



CITIES FREE OF SLAVERY

CASE STUDIES
RIO DE JANEIRO,
MAPUTO CITY,
NOTTINGHAM
AND NAN PROVINCE

SOCIAL DETERMINANTS
OF VULNERABILITY
TO WORK EXPLOITATION

SILVIA MARINA
PINHEIRO
EDITOR

The background features several stylized human figures in orange and blue tones, scattered across the page. The main title is in large, bold, blue letters.

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FOREWORD

Alison Gardner

Creating cities and communities that are free from slavery and exploitation may sound like a utopian dream, but is increasingly also a practical public policy challenge. Two decades after the ‘Palermo’ Conventions on Transnational Organised Crime established an international definition for trafficking in persons, momentum continues to increase for improved approaches to addressing all manifestations of human exploitation. The United Nations’ 2015 Global Goals for Sustainable Development demand localised and integrated approaches to addressing trafficking and modern slavery that ask fundamental questions about our societies, economy and social structures. To realise these ideals, action is required from multiple layers of government, as well as public, private and civil society organisations. Safe, inclusive and sustainable cities lie at the heart of this vision.

The Global Cities Free of Slavery Project represented a first attempt to imagine and pilot a global network of cities which could develop, scale and share sustainable approaches to achieving community resilience against slavery. This two-year AHRC / UKRI-funded project, led by Dr Silvia Pinheiro, at the Pontifical Catholic University of Rio de Janeiro, aimed to link together policy-makers, academics, local officials, law enforcement and NGOs with an interest in civic and place-based responses to modern slavery and human trafficking, providing opportunities both for the development of individual knowledge and a focal point for future collaboration. Participating cities—including representatives from Maputo, Mozambique, Bangkok, Thailand, and Nottingham, UK—were

encouraged to reflect on their activity with a thematic focus, taking the opportunity for introspective learning, as well as learning from others participating in the network. The project also aimed to promote policy and practice innovation through comparison and adaptation of novel initiatives and ideas from different international contexts. To share learning, the network committed to produce action-learning reports, and to focus on future research collaborations around the topic of slavery-free communities and place-based responses to slavery.

The core of this project rested on developing a grounded locality and place-based analysis of existing policy challenges. Place-based research, policy-making and activism are often used in response to intransigent social problems¹. Such approaches may be targeted at specific population groups or communities, or concentrate on a particular issue in a given location, with the aim of achieving transformation. ‘Place’ reaches also beyond material conceptions of a specific spatially-defined area to encompass social relations, networks, and the integration of global and local influences. Concepts of place are temporal and contested through power relations, constituting a space where debate, conflict and co-production can occur².

In the context of policy that aims to address forms of human exploitation, place provides a focal point enabling attention to the inter-linked ‘social determinants’ of modern slavery and human trafficking, including economic, political, socio-cultural and contextual factors. Place-based responses also provide a forum to engage those directly affected by exploitation in developing solutions that help individuals and communities to flourish.

1 Sara, G., Soini, K., Horlings, L. 2019. “The inner dimension of sustainability transformation: how sense of place and values can support sustainable place-shaping”, *Sustainability Science* 15, p.411–422.

2 Horlings, L., Dirk Roep, E.M., Marsden, T. 2020. “Exploring the transformative capacity of place-shaping practices”, *Sustainability Science* 15, 2020, p. 353–362.

The research featured in this book provides important insight into the nature of social determinants of exploitation across different global contexts, and the degree to which they are held in common. Significantly Walmarth demonstrate that some factors operate quite differently in different types of context, drawing attention to the significance of place in developing tailored and relevant policy solutions that make practical sense of international conventions.

This project has also thrown light on some of the tensions that emerge when viewing anti-trafficking policy and practice through a place-based lens. As Pinheiro highlights in her paper, the experiences of exploitation encountered within communities is far more nuanced than black and white absolutism of legal clauses within anti-slavery laws: “for the groups which are more affected [...] boundaries separating work, exploitation, informality and slavery are opaque.” These studies draw attention to the way that certain categories of exploitation are made visible or invisible as a result of law and policy, and also to the dynamic evolution in the way that exploitation manifests in practice; creating gaps where law and policy are consistently behind the curve. They also highlight which voices are—or are not—included in definitions of exploitation, with Gama arguing persuasively that a ‘lack of geographic and class plurality’ has impacted on the construction of ‘an insufficient concept’ in relation to exploitation, which poorly-addresses the context of global south communities.

The authors apply a range of innovative theoretical concepts to illuminate their analysis. Pinheiro draws upon new institutionalist approaches to reveal the way in which antislavery legislation and institutions have been shaped by institutional isomorphism, resisting responsiveness to local contexts and circumstances. Gama uses Law’s (2004) concept of ‘messiness’ to contend that within place-based anti-slavery analysis we need to embrace an intersectional approach, with attention not only to material realities and institutions, but also to the way in which aesthetic, spiritual and inspirational issues shape community experience.

Meanwhile Lucas uses the three global south case studies to provide a thorough comparative analysis of the social determinants, arguing that they point to ‘necessary but not sufficient conditions’ for exploitation.

These conclusions point us to valuable learning from this research network. The social determinants frame is helpful in pointing towards the wider role of governments and other stakeholders in addressing the structural causes of exploitation, alongside the need for solutions to be designed and implemented locally, in co-production with the communities most affected. In addition, by highlighting the deterministic limitations of the framework, these studies also point towards the assets inherent in communities like the Favela of Morro da Providencia, giving clues to ingredients of resilience against exploitation and directing us towards strengths that could be nurtured in future policy solutions more closely tailored to community contexts. Together, they provide a flavour of the learning potential in continuing and extending the network of Global Cities Free of Slavery, and a challenge to continue seeking pathways to more inclusive communities, where exploitation will be unable to take root or to flourish.



**PART I
REFLECTIONS
ON SOCIAL
DETERMINANTS
AND ANTI-SLAVERY
INSTITUTIONS**



AN INSTITUTIONAL, PLACE-BASED APPROACH TO MODERN SLAVERY IN URBAN AREAS

Silvia Marina Pinheiro

INTRODUCTION

This chapter is an outcome of the Project Global Cities Free of Slavery carried on between 2020 and 2022, by a team of researchers in different countries: Mozambique, England, Brazil and Thailand. The project aims visibility to local experiences to tackle modern slavery adding to the research on social determinants of vulnerability to exploitation and modern slavery in cities. The four reports on social determinants of vulnerability to modern slavery pointed to the relevance of State's action and inaction in the fight or continuity of the practice of modern slavery in the cities of Maputo, Nottingham, Rio de Janeiro, and Nan Province¹.

Taking into consideration the role of States to eradicate modern slavery, the chapter explored the Brazilian antislavery institution, shedding light in the factors that contributed to advances and setbacks along its history. Drawing in the new institutional theory, it adds to the debate of antislavery institutional change in a context of transition from the Fordism to flexible accumulation models of production in the XXI century.

¹ Morro da Providencia slum in Rio de Janeiro's Port area, Nan Province in the north of Thailand, Nottingham in England and Maputo in Mozambique.

Along its sessions it examines concepts, law, internal and external pressures, actors, and discourse that underpinned the Brazilian antislavery system along its history calling the attention for a new context demanding changes.

To promote the awaited changes the chapter brings the relevance of a place-based approach to tackle social issues, pointing out how gaps in public policies in the implementation of laws and concepts are a result of disregarding local aspects, taking the example of the favela morro da Providencia in Rio de Janeiro.

Changes have occurred along the history of the antislavery institution resulting in a cohesive and active organizational field of activists, state agencies, non-governmental organizations, church and universities who converged around a discourse, but problems of translation of these gains locally resulted in the persistence of the crime and expressive numbers of recidivism. The ongoing transformation in work relations resulted in the coexistence of old models of exploitation with new forms which are normalized by the society in the urban areas, more neglected by the Brazilian antislavery policies.

To reflect on the issues described above the chapter is divided in four sessions. After this introduction part, the second session explores the factors that led to changes in the Antislavery Brazilian institution since the introduction of the concept in the penal law until the consolidation of a vivid organisational field. In the third part, pressures to change and resistance were explored through the lens of the institutional isomorphism theory, inviting for a look inside the organisational behaviours in the face of transformations in work relations worldwide. In the fourth session, the concept of slavery is discussed with examples of clashes and complementarities of principles from different legal frameworks impacting the implementation of the antislavery policy. Vulnerability to exploitation at work is explored in its complexity, once the factors that result in the “control and possession” of a person by another vary depending

on a placed-based approach to the issue. In its fourth part, the chapter discusses the importance of the heterogeneity and differences that mark territories and places, illustrated by the perceptions of modern slavery in the view of the residents of Morro da Providencia, interviewed for the project Global Cities Free of Slavery. Finally, in its conclusions, the chapter calls the attention for the dynamic nature of institutions and necessity to explore how changes impact different layers of organization's governance and relevance of the construction of a new discourse including the part of the society impacted by lack of social protection and increase of inequality.

INSTITUTIONAL CHANGE

Institutions are born when actors see an opportunity to realise interests resulting in an organisational field where work and activities are developed with one aim (Di Maggio, 1988). In their early years, new practices and actors arise, however, an environment constraining its ability to change may emerge over time. Max Weber (1994) considers this a phenomenon typical of the capitalism and competition among firms and States. But other causes may explain the emergence of a constraining environment inviting a “look inside” the organisational behaviour and the factors influencing their ability to transformation (Di Maggio and Powel, 1983).

Institutions are not limited to an organizational approach. They include political, social life and other features such as beliefs, history, and culture aspects (Gardner, 2017). The concept of slavery, non-state, and state organisations are part of the Brazilian antislavery institution, as the “dirt list” name and shame mechanism, behaviours, patterns, and the cultural aspects that mark the Brazilian society, such as colonial slavery.

Thus, institutional changes could be observed in different rhythms and paces, considering the impact of changes and outcomes on multi-layered structures of governance (Gardner, 2017). The Brazilian definition

of slavery, included in 1940 in the penal code, did not promote an increase in the number of rescued victims. However, the condemnation of Brazil in the Interamerican Commission of Human Rights, has increased awareness of slavery and the number of rescued victims has boosted in the following decade. The case has gained repercussion given the fact it was the first country punished by the commission for this crime, and this was seen by the progressive forces as an opportunity to push for advances in the law and antislavery policy.

Concrete outcomes from this event were seen in the antislavery institution in Brazil after 2003, with the end of the Pereira case in the Interamerican Commission, when the concept of slavery has changed in the Penal Code, the dirty list was created and in 2014, the crime of slavery was included in the Federal Constitution through Amendment 81. Labour inspections have accelerated, and several regulations turned the system more efficient facilitating slavery recognition and flagrant, with partnerships between inspectors and non-governmental organizations issuing responses to the crime almost simultaneously to the construction of the domestic antislavery policy (Castro, 2015).

At the beginning of the XXI century, there was an antislavery social constructed discourse and an active organizational field. The discourse, based on the severity of the exploitation at work harming human dignity, reached the international society, human rights defenders, the International Labour Organization and corporations after the XXI. The agroindustry exporters in Brazil, felt the pressures to comply with fair competition standards from abroad and adhere to non-binding patterns. From 1995 to 2020, more than 50.000 workers were rescued in Brazil, mainly in rural areas, and initiatives such as the InPacto, attracted the most significant economic sectors of the economy where slavery was proved to be occurring in supply chains.

TABLE I – Creation, Inertia, Some Advances, and Setbacks in the Antislavery Institution

1940 _ Inclusion of the crime of conditions analogous of a slave in the Brazilian Penal Code
1994 _ The case José Pereira was brought by the Pastoral Land Commission and the Center for Justice and International Law to the Interamerican Commission on Human Rights
1995 _ Creation of the Mobile Group of Inspection in the Labour Ministry
1998 _ The Green Farm case, where more than a hundred of workers were found in degrading conditions, was brought by the Pastoral Land Commission and the Center for Justice and International Law to the Interamerican Court on Human Rights
2002 _ Creation of the CONATRAE (National Commission to Eradication of Slavery) formed trade unions, civil society, and state agencies
2003 _ The Brazilian state was considered accountable by the Human Rights Interamerican Commission for omission to act in the José Pereira slavery case and signed an agreement with compensations
2003 _ Review of the Penal Code to include in the concept: extenuating hours of work, degrading conditions, debt bondage defining trafficking and including child labour
2004 _ The Ordinance 540 created the Dirty List a name and shame mechanism of punishment companies and individuals for the practice of modern slavery
2005 _ The National Pact to the Eradication of Slavery was signed by corporations, state agencies and NGOs with commitments to eliminate modern slavery in supply chains
2006 _ The Supreme court ruled to recognize the competence of the federal justice to appreciate criminal complaints about conditions analogous of a slave
2014 _ Constitutional Amendment 81 on expropriation of land for flagrant of slavery, was approved and changed the article 243 of the Federal Constitution
2014 _ Attempts to suspend the Dirty List by the civil construction sector in the Supreme Court
2016 _ Attempts to change the Brazilian concept of modern slavery in the Penal Code
2016 _ Conviction of the Brazilian state in the Interamerican court on Human Rights in the Green Farm case, with financial compensations for the victims

2017 _ Attempts to finish with the Labour Ministry, flexibilization of the labour law, change in the concept of slavery

2020 _ From 1995 to 2020 55.712 workers were rescued from slavery with 75% in rural areas

2021 _ Increase in the number domestic workers rescued in conditions analogous to slavery in cities

2022 _ Denounces of slavery have doubled from 2021/2022 and the number or rescued reached the same level of 2013, as an effect of COVID 19 and the subsequent economic crises

In Table I, there are some of the events that gradually contributed to consolidate the antislavery institution in Brazil, especially after 1995. However, the institution has been always marked by attempts to distort the Brazilian concept, the “dirty list” and weaken inspections’ material and human resources. The dirty list was suspended in 2014, the slavery concept has been changed for two months and the labour law reform extinguished with the Ministry of Labour in 2017, but with fierce resistance from civil society the institution resisted against these pressures².

Repression in farms and rural areas have been the focus of the antislavery action and 2007 was emblematic when the number of rescued reached its peak, with 75% in farms. However, socio-economic, and cultural factors that historically underpinned the antislavery policy in Brazil are not the same as the early decades. New forms of work are accompanied by practices that, so far, were not dealt with by the labour inspections. Informality and migration in the urban areas result in different features of degrading conditions of work than in the rural sites. The transformation in the model of work relations world-wide after the 70’s of the last century, is an integral part of a process of reorganization

2 In 2014 the Ordinance 204 from 2004 that created the Dirty List has been suspended in the Supreme Court. In 2017 the Ordinance 1,129 has changed the concept of slavery just to situations of restriction of movement, excluding degrading conditions and exhausting hours, but two months later the Ordinance 1.293 /2017 re-established the previous concept given by the law 10,083 of 2003.

of production called “flexible accumulation”. This model bet on various units of production and flexibility of work to respond instantly to changes in consumption patterns (Harvey, 2014), resulting in job instability, exhausting hours, and continuous tasks which do not spare weekends and holidays. Types of physical and emotional diseases cross transversely the social classes in different degrees and nuances. The depersonalization of the worker with his hours being routinely sold, is an obstacle to collective revindications, affecting traditional forms of mediation such as through the trade unions (Castro, 2019).

The new institutionalist’s authors borrowed from science studies, the phenomenon of isomorphism to explain resistance to change in institutions. Isomorphism is “a constraining process that forces one unit in a population to resemble other units that face the same environmental conditions” (Di Maggio and Powel, 1983, p.149). Associating to institutional studies, state and non-state organisations absorb policies and construct structures to signal their environments that they are legitimate (Lammers and Garcia, 2017) but there is a moment that political power and institutional legitimacy prevails overachieving its aims, as means to the institution’s survival.

There are three types of constraints in the authors’ view, affecting or inducing changes: coercive, mimetic and normative. In the first category are the pressures of the most influential organisations (companies, non-state organizations, state agencies, and groups in the legislative and executive branches); second, the prevailing social beliefs in a certain moment in the society; and finally, a tendency of organisations to copy other organisations’ behaviours to survive as means to compete, and finally the normative isomorphism expressed on regulations and patterns supported by a complex bureaucracy.

During five decades after the inclusion of slavery as a crime in the penal code in Brazil until its implementation in the 90s, it can be said that mimetic and coercive isomorphism were present. The observed institutional inaction and immobilise responded to a frontiers’ security

discourse, hiding profitable interests of international financial groups, in collusion with a society embedded in stigma and structural racism. Except for religious groups, most individuals were silent before the enslavement of humans behind an authoritarian regime.

Institutional change may also be affected by the pressure of norms and regulations shaped by the dominance of one category of rules over another. In the case of the Brazilian antislavery institution, the repression side had taken precedence over the prevention and remedy sides once the first denunciations of slavery reported levels of mistreatments when physical injuries and death of workers were recurrent and reported as worse than slavery in colonial times.

Added to this, the variety of actors in the “field”, from trade unions to companies may not share the same principles. Gains of political power and legitimacy may prevail, affecting communication among actors in different spheres. To illustrate, overlaps between the crimes of deforestation and modern slavery which are under different umbrellas, and lack of communication among state and non-state organizations contribute to inefficiency in the implementation of both modern slavery and deforestation laws (Almeida, 2016).

Despite the actors’ engagement in constructing a rule system defining boundaries, identities, and status hierarchies (Lammers and Garcia, 2017; Clair, 1993), changes in institutions may happen through institutional work (Lammers and Garcia, 2017), when a new logic is put in place (Collins, 2009, p. 292).

The conditions to change are in the contradictions and inconsistencies of discourses generating new ones. The awaited change may rely on a “partial autonomous social actor situated in a contradictory social world to take a reflective position towards the institutionalised practices” (Lammers and Garcia, 2017, p. 202). These actors can be individuals, organisations, industrial associations, formal and informal groups in favelas, ghettos, middle-class quarters, and suburbs.

Awareness of the exploitation against *uberization* has given rise to movements of delivery drivers across the world, a phenomenon called by researcher as platform cooperatives (Grohmann, 2021). Interesting research on decent work and digital platforms is carried on by the Fairwork project, a hub of academic institutions in Brazil, United Kingdom and Germany, with the participation of local workers and employers from the most relevant delivery platforms. The Fairwork report analyses in which extension these new forms of work relations mediated by digital platforms, contribute or not to aggravate the scenery of inequality, precarity and informality in countries like Brazil, with focus in urban areas (Fairwork, 2022).

PRESSURES AFFECTING THE ANTISLAVERY INSTITUTIONAL IN BRAZIL

Lammers and Garcia have defined institutions as constellations of established practices guided by enduring, formalised, rational beliefs that transcend organisations or situations (Lammers and Barbour, 2006). In this sense, institutions are manifest in a broad range of social phenomena, including culture, normative and regulative, in constant change (Lammers and Garcia, 2017, p. 196). Dominant material and symbolic factors interact with institutions to form discourses and organisational fields.

An organisational field is a recognized area of institutional life gathering actors who converge to the same goals (DiMaggio and Powell, 1983, p.148). In Brazil, it encompasses a wide and diverse range of actors, among them are organised sectors of civil society, such as the Pastoral Land Commission, Reporter Brasil, Instituto Trabalho Decente; The Integration Action Programs, members of business initiatives such as the InPacto, labour database labs under the executive; and tripartite councils among others³.

The organisational field gains maturity while a structure of domination emerges in the form of bureaucracies and different layers of

3 The National Coordination of Eradication of Slave Labour (Coordenadoria Nacional de Erradicação do Trabalho Escravo, CONAETE) and The State Coordination of Eradication of Slave Labour (COETRAE).

governance (DiMaggio and Powell, 1983). The bureaucracy creates patterns of controls constraining actors, with power to include and ignore groups. In the words of Max Weber, the power of bureaucracy is the rational spirit of an organization, an “iron cage” especially in the western capitalist societies (Weber, 1994).

Without neglecting the increasing power of control of bureaucracy under capitalism in the western world, new institutional research added other causes to the phenomena, bringing into the debate a tendency of similarity between organisations and bureaucracies’ behaviours of a same sector, what they called the institutional isomorphism (DiMaggio and Powell, 1983, p. 150).

External and internal pressures, including cultural expectations rooted in the society in a certain context; similar organisational behaviour due to uncertainties and risks and finally norms and patterns of control form this package of constraints. In this way, it is argued by the institutionalists, that once the institution achieves a certain maturity, there is a drive toward homogenisation, contrasting with its early stages when the organisational field has presented considerable diversity in approach and form (DiMaggio and Powell, 1983).

During 45 years since the inclusion of the crime of slavery in the penal code in 1940 to the Pereira’s case in 1995⁴, the total absence of a political will backed by a silent society, have not resulted in the repression of the crime of slavery, despite frequent testimonials of fierce work exploitation in farms in the Amazon region with deaths and torture of workers. Although the recognition in the penal code of submission “*of someone to conditions analogous to that of a slave*” as a crime, it was only in

4 Jose Pereira was a young, 17 years old worker shot while escaping from a farm in the state of Pará in 1989. This case gained notoriety and a complaint was brought in 1994 to the Interamerican Human Rights Commission by CEJIL – Centro pela Justiça e Direito Internacional, International Law and Justice Centre and The Comissão Pastoral da Terra, Land Church Commission. Suzuki (2018) highlighted the length of time between the crime event 1989 and the visibility of the case, in 1995.

the '70s that denounces of work exploitation were brought, but to international organizations (Figueira et al., 2021).

The adoption of the term “conditions analogous to that of a slave” followed the League of Nations 1926 Slavery Convention concept and was inserted in an effort of international recognition of the recent Brazilian Republic worldwide. Thus, international acceptance of Brazil in the global sphere was one of the main motivations, if not the most important, for adopting this framework in criminal law.

Additionally, although industrialization gained relevance during the Vargas era in the 40s, farm owners were still relevant political forces, especially in coffee and cattle sectors. In this same vein, during the Second World War, forced labour was harshly used; the “rubber soldiers” are an example⁵. Later, in the '70s, northeast migrants were attracted to infrastructure constructions, becoming victims of forced labour and slavery in the Amazon. The perpetrators were international economic groups that, with financial state incentives, bought substantial extensions of land to raise cattle and other plantations in the north of Brazil (Figueira et al., 2021 p. 16).

With the advent of democracy in Brazil after the 80's, further discussions involved members of the executive, legislative and judiciary at the Forum of Violence in the rural areas (Moretzsohn, 2021), but it was only in 1995 with José Pereira's case that a category of abusive exploitation at work in farms gained visibility in civil society. It was after this event that the urgency of construction of an antislavery institution, has been recognized and encouraged by the state.

In 2003, with the end of the Pereira case in the Interamerican commission and the recognition of the liability of the Brazilian state for human rights violations, the Penal Code concept was reformed. It was added to the old definition, degrading conditions of work, exhausting hours, an

⁵ The rubber soldiers are migrants who came to the Amazon attracted by public campaigns and were responsible for the supply of rubber to the allies in the second world war.

debt bondage as conditions analogous to that of a slave. As an outcome of this change the number of rescued workers has doubled from 2002 to 2003, reaching its highest level in the history of the institution in 2007 (Moretzohn, 2021).

However, as it was observed, concrete movements to disrupt its aims were frequent. Taking the example of the 2017 “labour reform”, it resulted from pressures exerted to the conformity of domestic laws to patterns in place in countries in Europe and the United States, to reduce labour rights in a sign of normative and coercive isomorphism (Walmrath and Hamdan, 2020, p. 143).

Although the search for efficiency was behind the domain discourse, gains of legitimacy in the face of groups of interest were the main drivers of the labour reform once relaxation of labour laws had not proved efficiency at all (Walmrath and Hamdan, 2020, p. 144). Later, the executive reform of 2019 finished with the Labour Ministry wiping out resources, significantly affecting inspections. The return of the Labour Ministry in 2021 was seen much more as a symbolic decision than a sign of the prestige of these institutions.

Current data on rescued victims point to labour inspection’s resilience in face of attempts to discontinue their work. From 2020 to 2021 the number of rescued workers has doubled but comparing the numbers of victims rescued between 2021 and 2007, there is a decrease of more than 50%. The deliberate freezing and retreat of public resources to labour inspections resulted in a reduction of 45% in the number of inspectors in the last ten years.

Despite the deliberate actions to fragilize the antislavery system in Brazil, recent numbers show an increase in rescued victims in rural areas, reaching the same levels as 2013. Also enslaved domestic workers are being rescued in cities unfortunately with victims being exposed in the journals and social media. Visibility without protection can aggravate vulnerability with serious consequences to the rescued workers.

The old forms of exploitation, inherited from colonial times such as servitude and rural work, coexist with new models that arise in the context of digital capitalism. These new models are embedded in the discourse of freedom and autonomy and normalised in the society.

THE CHALLENGE OF A CONCEPT OF MODERN SLAVERY AND NEW DISCOURSE

As highlighted above, an institution includes concepts and discourses that help to underpin the implementation of the public policy through society's acquaintance. The Brazilian antislavery institution is an important example where concept and discourse were fundamental to support the implementation of laws and public policy in its first decades of existence.

The construction of a public policy to repress forms of exploitation of human beings in the '70s demanded a name and a concept. Drawing on (Figueira et al., 2021), what was being testified by the church and NGOs in the rural areas could not be classified by exploitation at work only. Also, ILO's definition of forced labour⁶ was far from what was happening in the Brazilian Amazon, where human beings suffered different types of "psychological coercions, a mix of threatens, spanking and murders, degrading conditions and exhausting work", [...] all justified by a supposed debt" (Figueira et al., 2021, p. 18).

This modern category of coercion and exploitation in rural areas in the 70's stirred debates on similarities and differences from colonial slavery. Testimonials distinguished it from a deficient level of labour rights commitments. Oscillating between forced labour, servitude⁷ and slavery

6 For the purposes of this Convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

7 The Guide on article 4 of the European Convention of Human Rights defines servitude as: an obligation to provide one's services that is imposed by the use of coercion, and is to be linked with the concept of slavery. (...) With regard to the concept of "servitude", what is prohibited is "particularly serious form of denial of freedom". It includes "in addition to

there was an urgency to unify ideas and expressions to classify these practices. Efficiency to repress depended on a definition and the term “conditions analogous to that of a slave” prevailed. The expression “analogous to slavery” was not a Brazilian invention it was brought by the League of Nations in the 1926 Slavery Convention in its considerations which expressly referred [...] “it is necessary to prevent forced labour from developing into conditions analogous to slavery”⁸.

Besides the pragmatic motivation, once the term slavery existed and was already defined in the penal code in 1940⁹, the symbolism of the word “slave” to a society deeply marked by colonial times contributed to legitimate the institution in Brazil with the support from the media, universities, and NGOs. Hence, campaigns led by labour inspectors and NGOs were launched and the use of slavery as a designation for the practice was grounded in the total “absence of rights” (Castro, 2010). The antislavery policy was created simultaneously to denounces that were sprouting from the rural areas through the Pastoral Land Commission (Castro, 2010).

Although different from the forced labour definition as it is in Convention No. 29, the ILO recognized the Brazilian concept as an evolution of the Convention’s concept, not a contradiction. The United Nations also affirmed that the Brazilian concept should be considered a reference in the theme (Moretzohn, 2021, p.21):

the obligation to perform certain services for others ... the obligation for the ‘serf’ to live on another person’s property and the impossibility of altering his condition”.

8 The legal definition of slavery was provided by Article 1(1) of the 1926 League of Nations Slavery Convention, which reads: ‘slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

9 The Article 149 of the Brazilian Criminal Code, as amended in 2003, makes it a crime “to reduce a person to a condition analogous to that of a slave” either by subjecting him/her to forced labour or debilitating workdays; by submitting him/her to degrading working conditions; or by restricting, by any means, his or her movement by reason of debt with the employer.

