018, pp. 244–250, <https://doi.org/10.1111/newe.12111>; European Union Agency for Fundamental Rights (FRA), *Fundamental Rights of Migrants in an Irregular Situation in the European Union*, Publications Office of the European Union, 2011, p. 40.

<sup>69</sup> International Labour Organization (ILO), *Human Trafficking and Forced Labour Exploitation: Guidelines for legislation and law enforcement*, ILO, Geneva, 2005, p. 49; Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *An Agenda for Prevention: Trafficking for labour exploitation*, OSCE, Vienna, 2011, p. 12.

<sup>70</sup> Interview 38.

<sup>71</sup> Interview 26.

<sup>72</sup> Interview 64.

and inspections were insufficient. As voiced by an Icelandic interviewee, they were ‘lacking the person-to-person interaction that usually gives you the most’.<sup>73</sup>

While previous research has noted that labour exploitation and human trafficking offences remain difficult to recognise for members of the general public,<sup>74</sup> or they may be hesitant to report suspicions,<sup>75</sup> in terms of successfully identifying victims, the role of the general public was acknowledged by certain stakeholders as being particularly important in this process. However, due to the lockdowns, a Greek NGO interviewee shared that ‘we lost them, the eyes and the ears of the society’.<sup>76</sup>

Future policy development must include a specific approach to awareness raising, clearly outlining concrete actions regarding public health (or other) emergencies, to combat any additional challenges posed to the identification and detection of HTLE during such periods. It should also recognise the potentially significant role that the public can adopt in this context. One possible initiative relates to the establishment of helplines and hotlines which have been instrumental in increasing the public’s ability to report instances of HTLE.

Overall, while participants in this study clearly articulated the considerable concerns and challenges posed by COVID-19, two trade union officials outlined that it was a ‘wonderful opportunity [for] people to see the reality as they don’t see it usually’<sup>77</sup> and that this pandemic ‘highlights all the weaknesses within our system’.<sup>78</sup> It also indicated pressing areas in need of improvement. Six participants viewed the pandemic context as increasing the visibility of human trafficking as a serious offence and providing the impetus for improving labour conditions by highlighting the severely exploitative conditions endured by certain vulnerable groups.

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<sup>73</sup> Interview 65.

<sup>74</sup> S Egan, ‘Protecting the Victims of Trafficking: Problems and prospects’, *European Human Rights Law Review*, vol. 1, 2008, pp. 106–119; European Union Agency for Fundamental Rights (FRA), *Severe Labour Exploitation: Workers moving within or into the European Union*, Publications Office of the European Union, 2015, p. 12.

<sup>75</sup> J Birks and A Gardner, ‘Introducing the Slave Next Door’, *Anti-Trafficking Review*, issue 13, 2019, pp. 66–81, <https://doi.org/10.14197/atr.201219135>.

<sup>76</sup> Interview 23.

<sup>77</sup> Interview 3.

<sup>78</sup> Interview 1.

## Conclusion

This study provides one of the first insights into the experiences of key stakeholders in countering HTLE across Europe during the COVID-19 pandemic. It outlines the important role that they play and the need for states to recognise both state and non-state stakeholders as key players in anti-trafficking efforts. In this regard, it is necessary for these stakeholders to be sufficiently resourced in order to be effective in carrying out their legal obligations to assist victims. Continued research assessing the impact of COVID-19 on human trafficking prevention, protection, and prosecution efforts is vital to adequately explore the effect of imposed restrictions and the consequences experienced by victims both in the short- and long-term. Such research may build upon the emerging body of literature by academics and international organisations exploring human trafficking and labour exploitation within supply chains.<sup>79</sup>

COVID-19 exacerbated the challenges faced by key stakeholders in seeking to both prevent situations of HTLE and support victims. This article demonstrates that the impacts associated with COVID-19 could, and should, act as a catalyst for substantive change in terms of policy and regulation by states. It identified some of the factors associated with increased vulnerability (unemployment rates), victimisation, and service provision (limited resources, prioritisation and disruption of face-to-face supports). Furthermore, the findings indicate that there is a pressing need to: address the root causes of HTLE; acknowledge and counteract the increased control employed by traffickers and the worsening situation victims are subjected to; and ensure that victims who have left their severely exploitative situation receive the support and assistance to which they are entitled. HTLE needs to be a priority for states and remain so during global crises. As one participant in this study expressed, '[States] just have no idea what's going on. We know that exploitation will change. Maybe move to other sectors, maybe become more hidden. We don't know yet'.<sup>80</sup> Finally, there is a need to reflect

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<sup>79</sup> L Shelley and C Bain, 'Human Trafficking: Fighting the illicit economy with the legitimate economy', *Social Inclusion*, vol. 3, no. 1, 2015, pp. 140–144, <https://doi.org/10.17645/si.v3i1.215>; Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Survey Report 2021 of Efforts to Implement OSCE Commitments and Recommended Actions to Combat Trafficking in Human Beings*, OSCE, Vienna, 2022, p. 17; Group of Experts on Action against Trafficking in Human Beings (GRETA), *7th General Report on GRETA's Activities covering the period from 1 January to 31 December 2017*, Council of Europe, Strasbourg, 2018, p. 58; C Theron, 'Modern Slavery and Transparency in Supply Chains: The role of business', in G Craig *et al.*, pp. 187–218, p. 197; G LeBaron, 'Subcontracting Is Not Illegal, But Is It Unethical? Business ethics, forced labor, and economic success', *Brown Journal of World Affairs*, vol. 20, issue 2, 2014, pp. 237–238.

<sup>80</sup> Interview 6.

further on how states across Europe have reacted to these additional challenges and concerns through further in-depth empirical research.

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**Muiread Murphy** is a doctoral student at the School of Law and Criminology at Maynooth University, Ireland. Her research, funded by the Irish Research Council, explores human trafficking for the purpose of labour exploitation across Council of Europe member states. She is an active member of the Human Trafficking Research Network based in the Human Rights Centre at Queen's University Belfast. Muiread has co-authored human trafficking research in Ireland published in the *British Journal of Criminology* and the *Industrial Law Journal*. Email: muiread.murphy.2014@mumail.ie