[...] by encompassing under the umbrella of worker protection and dignity, Brazil has stood out in a contemporary scenario where the term ‘slave labour’ permeates the notion of mere absence of freedom, to also reflect what is withheld from workers with such exploitation: their condition as human beings, endowed with dreams and hopes (United Nations, 2016, p.4).

Later, social media campaigns against forced labour on Facebook and Twitter starring Hollywood artists adopted the term slavery, leaving aside the ILO Convention’s definition of forced labour (Ferrerias, 2017, p. 86). This phase of intensive dissemination of the concept got the acquaintance of relevant groups, from NGOs to industrial associations fostered by institutional work. In 2006, the non-governmental organization Reporter Brazil in partnership with the ILO launched the Guidelines “Escravo nem pensar!”, in English “Slavery nevermore!”, which was disseminated in public schools and social assistance public centres (Suzuki, 2017, p. 75).

Despite recognising the value of the Brazilian definition, as amended in 2003, there were problems with the law’s implementation. Evidence documented in the flagrant by inspectors raises the question of the relationship between observable bad conditions of work, on the one hand, and a finding that such conditions have been imposed in circumstances that constitute a legally relevant form of domination or possession:

As they face this challenge, the inspectors have found themselves operating within a political context in which the issue of characterizing some labour relations as *trabalho escravo*, slave labor, is increasingly volatile (Scott et al., 2017, p. 10).

Consequently, the change in the penal code in 2003 led to rare criminal prosecutions and trials for violations of Article 149 of the Brazilian Penal Code. Additionally, the crime of slavery is defined under the penal code, but inspections are under labour justice.

Also, the legal definition of slavery is misinterpreted by the federal criminal courts where the right protected by Article 149 of the penal code is the individual right to freedom of movement, ignoring degrading work conditions. For one side, the Brazilian definition helped labour inspections and fostered judicial decisions in the labour courts for collective moral damage, but in the criminal sphere, there is resistance to accept the concept in its totality, because different principles are in place. The institutional theory explains this immobility, as normative isomorphism when behaviours and norms in organizations constitute obstacles distorting the institution's aims.

A HUMAN DIGNITY APPROACH TO MODERN SLAVERY

Modern slavery violates the human rights principle of human dignity, which in Brazil is the centrepiece of constitutional values irradiating over all spheres of law (Sarmiento, 2016). The principle of human dignity has been applied in labour courts in decisions where modern slavery was proved, and reparations for moral damages are due to the victims. The Brazilian Supreme Court's decision of 2012 recognised the relation between slave labour and human rights violations¹⁰, but still, compensations are too low concerning the severity of violations.

A recent approach to the concept of slavery included in the Harvard Bellagio guidelines, points out the relevance of *substance* over the *form* of working relations. In this way it defines possession and control. Three criteria to identify if a person is in conditions as of a slave were elaborated by Bales (2000), stressing physical and psychological violence, little or no pay and economic exploitation.

10 Supreme Court, Inq.3.412, Rel Min. Marco Aurelio , Rel.p/ac/Rosa Weber julg. 2012.

Possession is foundational in that, not only is it a power attaching to the right of ownership, it also creates the *factual conditions* for the exercise of any or all of other powers attaching to the right of ownership (Guideline n. 3).

In his seminal study on *Domination and Resistance*, James Scott (1990, p. 7), remembers that the practices of domination and exploitation typically generate “insults to human dignity”, and one vital distinction between forms of domination lies in “kinds of indignities the exercise of power routinely produces” resulting in normalization and creation of stigmas and beliefs in patterns of subordination.

In Thailand and Mozambique’s slavery laws, analysed in the Global Cities Free of Slavery Project, conditions of control and possession of one person by another are “means causing such person to be in a state of being unable to resist”. Thus, in combination with the Harvard Bellagio Guideline 3, it can be said that “vulnerability” is a package of “factual conditions that lead to the possession” or “state of being unable to resist” to exploitation. The “ability to resist” to exploitation and the “factual conditions” that lead to possession and control, are linked to social, economic, historical, and cultural factors that mark places and territories differently.

The National Coordination of Eradication of Slave Labour (Coordenação Nacional de Erradicação do Trabalho Escravo, CONAETE) established Guidelines on Slave Labour, which further suggest how Article 149 of the Brazilian Criminal Code is to be interpreted by inspectors, civil prosecution in the labour courts and private auditors. The Guidelines established in the Normative Instruction (NI) 139/2018 provide detailed definitions for a debilitating workday and degrading conditions setting both concepts in the umbrella of human dignity:

Guideline n. 03: A *debilitating workday* is one which, due to intensity, frequency, physical strain, or other circumstances causes harm to the

physical or mental health of the worker, violating his/her *dignity*, and results from a situation of subjection that for any reason renders his/her own will irrelevant.

Guideline n. 04: *Degrading working conditions* are those that *show disrespect for human dignity* by failing to comply with the fundamental rights of the worker, especially those regarding hygiene, health, security, housing, rest, and food, or those related to the rights of personhood, and result from a situation of subjection that for any reason renders the worker's own will irrelevant.

The clashes among principles in the criminal and labour spheres regarding implementation of sanctions, contrast with the proximity between labour and human rights fields which is an international tendency.

Several European countries have adopted or are proposing bidding environmental and human rights due diligence mechanisms, including modern slavery risk assessments in supply chains. Recent examples include the UK Modern Slavery Act, the French Corporate Duty of Vigilance law, the Bill for Responsible and Sustainable International Business Conduct in the Netherlands, and the Swiss Responsible Business Initiative (ASI, 2021).

In Brazil, there are provisions on due diligence in human rights in the financial sector however, still of not compulsory nature. They were part of an initiative adopted after debates and pressure from universities and NGOs to include an action plan implementing the UN Business and Human Rights Guidelines principles of 2011 in the Brazilian law. But concretely, today, the Brazilian Central Bank orients financial institutions not to lend or operate financial assistance to individuals or companies listed on the “Dirty List”.

THE PERIPHERIES AND A PLACE-BASED APPROACH TO TACKLE MODERN SLAVERY

The reproduction of modern slavery is explained by economic globalization (Bales, 2000); lack of democracy (Landmann, 2020), chronic poverty; precarious and exploitative employment (Philipps and Sakamoto, 2012) and rapid economic changes (Barrientos, 2013). However, we accentuate the lack of enforceability of laws (Bandeira de Mello, 2020) and the absence of a place-based approach, both leading to its current reproduction.

One cannot deny the effects of economic globalisation on the weakness of labour laws and its impacts on the precarization of work relations in the XXI century, but difficulties in translating policy solutions to the locals are part of the debate on causalities of exploitation normalization:

[...] national-level implementation was supported by coupling of the policy ‘problem’ of slavery with political advocacy, and policy solutions (delivered by national actors), but this process has not translated consistently to a local level (Gardner, 2018).

A place-based approach explains the existence of gaps between “*policy and what is happening at the front line*” (Gardner, 2018, p. 462) because it acknowledges activities, energies and imaginations marked by differences (Horlings, 2020, p. 353). Places are assemblages of materials, resources, and understandings (Mac Cann, 2012) related to cultural and socio-economic factors. Drawing upon the construction of environmental policies, Barnett and Parnell (2016) bring the importance of the engagement of global policy networks and specific locations to the efficiency of laws (Broto, 2020, p. 4).

Cities and peripheries change rapidly and are differently affected by generic ordering processes such as globalisation, and modernisation. Local thus is not a necessary global product, since one should consider the local construction of the global (Horlings, 2020).

a place-based approach encompasses a web of relations and interconnected practices that enable a global flow of goods, capital, knowledge, ideas, humans, from one place to another (Horlings et al., 2020, p. 354).

Globalisation, capitalism, climate change, or the market have a differentiating impact on places, transforming locals into ‘territories of differences’ (Escobar, 2008; Horlings, 2020). Hall (2000, p. 61) drives the attention to the power of local differences “as side connections that interfere in the vertical axe of the economic, cultural, and technological aspects”. The dynamism of the neighbourhoods presupposes an understanding of the local as a construction of reality, identity, and human subjectivity (Keith, 2009).

Scannel and Gifford (2010) added a three-dimensional place attachment into the debate on a place-based approach to exploring why dwellers are attracted to locals with a focus on immigrants. The first dimension of their study is the “actor”. Who is the individual or group attached to a specific location? The second dimension explores how these actors are affected by locals and their behaviours, and finally, which are the place’s aspects attracting dwellers (Scannel and Gifford, 2010, p. 2). Recognising the existence of a domain system, the authors consider that symbols and values from the broader social system dictate status based on class, race, and religion, influencing individuals’ decisions on the type of dwelling according to lifestyles and economic constraints: “As a result, pockets of relatively homogeneous communities emerge, and within these neighbourhoods, interpersonal attachments and networks develop” (Scannel and Gifford, 2010, p. 5).

People can be attached to places for past experiences, social memories, or current cultural and economic constraints. The observed homogeneity, referred by the authors, results from common elements that impact groups and individuals which, nevertheless, are in permanent transformation. For example, at the same time religions and cultures are

links they promote divisions in places. Also taking the example of the city of Rio de Janeiro, during colonial times identities and religions were responsible for the cohesion of different nations of Africans and not a distancing factor, because resilience was based around the common identity of migrants and poor (Maia et al., 2005).

Favelas in Rio de Janeiro are territories marked by heterogeneity (Perelman, 2012; Correa do Lago, 2015; Valladares, 2019; Zaluar, 2006). Various origins, economic classes and cultures result in complex but cohesive places at all levels with family ties, voluntary associations, and a strong sense of neighbourhood (Ribeiro and Lago, 2001).

These peripheral territories also have in common low levels of economic, educational and, health indicators reflecting the abandonment of the state¹¹. Statistics confirm that informal work is prevalent followed by low or no salaries. There is a high asymmetry in the social indicators if compared to dwellers in the wealthiest neighbourhoods with the same age and level of education, making Rio de Janeiro a city of contrasts with 22% of its population as *favelados*, or dwellers in favelas. Inequality observed in the city of Rio de Janeiro reflects the country's pattern of inequality.

To people in the peripheries the role of state is limited to repression. Taking the example of the ghettos in Chicago, a binary approach reduces them to fictional black colonies marked by criminality or factual black colonies in permanent conflict with the system of domination (Wacquant, 2002; Keith, 2009). Historically treated as problems, dwellers in the north American ghettos and in south American favelas have been conveniently “excluded”, constituting “reservoirs” of cheap workers (Wacquant, 2002).

While the Covid-19 pandemic has exposed deep inequalities it has given visibility to resilience expressed in numerous local initiatives bringing solutions amid abandonment by state. The Marielle Franco

11 For more details on social and economic indicators in favelas see the Social Determinants of Vulnerability to Labour Exploitation and Modern Slavery in Rio de Janeiro report (2021).

Institute, which takes its name from the councilwoman and human rights activist from Rio de Janeiro, murdered in 2018, carried out an important work cataloguing these local initiatives, the Wiki Favelas. Now, the institute is carrying on the initiative “Collectives Map”, *mapa dos coletivos* (in portuguese), registering informal groups who work in the defence of human rights and valorisation of all forms culture.

THE PERCEPTION OF MODERN SLAVERY BY DWELLERS OF THE FAVELA MORRO DA PROVIDENCIA

The symbolism carried by the expression “conditions analogous to that of a slave” has not been correctly translated to vulnerable territories in urban areas. An example of these gap relies in disinformation on the existence of a law and antislavery organizations dedicated to denouncing the practice, observed among dwellers in the *favela* Morro da Providencia, located in the centre of the city of Rio de Janeiro. Added to this, when the crime was described by the interviewer, 66% of the participants in the survey conducted to the project, affirmed they do not know dwellers in this situation¹².

For this part of the population, distant from the debates that gave birth to the antislavery institution in the last two centuries, this crime is still associated to slavery in the XIX and XVIII centuries, when lack of freedom of movement and violence in farms were the main aspects. Slavery is not recognized even in the face of severe forms of exploitation, such as the recent case of the Congolese worker who after complaining about non-payment of salaries and longstanding degrading conditions of work, was beaten to death, tied by hands and feet in front of a kiosk at the beach in the west zone of Rio de Janeiro.

The loss of labour rights and social protection blur conceptual boundaries between work exploitation, precarity and modern slavery. The general

12 More details are described in the report “Social determinants of vulnerability to Labour Exploitation and Modern Slavery in Rio de Janeiro: The case of the Morro da Providencia”.

understanding of severe exploitation at work, based on the survey, relates it to debt bondage, absence of a salary, mistreatment by patrons and humiliations and child labour.

The transcriptions below attest to experiences of exploitation, which, combined with social stigma, and discrimination, were considered slavery by interviewees:

The person works and has no salary, always owes the bosses and is out of any company human resources process because of social class.

It is related to the issue of exploitation of children and minors; I have seen cases like this.

People who suffer more mistreatment at work, work too many hours and always owe their bosses.

Dr. Francisco Xavier from the Citizenship Ministry, interviewed for the project, regrets the misunderstandings between exploitation and modern slavery, considering it one of the causes of recidivism “because they accept precarious working conditions, they think that exploitation is normal”.

In the same way, Mrs Luciana de Oliveira, social worker attending the Morro da Providencia residents, in her interview to the project Global Cities Free of Slavery, affirmed most beneficiaries of the aid programs do not link informality to precarity at work even when the job requires more than 12 hours of work, resulting in fatigue or accidents which are never compensated by the employers.

CONCLUSIONS

The chapter emphasized that the birth and maturity of the antislavery institution in Brazil relied in the existence of a discourse, concept, laws, and organizations that underpinned and protected the antislavery institution from attempts to undermine its purpose. However, difficulties to translate the antislavery laws and concepts locally, bureaucracy and transformation in work relations in the XXI century, result in gaps in the implementation of the antislavery public policy mostly in urban areas. In this context there is an urgency of a new discourse involving the historically excluded parts of the population which were out of the debates.

In her study on the implementation of austerity programs in the health sector in England, Gardner (2017) called the attention to the different types of discourses of resilience, based on surveys and interviews conducted with employees and other stakeholders. Based in the responses, it was found three types of roles: defenders of the institutions who do not accept any change; subversives who wish to preserve the institution but providing the appearance of conformity to change; and finally, the ones who look for creative possibilities within change. She also called the attention for the multi-layered nature of governance such as it is in the case of the antislavery organizations in Brazil.

The Brazilian antislavery institution has been historically marked by prevalence of strong tools in the side of repression with focus on labour inspections in detriment of prevention and remediation, which are out of the competence of the labour sphere. Regulations were constructed along the years with a focus in the rural areas where the rescued mostly migrate from different states or regions in the country, while in cities the displaced persons, migrate in the city, often sleeping in streets, searching any job for livelihood.

Based in the survey conducted with residents in the Morro da Providencia to the project Global Cities Free of Slavery, 66% of the interviewed

to the project said they ignore the existence of people experiencing conditions analogous to that of a slave, confirming unfamiliarity with the concept, stigma, and normalization of work exploitation. A binary approach to peripheral territories, that oscillate between areas of criminality or victimization, aggravates social exclusion and are obstacles to the implementation of the law and policies tackling social issues. Although converging on the same interests, actors are grounded in various beliefs and victims of different constraints. In this way, the chapter wants to highlight the relevance of more research on the perception of the antislavery policy by the various layers of governance in the organizations and civil society including formal and informal groups.

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AN INTERSECTIONAL APPROACH TO MODERN SLAVERY AND DOMESTIC WORK

Heloisa Gama

INTRODUCTION

There is a challenge to estimate the extent of modern slavery, once it is a crime and has a hidden nature (Bales, 2012), but according to the Global Slavery Index (2018), a widely recognized organization, around 40.3 million people are being submitted into slave-like conditions around the world. Despite the estimated numbers, no country seems to be immune to it (Bales, 2012). Modern slavery doesn't distinguish age, gender, geographic location, and class and survivors are from various nationalities, ethnicities, and social groups. Even so, there are some social determinants that make people more—or less—vulnerable to modern slavery (Jayagupta, Phumessawatdi, Noree, 2021; Pinheiro, Gama, Walmrath, 2021; Silva, Cuinhane, Capurchande, 2021; Robinson, Gardner, Gray, 2022)¹.

It is not by chance that modern slavery is now one of the most profitable crimes in the world, especially when is of a purpose of human trafficking.

¹ It is highly recommended that reader of this chapter, also reader the reports written by Jayagupta, Phumessawatdi, Noree (2021); Pinheiro, Gama, Walmrath (2021); Silva, Cuinhane, Capurchande (2021); Robinson, Gardner, Gray (2022), and Lucas Walmrath's chapter. All available in this publication. The suggestion in mainly to facilitate previous knowledge of several reflections that will be brought in this chapter, since the discussions concerning social determinants that make people vulnerable to modern slavery already took place in these five studies.

It is also configured as one of the crimes that mostly grows on the planet. Modern slavery is a form of brutal violation of human rights in its own way, and in the current social and economic context, it is also exacerbated by the other human rights violations, such as racial and gender-based inequalities (Rage, 2021).

In spite the complexity of the subject, there is a growing hub of specialists that advocate towards the idea that anti-slavery measures are inefficient and do not follow the constant changes on the society and economy. For example, Brazil, as it will be explored further along in this chapter, even though the legislation seems robust, it is still highly dependable on individual analysis of each case of rescued, for there is not a fully and comprehensible definition of the crime. It is not rare to see different governmental organizations disagreeing on characterization of modern slavery in the same case, even when are working alongside.

Another relevant aspect of this current analysis is the lack of malleability and adaptability of anti-modern slavery public policies, as it is seen in Maputo's context, because the concept of modern slavery is not fully included into the public policies, jeopardizing the work of the law enforcement officers and the labour inspection on informal domestic work (Silva, Cuinhane, Capurchande, 2021). According to the authors (2021):

the concept of modern slavery is not used by policies nor in the law, even if practices similar to modern slavery, such as prostitution, forced labour, child labour and human trafficking, are being contemplated by the law and considered as liable practices to criminal punishment.

Evidentially that it is possible to notice progress with the anti-slavery measures, such as updates on legislation and creation of relevant departments to execute initiatives. Even so, the resultative measures don't seem to be sufficient, as it will be explored on the next section, where we dive into the historical aspect of international anti-slavery policies and the

necessary changes it suffered to accommodate new realities. After presenting a historical context, this research will analyse and compare sets of characteristics and social determinants that might explain current changes on international public policies—that are relevant to the construction of national rules.

There is also a relevant approach to this understanding that sheds light to the existing gaps to the public policies. Intersectional approaches, or the lack of it, are a major example of why certain measures are inefficient to tackle the crime. Therefore, the methodological section of this chapter will discuss the importance of a plural approach, more specifically the relevance to consider an intersectional approach, to construct a set of measures with higher range are one of the major gaps pointed out but literature reviews, interviews and the reports produced by the project.

There is an understanding that Crenshaw's (1991) concepts of intersectionality is used to describe how different forms of discrimination can impact certain communities. In her studies, she also thinks of ways in which these forms of discrimination interact and overlap. The system of oppression, according to her, is essentially racist, sexist, homophobic and transphobic, xenophobic and classist. By this definition, it can explain all the complex and multi-layered social justice issues, such as modern slavery, faced by the international community. For many academics, an intersectional approach is a powerful movement to employ relevant thinking to overcome binary analysis and single issues. In this sense, it is also a powerful methodological lens to comprehend modern-slavery, and, in consequence, can help on the strategies to create relevant public policies to tackle the problem.

As previously seen throughout the other chapters of this book, the project Global Cities Free of Slavery, also commonly known as beGlobal Network, brought together four international cities, Bangkok (Thailand), Maputo (Mozambique), Nottingham (United Kingdom) and Rio de Janeiro (Brazil), to think alternative paths to think social determinants for

injustice and human rights. Despite having different background and context, these cities face one major and similar problem: modern slavery. In the mentioned initiative, the cities shared good practices and produced research to investigate how cities that are apparently so different, share similar difficulties to tackle the mentioned problems.

Some questions were risen throughout the past three years to understand which factor could submit workers to modern slavery, in that sense, the project mapped several variables and social determinants that could explain this social injustice. Furthermore, the next section of this chapter will explore how can the social determinants mapped by the project Global Cities Free of Slavery, alongside with the critics presented by intersectional and place base approaches, especially the consideration of a local insight as a relevant anti-slavery mechanism and the social injustice repressive system, can explain the global context of exploitation.

Throughout the forementioned critics, the chapter intends to present resulting gaps and weakness of existing anti-modern slavery public policies, more specifically, through a study case focused on the context of domestic workers in Rio de Janeiro and Maputo. Ideally, it will be shown to the readers that all the current gaps of the policy are explained by a historical, cultural, social, political, and economic context. Even so, there are ways to comprehend the issues more fully, especially when considering local realities, challenges and demands.

THE DEVELOPMENT OF MODERN SLAVERY PUBLIC POLICIES AND ITS GAPS

First and foremost, we should address the fact that anti-modern slavery policies are around the world for decades. The issue is faced as a violation of human rights because it subjects individuals to degrading and precarious conditions. In its contemporary variations, can be understood as types or work, service or relations done under threats, penalties, and precariousness.

The voluntary aspect of the relations is not unanimous to characterize the crime of modern slavery, nor its variations.

The problem is perceived as one of the major causes of poverty and economic underdevelopment (ILO, 2022), therefore it was addressed already in the United Nations (UN) in the beginning of the 20th century. The International Labour Office from the UN is the global organisation that rules on forced labour. Its first resolution against the problem (The Forced Labour Convention of 1930 (Co No 29) was signed by 179 countries. Even so, it is not the only relevant international mechanism that approaches the problem; ILO has other three main instruments (Protocol of 2014 to the Forced Labour Convention—P29, Abolition of Forced Labour Convention, 1957—C105, Forced Labour (Supplementary Measures) Recommendation, 2014—No203).

Even if ILO has organized almost two hundred countries to accept their concept of forced labour and modern slavery, there's still some disagreement, especially regarding concepts and internal legislation to prevent and prosecute the crime. There's no unity in the concepts and definitions of the issue and considering that modern slavery is a global problem that, many times, is trespassed by human trafficking, an international understanding was in need. For that, several relevant scholars and legal practitioners reunited between 2010-2012 to develop mechanisms to uniformize legal definitions of modern slavery. Their debate centred in the idea of "giving certainty to the international recognized definition of slavery as set out in the 1926 Slavery Convention" (Monash University, 2022). Even if the Bellagio-Harvard Guidelines have contributions that are more recognizable in relevant anti-slavery centres, it is still fundamental to point out to the fact that the debate counted mostly with institutions from the Global North. The lack of a geographic and class plurality impacts directly on the construction of an insufficient concept. This conceptual gap, possibly caused by the low or no participation of institutions from the Global South, is relevant to explain some aspects of the challenges to tackle the problem.

Even so, despite the existing anti-modern slavery measures, there seems to be a consensus among the largest global players in the area that the fight against the problem has been only partially successful, in the best cases. This might be explained by Bales' (2012) affirmative that "throughout history, slavery has adapted fluidly to change, and it continues to do so today" (Bales, 2012).

It is not possible to identify slavery without understanding the nature of the enslavement. As mentioned by Bales (2012), modern faces of slavery follow pattern and adapt. According to the professor, "is a construct of human behaviours, and can be as various in its manifestation as the human imagination allows". For that reason, he believes that there are two major factors important on the definition of modern slavery: the essence of the enslavement and the surrounding factors of the crime. These factors must be constituted by a broad contextual analysis that considers culture and time.

To exemplify, according to the first article of the 1926 Slavery Convention, "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" (CITAR). Nowadays, the ownership factor is insufficient to explain the occurrences of slavery. As pointed out by all four reports written for the project Global Cities Free of Slavery, the contemporary manifestation of the crime is less connected to ownership, and more connected to social determinants of vulnerabilities, such as: race, gender, class, geography, political structure that responds to the problems, if the individual has social bonds, or is migrating, etc.

Therefore, instead of the ownership, modern slavery is reflected on a lack of a strong and adaptative government and, instead of possession, is about control, most explicitly described by Hickey (2010) as "maintenance of effective control", that means the action of control someone over time and, mostly probably end up using other forms of ownership such as "the right to use; the right to manage; the right to income" (Hickey, 2010).

Bales (2012) added to these three categories, the “right to capital”, in which he considers as “the right to dispose of the possession, by transfer, by consumption, or by destruction.” It makes sense if we consider that the modern society is founded on systemic oppression embedded with the international community.

If modern slavery, adapts to changes, public policies should follow these trends with an intersectional and qualitative approach that answers to the contemporary facets of the crime. The anti-modern slavery agenda, essentially, depend on the participation and articulation of institutions in all sectors of the society, being from governmental and non-governmental agencies, as well as private sector and civil society. We are yet to see a durable and reliable solution to tackle the crime, but even so, efforts have been made, and several advances can be seen in the agenda.

Then why are there still so many “invisible” modern slaves? If there is local, regional and international anti-slavery policies, what else should happen in order to effectively tackle the crime?

The professor Bales (2012) argues that the amount of variation on definitions within international legal norms of modern slavery could be a negative factor. The mix of instruments and definitions in international and domestic laws might cause confusion and jeopardise an unified set of frameworks—there is no indication that this could be a solution, but there are arguments pointing out to the fact that it could be worse than better (Bales, 2012). For example, the different understandings on modern-slavery and forced labour, forced and compelled marriage and as seen in the reports from the project Global Cities Free of Slavery, when modern slavery is a subset of other activities, such as human trafficking.

The rule of consent is another factor that compromises international understanding, since there are countries that consider it irrelevant to typify modern slavery as a crime, but there are countries that consider it relevant to define the situation. Considering that modern slavery, migration, and human trafficking are deeply connected, consent could be a

troublesome aspect for the definition of a crime and, as a result, impose difficulties to a proper rescue of the survivor (Gama, 2019).

Another direct problem, result from different definitions of concepts, and is related to the impact that it produces on law enforcement officers' activities. Different concepts might result in different interpretations and, therefore, different responses. And, as important, "the lack of agreement between these instruments helps to generate a lack of conceptual clarity when confronting activities that may or may not be considered within the wider category of slavery" (Bales, 2012).

Other aspect that should be investigated, and it will be addressed in the next section, is the format of the groups chosen to debate modern slavery. The reason why is important, is mainly connected to the fact that international normative and framework as mostly discussed on white, rich, and masculine environments. For instance, of the 20 members of the Research Network on the Legal Parameters of Slavery, group of stakeholders who influenced the creation of The Bellagio-Harvard Guidelines, only five were women, and none of the members were representing institutions from the global south. Of all twenty members, only three were black (and of these only one was not from the United States of America), and none of them were women. It is possible to affirm, then, that one of the most accepted definition and guidelines of modern slavery in the world were thought and written between the years of 2010 and 2012 by white men who represented institutions from United States and Europe.

This is only an example of how international community can behave, since most political spaces are yet to have a majority of women, and especially non-white women. Although what calls for attention is the impact that this format of policy makers, that rule about a specific global issue, have on the majority of the survivors, whom according to the GSI (2018), are female (71%). Its occurrence is most prevalent in Africa, then Asia and the Pacific region.

Even if these are the most updated data of modern slavery in the world, it still underrepresents the problem. As explained before, the hidden nature of the crime necessarily results in underreporting. It is possible to affirm, then, that there are relevant gaps in data that generate direct challenges to address the problem, that is also composed by “a highly gendered relation of domination [in which] the great majority of persons ever enslaved were women” (Patterson, 2012).

It is possible to suggest that modern slavery is an issue that has been treated with a disregard on gender issues. If you look deeply into it, you can even say that there is some masculine assumption on the way the crime is looked and reflected on, and this disregard to gender-based approaches could end up reproducing—and maintaining—a narrow observation of people living under vulnerable conditions to modern slavery, and, as a result, invisibilize them in most layers of the public policy.

Are the international policy makers thinking on specific types of labour activities done by women? Are there any framework that approach modern slavery based on a plural observation that includes a gender lens? If women in the labour market are already too vulnerable to exploitation, what should be done to particularly address them in policies? Could the usage of gender-like approach be enough to solve the multiple gaps perceived into the public policies?

WHAT ABOUT THE GAPS ON MODERN SLAVERY PUBLIC POLICIES?

There are a large set of problems that affect the anti-modern slavery policies in the world. As mentioned before, the lack of uniformity on concepts present challenges to law enforcement officers, and the large amount of data based on survivors, that are not interconnected², can cre-

2 There are many arguments that see it as something positive to tackle the crime, but most governmental representative who provided information for this chapter, show dislike to the idea of interconnection of different—and foreign—databases, because behind the obvious reason to do so (map and monitor modern slaves) it could share internal sensible information.

ate misinformation (Gama, 2019). Also, according to a key informant, field bureaucrats, when stable in their position, are not being consistently trained on the subject. It is fundamental to point out to the fact that there is not enough money to fund anti-modern slavery mechanism, therefore the policy tends to occupy peripheral spaces of governmental decisions.

This chapter will highlight some gaps mentioned throughout the interviews conducted for the reports written for the project Global Cities Free of Slavery. All of them aimed for the understanding of local vulnerabilities and how could they overlap to put someone at risk of modern slavery. For that, all four reports had a solid literature review, as well as data collection with secondary resources and semi-structured interviews with relevant stakeholders and survivors. Other sources contributed to map relevant gaps to the anti-modern slavery policies, and for that, we will investigate primary and secondary data, as well as interviews conducted throughout the last five years by myself, and with colleagues.

Shadow Population

It is a vital concept to analyse challenges to monitor hidden crimes, such as human trafficking and modern slavery. The concept refers to the movements between borders and the consequential variation on numbers of migrants in a specific period. It is challenging because the ignorance on movements of people directly jeopardises the planning of public policies since the individuals continue to be considered as residents of the previous location (Gama, 2019). It is stated that the lack of specific public policies to certain groups people might pose risks to submit vulnerable people to modern slavery (Pinheiro, Gama, Walmrath, 2021).

An example of “shadow population” can be seen when workers migrate to follow the seasonality of a specific product (or sector), and, in an urban example, with workers informally recruited for construction. They stay too long to be tourists, but not long enough to be residents and end

up in the periphery of public policies in the cities where they are working. This challenges strategies that depend on the map of vulnerable people.

Investigation and Prosecution of the Crime

As mentioned before, dealing with hidden crimes is challenging in every sense. For instance, a crime is only a crime and treated as so, according to local legislation. For it to happen, it needs to have a perpetrator, after all there is a causal relation to it. How can law enforcement officers prosecute and investigate an invisible crime?

In many countries the consent is still an imperative variable to characterize the exploitation as modern slavery. It was reported that in cases of people with mental disabilities in Nottingham, for example, that professionals are often powerless to act because the “victims did not see the exploitation and asserted that their perpetrators were their friends, and they had capacity to consent” (Robinson, Gardner, Gray, 2022). In Brazil, the consent of the worker is irrelevant to characterize the circumstance as modern slavery, when there are other aspects that corroborate to it.

Lack of Interoperability or Data Compatibility

The term is defined by scholars as the lack of connection between databases for using different languages, hampering comparative analysis, and reducing chances to measure modern slavery (De Vries, Dettmeijer-Vermeulen, 2015; Gama, 2019; Iom, 2017). In Brazil, for example, we have five different grievance mechanisms: *Sistema Ipê* and the Ombudsman Office, from the Labour Ministry; *Sistema Pardal*, from the Labour Prosecutions’ Office; *Disk 100*, from the Woman, Family and Human Rights Ministry. As seen, there are at least three departments responsible to collect denounces on modern slavery, and they have their own internal agenda, therefore their database will highlight variables that are relevant to it.

This multiplicity of grievance mechanisms can be seen both positively and negatively, once it enhances chances of denunciation and challenge measurement of modern slavery because the more variables observed, the more difficult it becomes to cross-reference information at a comparative level, respectively. In this sense, the risk is reflected on the fact that the database must be both a neutral and politicized decision since it raises awareness on rights and duties of all involved with modern slavery agenda (Gama, 2019).

Victims as Monitoring Mechanism

Research on human trafficking and modern slavery, suggests that survivors are inflated with some assumptions that create barriers for grievances (Lange, 2011). As a matter of fact, many don't even perceive themselves as victims. There could be institutions that, to conduct the investigation, could revictimize the survivor. It is important to allow the survivor to tell their stories and be the agents of their own life, but this needs to be done carefully because the victim could be too vulnerable to be reliable to be a source for monitoring activities. They could be stressing out over psychological disturbances, fear of authority and communication difficulties, such as language barriers.

Knowledge on Modern Slavery

Between all reports written for the project Global Cities Free of Slavery, there are some gaps that are seen in more than one country, but the educational gap towards modern slavery was seen in all studies. This has a direct impact on the acceptance of recruitment by modern slaves, or on the fact that they can remain living under that circumstance, sometimes, for years, because they don't know that they are being exploited in a criminal way. It challenges reparation policies because if the person doesn't

know that is being enslaved, the chances to report his/her condition to the authorities are lower. The lack of knowledge on modern slavery was also seen as a gap when happens between public servants from the agenda—it was also reported that sometimes the information reaches the departments and its representatives, but due to political movements not necessarily connected to modern slavery agendas, they can be replaced by someone who hasn't been trained on the subject.

Static Public Policies

All reports from the project subtly mentioned that public policies that lack dynamism could harm the construction of a progressive anti-modern slavery policy. This is directly connected to Bales's (2012) affirmative made on the beginning of this chapter, where he said that modern slavery follows global and local trends and often adapt to societal changes. That means that when the lines that define labour, exploitation and employment start blur, modern slavery thrives. This is precisely why static public policies might threaten advances made on certain public policies, because if they don't follow global changes, they will become insufficient to deal with certain problems. In the case of modern slavery, we can mention two examples: the first related to the beginning of the construction of international anti-modern slavery policies and the second to the Brazilian.

The discussions on modern slavery exist for more than a century, and institutionalized, since 1919 with the creation of the International Labour Organization. According to ILO, their founders:

recognized the importance of social justice in securing peace, against a background of the exploitation of workers in the industrialising nations of that time. There was also increasing understanding of the world's economic interdependence and the need for cooperation to obtain similarity of working conditions in countries competing for markets.

Initially, institutions dealt with the problem of modern slavery considering that the crime used to be related specifically to forced labour and sexual exploitation. It took almost a century for the international community to enlarge their perception of the problem, when, “in March 1999, Juan Somavia of Chile took over as Director-General [of ILO]. He emphasised the importance of making decent work a strategic international goal and promoting a fair globalisation” (ILO, 2022).

Regarding the construction of the Brazilian public policy, it is fundamental to highlight that its existence was a direct result of civil society that had activities in rural areas of the country. That way, for decades the urban context was on the periphery of policies, research, and framework. According to interview conducted with a public servant that work with modern slavery, until today, all activities regarding rescuing operations and repairing activities are analysed case by case, and many times, when the context investigated is in urban sites, they have to discuss the case in collegial spaces to find better solutions, once the Brazilian reality overlook, for example, the existence of informal workers.

Lack of an Intersectional-Based Approach

There is an unspoken sexual division of roles that impact in employment, prestige, wages and demands. “They are historically pushed to the informal and precarious being undervalued in certain workspaces, such as domestic work and services, for example. Only half of the women carry out paid work, as opposed to 3/4 of men” (I-MiGRa, 2020). Women suffer more with unemployment than men, and due to a need to survive, they can accept precarious and undervalued (socially and economically) job positions (Quirino, Fidalgo, 2008; Hirata, 2018).

According to I-MiGRa (2020), only 43 countries constitutionally guarantee gender equity to women. In the world, 73% of the population face challenges to access public policies, and most of this number

is feminine. They also count for 71% of all victims of human trafficking and modern slavery. When you zoom in black women, the unbalanced situation is even more problematic. In comparison to white women, their average income is 25% inferior, and when compared to men is 57%. The unemployment rate of white women is of 11%, whereas black women count for 16.6%. In the domestic service women correspond to 92.4% and of this number, 65.8% self-declared as black (I-MiGRa, 2020).

It is probable that “women earn less [than men] for the same functions [...] and are more subject to moral coercion and physical and sexual violence at work” (Pinheiro et al., 2021). Women are historically neglected, and in the labour market and rights agenda this is even worse. They were allowed to work in sectors traditionally occupied by men around 1940, due to wars and the industrialization process, but even then, their rights were restricted. In the case of Brazil, for example, only in 1980 they were recognized in the rural sector, receiving the permit to organise through labour units (I-MiGRa, 2020).

If women in the labour market are unseen, their rights and demands would also be neglected. This unbalanced relation, when overlapped by other violations, can aggravate, and make them more vulnerable to modern slavery, as we see in the international context (BRASIL, Reporter, 2020; I-MiGRa, 2020).

THEORETICAL FRAMEWORK

As seen, there are many gaps that directly influence the effectiveness of certain policies. This can happen because issues related to contextual analysis can generate serious consequences to prevention and prosecution policies, especially when it is created and implemented vertically. In other words, gaps must be seen and addressed, and while the public policies to fight modern slavery are still static and don't follow contemporary changes in society, it will lack relevant and sustainable efficiency.

Having a plural and dynamic perception of reality could provide some alternatives on the fight against modern slavery. In the book “After Method”, John Law (2004) defends the hypothesis that usual methods and theories used to describe contexts can produce certain interpretations that don’t properly match with what is seen in reality—that is mostly ephemeral and elusive. He argues that this happens, mostly because the methods used are static and have a perspective of “top down”, therefore end up disregarding several variables that can only be seen if you discharge the traditional lens. According to him, through the “Theory of Messiness”, the world can—and should be seen—as a “generative flux” while producing realities.

According to the professor (2004), most active dualisms are related to the idea of human, subject and social, while properly distinguishing the social from the natural. There are two variables that are largely considered in the method assemblages, which are truth and politics. He claims that the idea of ontological politics might be an alternative to interpret social contexts because, despite his idea of non-existence of a stoic truth, there might be some preferences for one reality than others.

His most important conclusion (2004) is that even though truth and politics are important as a methodological (traditional) standard, there are other variables that should be considered while analysing *dynamic* realities, such as: aesthetic (beauty), spiritual (religion) and inspirational (elegance, fit, economy and culture). If we explode his variables, we can understand that social variables such as gender, race, and prestige are fundamental to understand a reality, and, as argued before, the comprehension of the context, especially when diverse and *alive*, is fundamental for the creation of efficient public policies.

Following this line of thought, we should highlight that another concept reflected in the “messiness” is intersectionality. This is a feminist theory that perceives gender inequalities as a direct result of overlapped forms of oppression (Crenshaw, 1991). Law (2004) agrees with the feminist when consider that different concepts convey different realities that,

as a result, influence the existence of other contexts. Although Crenshaw’s research focuses on the interpretation of the forms of oppression using gender-based perspectives, it is possible to interpret her reflection as a reflection on multiple concepts, contexts, and complexities, because intersectionality, essentially sheds light to social minorities and embraces individualised agency. In a broader analysis, it can be a mechanism to analyse local realities using a place-based approach, and social justice agendas, once its premise is the comprehension of a context because of traditional systems of dominance and oppression, such as patriarchy and racism.

Another relevant aspect of intersectionality is that it refuses to follow binary trends (Lloyd, 2013), therefore when excludes the idea of man/woman, self/other, victim/criminal, allow us to enlarge our critically thinking capacity, and this becomes evident on policy making because the contraposition of terms, concepts and variable are very much present in the idea—and creation—of law.

Even though Crenshaw’s “intersectionality” was massively accepted for its possibility to encompass the idea of a single variable with multiple experiences, it was not a vanguardist term. Essentially it is the idea that crossed experiences of oppression and dominance—faced by black women—can overlap, and

Since the times of slavery, Black women have eloquently described the multiple oppressions of race, class, and gender—referring to this concept as “interlocking oppressions,” “simultaneous oppressions,” “double jeopardy, triple jeopardy” or any number of descriptive terms (Smith, 2013).

As the time passed, the idea that it is fundamental to consider the realities and needs of black women to properly construct sustainable and reliable public policies gained a much broader aspect. Intersectional approach, even though is focused on black women, also accept the reflection on social minorities, because black women are part of it, and because

these people often face similar challenges while seeking for their rights, as Collins (2015) explains,

Furthermore, by urging recognition of differences among women rather than a monolithic gender-based view, an intersectional perspective enables the identification of particularly vulnerable populations (Collins, 2015 *apud* Gueta, 2020).

Therefore, there is a need to enlarge the field of intersectional studies to incorporate other realities (Cho, Crenshaw, McCall, 2013) because it refers to the idea that

the critical insight that race, class, gender, sexuality, ethnicity, nation, ability, and age operate not as unitary, mutually exclusive entities, but as reciprocally constructing phenomena that in turn shape complex social inequalities (Collins, 2015 *apud* Gueta, 2020).

Rescuing the ideas initially set in the beginning of this section, although we deal with a plural number of variables, most of them transpose each other—in different times and levels—and, combined, construct the idea of vulnerability. It is a living and dynamic reality that it is not set to stone. That way, Law's "methods assemblages" (2004) can explain how (and why) policies were created, in which context, what were the motives and why they should be (dis)assemblages and rearranged to correspond to a larger set of beneficiaries.

A clear example of that, are the cases of child slavery in Brazil. According to the Brazilian legal framework, when someone is rescued from modern slavery, this person will have their rights complied. They can be granted with their due severance, and the rescued worker has the right to receive three months of unemployment insurance. Along with other rights that will be particularly evaluated in each case, the government will issue their work permit, in accordance with the Brazilian Consolidation

of Labour Laws (CLT). But considering that children in Brazil can only work in specific cases, what happens to them when they are rescued from modern slavery? (Fullagar, Simone, 2018). In interview, modern slavery inspectors³ affirmed that cases with children are always complex and demand a careful analysis—although they mentioned that what usually happens is that the repairment measures are given to the parents/family. But what if the child is not connected to their family or was submitted to slave-like conditions by them? When asked that, they had no immediate response, apart from “we have to analyse case by case, and often with the support of COETRAE⁴”.

Another relevant example was explored into Nottingham’s report for the project Global Cities Free of Slavery on people with cognitive impairment (Robinson, Gardner, Gray, 2022). In it, it is possible to identify some variables that are neglected by the available public policies. According to the researchers (2022), there is some connection between isolation and cognitive impairment, and this could add to factors that push this group of people to the periphery of public policies. But even it hasn’t been related to the social determinants of vulnerability to modern slavery

Although the role of isolation and loneliness is well-established in learning disability and mate crime literature, there has been relatively little recognition of this vulnerability in relation to modern slavery and exploitation more generally, and this topic would also benefit from further investigation... (Robinson, Gardner, Gray, 2022).

There are some vulnerabilities faced by people with cognitive impairments that relate with the intersectional framework. Thula Pires (2018)

³ Due to risk assessment, the identities of all interviewees that work with prosecution, investigation and rescuing operations will always be protected.

⁴ COETRAE are the state-level commissions that discuss modern slavery in Brazil. They are collective instances of discussion, composed by civil society and governmental institutions.

argues that anti-racism movements' goal is to destroy structures that keep the legacy of slavery together. According to her, it is justified by a contemporary model [of society] that is racist, sexist, cis/heteronormative [, ableist] and capitalist. "As long as the model of production and appropriation of bodies, built under the logic of dehumanisation and the disposal of people, remains, forms of hierarchization of people will continue to be (re)produced and naturalised" (2018).

That way, considering that intersectional and messy theoretical frameworks permit the perception of other groups apart from women, we may consider that policy makers must understand how certain social minorities should (and could) benefit from intersectional-based public policies. This, then, becomes an orienting principle to the policy makers, and in the case of this article, mechanisms to guarantee decent work for individuals. That way, granting them—and other social minorities that are being neglected—the possibility to transform themselves into duly empowered subjects under the law.

THE DOMESTIC WORK: A COMPARISON BETWEEN MOZAMBIQUE (MAPUTO) AND BRAZILIAN REALITIES

For this session of the chapter, we will compare the context of modern slavery with domestic workers in Brazil, comparing to Maputo's report, written for the project Global Cities Free of Slavery. To understand the context, it is important to highlight that both countries were colonies of Portugal, therefore historically perpetuated the notion of exploitation justified by the colonial experiences (Bernardino-Costa, 2007).

Marcela (Rage, 2021) explains that,

domestic work still happens in a continuous way, with full appropriation of time (often, even space) of the worker so she can attend to the family's wishes, with few rights effectively granted and tagged with a

false notion of affect, contributing to the naturalisation of exploitation and to the perpetuation of colonial experiences (2021).

According to her (2021), most domestic workers in Brazil are black women (3.7 million, or 60%, of all 6.27 million—only 1,1 million were men). In Maputo this is, historically more balanced⁵, although “due to deterioration of economic conditions of the family, women are becoming heads and/or providers of the families”, therefore entering more of the domestic work (Silva, Cuinhane, Capurchande, 2021). In both contexts, domestic workers receive less than the average income, and when comparing men and women, the situation is even more aggravated. The motivation for being a domestic worker is also similar. In Maputo, “is related to the lack of employment, low level of education, the desire to satisfy the basic needs such as food, health and education of family members”, but even so, “participants’ statements show that domestic work is not a choice, but one of the sectors that welcomes citizens with the lowest academic qualifications” (Silva, Cuinhane, Capurchande, 2021). This context isn’t far from what is seen in Brazil, once it

represents the confluence of multiple aspects of vulnerabilities, such as social, economic, gender and racial based, as a reflection of ideas from the colonial slavery, used until today to justify the undervalue [of the domestic work] and keep domestic workers stuck in colonial times [...]. It maintains black women in a static position of inferior bodies and persons, along with the perennial position of invisibility to the society (Rage, 2021).

⁵ We need to disclaimer that they considering that males’ domestic work doesn’t refer to domestic care, such as cooking and cleaning, but more to gardening, security and driving. Meaning that even in an even country, the social division of tasks is still seen.

In the case of Maputo, the racial factor has a different meaning, but also constitutes a variable. Historically, due to racism and sexism, Europeans who were living in the country feared the possibility a phenomenon called “yellow peril”, that is the miscegenation of white male colonizers and the black female Mozambican slaves. There was a subjective idea that if women conducted domestic duties, white European males would most probably rape them, risking the possibility of a pregnancy of a non-white child. Therefore, in the household, only men were able to perform domestic duties. This context started to change only after the independence and economic crisis (Silva, Cuinhane, Capurchande, 2021).

The conclusion seems similar in both contexts. In Brazil we can see that “most domestic workers are black women, and this type of work is undervalued in the country. To exemplify that, the Ministry of Economy, while giving a public speech on currency devaluation in 2020, argued that the rise of the dollar should be seen positively, because “everybody is going to Disneyland. Domestic worker is going to Disneyland. A hell of a party” (El País, 2020). While in Maputo, “the indecent conditions under which domestic workers work, places them in a situation of vulnerability to exploitation and practices analogous to modern slavery” because the job is accompanied of historical and cultural traditions, such as “working and living in the workplace, working overtime without additional pay, and lack of time to rest” crisis (Silva, Cuinhane, Capurchande, 2021).

Therefore, we could say that gender and race are determinants of subalternation of these bodies” (Rage, 2021). In the same article, she argues that in Brazil there is an idea that since it is an undervalued job, it is acceptable to ignore the rights, and demand a workload according to the patron’s need, instead of what is ruled in the legal framework. It is not uncommon to see cases of domestic workers receiving less than the average income, and living in precarious conditions (Rage, 2021).

When Policy Makers Take Notice of Black Women...

The objective of this subsection is to share four recent cases of domestic workers who were rescued as modern slaves in Brazil, based on Modern Slavery Inspection Reports, interviews with relevant stakeholders and media reports. Due to a risk assessment, identities and regions will be preserved when the case mentioned is still outside of the public domain⁶.

Domestic work it is not news and denounces of precarious work conditions were commonly part of the reality. As a matter of fact, the old houses/apartments most of the time will count with a small bedroom, with few or no ventilation. This is called “reversible bedroom”, but years ago it wasn’t uncommon to call it “maid’s bedroom”. The fact that domestic workers would live with the employers was common sense, and most times, expected.

Only after the Proposal for Constitutional Amendment of Domestic workers (*PEC das Domésticas* in Portuguese), which guaranteed them basic labour rights, that the cultural acceptance that the worker live with the family started to shift, not because society suddenly became better, but because after the PEC it became constitutionally prohibited to do so—at least in the way it used to be done. As highlighted by Thula Pires (2018), it is a way to strip the black woman of her basic rights, because she is living at her workplace and having her rights to rest neglected, once they are often demanded by their employers outside working hours.

As seen, it isn’t rare to come across stories of domestics that were working with no rights or dignity. It is also common to hear stories of domestic workers who migrated (sometimes as children, and most of the time from the north and northeast regions of Brazil to South and Southeast of the country) under the promise to live in a bigger city, that could

⁶ These cases will happen either because I received privileged information from key informants, or because I received the information through a request made to the federal government, and justified by the Access to Information Law—Lei de Acesso à Informação, in Portuguese.

provide them with better livelihood opportunities (Rage, 2019; Rage, 2021). As explained by a key informant, pretences of access to education and jobs are most of the excuses given by employers to entice these people who were living under vulnerable conditions, to accept the job. They often accept it because there is no other possibility of subsistence.

This context is very much like the one lived by Madalena. She is a black woman with 47 years old and was being submitted to modern slavery as domestic worker for 38 years, when she was rescued in 2020. She knocked on her employers' door when she was only 8 years old, requesting one meal, because she was starving, and according to Madalena, the employer, Maria das Graças Milagres Rigueira, said she would only feed the child once she moved in with her. She, then, proposed to Madalena's mom to formally adopt her, but the process was never initiated. After 24 years she started to work for Marias's son, Dalton, under similar conditions.

According to the inspection report, she was living under precarious and humiliating conditions, not even able to make simple choices for her own life. On her own words, she "used to tidy the house, cook, clean bathrooms, and polish the floor. I didn't play and never owned a doll". Later, she was forced to marry to a relative of the family because he was sick. A short time after, he died and the employer stole the pension, so she could pay for her daughter's college degree. She also requested two loans under Madalena's name. Madalena's income supported the family for 17 years, but she never received a salary. She was prevented from studying and job hunting in other spaces. She never got a job permit, a minimum wage, and the weekly paid rest—all granted by the law. According to the rescuing report, her bedroom was small (3 meters x 2 meters) and wasn't properly ventilates, exactly like the "maid bedroom", that exist since the old slavery.

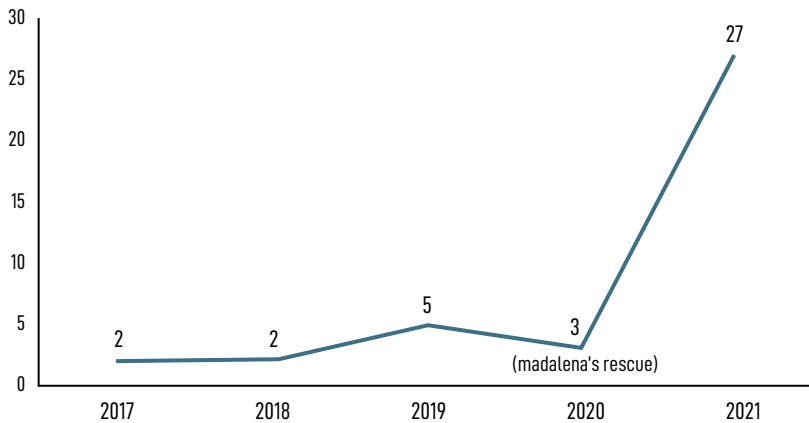
The key informant mentioned that she was so deeply disconnected from the society, and had no social and familial bonds. According to one of the neighbours, she was spooked and scared when someone got closer

to her. It was reported that once she was rescued and freed, she started to show some child and adolescent behaviour. She also had trouble communicating clearly and couldn't properly understand her situation of exploitation, as said by her: "I had no idea that the situation that I was facing was abusive. Later I understood that a life was taken from me. I couldn't live for 38 years, only survive".

The grievance was made after the neighbours received notes from her requesting money and/or basic hygienic product. They got suspicious, because the family wasn't, not at least apparently, under precarious conditions, so Madalena's request didn't make sense. Therefore, they made an anonymous denouncement to the Labour Prosecutions' Office, that resulted in an inspection operation composed by the Labour Prosecutors, the Labour Inspectors, from the Ministry of Labour, and the Federal Police.

Madalena Gordiano wasn't the first woman rescued from modern slavery in domestic work. Three years before her case, 11 were removed from similar conditions. What calls for attention is the fact that, after her, another 27 were rescued between 2020-2021. When interviewed, the Head of the Inspection Division for the Eradication of Modern Slavery, Maurício Krepsky, explained that this happened due to, what now is being called, The Madalena Effect. Her case was widely covered by Brazilian and international media, and this helped to fuel other grievances. Also, after seeing the positive impact that a rescuing operation has on the survivor, labour judges were less conservative when granting to the inspectors the permit to access private properties (in Brazil, no one can violate a private property, unless it is allowed by judges).

FIGURE 1 – The Madalena Effect



Source: SIT, 2022.

The Madalena Effect rose attention to a due debate: the modern domestic slave labour. When discussing this context with three Modern Slavery Inspectors, they all agreed that there are two major challenges to domestic work inspections: the fact that they all occur in private settings, which makes immediate actions difficult because they need the approval of a judge; and the lack of grievances, or at least this is how it used to be prior to Madalena's case.

When discussing the same cases with a female labour inspector, she mentioned that there are other factors relevant to the analysis: the fact that society don't value domestic work (paid or unpaid), so the conscience of a possible exploitation is far from the collective imagination, hinging denounces that facilitate rescuing operations; and the other factor is related to the idea that the anti-slavery public policy wasn't though considering the possibility of rescues in urban sites, much less private properties.

It is possible to correlate both her ideas because if society don't consider the domestic work as relevant, the expected result of it, is its invisibility in the public policy and the consequential incapacity to investigate

this type of modern slavery, because if the victim/problem is invisible, one can say it doesn't exist, therefore no need to rule on it. Of course, labour inspectors count with denunciations and tips of possible cases, especially because they are suffering consistent financial cuts by the federal government, but they have the know-how to produce active search, mostly based on pattern and repetition, such as those that occur at planting and harvesting seasons in the rural sectors.

Thus, it is possible to suggest that there are relevant gaps in the creation and implementation of public policy, especially when dealing with social minorities, such as children, women—especially black women—, LGBTQIA+, people with cognitive impairment, etc. In the case of the domestic work, we can see that, until Madalena's rescue, there was a lack of inspection in the sector, under the justification that governmental organs never received formal denunciations, even though situations of exploitation were persistent.

One possible conclusion of this specific section, when fuelled by the discussions of the prior sections, is that it is probable that there is a lack of concern in labour sectors traditionally occupied by black women, and when public policy spotted those women, guaranteeing them access to their due rights, it was a result of media pressure.

CONCLUSIONS

There is an international understanding that modern slavery affects all. In fact, it isn't racially driven as the colonial slavery used to be, but there are certain economic, political, sociocultural, and contextual aspects, especially when discriminating certain groups, that can elevate the risks to modern slavery in a globalized and capitalist world. There are several anti-modern slavery legal frameworks in a local level, regional and international. The fight against the crime is seen permeating governmental instances, non-governmental organisations and initiatives, academic spaces

and even the private sector. Even so, the crime keeps growing day by day, figuring in the list of the most profitable crimes in the world.

Worldwide, there are hubs of specialists trying to comprehend the complexity of the problem, and one possibility risen by many of them is that the anti-modern slavery measures are inefficient because they are stoic. Not following the dynamism that a context in which the crime is inserted, has. Policies are not made to adapt to reality reconfigurations. The understanding of labour, for example, is still stuck with understanding of decades ago, for example, the employment relation (or lack of) seen in delivery apps. There are countries that disagree that an exploitative context of those workers could configure a case of modern slavery.

Therefore, there are gaps in these public policies that should be taken under consideration by the policy makers, especially after understanding that modern slavery persists in a society that is embedded by a systemic oppression that discriminates and push social minorities to the periphery of rights. The hidden nature of the crime, by itself generate several gaps to the fight against it, such as: shadow population, a concept that describe effects of season migrations and the impact of it to policy making; challenge to investigate the crime, and the impact that the difficulty to do so and the lack of information to the policies; lack of data compatibility, that is highly not recommended by governmental representatives because it could expose sensible national data, when made by international cooperation, of create many information, challenging mapping and monitoring of the crime; the usage of victims of mechanisms, that could both re-victimize the survivor and be an unreliable source of information; the lack of knowledge on modern slavery, that directly impact on grievances; static public policies, that freeze them into, often, outdated realities; and the lack of an intersectional approach, that makes it difficult to have public policies with broad perceptions, in which could facilitate to law enforcement officer and policy makers to see people—and situations—that aren't currently being perceived.

One possible conclusion after mapping all these gaps, is that anti-modern slavery policies are stoic and are unable to follow changes in the society, resulting in some inefficiency to tackle the crime. After noticing it, we brought some reflections on modern theoretical frameworks to try to understand if it is possible to change current perceptions of realities, and the conclusion of the debate fuelled by the Messiness (Law, 2004) and Intersectional (Crenshaw, 1991) theories is that, yes; it is possible to construct realities that are able to include and perceive social minorities that are, historically, being neglected from their rights. According to Crenshaw (1991) it is fundamental to understand, and address, that there is a systemic oppression that dominates and discriminates against certain groups, so, to deal with this problem it is *fundamental* to shed light to them, understanding their current context, history, culture, and demands. According to Law (2002), these ‘methods assemblages’, or, as explained by him, alternative ways to combine variables and policies, dissembling and rearranging, to construct different realities, giving focus to other subjects, objects, and apprehension, therefore removing the binary perceptions of the world (Lloyd, 2013) and affirming the existence of unseen characteristics and particular contexts.

To highlight their ideas, we shed light to the context of domestic work, not only because it was deeply analysed by our Maputo’s colleagues in their city’s context, but because the sector is permeating Brazilian in international press, due to a case that occurred in the country and was massively explored by the media—and, consequently, remained in the collective imagination and demands. After comparing both contexts, we were able to see many similarities, both in historical and contemporary aspects. Domestic work is depreciated not only because it is executed by people with low (or none) educational levels and poor, but most specially because it employs women, since female jobs are traditionally undervalued—especially those that concentrate a large amount of black women (Rage, 2019; Silva, Cuinhane, Capurchande, 2021).

As seen in both examples, domestic workers are constantly at risk to be submitted to modern slavery because it isn't rare to see them having their rights neglected. Long journeys—with disregard for paid weekly rest—, wages that can be both inexistent or much lower than the minimum recommended by the laws; precarious and humiliating conditions, such as psychological and physical violence, failure to provide potable water, nutritionally adequate food, and basic hygiene products. One of the major differences is that Maputo inspectors have been conducting rescuing operations of domestic workers much longer than Brazilians.

As explored in the last section of the report, Brazilian cases of domestic work are interesting to reflect on how the lack of a messy and intersectional approach to public policies can put social minorities at risk. Rescues in this sector had been going on since 2017, but with a lack social interest to cases victimising black women, inspection operations were on the periphery of public policies, because demanded more actions than normal inspectors, court orders granted by Preliminary Injunction in Precautionary Protection Antecedent, which allows inspections of private properties. This was always possible, but since the society, therefore law enforcement officers and policy makers, neglected black women into public policies, rescuing of domestic workers only became part of their routine after “The Madalena Effect”, a case of a domestic worker who were rescued after 38 years of slavery. This case was massively explored by the national and international media, and forced the policy makers to adapt their context to include more inspections in the domestic sector. After her rescue, over 27 women (in which only 11% were white) were graced by the rights policy that was due.

This means that when provoked by external factors, the policies were quickly reassembled to incorporate previously untouched realities, in which gave to “unseen” objects the possibility to be part of the recently rearranged reality of rights.

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LEARNING AND COMPARING SOCIAL DETERMINANTS OF MAPUTO, NAN AND RIO DE JANEIRO

Lucas Lemos Walmrath

Slavery is now, more than ever, not only a problem from the past. The existence of slavery in its modern form, even though we live in a world in which we have all the necessary conditions to eradicate the occurrence of this crime, is simply unjustified. Therefore, it is a question of first-order that must be addressed if we wish to live in a democratic and fair world.

As with any complex phenomenon, one of the first steps before considering ways to tackle and prevent it is understanding its dynamics, especially its “social determinants”. The notion of social determinants dates back to the very foundation of the Social Sciences, the “discovery” and scientific basis of the “social” as a privileged sphere of analysis to explain the non-randomness of the behaviour of individuals, families, organizations and institutions, and the reasons why these analytical units cannot be reduced to our biology (Scott, 2006).

Taking account of the attributes of individuals and social groups (without losing sight of the trajectory and the proper historical contextualization), we can analyse social preferences and trends. It is not surprising, though, that social scientists have been using this notion in the literature on the social determinants of health (Short and Mollborn, 2015), an approach that has also been applied to the issue of modern slave and child labour, as well as human trafficking (Cho, 2015).

Although it is possible to ascertain and identify social determinants in a single society, a clever way to discuss their external validity is through comparative studies. After all, the “[...] Systematic analysis of a small number of cases” (Collier, 1993, p. 107) subsidizes our understanding of causality and complex macrosocial processes.

Several studies illustrate the problem of modern slavery from a comparative perspective. Borg Jansson (2014) for example, compares the cases of Sweden, Poland and Russia to discuss the reasons why a compromise of anti-slavery and human trafficking laws and initiatives are far more complex than it seems at first. McGaughey and colleagues (2021) studied how three high-income countries (Australia, France and the United Kingdom), equipped with recent and similar laws to tackle slavery in supply chains, managed—to a greater or lesser extent—to hold companies involved corporately accountable in cases of violations. Emberson, Pinheiro and Crosier (2019) compare both the legislation and the occurrence of violations in the timber and beef chains in the United Kingdom and Brazil.

The Global Cities Free of Slavery initiative offers a unique opportunity to study different cases of modern slavery—as the name suggests—from the global cities perspective (Sassen, 2004). Joining the efforts of academics and stakeholders in the construction of diagnoses of the determinants of modern slavery in Rio de Janeiro (Brazil), Maputo (Mozambique), Nottingham (England) and the province of Nan (Thailand), this project “[...] has been building a network of cooperation between global cities, involving public agents and civil society leaders, to encourage innovative practices, through comparative analysis of initiatives, ideas, and responses to this crime” (CEPEC, 2021). This chapter reports what we have learned, comparing the similarities and differences in these scenarios in the diagnostic understanding of the causes and means of intervention for preventing modern slavery in global cities.

In addition to this introduction, this chapter contains a methodological section on the parameters of comparison adopted in each case study.

We then present the cases, highlighting the main elements of each diagnosis. Next, we compare them in two steps: a) how social determinants explain the vulnerability of each case; and b) why the case of Nan can be described as successful, unlike the cases of Rio de Janeiro and Maputo, in the fight against the modern slave labour. The chapter ends with conclusions after the findings of the comparative section, suggesting research and action fronts to tackle modern slave labour.

METHODOLOGY

In this section we will address the challenge of comparing the cases discussed in this chapter, the methodology used by the case studies on which we rely, the comparative approach chosen, and the limitations encountered.

As usual, any comparative study must seek a minimum degree of comparability¹. This concern is usually invoked by methodologists whenever scholars compare analytical units (such as countries/societies) that appear, at first glance, to be very distinct and complex. In our comparison, we've selected the three low/middle-income countries to the detriment of the English case. More specifically, this chapter deals with poor localities and socially vulnerable populations in global cities, i.e. cities globally connected in one way or another. In doing so, it concerns peripheral countries in the world system, comparing cases sharing crucial characteristics, two of them (Brazil and Mozambique) former Portuguese colonies. So, in a way, they share aspects related to a similar social, economic, political and cultural construction.

Regarding the methodology of the case studies, these consist of regular case studies. The three of them share many similarities in the design, data collection and analysis. The same can be said regarding limitations and biases reported. As for the data collection, all studies used extensive documentary research on data from the populations and localities

1 The well-known problem of comparing "apples and oranges".

studied before proceeding to fieldwork. Data collection comprised several secondary sources (third party studies, reports, legislation related to slave labour in each investigated locality), including statistics.

The primary data involved open and semi-structured interviews, usually in-depth, with interlocutors considered key informants and representative of the main actors and stakeholders involved in each case. The case of Maputo involved 27 interviews (Silva, Cuinhane, Capurchande, 2021). The Rio de Janeiro case relies on 13 interviews (Pinheiro, Gama, Walmarath, 2021). Finally, Nan's case consists of six interviews and four focus groups involving a total of 15 people (Jayagupta, Phumessawatdi, Noree, 2021). All surveys and fieldwork were carried out between February and August 2021 and relate only to this time window.

The analysis of the datum, in all three cases, was the standard qualitative analysis, inductive and interpretative by nature, carried out during the investigation of the cases as new insights emerged (Merriam and Tisdell, 2015). The limitations and biases reported were those commonly found in qualitative case studies. All three were affected by the current Covid-19 pandemic. The authors stressed in their reports how hard it was to access the fieldwork, conduct interviews, and finish their drafts as they were scheduled.

As for the present study, it assumes the form of a classic comparative inquiry, composed of a few cases and many variables of interest (the so-called small N analysis). Furthermore, one should note that it is also a static comparative study in which the analysis does not focus on the changes that have occurred over time, in a historical perspective (even though we recognize history as a key factor in the explanation of each particular case, that is, to explain how each city/locality investigated ended up at the current situation concerning modern slave labour, given the effect of path dependency).

There are many ways to compare cases in the Social and Human Sciences (Collier, 1993). Given the lack of a consensus among practitioners

and methodologists of the comparative method, until this day, many issues are still unsolved concerning theories and the practical implementation of this method (Beck, 2017). Therefore, the comparisons in this chapter are particularly inspired by Skocpol and Sommers (1980) interpretation of one of the main objectives of the comparative method, namely “[...] the examination of a number of cases with the goal of showing that a particular model or set of concepts usefully illuminates these cases” (Collier, 1993, p. 108).

After all, independent case studies are useful in that they help generate explanatory hypotheses from detailed descriptions, although they are not particularly suitable for testing these hypotheses, given the need for further comparison. In this chapter, the analytical key is the social determinants shared by the three cases studied. However, as we shall discuss afterwards, these have been mobilized in different ways by each team of researchers. Thus, we look at the cases in an attempt to carry out a parallel demonstration of the theoretical concepts adopted (Skocpol and Sommers, 1980).

TABLE 2 – Main Differences and Similarities Between the Three Research Designs, from the Point of View of The Rio de Janeiro Case Study

	NAN PROVINCE	MAPUTO
In <i>common</i> with Rio de Janeiro	Focus on locality	Culture and colonial inheritance; ethnic-racial demography
<i>Different</i> from Rio de Janeiro	Culture and social structures	Focus on occupations

Source: authors elaboration.

As we shall see in the following sections and as it has already been argued here in the reasoning behind the comparison, we believe that, despite the limitations reported, the cases share enough similarities to support a comparative analysis since they all relate to poor countries and

vulnerable populations. However, we make it clear once again that this is not a comparison that controls variables, as it would be, for example, if we opted for a comparative study of the social determinants to the vulnerability to slave labour carried out *only* among African countries that share socioeconomic indicators/historical and cultural trajectories. Or as if we've chosen to study the occurrence of slave work *only* in a specific occupation, such as domestic work, in different societies.

INTRODUCING THE CASE STUDIES

The first step towards a good comparison is getting to know the investigated cases in detail. In this section, we summarized the main points of each case study based on the data and information reported by the researchers. The social and spatial contexts in which they were observed will be highlighted. However, this brief exposition suppresses the wealth of detail offered by each team of researchers. Hence, we encourage the reading of the individual reports for any additional clarification. The order in which the cases appear do matter: we shall discuss them on a scale of “success” in fighting modern slave labour², a distinction that we will critically revisit at the conclusion of this chapter.

We begin the presentation of the cases with the one in which the violations of human and labour rights are most apparent among the three investigated concerning the detection, vulnerability and occurrence of modern slave labour. As for its geographical position and demographics, “Maputo is the capital of Mozambique and is located in the south of Mozambique. It has 346km² and 1,080,277 inhabitants” (Silva, Cuinhane, Capurchande, 2021, p.3).

Domestic work in Mozambique echoes the national colonial history (Silva, Cuinhane, Capurchande, 2021). In addition, it is one of the

2 At least in the way the research teams investigated the subject, which does not necessarily represent the situation of slave labour in each of the cities/countries.

occupations that employ a vast share of the population of that country. Although the degrading working conditions and the difficulties faced by these workers³ are known, “[...] the factors contributing to the reproduction of indecent domestic working conditions of this group are still unknown” (Silva, Cuinhane, Capurchande, 2021, p.1). In this sense, the choice of this occupation as the focus of analysis is comprehensible. The profile of the population studied can be summarized as follows:

[...] domestic workers have low levels of education and lack vocational training; domestic work is their last choice of employment; and they have precarious working conditions with a heavy workload, high working hours and low wages (Silva, Cuinhane, Capurchande, 2021, p.4).

In turn, the city of Rio de Janeiro, a postcard of Brazil, the former capital of that country and well-known tourist destination worldwide, is the scenario of the Brazilian case in this comparison. Located in the Southeast region and one of the most unequal metropolises in the world, the city has 6,747,815 inhabitants in its territory, which, added to those who live in the metropolitan region, comprise a total of 13 million people (Pinheiro, Gama, Walmrath, 2021).

Modern slavery is a problem that plagues Brazil, a country built over the institution of slavery since the beginning of colonial times. Progress has been made, especially in recent decades, to frame and confront slave-like labour in the country. The Brazilian anti-slave labour legislation is one of the most avant-gardes since it includes in its scope the concept of degrading working conditions (Pinheiro, Gama, Walmrath, 2021). However, detecting and combating slavery in the urban world remains a challenge. In particular, little is known about these practices in the poorest and most marginalized regions, such as the favelas of Rio de Janeiro.

³ As we will see, men also work as domestic servants in Maputo, but most of the workforce is still female.

It is mainly for this reason that Morro da Providencia—one of the first favelas in Brazil—was chosen as a case study. According to the last national census (2010), Providencia had 4,094 inhabitants (Pinheiro, Gama, Walmrath, 2021). It is inhabited by some of the poorest residents of downtown Rio de Janeiro. Socioeconomic indicators and data collected by the Rio de Janeiro team show that the average person in this favela has a low-educational background; most of them work in the informal sector of the economy. Furthermore, this favela is a destination for internal migrants and immigrants searching for jobs and better living conditions as it is located in the economic centre of the city. The choice of a socially vulnerable population not usually studied in the Brazilian literature of modern slave labour was, therefore, the key feature of this case study.

Finally, we will analyse the case of Nan Province, Thailand. Located in the north of the country and 675 kilometres away from the capital Bangkok, Nan borders Laos and is described as a typical provincial city (Jayagupta, Phumessawatdi, Noree, 2021). A specific community in the province was chosen for the study: Ban Bo Suak. The town, 17km from the centre of Nan, has the characteristics of a typical city of that province, with 6,622 inhabitants.

According to the provincial report and to “information from Nan Provincial Social Development and Human Security Office on human trafficking and exploitation, Nan is a source, destination and transit province for human trafficking and exploitation” (Jayagupta, Phumessawatdi, Noree, 2021, p. 7). Ban Bo Suak “[...] has several historical tourism sites which attract the foreign and local tourists by its local products such as pottery, traditional hand-woven fabric, and earthen streamer” (Jayagupta, Phumessawatdi, Noree, 2021, p. 7).

Unlike the other cases, this community was selected because it is currently considered a safe place, virtually free from modern slave labour despite past violations, such as forced labour, human trafficking and sexual exploitation. Understanding the reasons that lead to the absence of the violations mentioned above seems relevant to discuss alternatives to

prevent modern slave labour. Therefore, the comparative analysis of this province is helpful to the present study.

COMPARING THE CASES

Having made this very brief presentation of the leading characteristics of cities and cases, we proceed to the comparison. How similar are these different social realities? In this section, we begin by first analysing what all the cases share, given the orientation of the research towards the agenda of studies on slave labour and the discussion of common social determinants. Next, we will discuss the reasons why the case of Nan can be considered, in a comparative perspective, successful, and why the case studies of Maputo and Rio de Janeiro, in a certain way, fail to combat/prevent modern slave labour. Therefore, the comparison discusses how the social determinants vary in each case. We will also examine which determinants exist only in one of the cases.

A final caveat is critical before proceeding with the comparison. As discussed in the methodological section, the studies considered here have taken the liberty of framing some social determinants slightly differently. Although some of these determinants seem to deal with different problems at first glance, most converge to describe common phenomena, processes and structures. For example, determinants qualified as “historical-political” or “legal” in the Maputo study can be found in the discussions on “the role of the State” in the Rio de Janeiro report.

For comparison purposes, we grouped and interpreted the “determinants” to make the subsequent analysis easier to understand. Except for Geography⁴, listed as a determinant by the Nan report, four major classes

⁴ We chose here not to consider the impact of Geography since we emphasized social determinants. As a footnote, one should not dismiss space and geography, for example, when we discussing migration. In the case of Rio de Janeiro, the location and socio-spatial disposition of favelas historically make them ‘challenging’ for the State to access. In the case of Nan, the isolated geography makes the province a peaceful place, with no heavy traffic of migrants. A different scenario is found in the case of Maputo, as domestic work takes place virtually in all parts of the city.

of social determinants, comparable between the three cases, were found. They concern the attributes of individuals (such as their income, their gender and their status as migrants or natives), but also incorporate institutional and political dimensions, as well as structural determinants when they mention the role that social relations, culture and history exercise on the lives and actions of people and communities. Finally, all cases investigated the Covid-19 pandemic as a contextual determinant of interest. These are the following classes (grouped by a thematic affinity criterion):

- Economic determinants, including work or occupations of workers, their income or degree of poverty, if they are migrants (or not) and, last but not least, the role of education in the economic life of individuals;
- Political determinants, including the anti-slavery legislation of each country, their political structures, and the role of the State concerning these violations;
- Sociocultural determinants, which show how the social relationships and customs of each city/society, for example, how these shape families to the eventual naturalization of abusive labour practices;
- Contextual determinants, mainly, but not only, the current Covid-19 pandemic.

Social determinants related to the characteristics or attributes of individuals and communities are essential for a reasonable discussion. Those who clarify the weight of economic relations acquire priority in the debates and analyses commonly made. After all, income and working capacities directly affect the type of job one can obtain, thus making workers more or less vulnerable to conditions similar to slavery.

The economic reality of domestic work in Maputo is marked by high unemployment and the informality of the activity. With a low-skilled population and a “[...] selective and limited labour market in terms of job offer” (Silva, Cuinhane, Capurchande, 2021, p. 48), thousands of Mozambicans end up doing domestic work in the city. It is important to stress the poverty of Mozambican society at this point, to the extent that even domestic workers’ employers are not necessarily high-income individuals and families (Silva, Cuinhane, Capurchande, 2021, p. 48).

Similarly, the case of Rio de Janeiro, based upon a favela, also reports the impact of unemployment and informality as a risk factor. Residents of favelas, such as Morro da Providencia, tend to earn lower incomes than other residents of Rio de Janeiro, accessing jobs of worse quality without the much needed social protection formal workers usually dispose of (Pinheiro, Gama, Walmrath, 2021). Despite the high unemployment, which has increased even further because of the Covid-19 pandemic, the residents of Morro da Providencia work in several economic activities. These include street vendors, domestic workers and the community’s internal commerce, with bars, restaurants, beauty salons and clothing making workshops.

In contrast, the economic scenario in the case of Nan province takes place in a rural area, with a much simpler economy, i.e. small companies with few employees, in which access to land and the type of work performed, even today, revolves around agriculture, given that the revenue from tourism is recent (Jayagupta, Phumessawatdi, Noree, 2021, p. 51–52). In any case, the researchers believe that poverty restricts residents’ options, pushing them into forced labour and sexual servitude. In particular, the Thai report points out occupations carried out in bars and restaurants with karaoke bars as risky businesses for slave labour, where complaints and rescues have happened in the last decade (Jayagupta, Phumessawatdi, Noree, 2021, p. 53). Agriculture is also not ruled out as a focus for violations, especially for payments below the prescribed minimum wage.

Education is a social determinant for at least two reasons: 1) for being the basis for the qualification of workers, and 2) for providing the knowledge and awareness necessary for them to avoid and denounce working conditions analogous to slavery.

In the case of Maputo, although education did not figure as a social determinant per se in the report, the low level of education was evident: “The labour force in the domestic work market in Maputo city consists mainly of citizens who have not completed primary or secondary education, or do not have any academic degree at all” (Silva, Cuinhane, Capurchande, 2021, p. 27), a condition that ends up reserving few job opportunities. Usually, education ends up not being a priority for this vulnerable population. In turn, it also affects knowledge and demand for rights⁵ and the ability to denounce possible violations in domestic work. Furthermore, the search for a better education for children of poor origin leads many Mozambican families to send their children to child domestic work in Maputo (Silva, Cuinhane, Capurchande, 2021).

The case of Rio de Janeiro, on the other hand, offers a similar script concerning education. Rio’s favelas, including Morro da Providencia, are characterized by low educational levels (Pinheiro, Gama, Walmrath, 2021, p. 52). In this way, although newer generations have enjoyed more years of schooling, the residents of the studied location on average have fewer years of education than those residing in other, more privileged areas of the city. As a result, they access the labour market in informal, low-income and low prestige occupations and, not rarely, without safe working conditions.

Educational gaps also affect knowledge and access to rights and public policies. Given the need for daily survival, and despite the existence of public schools, for some residents interviewed, education is not a priority for many families. School dropout due to child labour is a phenomenon

5 Still, the class of domestic workers in Maputo is in better shape in terms of knowledge and capacity for collective action than those in other Mozambican cities due to the presence and participation of the local union (Silva; Cuinhane; Capurchande, 2021, p. 21).

perceived among many families who live in situations of vulnerability, such as those interviewed and observed by the Rio de Janeiro report.

Again, in contrast to previous cases, education in Nan is comparable to the Thai national average (Jayagupta, Phumessawatdi, Noree, 2021, p. 52–53). However, the authors also believe that poverty diminishes the chances of achieving education due to high costs, which leads to school dropout in the province. Contrary to what one might expect, the interviews showed that having some degree of education is not a guarantee of escaping exploitation.

Migration, domestic and international, is one of the main social determinants of vulnerability to modern slave labour. For researchers on the subject, the reasons are well known: migrants become more vulnerable, for example, as they often do not have the proper legal permission to live and work in the country or locality to which they migrate. For this reason, all reports pointed out, to a greater or lesser degree, the migrant status as a social determinant in the cases studied.

In the case of Maputo, the authors emphasise in their literature review that migrants constitute part of the explanation for the “[...] increase in domestic work in developing countries” (Silva, Cuinhane, Capurchande, 2021, p. 10). The dynamics of migration in search of domestic work in Maputo stems from the rural exodus witnessed in the country in recent decades, in which a portion of the poor population resettled and continues to relocate in search of opportunities in the nation’s capital, the Mozambican civil war (1977–1992) being one of the factors that led to this migratory flow (Silva, Cuinhane, Capurchande, 2021).

Migration takes on a relatively distinct aspect in the case of Rio de Janeiro. Composed of an urban majority for decades, the Brazilian city, and more specifically Morro da Providencia, receives migrants from relatively close areas, but also its distant neighbourhoods, and even from towns in the metropolitan region. The report identified domestic migration from poor, distant areas of the city to the centre, the location of the

investigated favela (Pinheiro, Gama, Walmrath, 2021). It was also noted the existence of clusters of immigrants (Latin Americans and Africans) searching for opportunities. However, the report could not establish the exact occupational insertion of migrants. Even so, the conclusion obtained with local interlocutors is that migrants and immigrants are in fact in a more fragile position from the point of view of access to employment and income, therefore more vulnerable to labour violations analogous to slavery (Pinheiro, Gama, Walmrath, 2021).

In contrast, the case of Nan province does not consider migration as one of the social determinants discussed by the authors, even though this process was taken into account during the research. In general, the economic structure of the province, largely rural, and its isolated geography do not make Nan one of the main migration destinations in Thailand (Jayagupta, Phumessawatdi, Noree, 2021). Even so, and regarding immigrants, the research documents the case of citizens from Laos, a neighbouring country to Thailand, found under forced labour in 2013 (Jayagupta, Phumessawatdi, Noree, 2021). The authors also point out that the newer generations of the province may become migrants in search of opportunities in large cities (Jayagupta, Phumessawatdi, Noree, 2021).

Labour insertion often varies by gender and race, i.e. it depends on the social attributes that people carry with them because they were born and grew up under socially “constructed” traits.

In the case of Maputo, in which the report does not suggest gender as one of the main determinants, this seems to be central. Domestic work was not always associated with female work: in colonial times, men were the majority of employees in this occupation (Silva, Cuinhane, Capurchande, 2021), a trend that has reverted to the present situation in which women form the majority. This change matters insofar as, in the case of a gendered activity, domestic work is devalued not only because it generally employs low skilled, poor people, but above all, because it employs women (Silva, Cuinhane, Capurchande, 2021).

Furthermore, the study suggests a geographical and gender split in Mozambican domestic work: women are the majority in this occupation in the south of the country and Maputo city, while men are the majority in the north (Silva, Cuinhane, Capurchande, 2021, p. 20). The daily domestic activities performed by these workers also differ by gender⁶, and the pressure on female domestic workers is even higher since many head families exclusively with their wages. Finally, divorce was also identified as a gender-biased issue since it causes the loss of income for women, many of whom, once single, end up working as domestic housemaids (Silva, Cuinhane, Capurchande, 2021).

Although the comparison suffers to a certain degree since, in Maputo, the focus of the report was an occupation, gender biases are also evident in the case of Rio de Janeiro. More specifically, gender relations render life, labour opportunities and, consequently, vulnerability to modern slave labour. Morro da Providencia essentially mirrors the gender inequalities of Brazilian society. Although described as a female favela by interlocutors on behalf of female leaders in social movements and organizations, local women often head families with their salaries and pensions. Notably, the occupations and daily activities performed differ by gender: women tend to work in the surroundings of the Morro or in the community itself, in addition to taking care of the house and family, while men occupy themselves in different jobs in the popular commerce of the neighbourhood (Pinheiro, Gama, Walmrath, 2021).

In Nan, too, gender relations matters. According to the report, this is a determinant that varies by location within the city, and also because it prescribes work activities, not to mention the risks associated with them. As for the first issue, the study found that in the highlands—the most conservative and traditional in Nan province—women have fewer rights and no voice in society, while in urbanized areas, relationships tend to be

⁶ Men, in turn, are more involved in security activities, manual maintenance and gardening services.

more egalitarian. As for the risks and the job market, it is possible to draw a parallel with the case of Rio de Janeiro: women work more in the service sector, including potentially exploitative sexual ones, while men are more employed in jobs in small local industries and agriculture (Jayagupta, Phumessawatdi, Noree, 2021).

The race of individuals and the racial relations in the societies in which they live appears as a prominent determinant only in the case of Rio de Janeiro, given that this city reflects the ethnic-racial diversity that distinguishes Brazil, built precisely on the colonial slavery rule. More specifically, racial issues matter in this case study since the majority of the population of Morro da Providencia is black/Afro-descendant people (Pinheiro, Gama, Walmrath, 2021). Due to racial and social inequalities, black people have, on average, lower wages and lower educational indicators and, therefore, according to the authors, a greater vulnerability to work in conditions similar to slavery.

However, if the case of Rio de Janeiro seems to stand a part of the others, even countries that are more homogeneous from the racial point of view still have issues related to this topic. It is the case of the province of Nan, in which ethnic groups living in more distant and in the high lands tend to be poorer and more isolated, although they do not seem to be more vulnerable to modern slave labour for this specific reason, as argued in the case of Rio de Janeiro. Finally, and unlike the other case studies, the Maputo report does not point to race/racial relations as determinants for domestic work, given the racial homogeneity of the Mozambican city.

The attributes of individuals, populations and communities to which they belong are essential. In no way they are detached from the cultural and material contexts of a given society. But one should consider looking at 'external' determinants that concern the sphere of politics, the State and its institutions. Therefore, it is necessary to discuss the determinants documented in each case study that covers societal aspects in one way or another.

The concept of contemporary slavery adopted and the existing legislation to fight it can make a difference when we think about the three cases. The case of Maputo takes this statement furthest, as it is the only country studied in which the concept is not fully incorporated, directly affecting the identification and combating of the practice:

The concept of modern slavery is not used in Mozambican policies and legislation, although practices similar to modern slavery such as prostitution, forced labour, child labour, and human trafficking find shelter in it and are considered punishable practices. (Silva, Cuinhane, Capurchande, 2021, p. 9).

Labour regulations, however, do exist, including those concerning domestic work, but, in the researchers' assessment, this does not seem to be enough to prevent violations in this occupation (Silva, Cuinhane, Capurchande, 2021). In short, the case of Maputo also points to problems of law enforcement and inspection of informal domestic work (Silva, Cuinhane, Capurchande, 2021).

Modern slave labour is a crime recognized in the laws in force in Rio de Janeiro and the province of Nan. But, as expected, there are relevant specificities in each case. In the first of them, modern slavery came to be recognized only in the mid-1990s, the specific legislation cited in the report enacted in its current classification as recent as 2003 (Pineiro, Gama, Walmrath, 2021).

The difference between the Brazilian and international legislations concern two concepts: the degradation of working conditions and the consent granted by the victim. Brazilian legislation comprises some nuances of the crime. The law provides for greater punishments for cases involving children and (or) adolescents, in addition to discrimination based on race, colour, ethnicity, and religion. Furthermore, even though Brazilian legislation defines the crime in four modalities, they can be

different from each other; so, even if a worker is subject to only one of the factors recognized by law, he immediately turns eligible to rescue (Pineiro, Gama, Walmrath, 2021, p. 26).

The case of Nan province is in an intermediate position between the previous two. Unlike Maputo, there is anti-slavery legislation. But, in contrast to the Brazilian case, this legislation is guided by international conventions. In addition, for the proper framing, it is necessary that the complaints necessarily include three elements to configure the crime of modern slavery and (or) human trafficking: an action, how it took place, and its purpose (Jayagupta, Phumessawatdi, Noree, 2021).

In general, and in line with the criticism made by the other reports investigated here, the authors praise recent advances, but also condemn the role of governments and the Thai State: “[...] the punishments established in these laws are not proportional to the severity of the crime” (Jayagupta, Phumessawatdi, Noree, 2021, p. 35). However, despite the complaints, the case of Nan, as previously mentioned, exemplifies the relative success of the State in absorbing and mobilizing legal advances in fighting and preventing slave labour.

An analysis of the social determinants of vulnerability to modern slave labour should not ignore the weight exercised by macrosocial factors, such as social relations and the cultural characteristics of each society developed throughout history. At this point, the three cases bring us diffuse determinants that are, nonetheless, worth examining.

The Maputo report stresses the need to think about domestic work in that country and its connection with slave labour through the prism of the Portuguese slave colonial legacy. More specifically, the authors point to the continuity of practices that naturalize such oppressions (Silva, Cuinhane, Capurchande, 2021). These reflections are manifested, for example, in the fact that domestic workers have worse working conditions than other categories guaranteed in the legislation, such as a daily workday of more than 8 hours, which is the standard for most formal jobs (Silva, Cuinhane, Capurchande, 2021).

Furthermore, domestic work in Maputo is seen as degrading even by female workers; to make matters worse, most of them do not identify as a class of domestic workers because they often understand that this occupation is only temporary work (Silva, Cuinhane, Capurchande, 2021, p. 33). Social relationships also matter insofar as they inform the networks of connections of families that provide access to domestic work opportunities; many domestic workers start their careers in this occupation after being sent as children to wealthier family homes, a risky tradeoff in exchange for proper shelter and education (Silva, Cuinhane, Capurchande, 2021, p. 48).

The shared historical-cultural formation of Maputo and Rio de Janeiro is present when we analyze the conclusions of this type of determinant for the case of Morro da Providencia. As the report indicates, the favela studied is located in the port region of the city, where a significant portion of Africans enslaved in the colonial period disembarked centuries ago. Since then, these people formed communities nearby, frequently working in urban slavery regimes, such as “*escravos de ganho*”, domestic work, among several other modalities of urban slavery (Pinheiro, Gama, Walmrath, 2021).

Urban enslaved people corresponded to approximately 50% of the population of the city of Rio de Janeiro in the beginning of the 19th century, according to historical records (Filho, 2000). The implications of this fact called the authors’ attention to the stigma of ‘favelados’. In the empirical work, the interviews revealed how this stigma hinders social trust and, above all, decent employment opportunities for this population, being, therefore, a potent social determinant of exclusion (Pinheiro, Gama, Walmrath, 2021).

At this point, Nan province again distinguishes itself from the other cases, although some connections arise between the observed processes. The main socio-cultural determinant identified in the case report concerns materialist social values⁷. According to the authors, these can lead

⁷ It is noteworthy to stress that, when discussing materialistic impulses, the authors do not necessarily point to determinants such as poverty or hunger. Instead, they talk about the consumption of goods as a key determinant among young people in communities.

workers to migrate and engage in jobs that exploit them in conditions analogous to slavery (Jayagupta, Phumessawatdi, Noree, 2021, p. 54).

The report indicates that workers strive to raise money for purchasing goods or even help family members in need. According to the authors, one must pay attention to the temporal dimension since work in these conditions appears as a part of people's life cycles, in which they opt to work for a few years to save money and fulfil a specific objective.

Furthermore, the report describes the role of social networks, in particular, that of the families. Considered here as a socio-cultural determinant, having exploited family relatives indicate that an individual can also suffer exploitation (Jayagupta, Phumessawatdi, Noree, 2021). Finally, and in common with the other cases, in Thai culture, the everyday wisdom states that slavery no longer exists since it was abolished more than a century ago, a perception taken as a rationale by employers denounced and sentenced for the crime. (Jayagupta, Phumessawatdi, Noree, 2021).

Seasonal or contextual determinants can be very important to understand the dynamics of contemporary slavery. Take, for example, how the demand for precarious workers in economic circuits of high exploitation rise during great harvesting seasons or even the increased part-time work during holidays. The main determinant that matches the concept of a contextual social determinant is actually a process: the ongoing Covid-19 pandemic. In the case of Maputo, domestic workers, already working under precarious and violations in 'normal' times, witnessed increased workloads so that households could adapt to the pandemic sanitary criteria⁸; but they did so without the due complementary increase in wages, making the occupation even worse and riskier (Silva, Cuinhane, Capurchande, 2021, p. 52–53).

8 The situation seems slightly better for workers who do not live in the residence where they work: some had their working hours reduced, and their pre-pandemic remuneration was maintained (Silva, Cuinhane, Capurchande, 2021).

Although the case of Rio de Janeiro does not focus on a specific occupation, as in the case of Maputo, it is possible to draw some similarities. The Covid-19 pandemic has inflicted a heavy blow on the Brazilian city and Morro da Providencia. Given the unsuccessful management of the pandemic by the municipal and state governments, but above all by the federal government, the result was more unemployment and economic instability. Since a large part of the residents depends on street commerce and occupations with face-to-face contact, most of them were severely affected by early lockdown attempts as well as the drop in consumer demand (Pinheiro, Gama, Walmrath, 2021, p. 54–55). In addition, many residents found themselves without any income; due to government inefficiency, sometimes not even the financial aid offered by the government. Therefore, the authors conclude that this contextual determinant possibly increases the already existing vulnerability to slave-like and child labour in Morro da Providencia.

Nan province differs from the other cases in many social determinants. This is a result expected given the social, cultural, historical and economic disparities so far considered. However, contrary to what one could anticipate, it is remarkable how the Covid-19 pandemic also hit the locality differently. Unlike the cases of Maputo and Rio de Janeiro, it was not straightforward that the pandemic would increase the vulnerability to modern slave labour in the province. In a way, it “helped” to reduce risks as human contact decreased due to lockdowns, restricting both human trafficking and occupations that make individuals vulnerable to transgressions of their rights, such as sex work in restaurants and bars (Jayagupta, Phumessawatdi, Noree, 2021, p. 60).

The Covid-19 pandemic ends the list of social determinants here considered and offers a bridge to discuss the reasons why the case of Nan is relatively successful compared to Maputo and Rio de Janeiro. In addition to the fight against the coronavirus, what is different at a social level, and what else mattered for this province? Although a good part of the

explanation relies on the fact that Nan is drastically different because of its small population and small-scale economy compared to two metropolises with high social inequality and population density, we will discuss below the factors ranked by Jayagupta, Phumessawatdi and Noree (2021) to explain what makes Nan safer.

In summary, the relative success witnessed by Nan, according to the authors of the report, is due to the government performance and its association with local stakeholders to prevent, monitor and punish cases interpreted as analogous to slavery.

To deal with social issues like modern slavery, it is necessary, above all, to understand it in detail and publicly treat it as such. Knowledge not only about the existence of human trafficking and forced labour but also about measures that must be taken against those crimes is shared among the population of Nan, for example, through educational leaflets spread across the province (Jayagupta, Phumessawatdi, Noree, 2021, p. 55). NGOs, schools and communities have several awareness campaigns, and the neighbourhood surveillance of an active civil society—encouraged by the small population of Ban Bo Suak—makes this strategy successful. Unfortunately, this is not true for Rio de Janeiro and Maputo, cities in which, despite the existence of various institutions and organizations, the public understanding of human rights is still, for several reasons, far away from expected (Silva, Cuinhane, Capurchande, 2021, p. 43; Pinheiro, Gama, Walmrath, 2021, p. 54).

The role of the State and governments seems central at this point. In the case of Nan, labour inspections and routine police surveillance work help organisations adapt to established human rights standards at domestic and international levels. Additionally, the police collect complaints from the population through various channels, such as direct chats. More specifically, these inspections are purposefully random, with no prior notice, thus creating an important incentive for employers to operate under labour legislation. Finally, when victims are found and rescued, they also

have guaranteed access to rights by the government (Jayagupta, Phumesawatdi, Noree, 2021, p. 67).

On the contrary, both in Maputo and Rio de Janeiro, the State acts directly and indirectly to maintain inequalities, not duly complying with the existing legislation, either to combat known offences in Mozambican domestic work or due to the lack of personnel and training for police raids, in the case of Rio de Janeiro. In other words, there are legal means for the implementation of due action and prevention by the State, but these are not applied extensively.

If the focus on the role of the state and governments seems inevitable, given their direct connection to the issue, social relations and cultural characteristics also make Nan a location less prone to violations. According to the authors of the provincial report, the calm and peaceful, “ancestral” way of life, added to a self-sufficient and small-scale capitalist economy, makes Ban Bo Suak, in addition to the already recognized lower propensity for violations due to its geography and small population, a location virtually free of modern slave labour (Jayagupta, Phumessawatdi, Noree, 2021, p. 59). The opposite happens in the other two cities, true national metropolises.

However, there seems to be something in common among all the cases when it comes to the role of social networks in raising awareness: “word of mouth”, for example, helps in the dissemination of personal accounts and, possibly, to denounce potential offenders who are recruiting workers for jobs under conditions analogous to slavery in Nan. In Rio de Janeiro and Maputo, networks of solidarity and resilience to the mutual challenges faced take place, whether in the organizations of domestic workers or the NGOs and popular initiatives of the residents of Morro da Providencia.

Finally, cases of slave labour and other similar violations are denounced, go to trial and are charged in Nan, although the monitoring of these cases and the care of victims lose the owed public attention

over time. In Rio de Janeiro, some cases get media coverage and raise social awareness, but most of them are still unknown or underreported by scholars' calculations. In Maputo, however, the prevailing perception is that violations are not investigated and effectively punished, despite lawsuits and labour claims. Thus, the authors' also pointed to the under-reporting of existing offences.

As a result, the informants surveyed to explain the case of Ban Bo Suak seem confident about security in the province, but do not rule out the underreporting of slave labour in the locality (Jayagupta, Phumesawatdi, Noree, 2021, p. 62). It is a concern shared with the researchers and informants participating in the case of Rio de Janeiro, especially as the report did not focused on the discussion of economic circuits known to be more inclined to severe infractions, such as drug trafficking, child labour and prostitution. In Maputo, the issue is different, as the emphasis of the report and the problem it investigates revolves around the recognition of the existence of slavery in an occupation where there is supposedly no violation, since it is neglected and, above all, socially 'normalized'.

CONCLUSION

Although the comparison of the cases studied suffers from some methodological biases, there is room for analysis in a comparative perspective, given the several similarities pointed out so far. Thus, in this section, we will discuss the three main findings of the study and what we conclude about that.

- 1) It is possible to classify and order the three cases according to their relative success/failure towards the occurrence of modern slavery

The comparison of different cases makes their particularities even more interesting than if taken independently. Here, Maputo represents the case

of “failure” concerning the fight against slave labour. In this case study, the social determinants identified by the authors accurately grasp the dynamics of exploitation in domestic work in that city, leaving no doubt that widespread violations are taking place, and why they happen the way they do.

Next, we’ve discussed the case of Morro da Providencia, in Rio de Janeiro. In this case, the authors concluded that there was some sort of uncertainty about modern slave labour in that favela. The main contribution of the analysis was to make evident the mechanisms of public policy for the prevention, investigation and prosecution of modern slave labour. In addition, this research team worked on critical hypotheses about the validity of taken for granted research concepts/instruments to apprehend the dynamics of modern slavery in urban settings. Finally, we have what can be called a case of relative success in the province of Nan, despite the existence of typified cases of slave-like labour in the recent past and the social determinants that explain them.

2) The cases studied show that social determinants are essential in assessing modern slave labour but should be considered with due analytical caution

As the literature reviews carried out in the case studies and the authors’ reflections point out, several social determinants converge to predict and explain why certain populations are more likely to become vulnerable to modern slave labour. But perhaps the most important lesson from comparing the determinants identified in the three cities is that these are necessary yet not sufficient conditions for these human rights violations to occur. Although the case of Maputo demonstrates determinants that predictably explain the situation of domestic work, in the cases of Rio de Janeiro and Nan, for different reasons, the existence of determinants does not automatically lead to the occurrence of slave-like labour.

As we've discussed in the previous section, we need more studies to deal, for example, with the problem of underreporting.

3) Even the social determinants shared among the cases may operate differently

This finding is pretty straightforward. Despite common and structural dynamics, social determinants will always reflect the social relations, the culture and the historical trajectory of each investigated location. Even determinants that we can take as constants that tend to act more or less uniformly across cases turned out to be more complex than one could have predicted. Take, for example, the Covid-19 pandemic. The pandemic hit each case study differently, in particular in the province of Nan, even though we thought that it would probably make things worse everywhere.

Some concluding remarks relate to any comparative study sensitive to case variations by societies/cultures. After all, modern slavery is a global phenomenon that is difficult to track, compare and learn about because the approach of countries and societies towards this crime tends to be slightly different. In this sense, we would like to highlight the everyday challenges faced by researchers, among which are the limitations of concepts and laws to confront the problem. At the same time, the cases of Rio de Janeiro and Maputo spawned valuable questions regarding the work relations studied (the domestic work in Maputo; several, in the case of Rio de Janeiro), more specifically whether these can or should be considered as examples of modern slave labour or not.

In other words, these studies depend on the theoretical framework used and, more importantly, on socially recognized norms, as well as accepted and tolerated standards of dignity at work. One could argue, for example, that the Mozambican case would have been considered by Brazilian standards as an example of endemic slave labour in domestic services. Conversely, it is possible to speculate whether the exhausting

and degrading journeys of security guards and supermarket cashiers, reported by interlocutors in Rio de Janeiro, would be typified as conditions analogous to slavery under the interpretation of Thai law, which seems to us to be more concerned with cases of trafficking in persons than forced labour. As seen, the phenomenon studied here is of a global scale, with many nuances and complex outcomes. Thus, one should not look to the shared aspects nor extrapolate the differences noted, as if the three cases were not interconnected.

Finally, we would like to end this chapter by highlighting what the three case studies have shown from the normative point of view of the project, i.e. thinking and building cities free from modern slavery. Firstly, we point out the need for effusive action by nation-states and governments, social movements and civil society/stakeholders, whether in local, national, regional and (or) international associations, to spread information, raise awareness and prevent working conditions analogous to slavery, especially from the use of existing institutional/legal frameworks and resources (e.g. Ribeiro and Leão, 2020). Secondly, and in the medium/long term, we must always have on our horizon solutions that hit the very foundations of these fundamental social determinants of vulnerability, such as the reduction of poverty and misery through the promotion of socio-economic development (between and within countries); the reduction of social inequalities regarding ethnic-racial, gendered and migrant issues; and, last but not least, encourage the accountability of nation-states and organisations.

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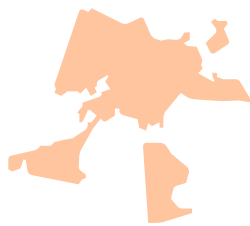
PART II CASE STUDIES

MORRO DA PROVIDENCIA

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INTRODUCTION

Favelas in the city of Rio de Janeiro have been a core issue in the urbanization debates since the beginning of the last century. With an increase of the so-called urban agglomerates in the first quarter of the twentieth century, a plan to solve the “problem of the *favela*” was created to respond to the threats of dissemination of diseases, with the first reports being commissioned to public health specialists, by the local authorities. Soon after, in 1943, a commission to study the “problem of the *favelas*”, stressed in its first report the “criminality, marginality, and social disorganization” seen in these areas.

Hidden behind the “problem of the *favela*” discourse, land speculation interests led to removals in areas where private property coexisted with public land. In the former, high rentals were charged to the residents, and, in the second, precarious housing was allowed for political and economic convenience. Closer to the wealthiest quarters and centre of the city, the *favelas*’ residents formed reservoirs of cheap work for the industries and wealthiest quarters. Thus, *favelas* were never invisible, but always conveniently disregarded.

This study focuses on the *favelas* as areas characterized by lack of public policies, except for social assistance and the police, historically violent and embedded in racism. The continuity of the “problem of the *favela*”, has been encouraged by hidden economic and political interests but coexists with transformations. These transformations were led mainly by the women and work of a significant number of local organizations, linking *favelas* to other communities in the suburbs and groups in the wealthiest quarters. With the sacrifice of many, *favelas* residents are gradually occupying spaces in politics and local council, but much must be done and understood to result in concrete transformation.

Data and qualitative analysis on socioeconomic indicators are relevant to the construction of efficient antislavery public policies, however taken alone they are not enough to explain the persistence and

normalization of labour exploitation in the city and territories. Nor income or gender explain submission to slavery if, for example, migration or level of education numbers are disregarded locally. *Favelas* are marked by heterogeneity, different socioeconomic classes, and origins, demanding an intersectional analysis to map levels of vulnerability.

The favela Morro da Providencia, also called Favela da Providencia, was chosen as case study for its links with history, waves of migrations, culture, colonial slavery, modernization, and decadence of the city's port. Undoubtedly, colonial slavery has printed some of the main features seen in the port zone today, but data, literature and interviews for this study does not point to a direct relationship between colonial and modern slavery. The ideals of modernity and positivism in the advent of the Republic, neoliberalism in the end of twenty century, added to recent transformations of capitalism impacting work relations, all framed by social stratification theories, as well as studies of inter-and intra-generational mobility, help to predict the "destiny" of specific social groups (Hout, 2015).

Whereas there is a social perception of poverty and socioeconomic vulnerabilities in these territories, there is a strong culture that strengthens residents of *favela*. This complex context showed that even though there is an environment that could reproduce patterns of modern slavery, there are also several variables that justify the lack of modern slavery in the *favelas*. Even so, it is undeniable that, while researching socioeconomic profiles of people who could be submitted to several forms of violence, including modern slavery, we came across to the profile of the *favelados*, expression used for the residents in favelas..

Hence, this relation rose questions towards what the social determinants of vulnerability to slavery and labour exploitation amongst the residents of *favelas* in the city of Rio de Janeiro are.

Without the ambition of answering such complex questions, the study brings some clues and reflections, aiming to break with the binary discourse of a place of criminals or victims. Along the research, other questions rose to the attention:

1. Why aren't there any rescued from modern slavery amongst the residents of Morro da Providencia?
2. Is there any relevant social determinant to prevent modern slavery that can be perceived in Morro da Providencia? If positive, could it be seen in other *favelas*?

Granted the complexity of the research, the interviewed agreed that all variables have some relevance, varying impact according to temporal and geographic contexts. Therefore, we started to reflect on whether there is modern slavery on the *favelas* and/or among the *favelados* (especially residents of Morro da Providencia). It is fundamental to highlight that Brazil has a solid antislavery public policy that has its own approach, therefore whenever we mention people rescued from modern slaves in Brazil, we are talking about those people who were seen by the policy and removed from a situation analogous to slavery.

When reflecting on which variables are more relevant to expose (or remove) someone to modern slavery, and how do they interact in the lives of people who are vulnerable to this violence, the research came across a perception that *favelas* are not a plastered environment. They have their own “generative flux” that construct realities based on each context, time and methodological approach (Law, 2004).

The fact that we are dealing with interchangeable variables, suggests that it is impossible to develop a holistic study if we disregard the complexity of the analyzed context. Then the purpose becomes an intersectional reflection, with a lens that enables researchers to perceive how multiple layers of violence—structural or contextual—impact on social backgrounds. Therefore, it aims to be less a definitive study and more a debate on neglected social spaces, as well as the inadequacy and stiffening of antislavery public policies to deal with contexts of *favelas*, its residents and urban setting.

Thus, we reflected on our process of knowledge production about a territory that is so heterogeneous, like the *favelas*, we could no longer

admit, nor sustain, this binary approach. All the variables that will be seen throughout this case study interrelate and are co-dependent on each other and on the context, which are not inserted in a static reality. Hence, variables tend to react in multiple ways, varying influence according to context, group, expected result, etc. Therefore, the objective of the process of analysis becomes as important as the result of the research.

The next sections of this case study will provide a broader understanding of the current context, including socioeconomic contexts of Brazil, Rio de Janeiro, *favelas* and Morro da Providencia, as well as the history of the construction of contemporary anti-slavery public policies and profile of those rescued by it.

Furthermore, when we start discussing social determinants to modern slavery, we reflect on the profiles of people that could be submitted to a set of violence, including labour exploitation. The end of this case study provides more of a contemplative approach on the future of work relationships, and how it might impact on the lives of people in situations of socioeconomic vulnerabilities in the *favelas*.

METHODOLOGY

This research is characterized as a qualitative case study. The case's population is that of the *favelas* in Rio de Janeiro. The case itself is a *favela* known as Morro da Providencia. It is, therefore, a single case study. The reasons behind the choice of this *favela* can be found in the introduction of this report; they include the historical importance of this community as the first Brazilian *favela*, closely linked to the end of slavery in Brazil and the migration of great masses of vulnerable populations throughout the 20th century.

Mixed research methods were employed (Seawright, 2016), despite its qualitative orientation. Several interviews with technicians, specialists in social assistance and residents of the *favela* were done. Simultaneously,

the research collected secondary data about the population of the *favelas* of Rio de Janeiro and Morro da Providencia. After preliminary analysis on the datum, we've developed a survey to be answered by the residents of Morro da Providencia and its surrounding areas.

The qualitative approach is justified insofar as this is the most recommended procedure when dealing with research problems, such as discussed in the introduction section. It helps us a) identify the main social determinants of contemporary slavery in the urban context of Rio's *favelas*, and b) understand how they act on the vulnerability of the residents of these localities. Furthermore, the qualitative case study is recommended for generating explanatory hypotheses, evaluating the internal validity of propositions, and elucidating causal mechanisms (Gerring, 2006, p. 38) among the social determinants arranged at the beginning of the research, as well as those that arose during the investigation. Last but not least, it is an adequate research design for this socially sensitive topic following the lack of robust quantitative data available on victims of modern slavery in global cities.

Data Collection

The research dataset consists of secondary data (documents, studies and statistics), and primary data from in depth interviews and a survey.

Documents, Studies and Statistical Data

The specialized literature on contemporary slavery, the stratification and social inequality of Brazilian socioeconomic relations were reviewed. It covers both modern and historical contexts.

Indicators and quantitative data were used. These were selected to illustrate the socioeconomic context of the *favelas* in Rio de Janeiro compared to other areas of Rio de Janeiro city. The data comes from the last Brazilian population census, carried out in 2010 by the Brazilian

Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística—IBGE). The 2010 census, although outdated, is the leading data available with a geographic coverage capable of elucidating the socioeconomic conditions of subnormal agglomerates, a concept given to describe social spaces in abnormal conditions, including *favelas*.

Other indicators, specially designed for the *favelas* of Rio de Janeiro and generated from IBGE data, were obtained from the databases of Pereira Passos Institute (Instituto Pereira Passos, IPP), a research institution of the Government of the State of Rio de Janeiro. Data were also consulted on the number and characteristics of those rescued from conditions analogous to slavery in the state of Rio de Janeiro over the last twenty-six years. Data was provided by the Division of Inspection for the Eradication of Slavery (in Portuguese, Divisão de Fiscalização para Erradicação do Trabalho Escravo—DETRAE). The NGO Caritas Arquidiocesana was also important on this data collection because they assist both the rescued and those in vulnerable conditions to modern slavery.

Finally, data on the profile of those referred in social assistance institutions operating in the central region of Rio de Janeiro, such as data from two Social Assistance Reference Centres (Centro de Referência em Assistência Social—CRAS), Dodô da Portela and Ismênia de Lima Martins, also were analysed.

We shall discuss the particularities of both cases in the next sessions.

Open and Semi-Structured Interviews

Due to the Covid-19's pandemic situation, all interviews were conducted online and lasted an average of one and a half hour. As for the criteria for the selection of interviewees, we used purposeful sampling, i.e., “the assumption that the investigator wants to discover, understand, and gain insight and therefore must select a sample from which the most can be learned” (Merriam and Tisdell, 2015, p. 96).

More specifically, the purposeful sampling used was snowballing or chain sampling (Merriam and Tisdell, 2015). The first interviews aimed at opening up the field of study with specialists, technicians and public servants working at the state level who had experience with vulnerable urban populations. As the interviews progressed and generated feedback, the research was directed towards the actors located in the field, finally reaching the residents of the investigated location.

TABLE 3 – Interviews Conducted – 2021

ID #	OCCUPATION	INTERVIEW DATE (2021)
1	Union Public Defender Officer (Nathalia Von Rondow)	03/08
2	Head of DETRAE (Mauricio Krepsky)	03/09
3	Head of SUAS (Francisco Xavier)	03/26
4	Social activist and cofounder of NGO Som+Eu (Moana Martins)	04/21
5	Governmental Researcher – IPP (Adriana Vial)	05/10
6	Head of CRAS Dodô da Portela (Luciana de Oliveira)	05/19
7	Social assistant at CRAS Dodô da Portela (Jucilene Pedreira)	05/19
8	Researcher, social activist and founder of NGO Machado de Assis (Fernando Ferreira)	05/31
9	Social Assistant at CRAS and focal point at Morro da Providencia (Rosângela de Oliveira)	06/02
10	Social activist and cofounder of NGO Providenciando em Favor da Vida (Raquel Spinelli)	06/04
11	Member of the Integrated Action Project (PAI) and Cáritas Arquidiocesana (Thaiany Motta)	07/28
12	Member/manager of the Integrated Action Project (PAI) and Cáritas Arquidiocesana (Yasmim França)	07/28
13	Head of the Antislavery Program in the Regional Superintendence of Labour and Employment (SRTE) (Marcio Guerra)	07/29

Source: author's elaboration.

Regarding the conduction and script of the interviews, the first half were more open, centred on how the interviewees could help the researchers access data about victims of modern slavery, other social indicators and insights to guide the inquiry. As the interviews reached the field agents and the social determinants were debated under the light of the collected evidence, they became semi-structured. Stimuli were used in questions to test the interlocutors' knowledge about the concept of contemporary slavery; the interviewees were also encouraged to give their opinion about the social determinants hypothesized in the research, as well as the mechanism that connect them with the reality of the residents of Morro da Providencia.

Survey

Data Analysis

The study employs standard qualitative analysis, inductive and comparative by nature. Data analysis was developed during the research with feedback from new theoretical and historical readings, quantitative data and, mainly, from the semi-structured interviews discussed earlier. During the investigation a matrix with a preliminary set of social determinants of vulnerability to modern slavery was built. It contains its empirical justification for the case, conceptualization, systematization and operationalization through objective indicators (Adcock and Collier, 2001). The occurrence and explanatory mechanisms associated with the social determinants selected in the matrix were tested in the interviews carried out. Like most qualitative research, the analysis is typically inductive, looking for patterns and categories that build plausible explanatory nexuses.

The last part of the research, the survey, was built from the qualitative interviews carried out and the quantitative data collected about the socioeconomic context of the location.

Its questions were designed to test and quantify the perceptions of hypothetical determinants stipulated by the literature and key residents interviewed in depth. Open-ended and closed questions were included. Most of the closed-ended questions were focused on measuring the living conditions of residents, updating data on the population collected by the 2010 Census. The questions also argued the importance (or not) of some determinants raised by the survey, why such determinants are relevant, and how they act.

The survey was also designed to investigate, using direct and indirect questions, the perception and knowledge of residents about the existence of people in the locality who fall into at least one of the conditions that fit slave-like working conditions in Brazil (discussed in the Context section of this report). The questionnaire was tested with some interviewees to yield improvements and acknowledge the understanding of the target audience. After a round of meetings, minor changes were suggested and adopted.

The survey was designed after a sample by quotas (Babbie, 2003), with age and sex as parameters based on demographic estimates from the 2010 Census (Table 2). The survey was made possible by a partnership with the *Coletivo de Ação e Cidadania Machado de Assis* (in English, Machado de Assis Action and Citizenship Collective), an organization founded and participative in Morro da Providencia since 2011. This NGO was responsible for the application of the questionnaire. The schedule for the data collection was of six weeks, between July and August 2021. The researchers hired from the collective received the appropriate ethical and methodological training for its application.

Therefore, this report is based not on a self-administered survey by the surveyed respondents. The software used to collect the answers was Google Forms. In total, it is expected to reach approximately 200 residents in 10 locations, including Morro da Providencia and its surroundings.

TABLE 4 – Sample Estimates by Age and Sex Quotas, n= 200*

	18-29	30-39	40-49	50-59	60 +	TOTAL
Women	40	22	17	13	12	104
Men	38	20	16	11	11	96
Total	78	42	33	24	23	200

Source: author’s elaboration based on population data from the 2010 Census. * = subject to change, work in progress.

The interviews were transcribed and manually coded by the researchers (without the aid of CAQDAS software) to detect the social determinants that are more or less relevant in the interviewees’ statements, as well as the reasons why they matter and interrelate to one another.

Secondary quantitative data from sources such as the 2010 Census needed additional treatment (i.e. they were not properly arranged in tables contained in documents and studies). After this first step, the data was analysed, resulting in descriptive statistics. Survey results yield additional descriptive statistics and provide a qualitative evaluation of an open question about the interviewees’ knowledge of the concept of modern slavery.

Bias / Limitations

Scientific research suffers from all sorts of biases and limitations. The limitations of this research concern the literature, the data used and the limitations imposed by the ongoing Covid-19 pandemic.

The current research has found limitations, for example, in the literature review and discussion of modern slavery in urban scenarios such as *favelas*. Although this fact, on one hand, constitutes our research gap, at the same time, it makes comparisons with findings from other studies unfeasible, at first.

About the data, additional challenges were found in the analysis of database of modern slavery rescuing operations in urban contexts. Such

data underreport occurrences, being slightly imprecise about the location of the rescue of victims. It also lacks information regarding demographic information and age. The 2010 Census data used to contextualize and characterize Rio's *favelas* with the rest of the city of Rio de Janeiro are outdated in more than a decade; moreover, the data for Morro da Providencia itself do not cover several social indicators, and it was necessary to use sample data that comprise all subnormal agglomerations in the port area, and not just the *favela* chosen as the case for the study.

Although a survey that accurately estimated the average opinion of residents was not the intention, given the qualitative nature of this study, the results of the in-depth interviews and the survey are not subject to statistical inference since the interviewees were selected by snowballing and the survey sample was quota based. Standard methodological caution is suggested when interpreting the findings discussed in the following sections. Although the results encourage the discussion of hypotheses based on the social determinants behind the vulnerability to modern slavery in *favelas*, these findings concern only the interviewees and the survey population within the Covid-19 pandemic context. They do not necessarily reflect the entirety of the Morro da Providencia, nor other *favelas* in Rio de Janeiro. Thus, this is not a confirmatory study.

Finally, the research time span and the limited physical access to the field due to the ongoing Covid-19 pandemic also limited the scope of the findings. Personal observation and face-to-face contacts could yield more qualitative data, including, for example, off-the-record interviews with workers who do not feel safe with online chatting. The lack of access to the field also made it difficult to interview residents who do not have access to the internet, such as the elderly or people who do not possess smartphones and computers.

Interviews and local observations could open up more research fronts on occupations and jobs associated with varying degrees of labour violations, such as drug trafficking, prostitution and street vendors. Other

biases, somewhat unavoidable and expected, include the social origin of the researchers (born and raised outside *favelas*), as well as the availability of the residents to answer one-hour long interviews (many of them work outside the *favela* during the daytime).

CONTEXT

This section covers the social context on which the case rests upon. We start briefly discussing the Brazilian socioeconomic context on a national level. Then, we proceed towards the history of antislavery public policies in Brazil. Finally, we present the profile of modern-slaves, particularly the profile of urban enslaved in Rio de Janeiro.

Socioeconomic Context

Among the structuring processes of Brazilian society, one can point at its unequal and highly concentrated¹ economic development, its unequal social relations by gender, race, class and region of the country, and its troubled record of pendular swings between democratic and authoritarian political periods. On top of it, it is worth mentioning other processes, equally structural, such as demographic changes, internal migrations and immigrations.

Not even the social advances documented by the abundant literature have done enough to reverse these basal characteristics. In the words of the organizer of an influential study on the topic, “[...] despite such dramatic changes, inequality has remained resilient in a number of relevant dimensions during the first decade of the twenty-first century” (Arretche, 2019a, p. 332).

1 Here we stress that this concentration happens at both social and geographical levels. On its social aspect, wealth and power are essentially in the hands of the white, highly educated political-economic elites. Regarding geographical inequalities, the south-eastern, south and central-west areas of Brazil are the richest ones, in contrast with north and north-eastern.

Social inequality can be measured in several aspects, including income². Regarding this specific measure, Brazil figures among countries with the highest inequality, occupying the 156 position in a recent world ranking, alongside sub-Saharan African countries such as Mozambique (IBGE, 2020a). Inequities are manifested, above all, in people and social groups, which means that the social position of a given citizen in Brazilian society is co-dependent on characteristics such as race, gender, class, educational level and place of origin, all of which are transferable across generations (Hasenbalg and Silva, 2003).

The current trends do not break with historical patterns. Some have been unfolding in the last two decades, such as the restructuring of production and work (Nadya Araújo Guimarães, 2002). From an economic point of view, it is also necessary to emphasize that “[...] pro-poor growth, that is, an increase in per capita income with a reduction in inequality and poverty” (Barbosa et al., 2020, executive summary) seen between 2001-2015 had been reversed, bringing back the country to the early 2000s in several socioeconomic indicators.

Recent synthesis of national-level social indicators, carried out by the IBGE, can help to illustrate other aspects of this situation. Data shows how the last ten years were distinguishable by an abrupt decline in the growth of the GDP per capita, also noted in the household per capita consumption (IBGE, 2020a, p. 14). This socioeconomic slump occurs amid the loss of participation in the industrial sector’s GDP, which happened in parallel with the rise of the service sector in the Brazilian economy (IBGE, 2020a).

The labour market has been showing a decline in the level of employment, which means growth in unemployment and underutilization of the workforce since the year 2014 (IBGE, 2020a, p. 19). The percentage of Brazilians working with formal contracts has also been falling since that year, with the rise of informal labour and self-employed workers (IBGE, 2020a).

² Social inequalities are not, of course, restricted to income or concentration of wealth.

Among informal workers, the average monthly earnings declared by each respondent were lower than workers in the formal economy. Furthermore, the increase in informality has been driven by the services sector, especially in occupations related to accommodation and food (IBGE, 2020a). These occupations belong to a subgroup of economic activities that concentrates the lowest average monthly income in Brazil (R\$ 1466 in 2019), alongside with domestic work (R\$ 898 in 2019) (IBGE, 2020a). It is worth mentioning that women are the majority working in these occupations.

Given the historical trajectory and structural inequalities, it is not exactly a surprise that the most recent data keep showing that “[...] women, black or brown people, young people and the population with lower levels of education had more unfavourable indicators” of income and access to decent jobs (IBGE, 2020a, p. 28).

These results illustrate how the progress made towards social equality was pretty much lost after the economic downturn started in 2015 (IBGE, 2020a). According to IBGE, “[...] it is noteworthy, once again, the little variation in the structure of Brazilian inequality reflected by the unequal distribution of income among people over the years” (IBGE, 2020a, p. 53). Blacks, for example, remain over-represented in the poor population and under-represented among the wealthy classes (IBGE, 2020a). And, if the percentage of the inhabitants living in extreme poverty seems low according to international standards (6.5% in 2019), almost 30% of it makes only half a minimum wage each month, an astonishing percentage used as criteria for admission in the federal government aid programs (IBGE, 2020a; Xavier, 2021).

The same pattern happens in education, where trends in segregation by class and race persist. The higher the family income, the higher school attendance, with drastic differences in access to higher education. Non-whites have lower net school attendance than whites at all stages of school life, with the biggest difference also in higher education (IBGE, 2020a).

Advances have occurred with a gradual increase in schooling and a decrease in the percentage of the population without (or incomplete) elementary education (IBGE, 2020a), with new generations surpassing themselves in levels of formal education (IBGE, 2020a). Women still achieve higher educational levels than men, but whites are more educated than blacks (IBGE, 2020a). There is a growing concern, however, with the large number of young people who neither study nor work (IBGE, 2020a).

In this contextual overview, the ongoing Covid-19 pandemic cannot be neglected. Inequalities persist and manifest themselves even in a disease that, at first, would hit everyone equally. According to a study carried out in the first phase of the pandemic (between February and June 2020),

Covid-19 mortality rate (per 100,000 inhabitants) was correlated with: the proportion of the population residing in households with excessive density (i.e., with more than three residents per bedroom) [...]; the average income [...]; interpersonal income inequality, measured by the ratio between the share of the 10% wealthiest and the 10% poorest in the mass of income (Villela and Marques, 2020, p. 590).

Moreover, work activities considered essential during the pandemic (trade in goods and services, including those of: food, rest, cleaning, hygiene, marketing, maintenance and automotive technical assistance, transport and logistical activities of all types of cargo and people on highways and roads, and others) are usually executed by those living under a vulnerable socioeconomic situations. As mentioned before, people with low access to education, decent household, and nutritional security, for example, are seen occupying those spaces. Therefore, it is possible to understand that the risk presented by the new coronavirus threatens them more than the wealthiest part of the population.

A recent study shows an excess in mortality levels and a greater risk of death for the black population at any age when compared to the white ones (Marinho et al., 2021). Such impacts were predicted by several

scholars at the beginning of the pandemic (e.g. Carvalho et al., 2020; Demenech et al., 2020).

The pandemic also resulted in the loss of income of a considerable portion of society (Moreira, 2021), with dire consequences, such as food insecurity (Rede brasileira de pesquisa em soberania e segurança alimentar e nutricional and Vox Populi, 2021), indebtedness (Rodrigues, 2021) and evictions as a result of the rise in rents (Kwak, 2021). Examining the structural and contextual characteristics of Brazilian society offers a guide to reasoning about the potential social determinants of modern slavery in the *favelas* of Rio de Janeiro. These shall be analysed in more detail in the next subsection.

HISTORY OF ANTISLAVERY PUBLIC POLICIES IN BRAZIL

Brazil has a complex socioeconomic formation, that is also based on labour exploitation of those who have been historically facing several challenges to access human rights. Nevertheless, the country is the twelfth wealthiest in the world (GDP) (World Bank, 2021) and the seventh most unequal (GINI) (Central Intelligence Agency, 2021). This contradiction is not occasional: as a standard since colonial times, the wealth is still concentrated in the hands of few.

Modern slavery is one of the most serious and persistent social problems. It is also the updated version of a dynamic of exploitation that tainted the construction of Brazil throughout the centuries³. Slavery, mostly based on sub-Saharan African black people, was everywhere: in the rural sectors, in the houses (domestic work), constructions, and etc.

This exploited group of people, officially freed by the Brazilian empire with the abolition of slavery, became “free workers”. Nevertheless, they didn’t have access to public policies, and often had their needs and

³ Brazil was the last western country to legally abolish slavery, in 1888 (Carneiro, 2018).

demands overlooked for the most part of the last 130 years. This denial of basic human rights and public policies, along with their ongoing exploitation, is fundamental to mark inequalities and distinct socio-economic layers in Brazil (Franco, 1997).

Modern slaves are a group of people who possibly face more degrading condition of life than the colonial slaves (Plassat and Suzuki, 2020). While in the past they were considered as goods or assets, nowadays, they are disposable and cheap (Bales, 2012). Even though the non-white population is more vulnerable to exploitation, mostly due to the lack of public policies to properly include them into society, modern slavery is not restricted to this social group. Beyond race, this hideous crime tends to affect people with low (or no) access to education, health, labour, social security and other social rights and public policies.

Considering that more than half of the Brazilian population is not white, this invisibilization taints its society as a whole. These victims of the absence of public policies become marginalized and removed from large urban centres, so they find shelter in precarious places and end up accepting any job, perpetuating degrading conditions. Poor migrants and descendants of slaves are currently conditioned to educational, health, safety and economic instabilities, that way being exposed to contexts that often pushes them to precarious livelihoods (Figueira, 2004).

Despite the official abolishment of slavery, and the ongoing practices of exploitation of vulnerable people, modern slavery was only officially recognized as a reality in Brazil around 1995. At the time, President Fernando Henrique Cardoso gave a statement on the radio confirming the existence of the crime and promising to take efforts to tackle the problem. For that, and understanding that the rescue of workers was the main urgency, especially in areas of difficult access, the government created a national strategy that developed a series of initiatives to prevent and prosecute this crime, as well as promote repair to the victims of modern slavery (Gama, 2021a).

Even so, it is fundamental to point out that a federal strategy to tackle modern slavery in the country happened because Brazil was accused by the Inter-American Court of Human Rights of being permissive in cases of modern slavery, which was a crime prescribed in the Penal Code since 1940. This was an articulated denounce, with several non-governmental organizations, that was taken to an international court in 1989, as a response to the case of “José Pereira”, a teenage boy who was shot in the face while trying to run away from a farm where he was being submitted to modern slavery⁴.

Brazilian’s recognition of its international responsibility towards the case, and internal context of modern slavery, happened as a response to a Friendly Settlement Agreement that was crucial to the construction of an antislavery public policy that started with the creation of a mobile taskforce, commonly known as Mobile Inspection Special Group, or as commonly known as Mobile Group (in Portuguese, Grupo Especial de Fiscalização Móvel, or Grupo Móvel). The initiative counts with vertical and horizontal articulation, in several sectors and institutions, and several partnerships that are considered to be fundamental for the Brazilian antislavery public policy. Some of it are more common to be part of the Mobile Groups, such as: the Antislavery Regional Taskforces, or any willing labour fiscal auditor (Ministry of Labour and Welfare), Labour Prosecution Office, Federal Public Ministry, Civil, Federal, Military and/or Road Police Forces, other relevant state stakeholders that might be important to the rescue (COETRAEs, for example). It has a prompt response to denounces of modern slavery in remote areas and/or in cases that might present risks to the lives of the rescuing operation teams.

⁴ Even though Jose Pereira’s case was the main responsible for the construction of an antislavery policy in Brazil, it was not an isolated fact. Before that, around the 1970s, the NGO Comissão Pastoral da Terra (CPT) was already denouncing working conditions in the rural parts of the North and Northeast of Brazil. The organization was led by Dom Pedro Casaldáliga, a bishop of the Catholic Church and defender of indigenous and rural workers’ rights. His advocacy against rural violence was fundamental for the structuration of an organized civil society—vital for the construction of the antislavery public policies.

José Pereira's case also stimulated the creation of the Antislavery National Commission (Comissão Nacional para Erradicação do Trabalho Escravo—CONATRAE), responsible for the antislavery national policies, and the creation of the “National Record of Employers who submitted workers to condition analogous to slavery”, commonly known as “Dirty List”. It is a constantly updated list containing those who were prosecuted for enslaving people, and it is updated biannually. Some financial organizations, such as Brazil's National Development Bank (BNDES), use this list for consultation of their before granting loans.

One of the most important contributions of this set of tools was the Law No. 10,803 from December 11, 2003, which defines the crime of modern slavery on the Penal Code (Brazil, 2003) as follows:

Art. 149. To reduce someone to a slave-like condition either by submitting it to forced labour or the exhausting journey, or subjecting them to degrading working conditions or restricting, by any means, movement due to debt bondage with the employer or agent.

Penalty – Imprisonment from two to eight years and a fine in addition to the penalty corresponding to violence,

§1 to the same penalties apply to those who:

I – restricts the use of any means of transport by the employee, in order to retain it in the workplace;

II – keeps overt surveillance in the workplace or seizes documents or personal objects of the worker, in order to retain it in the workplace.

§2 The penalty is increased by half if the crime is committed:

I – of children or adolescents;

II – on race bias motive, race, ethnicity, religion or origin.

The law also changed articles 203, 206 and 207 of the national Penal Code. The first regulates the need to respect rights established under the labour law, penalizing with 1 to 2 years of jail and fines. As seen in article

149, there are some aspects that aggravate the penalty, such as being a minor, elder, pregnant, indigenous, or physically and/or mentally handicapped. Articles 206 and 207 rule crimes related to internal and international human trafficking. It also expanded the access to unemployment insurance to workers who are rescued from a slave-like condition. After the law, this social group can be prioritized while requesting the unemployment aid, up to three installments of minimum wage, as a compensation for the suffered violence.

Rescuing operations are held by labour fiscal auditors and labour prosecutors, when the laws' violations need to be seen in the act presupposing a labour relationship. A slavery flagrant results in the termination of the work relation and payment of damages and labour rights by the employer to the rescued worker. Also, at the same moment, workers gain a Formal Working Permit and if it's their wish they are able to enter the formal market.

The labour prosecutors who are a part of the rescuing taskforce, may file a public civil action at the Labour Courts or negotiate a Conduct Adjustment Term (in Portuguese, Termo de Ajustamento de Conduta—TAC), where the employer makes a series of commitments towards the rescued worker and the State of Brazil and the sanctions are suspended.

Another relevant and vanguardist initiative happened in 2005, was the creation of the National Pact Institute for the Eradication of Modern Slavery (inPACTO). The institution has as the main objective turn antislavery initiatives into a collective action between the private sector, government, unions and civil society.

Added to these initiatives, the International Labour Organization in collaboration with the Public Prosecutions Office, launched the Smart-Lab Platform (in Portuguese, Plataforma SmartLab, or Observatório da Erradicação do Trabalho Escravo e do Tráfico de Pessoas) which is a data base of all cases of modern slavery and trafficking in persons in Brazil. A part from being a transparency mechanism, it has several interesting

crosscheck data analysis—for example, the profile of rescued women in Rio de Janeiro.

Another relevant initiative is the “Integrated Action Project” (in Portuguese, Projeto Ação Integrada—PAI) which is a local network, including civil society organizations and governmental institutions, responsible for the identification of victims of modern slavery locally, breaking the cycle of modern slavery with the guaranty of remedies and opportunities. There are five PAIs in Brazil, the first PAI was created in the state of Mato Grosso in 2009, followed by the states of Bahia in 2013, and Rio de Janeiro in 2014. In the same year, Maranhão, Tocantins, Piauí and Pará got together and created the Antislavery Integrated Network (in Portuguese, Rede de Ação Integrada de Combate à Escravidão— RAICE). The last one was created in 2017 in the state of Ceara.

Since its creation, the PAI in Rio de Janeiro has been supported by a collaboration between the Labour Prosecution Office (MPT), NGO *Cáritas Arquidiocesana* and the Social Development and Human Rights Secretariat of the state of Rio de Janeiro (in Portuguese, Secretaria de Estado de Desenvolvimento Social e Direitos Humanos—SEDS DH).

According to the representatives of the PAI in Rio (2021), people in vulnerable conditions to modern slavery in Rio de Janeiro, are living under layers of vulnerability overlaid by labour exploitation and excluded from public policy. For instance, (2021) the majority of adult men poor and unemployed, do not seek for the “*bolsa família*” program of public financial aid. Often, exposed to risks of violation of their rights, these men (mostly black) are irregularly registered in the social assistance databases, jeopardizing access to public policies.

As seen, during the past 26 years, since the implementation of the national antislavery policy, official data shows that over 56,021 workers were rescued from modern slavery in more than 5,684 establishments around the country, and over R\$ 112,423,459.59 on severance pays were received by them (DETRAE, 2021).

Even though it seems to be a relevant and impressive number, there are some methodologies that suggest that for each rescued worker in Brazil, there are 5 living under similar conditions, meaning that over 280 thousand workers have been exploited in Brazil in the contemporary years (Plassat, 2010). This specific approach developed by the Pastoral Land Commission (in Portuguese, Comissão Pastoral da Terra—CPT is based on the fact that rescuing operations that actually occur correspond to an average of 60% of registered denunciations (Em discussão!, 2011).

Global Index Slavery suggested that there are 369 thousand workers being explored in slave-like condition in Brazil at any given day. The estimated numbers of enslaved in Brazil, of 369 thousand (Global Slavery Index, 2018), compared to the rescued workers by the labour inspections, 56,021, show the limits of the public policy in covering the magnitude of modern slaves in urban and rural areas in the country.

In the next section we will look into the profile of those who have been rescued from modern slavery in Brazil since the beginning of the antislavery policies, in 1995. We will try to explain how they end up in certain situations, who and where they are.

The following table summarizes the most important laws to understand the modern slave legislation in Brazil.

TABLE 5 – Antislavery Laws in Brazil

INSTRUMENT	THEME
Ordinance no. 549 and 550 of July 14, 1995	Creates the “Special Mobile Inspection Group” and establishes its procedures. This instrument is an articulated taskforce to ensure labour and human rights, ultimately rescuing modern-slaves.
Law no. 10.608 of December 20, 2002	Changes de Law no 7.998/90 to assure the payment of unemployment aid to a worker who is rescued from slave-like conditions.
Art. 149 of the Penal Code	To reduce someone to a slave-like condition is a crime.

Art. 149-a, II of the Penal Code	Human trafficking for the purpose of modern slavery is a crime.
Art. 203 of the Penal Code	It is a criminal offense to frustrate, through fraud or violence, a right guaranteed by labour law.
Arts. 206 e 207 of the Penal Code	Rules on the recruitment of workers.
Resolution 05/2002 of CDDPH	Creates the Antislavery National Plan, as determined by the National Human Rights Plan. Express the government's intention to build a permanent antislavery public policy. The main objective was to integrate and coordinate actions of different institutions.
Constitutional Amendment 081	Still to be regulated. According to the norm, if someone is found under slave-like conditions in the property, the land will be expropriated by the federal government and destined for land reforms and popular housing programs.
Ordinance No. 9.943 of July 31, 2003	Revoked by the Ordinance 9.887/2017, but created the Antislavery National Commission. Its objective is to coordinate and evaluate the implementation of the actions foreseen in the National Plan.
I Antislavery National Plan in 2008	Following recommendations after expiration of the first, in 2008 was created the II Antislavery National Plan, updating the former.
State Ordinance No 42.542 of June 30, 2010	Creates the Antislavery State Commission of Rio de Janeiro (COETRAE RJ).
State Ordinance No 43.963 of November 13, 2012	Creates the Rio de Janeiro's Antislavery State Plan. It regulates state guidelines for prevention, prosecution and reparation to victims of the crime in the state of Rio de Janeiro.
Ordinance MTPS/MMIRDH No 4 of may 11, 2016	Creates the "registry of employers who subjected workers to slave-like conditions", popularly known as the "Dirty List". The mechanism aims to list employers who have been caught submitting their workers to conditions of contemporary slavery.
Ordinance No 9.887 of june 27, 2019	Replaces the previous instrument that created the CONATRAE (Ordinance No. 9.943), and gives it a new format. Civil Society criticizes this instrument because it brought several setbacks, such as the reduced number of participating institutions (eight to four).
Ordinance No. 87 of March 23, 2020	Provides residence permit for immigrants rescued in situations of human trafficking and modern slavery.

PROFILE OF MODERN SLAVES IN BRAZIL

Nowadays, modern slaves in Brazil are majorly free people. Most of them do not have movement restriction, nor are threatened to stay in the worksite, but are still victims of precarious and degrading working conditions that reduce human beings to disposable assets (Pandelivery—*Quantas vidas vale o frete grátis?*, 2020 minutes 0 to 1). In the contemporary context of neoliberal capitalism, there is a logic of exploitation of the human body that permeates the individual and justifies the institutionalization of the exploitation (Von Rondow, 2021).

According to representatives of Integrated Action Project and other stakeholders acting in the fight against modern slavery in Brazil (França and Motta, 2021), workers are at risk of being submitted to modern slavery because they live under layers of several vulnerabilities and weakly access social assistance public policies. This context is currently aggravated by the recent transformations impacting on the work relations (Antunes, 2020; Figueira, 2020) (e.g. deliverymen and women of apps, such as iFood, Rappi, Uber, etc).

The estimated numbers of enslaved people depend on the variables used and access to data. For example, the numbers provided by SmartLab Platform and the numbers of DETRAE, a governmental body associated to the Ministry of Labour and Welfare responsible for the rescuing operations, rely on the official numbers of rescued workers by the Brazilian public policy.

For that matter, the creation of the current antislavery policy was a response to a series of denunciations related to labour conditions in rural areas. It mostly happened because of an organized civil society that was fighting for the rights of traditional minorities, such as indigenous people, *quilombolas* (Afrobrazilians living in collective property lands and maintaining their culture and life styles), riverines (a traditional population composed by people who live near rivers, mostly in the Amazon Region)

and farm workers. Therefore, prevention and remedy instruments were developed considering the rural reality. Currently, official numbers state that 78% of rescued workers were found on rural sites and its majority were in the livestock sector (DETRAE, 2021).

Urban forms of modern slavery in Rio de Janeiro, previously disregarded by inspections and normative guidelines, started to be officially recognized and systematically inspected only in 2013, mostly due to the rise of cases in the civil construction sector, accounting for 66%⁵ of the rescued workers. The increase of urban modern slaves was boosted by a public infrastructure program set up in 2007 (Programa de Aceleração do Crescimento), (de Paula, 2020; Guerra, 2021). The Growth Acceleration Program (PAC) attracted northeast migrants, vulnerable to modern slavery to work in the infrastructure constructions resulting in the majority of the flagrant at that time. For the first time in the Brazilian antislavery history, urban rescues surpassed those in rural sites (de Paula, 2020).

In the state of Rio de Janeiro⁶, 1,696 workers were rescued from slave-like conditions between 1995 and 2020. The data follows the national trend with the majority of workers found in sugar cane plantations and other rural areas (64%). Most of rescued workers are non-white (81%) and almost half of the rescued have dropped out of school at the age of 11 (44%). Around 20% are illiterate and 35% have studied over the age of 11, but between them, the majority (15%) dropped out of school at the age of 11 to 15 years old.

In contrast, there only 317 rescued people in the city, since 1995, working in restaurants and other food and beverage services establishments (41%). This confirms that the rural-based activities in the city are a minority (27%) when compared to urban work activities (60%).

⁵ Based on data from DETRAE in 2019.

⁶ All the data mentioned in this paragraph comes from the DETRAE (2021) and Observatório da Erradicação do Trabalho Escravo e do Tráfico de Pessoas (2021) database.

The national coordinator of the Unified System of Social Assistance (Sistema Único de Assistência Social—SUAS), in the interview to this report recognized a direct connection between school dropout and child labour in Brazil. Based on ILO (2011) 90% of former modern slaves have history of child slavery. They are subjected to this condition mainly because of the need to supplement their family income, resulting in school dropout. Normally their parents were submitted to a similar pattern of exploitation (Quattri and Watkins, 2019; Von Rondow, 2021; Xavier, 2021) confirming theories claiming that the social position of a given citizen in Brazilian society are transferable across generations, consolidating inequality.

Regarding gender-based issues, the state of Rio de Janeiro follows the national trend, showing a pyramid majorly composed by rescued men (84% of all rescued from modern slavery) in contrast to the international trend, majorly composed by women, which account for 71% of all the victims of slavery in the world (ILO and Walk Free Foundation, 2017). However, it does not mean that women aren't as subject to slave-like conditions in Brazil, nor that men tend to be more exploited. Rather, it shows that the Brazilian public policy was not designed with focus on informal sectors of the economy, such as care services, domestic work and sex work, in which, as seen before, women are more present. For example, during the interview conducted for this report, the Public Defender Nathalia Von Rondow (2021) mentioned that the Brazilian government has never rescued women in situations of sexual exploitation in the city of Rio de Janeiro. Cases of women domestic workers enslaved in family's residences in urban areas are increasing but this is a recent phenomenon.

The naturalization of women's exploitation in Brazil results in underreporting (Equipe "Escravo, nem pensar!", 2020). Furthermore, structural discrimination naturalizes the exploitation of female work. More years of education did not increase the presence of women in the formal market, which is lower compared to men with the same level of education.

They are pushed into spaces of informality in the services and care sectors, often unfairly remunerated (I-MiGRa, 2020).

In terms of race, among those who declared race, the majority of those rescued in the city is made of non-white people (81%), with a large portion of Asians and Asian descendants (44%), blacks (21%) and *mestiços* (18%). As noted in all territorial levels (national, state and municipal), non-whites are the most vulnerable to modern slavery (SmartLab, 2021)⁷.

Poor migrants are historically vulnerable to labour exploitation and degrading conditions. The labour inspector Marcio Guerra (2021) in an interview for this report, pointed out that bad accommodation at work is the most frequent⁸ complaint seen on received denounces of modern slave to be inspected. According to him, local workers usually have their own place/house to get back to once the working hours has reached its limit. Migrants tend to accept the living conditions offered by the employer that, as explained by the labour inspector interviewed by this research, is very precarious. From his analysis, it is possible to suggest that this could be a reason for the significant number of migrants rescued in rural and urban areas, in contrast to the lowest number of residents.

Agreeing with his analysis, the representatives of *Cáritas* (Yasmim and Thaiany, 2021), the Public Defender Natalia Von Rondow (2021) and the head of the CRAS Dodo da Portela (Luciana and Jucilene, 2021), pointed that far from home and family ties, migrants tend to accept “any type of accommodation” when offered as a “benefit” from the job position. One possible conclusion, based also on Guerra’s observations (2021), is that the absence of *favelados* among rescued survivors of urban slavery might be explained because they are not in the accommodations

7 The labour inspector Marcio Guerra (2021) added in the interview for this report that the identification of race, which is self-declared, started to be considered in the national database very recently.

8 According to Caritas Arquidiocesana’s report, extensive workload is the second most frequent reason for reporting.

during inspections operations. However, this is not an indicator of the absence of slavery amongst residents in *favelas*. There is a limit in the current antislavery laws and audits that do not cover some types of work relations, activities and occupations in rural and urban sites.

According to the representatives of SUAS, DPU, Cáritas, CRAS, and DETRAE, the majority of the rescued workers and people vulnerable to modern slavery have or had previous access to social assistance programs. According to the interviewees, probably the value of the aid, insufficient to cover basic needs, did not solve basic subsistence needs. Added to this, according to Caritas' representatives there are many system registry issues. Vulnerable people exploited at work are not even supported by social security.

Therefore, the efficacy of social public policies depends on a more integrated approach considering the intersection of gender, level of education, the condition of migrants, levels of income, social aid, domicile, family ties, and knowledge and information on existing public policies, amongst other factors that are analysed in this report.

To illustrate the urgency to adopt an integrated approach, the labour laws and national antislavery policy, rely on a “standard profile” of victim (Plassat and Suzuki, 2020) and when degrading conditions are seen, their rescue becomes inevitable. However, in some situations, the worker does not want to be “rescued”, since the offered future might not fit into their life plans or because they do not consider themselves a victim of modern slavery. For example, for some migrants who are distant from their home and family support, having a bad job is better than being unemployed with no prospect of decent future (Caritas RJ and MPT-RJ, 2020).

In another note, international data (Bohnenberger, 2020) suggests that we are currently facing the worst global economic recession since 1929, with the possibility of a post-pandemic period with 20 million to 25 million people in precarious work conditions who might face extreme

poverty. Furthermore, in a global context of transformations at work, with a fast-growing informal economy, it is essential to reinforce that modern slavery sustains itself amidst power imbalances and inequities, as seen in people living in favelas of Rio de Janeiro (Gama, 2021b).

RIO DE JANEIRO, FAVELAS AND MORRO DA PROVIDENCIA

The Marvellous⁹ city of Rio de Janeiro is amongst the ten most unequal metropolises in the world (Razvadauskas, 2017). Every day two million residents in the metropolitan region of Rio de Janeiro (RMRJ) commute to the capital in crowded public transports to access health, education, better salaries, work and cultural activities (Casa Fluminense, 2020, p. 9). The metropolitan region has 13,131.509 inhabitants, which corresponds to 75% of Rio de Janeiro's state population, the second-largest metropolitan area in Brazil, after São Paulo, and the third in South America (Wikipedia contributors, 2021).

With a population of 6,747.815 million (IBGE, 2020b), the city of Rio de Janeiro has two-thirds of residents (34.1%) with incomplete elementary education and over 15% graduated at the universities (16.5%) (IBGE, 2010a). With 21.21% of the population working in the service sector, mostly shops and markets (IBGE, 2010b), 35% earns between one and two minimum wages (IBGE, 2010c). Rio de Janeiro's city Human Development Indicator is the 45 amongst the 5,564 municipalities in Brazil based on research of the United Nations Development Program (PNUD Brasil, 2021).

There is a notorious asymmetry in the metropolis region comparing socioeconomic indicators characterizing it as a geographical space of contrasts. This asymmetry is observed, for example, in Rio's average per capita

⁹ Rio de Janeiro is also named the Marvelous City, a reminder of the glorious times when it was the capital of the Brazilian Republic, attracting tourists for its natural beauty and the happiness of its warm population.

income of R\$ 1,784.44 (about US\$ 350), which can be 100% higher if compared to the per capita income of some cities in the neighbourhood (Casa Fluminense, 2020). On the other hand, the city of Niterói, 15km away from Rio de Janeiro, has the highest per capita income of the country at the level of R\$ 3,114.00 (US\$ 560,00) (Casa Fluminense, 2020).

Based on the Basic Education Development Indicator (in Portuguese, Índice de Desenvolvimento da Educação Básica—IDEB 2020), comparisons between the city and suburb indicators show large gaps regarding public health and education provision. Public schools and nurseries in the suburbs are deficient and present lower performance results, resulting in overloaded classrooms and school evasion (Casa Fluminense, 2020). The capital concentrates 36% of the public nurseries while in certain municipalities with higher population density this percentage falls to 6% (Casa Fluminense, 2020).

The search for job opportunities, better wages, access to health, education, and cultural activities, have been pushing residents from the suburbs, mainly from the west zone and nearby cities (Baixada Fluminense) to the capital in the last decades. Currently, the majority of internal migrants is not anymore composed by the northeasters (in Portuguese, nordestinos), but by the former suburban residents. In addition, there is an increasing number of people moving to the centre of the city of Rio de Janeiro populating the *favelas*, squats (“ocupações”) and streets, based on the questionnaires carried out for the present study.

Added to the place of residence, racism, xenophobia and sexism have been impacting salaries and employability in the metropolis region. There is a difference in wages of approximately 75% between earnings paid to white workers and non-whites following the national tendency and of 17% between men and women in the formal market (Casa Fluminense, 2020, p. 17). Moreover, the percentage of non-white men killed by the police is almost 80% of all deaths related to this reason in the metropolitan area (Casa Fluminense, 2020, p. 25). It is important to highlight that

the city's violent death rate (21 per 100 thousand inhabitants) is one of the highest in the country (Instituto de Segurança Pública, 2021).

The existence of data and qualitative analysis on socioeconomic indicators are relevant to the construction of efficient antislavery public policies. However, these indicators, alone, cannot explain the persistence of modern slavery, disregarding the local assets, histories and socioeconomic factors which impact places differently.

The structural and contextual characteristics of Rio de Janeiro demands a place-based intersectional approach to the construction of social projects and public policies aiming at suburbs and the *favelas*. Unlike other *favelas* in the town, for example, the Morro da Providencia, our case study, has its origins and evolution linked to colonial slavery, colonialism, migrations, modernization and decline of the city's port area.

The next section will explain some of the history and cultural aspects together with current socio-economic indicators of the port area, where the first recognized *favela* of Rio de Janeiro has its origin, "The Morro da Providencia".

Rio de Janeiro's Port Area

As the capital of the Portuguese empire, with ports and warehouses serving slave trade, the city of Rio de Janeiro, and specially the port area, were deeply marked by migration.

Poor Portuguese and Spanish succeeded mainly by Italians and Germans, populated, alongside enslaved Africans, the surroundings of the port, a territory of exploitation of the workforce, precarious work and conflicts (Santana and Queiroz, 2005).

In 2011, during excavations for the 2016 Olympic Games, the Valongo Wharf, built in 1811, was discovered hidden under layers of sidewalks. At the Valongo Wharf, one of the biggest slave ports in the world, approximately one million Africans have docked, with final destiny in the

plantations of coffee, sugar cane and gold extraction in Minas Gerais and São Paulo (Mattos and Abreu, 2010). Valongo Wharf was strategically placed between the hills of Conceição and Providencia to hide what was considered an “unhealthy business”(Mattos and Abreu, 2010). The population at that time, complained about diseases and deaths brought by the African migrants, despite the opposition of the African traders who wanted the proximity to the urban area where offices and warehouses were set up (Mattos and Abreu, 2010).

FIGURE 2 – Valongo Wharf, Rio de Janeiro



Image: Luiz Souza.

Identity and religion were relevant factors to the cohesion of different African nations in Rio de Janeiro. In the view of the local elite, black religious leaders called “African wizards” by the police could influence others with risks of rebellions. In moments of suspicion of an “insurrection of blacks”, the Chief of the Police of Rio de Janeiro used to carry out investigations into the Valongo street searching “dangerous” religious leaders (Mattos and Abreu, 2010). Confirming the origins of race

discrimination in police inquiries and trials nowadays, arbitrary judgments were normal at that time. Trials of false spiritism with white and black people accused of illegal practice of medicine, resulted in the punishment and conviction of Africans or afro Brazilians as “bad wizards”, whilst the “whites” were often released (Ribeiro, 1995).

The fear of insurrections was permanent, especially after the famous rebellion of African slaves in Bahia in 1835, called the *Revolta dos Malês*, or Rebellion of the Malês (Reis, 2003) with Africans violently persecuted in the provinces of Rio de Janeiro and Salvador (Reis, 2003). The first laws allowing invasions in domiciles by the police and death penalties to black leaders were published after Malês’ rebellion (Reis, 2003). In the words of the city of Salvador chief of the police: “[...] none of these Africans are citizens nor beneficiaries of the privileges of being immigrants, they are simply inhabitants with no rights” (Reis, 2003, p. 428).

With the abolition of illegal slavery in 1888, Africans, African descendants, and freed slaves came over to Rio de Janeiro from the northeast. The decline of the sugar plantation based on slave workforce in the Recôncavo Baiano¹⁰ attracted some of these freed slaves to the state and to the port area. The emancipation laws that resulted in the end of slavery have opened alternatives to these workers, and the capital of the empire seemed to be a promisor destiny (Santana and Queiroz, 2005).

Identities were not a distancing factor between these groups, that, in contrast, gathered around a common identity of migrant and poor (Maia et al., 2005). Collective consciousness (Alinia, 2015) amongst African groups of different cultures and faiths made them move forward, resisting social exclusion.

The first group of freed slaves, the “*baianos*” came in the XIX century with their religions, samba and capoeira, also planting the seeds of the current schools of samba parades in Rio de Janeiro. At the beginning of

10 Recôncavo Baiano was a region of sugar cane plantations with slave’s workforce in large scale, in the metropolitan area of the capital of the state of Bahia.

the XX century, the port was a place of cultural encounters and the largest area with job opportunities, characterized by precarity and low payment because of the growing labour supply. These groups of afro Brazilians and poor Europeans worked in the port or on the provision of services to the rich neighbourhoods due the proximity with the wealthiest areas (Ribeiro and Lago, 2001).

The capital of the imperial court was a symbol of freedom for black slaves and freed slaves. Blacks corresponded to 46.98% of the total population of the city in the nineteenth century (Valladares, 2015). The waves of European immigrants attracted by governmental campaigns for “whitening” or *branqueamento*, in Portuguese, of the Brazilian population and rural work, were not able to change this main feature of the capital of the empire. Also, the great majority of workers of the region’s nascent industry were blacks, giving birth, along with the Europeans, to a working class in the city of Rio.

In the end of the nineteenth century and beginning of the twenty’s the Bank of Brazil (Banco do Brasil), in accordance with English economic interests, was responsible for the birth of a powerful textile sector in the capital. Women and children were largely included in the workforce, following the capitalist model already in place in England. The products were exported to Europe and to the United States until the competition with North American cotton resulted in the decline of the sector. Gradually, land speculation turned to a promising business and has succeeded the growing industrialization seen in the suburbs and surroundings of the port. With the coffee sector crises and the decrease in exports of textiles the port was impacted (Severino, 2015) aggravating poverty and informality.

Resilience could be observed through different lenses. Distant from the institutional domain and political elections, the Africans and Afro Brazilians did not have any chance to interfere in the destinies of the country but they were active subjects of the city’s cultural life (Pereira, 2020, p. 17). *Samba*, *carnaval* and black dance balls carried on in the centre of the

city became famous, reaching the middle-class quarters and elite intellectuals. The black's balls were reviewed in journals by famous intellectuals, such as Olavo Bilac, who has dedicated some pieces of his writings on detailed descriptions of the “innovative” rhythm danced in the clubs¹¹.

Promoted and organized by black workers at formal associations and brotherhood societies, these parties were a strategy to affirm their worldviews, in places of “affirmation of customs, projects and aspirations” (Pereira, 2020).

The increasing number of “societies” gathering freed-slaves led to a permanent control of their activities by the police authorities including routinely threats of license cancellation. There was a judicial complaint brought by a worker's club in the port area of Rio which became famous. This judicial complaint to the Supreme Court required the reopening of a worker's club arbitrarily closed by the authorities, because of a law guaranteeing the right to create associations for religious, moral, scientific, political, artistic, or simple recreation. The case called attention to its members and leaders, poor black workers, who were the complainants in this judicial action. Behind the complaint they aimed for the assurance of their rights and social inclusion (Pereira, 2020).

In the transition of the nineteen to the twenty century an intellectual bourgeoisie elite has gradually been consolidated embedded in the ideology of modernity and positivist ideals. Thus, police repression was constant and against any activity or manifestation out of what was considered “modern”. As a result, added to the clubs and parties' cultural affirmation, conflicts were constant with strikes and rebellions mostly choked by police repression. In the view of the bourgeoisie, these events were opportunities to include the rising working class into “modernity” with the use of force and repression (Bretas, 1997).

¹¹ The balls in the clubs of the port area were characterized by a fusion of dances where the “jongo”, a typical African dance, was mixed with the Portuguese “cana verde” and the “porace” from the Brazilian Indians (Pereira, 2020).

Currently the port area is considered the first administrative region of the city, Região Administrativa 1 (AP1), out of the thirty-three administrative regions (Cavallieri and Vial, 2012, p. 13). The port area includes four neighbourhoods, Gamboa, Santo Cristo, Saúde and Caju with 48,564 inhabitants (IBGE, 2016).

Currently, formal occupations are mostly in the service sector, civil construction, domestic service (mostly women), commerce, accommodation, snack shops and car repairs (IBGE, 2010d). Of the economically active population in the region, 45.7% earns one to two minimum salaries, and 31% until one minimum salary (IBGE, 2010c). Even when compared to other *favelas* in the town, the ones in the port area are characterized by low socio and economic indicators and poor infrastructure (IPP, 2020).

Migration waves have always been an important factor impacting the city's cultural and social economic indicators, in the port area. The observed flux of immigrants, poor Europeans, Africans and African's descendants who came from the northeast of Brazil, in the last decades and centuries, are responsible for the main features of the first Administrative Region of the town. Living in old tenements famous for high density of population and low hygienic conditions, such as the famous "cabeça de porco" or pig's head¹², they were often subject of evictions. Currently, the ones which were not demolished serve as small garment fabrics were precarity and slavery is reproduced. Removals of *favelas* residents in the centre and port zone are not anymore justified by the threat of diseases and epidemics, but by the revitalization plans which include the port area and downtown¹³.

12 The "Cabeça de Porco" or "Pig's Head" tenement suffered a higinezation intervention resulting in the eviction of all residents, during the Mayor Pereira Passos' famous city reform in 1906. The evictions were responsible for the growth in the number of *favelas* in the surroundings of the port area.

13 The "Project Reviver Centro" was launched in 2021 by the local council and it's a continuation of the "Project Porto Maravilha" set up in 2011.

Today, Africans from Senegal, Congo, Ghana, and Angola, but also people migrating from Syria, Bolivia, Venezuela and East Asia contribute to a vibrant scene of cultural exchange and resilience along with the northeast descents in the *favelas* which form a belt around the port area. Nevertheless, running away from political and economic genocides in their countries, or victims of the trafficking mafias, these immigrants face in the city of Rio discrimination and prejudice, sharing with the poor Brazilians the challenges of social exclusion and vulnerability to slavery.

Favelas

The city of Rio is characterized by a “belt” of *favelas* in the surroundings of luxury buildings and shops, reflecting the social inequality observed in the national numbers and indicators. Official statistics estimate that 22% of the city’s population live in *favelas* (IBGE, 2010e) and 19.9% of the households in the Rio de Janeiro state are in *favelas* (IBGE, 2010f). Despite the number of surveys and policies dedicated to understanding the *favela* phenomenon (Valladares, 2015, p. 63), they were included in the official statistics just in 2010.

In 1937, the Code of Construction of the capital, officially recognized for the first time the existence of the first *favela* in Rio, the “Morro da Favella” in the port area, as a “type of urban agglomeration in the capital of the Republic” (Valladares, 2015, p. 64). The “Morro da Favella” was the original name for the Morro da Providencia given by the migrants who fought in the Canudos Rebellion in the end of the XIX century. “Favella” was the name of a plant seen in Canudos and it was also found in the place where they started to build their first houses.

These types of urban agglomerations were considered “temporary spaces” confirming the intention of extinguishing these locals of “disorder, blacks and browns (*pardos*) of hereditarily backward, lacking ambition, and ill-adjusted to the demands of modernity” (Valladares, 2015,

p. 65). The first survey data in the *favelas* of Rio was carried out in 1947 and 119 *favelas* were recognized with 138.837 inhabitants equivalent to 7% of the city's population. It is important to highlight the inhabitants' increase of three times in relation to the total number of the city's population from the first survey, in the end of the 40s, to the last in 2010.

The survey of 1947 gathered data on: a) the main characteristics of the houses and accommodations, types of sanitation and access to water, energy and value of the rentals paid; b) population's characteristics, gender, race, existence of birth registry, occupation, salaries, level of education and naturality (Valladares, 2015, p. 47). In its conclusions the survey of 1947 pointed out:

The high proportion of inhabitants in economically passive ages such as children and adolescents, low income and education levels, poor hygienic conditions and sanitation, which present a favourable climate for the development of factors of disintegration of the human personality (Valladares, 2015).

These first surveys relied on the definition of *favela* based on the type of the accommodations, their characteristics and material used, type of property title, absence of sanitation, access to water and energy. Today, laws and public policies call *favelas* "Subnormal Agglomerates" (IBGE, 2020c) and remain characterized by the absence of property title and lack of essential public services amongst other factors linked to the lack of urbanization (Câmara Municipal do Rio de Janeiro, 2011).

With low levels of education and income in comparison to the rest of the city, only 1.34% of the *favelados* had reached university in 2010, the year of the last official survey. Related to the minimum wage, a proportion of 33.19% of the residents in the *favelas* of Rio de Janeiro earns up to one, and 82% earn something between zero to two (IBGE, 2010c).

The dominant discourse relates *favelados* to criminality and *favela* to poverty (da Águeda, 2005, p. 60). Based on this discourse, *favelas* are still considered a homogeneous place marked by marginality and social disorganization (Jovchelovitch and Priego-Hernández, 2013, p. 41). The dominant discourse ignores differences, economic classes distinctions and diversity. Based on this binary and dialogical discourse, the *favelados* are classified either as victims or criminals (Preteceille and Valladares, 2000, p. 482–3).

MORRO DA PROVIDENCIA

The Morro da Providencia (Providencia hill) was the first residence of large contingents of black combatants in the Paraguayan war in 1864 and Canudos rebellion in 1897.

Left abandoned without any compensation, they started to build houses in the back of the Ministry of the Defense building, as an act of protest for the unfair treatment they received. The precarity of lives and work conditions have been reproduced along the decades and were aggravated by removals, justified by the “temporary spaces” discourse and hidden expectations of gentrification carried on in the successive port revitalisation plans (Guimarães, 2014)¹⁴.

14 The “Porto Maravilha” was the last revitalization plan for the port zone starting in 2011 to finish in 2030. The project’s aim was also to prepare the region for the 2014 FIFA World Cup and the 2016 Summer Olympic Games. The port area and specially the Morro da Providencia was strongly impacted, with arbitrary removals and conflicts.

FIGURE 3 – Map of Morro da Providencia, Rio de Janeiro, 2018



Source: IPP.

Based on the official survey, the Morro da Providencia had 4,094 inhabitants in 2010, however recent data from the Emergency Committee of the NGO SOS Providencia in survey realized during the Covid-19 pandemic, estimated a number of 9,000 thousand residents in the *favela* in 2020. Despite the same trend in the port area (RA1), the socioeconomic indicators of the Morro da Providencia are lower than the estimates for the *favelas* in the other RAs of the city.

Based on a survey carried out in the Morro da Providencia for the present report, 68.5% of the respondents considered themselves non-whites, a percentage higher than the official numbers of blacks and browns for the port area (48.5%) and the whole city (47.98%) (IBGE, 2010g).

The Morro da Providencia still resembles the plurality of individuals, social groups and collective memories of migrants and immigrants who historically populated the port surroundings (de Assis, 2005, p. 70). On

the other hand, 66.9% of the interviewees for this report said they live in the *favela* since they were born, confirming the existence of an increasing first and second generations of *cariocas*¹⁵, grandsons, sons and daughters of northeasters' migrants. Asked if they enjoy life in the *favela*, 82% confirmed they liked it, pointing out that the main reasons to stay are housing and work.

The eldest migrated in the end of the 90s from the northeast region and wanted to establish their residences in the *favelas* of the wealthiest quarters of the south zone, including the Morro da Providencia, due to its proximity with these affluent regions. This is a tendency followed by family's networks of migrants from the northeast as these networks function as a door to access to housing and faster insertion into the labour market (Ribeiro and Lago, 2001, p. 36).

The Morro da Providencia is called a "female *favela*", or a motherhood, by residents since many social projects and local civil society organizations are led by women. In the Morro da Providencia, vulnerability to labour exploitation is tackled with the leadership of mothers and grandmothers in a patchwork of actions. NGOs, families, churches, universities, human rights national and international funds, students and groups of people from a variety of boroughs form a network of mutual help and resilience, with the protagonism of local actors.

Data shows that women are a minority in the groups up to the age of 29, and the majority in the group of 30 onwards (IPP and IBGE, 2010a). It indicates a higher life expectancy for women than men, in accordance with the literature on life expectancy by gender and because of the greater vulnerability of men, either due to a lower access to health care or higher chance of being victimized in violent conflicts. Although being the majority of the residents in the Morro da Providencia, women have lower salaries when compared to men (IPP and IBGE, 2010b) and are mostly in the informal sector.

15 Expression used for the people born in city of Rio de Janeiro.

According to Raquel Spinelli, leader of a relevant NGO from the region, this might happen because women find more job opportunities in the informal sector since they often have to attend to domestic and parenting obligations and house tasks (Spinelli, 2021).

Literacy levels vary depending on the age group of residents. Those above sixty years old show an illiteracy rate near to 60%, while the totality of those between twenty to twenty-four years are literate (IPP and IBGE, 2010c). These numbers, for one side, show an improvement on education level when compared to the level of education of the last generations of parents and grandparents, but still, school evasion is high. The interviews with the Center of Social Assistance of Morro da Providencia (de Oliveira and Pedreira, 2021) for this report called attention to the families prioritizing income generation rather than education reproducing patterns of work exploitation.

With a lack of better options, some of them end up choosing to withdraw children from school during economic crises, either because they need to supplement income, or because child labour often exhausts the children to such an extent that school performance no longer sustains them in that space (de Oliveira and Pedreira, 2021). In the same direction, specialists point out that school evasion and child labour is often observed in the *favelas* of the wealthiest quarters in the south zone and center, due to a more facilitate access to work (IPP, 2013, p. 20).

Barriers to university are a reality in the Morro da Providencia. Numbers for the port area estimate approximately 2% of the residents who have attended the university, based on data from the last official survey in 2010. Considering that the numbers for the Morro da Providencia are equivalent or lower than the former's (port area) it can be assumed that less than 2% of the residents attended the university. For that matter, 59.5% of the respondents to the questionnaire for the report in 2021 said most of the people they know in the *favela* have just finished elementary school.

To complete the scenery of vulnerability to labour exploitation, the average salary in the Morro da Providencia is half the national minimum wage, with self-employed workers such as street vendors, domestic work, civil construction, food, and shops. Also, the respondents of the questionnaire called attention for the Covid-19 impact on children in the Morro da Providencia with 74.5% drawing attention to an increase in child labour, and 80% stressing the high numbers of unemployed workers specially amongst women.

The case study on the Morro da Providencia, a *favela* localized in the port area of the city of Rio de Janeiro, showed some aspects of the history and culture that were analysed in combination with current socio-economic indicators of the state, city and local. The results of the analysis are explored in the next section, when the social determinants of vulnerability to exploitation and modern slavery are presented and discussed.

Social Determinants

In this section, the contextual data of the country will be analysed together with data and empirical findings related to the *favelas* of Rio de Janeiro, with an emphasis on Morro da Providencia. But first, we discuss the theoretical framework in which this investigation rests, as well as the justification for the social determinants selected.

Starting with the theoretical approach, we believe that an analysis of social determinants should seriously consider social stratification theories, as well as studies of inter and intra-generational mobility. In these studies, the attributes/characteristics of individuals, their families and their location predicts social status and social outcomes. In other words, social origin helps to predict the “destiny” of specific social groups, given their interaction with others and the resources they make available (Hout, 2015).

The studied *favela*'s population not only has characteristics that indicate greater social vulnerability, but they also lag behind the other areas

of the city, given the reproduction of inequality over time. Here we take inspiration from the Hasenbalg-Silva (2003) model, as synthesized by Lima, Rios and França (2013, p. 58).

The proposed analytical model [...] allows us to understand the inter-generational transmission process of social inequality by presenting the components of the stages of the social life cycle. According to the authors, the cumulative process of disadvantages, associated with discriminatory mechanisms throughout its trajectory, is what characterizes inequalities in Brazil. It is to say, the determinants of inequalities must be observed considering the so-called productive factors (for example, education and experience), but the non-productive factors must also be emphasized (the determining effect of race, gender or region), corresponding to the phenomena of discrimination and segmentation.

Thus, the determinants discussed below should not be taken individually or in isolation: they combine and produce, in the end, the conditions through which this population can be described as socially vulnerable.

Gender

The sexual division of social roles, with differences in wages, prestige, and the risks taken in each job, appears central to thinking about how men and women structure their personal and family lives. There is a vast literature indicating that women earn less for the same functions, both in formal and informal sectors, and are more subject to moral coercion and physical and sexual violence at work.

Race

Racial bias is widely documented in the Brazilian social sciences, as it pervades all social relations. This determinant becomes one of the most important since residents of Rio's *favelas* are generally black (not white).

Migration

Migration is a central phenomenon for understanding Brazil, especially the occupation of Rio's *favelas*. Regional inequalities have historically driven migrations in the country, with a large population coming from the north and northeast to the south, southeast (where Rio de Janeiro city is located) and midwest regions for better life opportunities. Much of this migration was characterized as rural exodus, a trend that lost intensity in the 2000s (da Cunha, 2019, p. 210). Although not all migrants fit this profile, almost all inherit inequalities of origin (national or international).

Education

The effects of education and qualification on the different stages of life are monumental. A low level of formal education can drastically reduce opportunities for well-paid work. Difficulty in accessing and claiming rights also involves knowledge acquired in schools and universities.

Work / Occupations / Poverty

The preceding factors intertwine and help to explain the jobs taken by this population, of paramount importance given the emphasis on modern slavery adopted in this report. Some jobs are more precarious and poorly paid, trapping low-income people in vicious circles by compromising access to education and social mobility for future generations. Also, this population is more vulnerable to unemployment.

So far, we've discussed the determinants related to the characteristics of *favela* residents. However, external processes, agents and events may also contribute to making this population more or less vulnerable to slavery.

Stigma

Social stigma can be understood as a historical construction based on the characteristics of the residents (*favelados*) and the locality (*favela*). Stigma

is a relevant determinant insofar it prescribes social scripts and the creation of social patterns expected from the position of individuals in society. Furthermore, in addition to the possible internalization of prejudices and self-segregation of *favela* residents, there is concrete evidence of an income bias against *favelados* (Neri, 2010).

The Role of the State / Governmental Stakeholders

The role of the State and governmental stakeholders permeates all the determinants discussed so far. In Brazil, economic development is accompanied by greater access to several public services (Arretche, 2019b). In the case of Rio's *favelas*, however, we highlight the performance of the State in perpetuating social abandonment and disparities in the limited access to services, public policies and the justice system.

The Covid-19 Pandemic

Last but not least, the Covid-19 pandemic, despite being a temporary factor, has had devastating effects on the poor population. In *favelas*, it would be no different, and the relationship between the pandemic and loss of income and changes in working conditions tends to be more complex in these areas of the city than for other social strata.

Gender

Gender relations in Morro da Providencia largely echo those existing in Brazilian society: women are paid less and are more occupied with housework and parenting. Family arrangements composed of grandmothers, mothers and their respective children and grandchildren are not unusual. As for occupations, a good part of the women seem to take responsibility for domestic work. Some often try more flexible professions, opting for jobs close to their residence and family. Teenage pregnancy and lack of family planning were identified as factors that hinder access to better jobs and higher education for young and adult women. The interviews

also revealed that men seem to prioritize formal occupations, which is an expected position since most of them work long journeys in physically intensive professions; they also have more difficulties accessing social assistance systems.

Race

Racial discrimination often implies lower chances in schooling and particularly in the labour market. As a result, the black population find jobs in informal and precarious occupations. However, although some interviews have found this social determinant particularly important, other interviewees reported that racial bias does not seem to be a key factor, as it reacts to different periods of greater or lesser discrimination. If racism seems to structure relationships and opportunities, racial self-assertion has also created niches in the ethnic-racial economy, as exemplified in hair salons focused on Afro aesthetics, which have the participation of African immigrants.

Migration

The interviews pointed to a greater vulnerability of migrants, mainly because they are already in a weakened position while searching for opportunities. Migrants would thus be more likely to accept “any job”, in addition to having, in principle, fewer social ties and knowledge of the implicit rules of coexistence in the *favelas* and Rio de Janeiro. Interviewees confirm the tendency of new migrant groups coming from other Rio de Janeiro city zones and the metropolitan area seeking for housing and employment. Immigrants, many of whom come from sub-Saharan African countries, Haitians, Bolivians and Venezuelans, are embedded in several ethnic economic networks. Language and cultural barriers can present challenges to the internalization of these people into Brazilian society, which could make them more vulnerable due to the lack of knowledge of safeguarded public policies and rights.

Education

Education is a typically overlapped social determinant. In Morro da Providencia, lower levels of education and job skills tend to lead to fewer formal/ better-paid jobs for the population. The semi-structured interviews indicate that many families can't keep their children studying, many of whom go to work in their spare time to improve their daily earnings, thus compromising future individual and family income. Some interviews report a kind of discouragement/devaluation of formal education by the residents, a phenomenon understood by some interviewees as a "labour culture" to the detriment of an "educational culture". There are also adverse effects associating educational levels with the resident's lack of knowledge of rights and access to justice, as seen in the granting of social benefits provided by CRAS. Furthermore, respondents located in the field of study had a vague knowledge of the concept of modern slavery, a hint at the misinformation about workers' rights that takes place in Morro da Providencia.

Work/ Occupations/ Poverty

For these reasons, *favela* residents end up working in precarious occupations characterized by intensive and extensive workloads, lower wages, instability and lack of rights. Enhanced by the pandemic, there has been a rise in jobs related to the so-called gig economy, which is driven by smartphones and deliveries. The sector is composed of occupations that often don't guarantee labour rights, nor does it establish labor relations. We highlight that the Brazilian public policy does not have the necessary means to rescue those being exploited by this sector, because there is not an employment relationship that typifies the abuse, hence it can not be legally considered as modern slavery. They also experience prolonged periods of unemployment, shifting between jobs frequently, hence tend to accept precarious jobs more easily due to the imperative of survival. The interviews, however, cast doubt on the occurrence of modern slavery in Morro da Providencia, even though the interviewees are aware of

residents who are subject to labour relations that met at least one of the necessary criteria to qualify, according to the law and guidelines, as a condition analogous to slavery. The reports pointed to possible transgressions in domestic work, surveillance services and supermarket chains.

Stigma

Stigma appeared in the interviews as a possible greater acceptance or conformity towards situations of exploitation in the most varied forms, including precarious work and those analogous to slavery. According to one interviewee, residents who perform as “*favelados*” make it even more difficult to secure jobs and social relations with the people living outside *favelas*. Stigma is also reproduced by actors outside Morro da Providencia. There are several reports of discrimination. One interview revealed that managers avoid hiring residents in business activities around the community due to distrust of this population. The stigma is such that some interviews speculate about the construction of stereotypes between native and migrant residents (newcomers). In these narratives, the migrant populations should be praised for their determination and resilience when taking part in precarious jobs. Native residents, however, are described as being “lazy” or unwilling to take risks to overcome their poverty statuses. As for the location of Morro da Providencia, the *favela* and the central region have been the housing destination for internal migration in the city of Rio de Janeiro and other cities in “Greater Rio” (the metropolitan area of the town), increasing the concentration of the vulnerable population and possibly the risks of labour violations.

The Role of the State/Governmental Stakeholders

The State appears as a direct and indirect social determinant. It supports the maintenance of stigma by offering few public services to the population and not correcting historical inequalities. Some interviews reported a historical complaint from the *favela's* population: that communities such as Morro da Providencia only get to know the State by the police repression

forces due to drug trafficking that takes part in some parts of the community. The treatment usually given to *favelas* is insulation, a zone free from legislation and the provision of services and rights. Concerning modern slavery, the dismantling and lack of state coordination, personnel to meet the demands of the population and, above all, the capacity to monitor allegations of labour violations were pointed out in the interviews. There is also no adequate training of existing personnel to detect specific demands and possible violations happening to this population. We here stress that the legal concept of modern slavery and the established repair mechanisms were unknown by some professionals of social assistance. Our survey points out that the inhabitants in Morro da Providencia know public policies and initiatives (NGOs working in the region 83.8%, Public Defender's Office 76.5%, CRAS 66.2% and Labour inspection 55.4%). The majority of interviewed residents, however, do not know what modern slavery is (77%) and 92.2% are unaware of its reporting mechanisms.

The Covid-19 Pandemic

As expected, the pandemic is severely affecting the lives of the residents, whereas 70% believe that the current situation worsened labour conditions. The loss of income has made them more vulnerable due to their insertion in the informal labour market, which happens to be more affected by lockdowns. It is the case of hawkers, who depend on street commerce and the income from workers who started working in home offices. In the beginning of lockdowns, there was a rush in the search for emergency aid, food and other resources, which clogged the system for a while. Some interviewees pointed out that to this day there are people who have not accessed the aid promised by the State. Among those who managed to access, these became the only source of income and subsistence¹⁶. The

16 It is worth mentioning that the federal aid program offered R\$ 600 (about US\$ 115) a month for each family that requested the benefit. This amount was revised in 2021. Nowadays the payment checks are about R\$ 150-375 (US\$ 29-72).

impact of the Covid-19 was determinant for the rise in child labour as well. According to our survey, 79.9% believe that the current context was responsible for the rise in numbers of children who must work, and 15.7% believe that there was a reduction. We point out that some interviews report that child labour in the region of Morro da Providencia can be seen in services such as: hawkers, local street fairs and construction sites. All these sectors were paralyzed when lockdown was in place. It is unclear how much the pandemic has affected specific populations such as migrants and immigrants in this locality.

CONCLUSIONS

What are the social determinants, and how are they related to modern slavery in the *favelas* of Rio de Janeiro? Studying them from the Morro da Providencia case, we believe that certain factors make this population more vulnerable to exploitation. Gender and racial inequalities, but also education, migration, poverty, the Covid-19 pandemic and the role of the State and other governmental stakeholders: all of this helps to explain why *favelas* have potential victims of modern slavery. Morro da Providencia, in particular, has gone through a century of dramatic social changes. Slavery pervades its foundation and the history of the central region of Rio de Janeiro.

However, despite these social determinants having been traced and identified with the help of qualitative and quantitative data, we believe that the study so far can be considered “inconclusive”, although this is not a significant problem from a scientific point of view. In other words, this report can be considered as “unsolved” not because these social determinants and their mechanisms are not relevant or because we do not know exactly how they intertwine to make this population a target of labour violations. It is so because we do not know much about the actual existence of modern slavery in the Morro da Providencia. Even though

this was not the leading question of this project, the concrete evaluation of modern slavery in the *favelas* ends up being decisive for the debate on social determinants to advance.

Once we've discussed these points, there is a greater social vulnerability of the population residing in *favelas* in relation to non-residents because of structural inequalities of the Brazilian society. It is not clear, however, that this social vulnerability necessarily translates into greater forms of exploitation, such as modern slavery, at least within the parameters of Brazilian law (although we continue to believe that the existence of these violations is likely and expected in this social space).

Given the design of this investigation and the fact that it is still a work in progress, it is possible that:

1. in fact, there is no direct/necessary connection between *favelas* and modern slavery, particularly from the Brazilian antislavery laws, ordinances and public policies; and/or
2. that the study has not been able to apprehend and precisely highlight modern slavery in this *favela* so far.

As for the first situation (the non-automatic relationship between *favela* and slavery), we believe that it is essential to elaborate competing and complementary hypotheses that explain these apparently “counterintuitive” findings based on social determinants. After all, why are *favela* inhabitants, despite being more vulnerable, not usually rescued from slave-like working conditions? Why do they not compose the usual profile of enslaved workers in Brazil?

Considering the non-existence (or not expressive occurrence) of modern slavery in the *favelas* and on *favelados*, and more specifically on Morro da Providencia, it is necessary to consider the hypothesis of the local agency. It manifests itself in the historical and cultural resilience of this *favela*, as seen in section “Rio de Janeiro, *favelas* and Morro da Providencia”. Furthermore, and in close relationship with this explanatory path, social, ethnic and family networks (including here migrants/immigrants) can be decisive

factors to provide the material and social means by which residents are not usually facing working conditions analogous to slavery and other oppressions. Yes, the residents of *favelas* like Morro da Providencia are poor, but they often help themselves. They know each other, develop bonds, build social and political organizations and display social cohesion despite conflicts and other issues (which affect any community, we must say).

Concerning the poverty of the local population, one should consider that, despite being (very) poor, we are talking about a community embedded in the economic centre of the second-largest city in the country. It is not the poorest and most abandoned part of Rio de Janeiro city (which happens to be the western zone of Rio, where there are more miserable people) (Neri, 2010, p. 34). This geographic insertion, we believe, favours the emergence and maintenance of social ties and networks; it also provides access to rights and public policies offered by the State.

This consideration immediately leads us to discuss the research framework. In the course of the study, we came across the possibility of confusing the misery, poverty and social abandonment by the State that unfortunately characterize this population as a necessary factor driving people into modern slavery. However, it cannot be stressed enough that correlation does not imply causation. Furthermore, there are causes that, even though can be described as necessary, are not, on their own, sufficient to support explanations.

Now, as to the second problem (i.e. that the study did not have access to adequate evidence), several issues seem to be relevant. These show the complexity and social richness of *favelas*, as well as the theoretical, legal and infrastructural limitations that residents, researchers, policy makers and bureaucrats have to deal when studying and fighting modern slavery in Brazil, particularly in urban settings of global cities.

As discussed in the Context section, it is clear that we face a problem in the frontier of the conceptual definition of modern slavery, a definition that should be able to describe other realities than that of the rural

world or situations that are not entirely dependent on the sine qua non bond between workers and employers. Here, it seems unavoidable the need to adopt a perspective of long historical duration (as we've done in the Context section) when reassessing/resignifying the work ties of the residents of this region, especially if we remember the existence of various modalities of enslavement that happened in the colonial period, like that of the “*escravos de ganho*” engaged in urban scenarios.

The limitations of the conceptual definition of Brazilian antislavery legislation have severe practical implications. In the current state of affairs, and despite its broad and recognizably progressive character compared with other countries, this definition seems to make a good part of the workers employed in urban economic circuits invisible. The production of data on people working in conditions analogous to slavery depends on this legal framework. With insufficient transparency and in the absence of more granular labour inspection databases, it is hard to make any robust inferences about the country's enslaved population, especially those rescued in cities.

This verdict may explain the findings of this case study. For example, as addressed before, one of the main factors that explain the failure to carry out inspections and properly flagrant modern slavery is the fact that most *favelados* who work in precarious conditions do not sleep in the accommodation offered by employers, that is often used by migrants. It is so because most workers that are from *favelas* have their own houses in the city. In other words, it is not that infractions do not happen: they are underreported, a reality shared with several social issues, such as violence against women and the sexual abuse of minors.

The capacity and performance of the Brazilian State (in its various administrative levels) also seems to be central. We repeat here the arguments developed earlier in the section on social determinants, now focusing on the impact of the State's role in perpetuating these social inequalities and, worse still, the existence of modern slavery.

As for state capacity, this research highlighted the lack of staff (e.g. the number of labour auditors working in the most socially vulnerable locations) as well as difficulties to access these locations by bureaucrats, especially due to the context of police violence that permeates most *favelas* in Rio. Public education, a responsibility of the State and a right of their citizens, also directly affects the (social) construction of these data.

As for *favela* residents, there are no educational and awareness programs for the community to safely and regularly activate channels to expose modern slavery circumstances. How can residents report labour violations if 1) they don't know/are not aware of the legislation and 2) they don't know the institutions and public channels to report such crimes? Again, although most of the community reports are unaware what modern slavery is about, when asked if they know people subjected to working conditions with any of the characteristics necessary for the crime of modern slavery to be typified, the answer is generally yes, especially when we conducted semi-structured qualitative interviews.

We believe that we have achieved our goal of opening up a window for debate by identifying the social determinants that drive *favela* inhabitants to a greater vulnerability to modern slavery. Despite the discussion in this concluding section, in one way or another, the potential vulnerability of this population is not up for debate. In any case, it is necessary to discuss gaps and new directions for future investigations.

Perhaps one of the main obstacles faced in this report is its focus on a region/locality and not on occupations or niches of specific jobs where there is certainty or a greater probability of labour infractions. It is also possible to move forward in the study of the exploitation that takes place among residents themselves in informal commerce (e.g. economic circuits of street vendors) and in illegal markets, such as drug trafficking, prostitution and child labour. Investigating these activities, however, would involve a salutary effort to consider modern slavery beyond formal employment bonds as for the Brazilian legislation, an effort beyond the scope of this report.

Finally, although it is also beyond the scope of this study, we are tempted to underline intervention schemes and recommendations for studying and fighting contemporary slavery in the *favelas* of Rio de Janeiro. In particular, the social construction of the identity¹⁷ of ex-enslaved actors demanding reparatory rights seems crucial to us, with an emphasis on the performance of these actors in their cause, i.e. empowering local actors to resist modern slavery. The possible proposals at the moment partly reflect what we have been discussing so far:

1. the need to rethink the role and capacity of the State and stakeholders in exercising available institutional actions; and
2. the redesign and improvement of several interconnected public policies with an intersectional approach (infrastructure, education, etc.).

¹⁷ This insight was inspired by the process of the social construction of workers identity and, more specifically, unemployed workers, as described in the literature on the economic sociology of labour markets (Nadya Araujo Guimarães, 2002).

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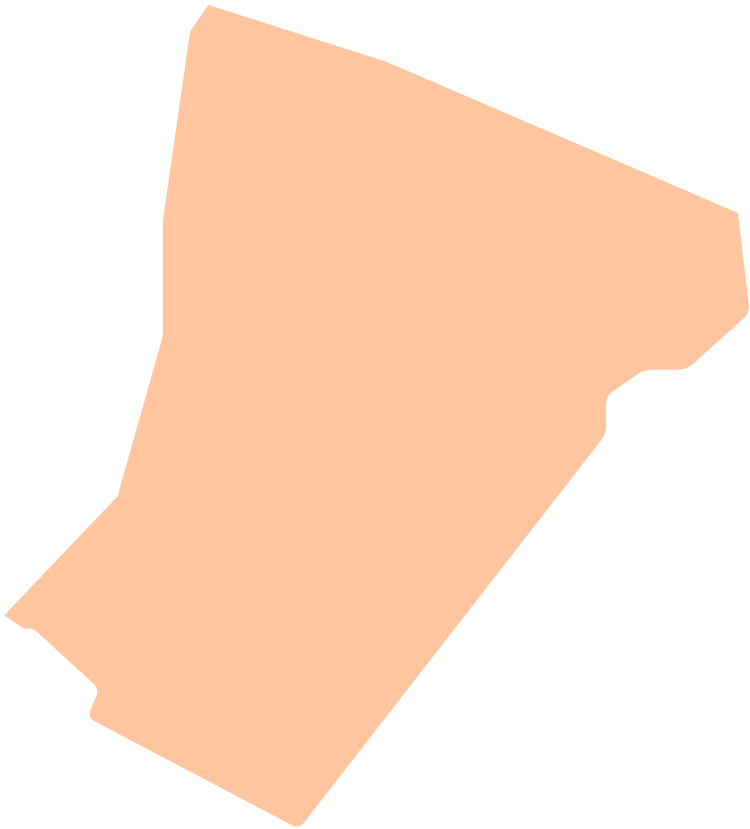


MAPUTO CITY

MOZAMBIQUE

*Lurdes da Balbina Vidigal Rodrigues da Silva
Carlos Eduardo Cuinhane
Rehana Dauto Capurchande*





INTRODUCTION

The domestic work represents one of the main sources of paid work in Mozambique (INE, 2019). Half million of Mozambicans are domestic workers (INE, 2019; Castel-Branco, 2019; Castel-Branco, 2017). One third of them are in the urban areas while two thirds are in rural areas (INE, 2019). Despite being regulated and created the Workers Association in the country, the paid domestic work is still being considered as a non-profession (Castel-Branco, 2019). Several studies have highlighted that many domestic workers not only continue exposed to several problems related to their working conditions but are also excluded from the social security mechanisms (Chipenembe, 2010; Castel-Branco, 2017). These practices could expose this group of workers to modern slavery practices. Nonetheless, the factors contributing to reproduction of indecent domestic working conditions of this group are still unknown. Moreover, the vulnerability of domestic workers to exploration practices may have increased with the emergence of Covid-19 in Mozambique since March 2020. In addition, little is known about how the Covid-19 pandemic is affecting this working class.

This study main objective is to assess the working conditions and perceptions about domestic work in Maputo city, Mozambique. The specific objectives of this study are to:

- (i) analyse the profile, motivation and the working conditions of domestic workers;
- (ii) identify the perceptions of institutions of the law, civil society organisations, researchers and domestic workers about the domestic work and the rights of domestic workers;
- (iii) identify social determinants influencing the production and reproduction of the indecent working conditions of domestic workers; and
- (iv) describe the impact of Covid-19 on the domestic workers' rights.

In order to achieve the objectives above, the report has been structured in five parts. The first part presents the introduction of the study. In addition, objectives of the study and its structure are also presented.

The second part describes the methodology of the study. It describes the study design, the study setting and period, study sample, data collection, data analysis, ethical considerations and limitations of the study.

The third part explores the actual legislation of paid domestic work in Mozambique starting by the conceptualization of slavery and modern slavery; followed by an overview of social determinants of paid domestic work; and the domestic work in Mozambique.

The fourth part presents the results of the study structured as follows: the socio-demographic characteristics of the study participants; analyses of the working conditions of the domestic workers in Mozambique, in general, and in Maputo city, in particular; perceptions of institutions of the law, civil society organisations, researchers and domestic workers about domestic work and the rights of domestic workers; social determinants influencing the production and reproduction of the indecent work conditions of domestic workers; and impact of Covid-19 on the domestic workers' rights.

The fifth part discusses the results of the study taking into account its main objectives.

The sixth and last part draws together the main lessons learned from the study. It further makes some recommendations to the government, civil society organizations, researchers and domestic workers.

METHODOLOGY

Research Design

This study has adopted a descriptive qualitative methodology (Creswell, 2013). The choice of methodology was influenced by the fact that a qualitative study enables researchers to explore individuals or organisations,

through interventions, relationships, communities or programmes (Baxter and Jack, 2008). Because of its flexibility, this methodology is valuable for researching the working conditions, perceptions and practices of domestic workers in Maputo city, Mozambique. Another advantage of qualitative case study methodology is that it provides data from several sources allowing for exploration of multiple facts of the phenomena.

Study Settings and Period

This study was conducted in Maputo city, between February and June 2021. Maputo is the capital of Mozambique and it is located in the south of Mozambique. It has 346km² and 1,080,277 inhabitants (INE, 2020).

THE STUDY SAMPLE SIZE

Participants of this study were purposively selected. A purposive sample is a selection of information-rich cases to be used for in-depth study (Palinkas, et al., 2015). In this instance, by following the referred participants' sample criteria, domestic workers and key individuals from governmental institutions, civil society organizations working to defend and promote the rights of domestic workers and researchers on labour field were selected. Bellow, are presented the institutions interviewed:

- Governmental Institutions: *Ministério do Trabalho, Emprego e Segurança Social* (MITESS) [Ministry of Labour, Employment and Social Security]; *Comissão de Mediação e Arbitragem Laboral* [Labour Mediation and Arbitration Committee], and *Instituto Nacional de Segurança Social* (INSS) [National Institute of Social Security]; *Instituto de Patrocínio e Assistência Jurídica* (IPAJ) [Legal Aid and Sponsorship Institute]; and *Comissão Nacional dos Direitos Humanos* (CNDH) [National Commission of Human Rights]; *Procuradoria Geral da República* (PGR) [Attorney General's Office].

- Civil society organisations: *Sindicato Nacional de Empregados Domésticos* (SINED) [National Union of Domestic Employees]; *Organização dos Trabalhadores de Moçambique* (OTM) [Mozambique Workers' Organization], *Associação da Mulher, Lei e Desenvolvimento* (MULEID) [Association of Women, Law and Development].
- Researchers from *Universidade Eduardo Mondlane* (UEM) [Eduardo Mondlane University] that are specialized on labour.

Thus, the participants of this study were eight (8) individuals from the governmental institutions mentioned above; four (4) individuals from the civil society organizations; two (2) researchers and lectures from Eduardo Mondlane University (UEM); and 13 domestic workers. Therefore, the sample size of this study was 27 participants as shown on Table 6:

TABLE 6 – Study Participants and Sample Size

PARTICIPANTS	NUMBER
DOMESTIC WORKERS	
Women	10
Men	3
KEY INFORMANTS	
Government institution	8
Civil Society	4
Researchers from UEM	2
Total	27

Data Collection

Data collection was drawn mainly through document analysis and in-depth interviews.

Data was collected through *document analysis* of Mozambican legislation and policies regarding the domestic work. Moreover, literature

review on domestic work and practices similar to modern slavery were also made.

In addition, the study also used *in-depth interviews* with 27 individuals from civil society organizations, governmental institutions, researchers, and domestic workers.

Data Analysis

Document analysis and in-depth interviews were made following the study's objectives. In relation to the in-depth interviews, after its collection, the information was transcribed and then the interviews were translated from Portuguese to English after which, its analysis also was guided by the study's objectives. Data was analysed thematically.

Ethical Considerations

It was also necessary to receive formal authorisation from all participants in the study. A participant information sheet was prepared as well as a participant consent sheet (Melham, et al., 2016) and the researchers' terms of responsibility (Melham, et al., 2016). These documents explain the objectives of the research, its importance and relevance, the research methodology, the instruments to be used for collecting data, the selection criteria for participants, the participants' freedom to participate or opt out of the research, a notice of confidentiality of the information collected, research feedback, and brief information about the researchers.

Limitations

The time of the study was limited. The time to collect data was too short. In addition, the Covid-19 pandemic also hindered more people to participate in the research.

DOCUMENT ANALYSIS

Concepts of Slavery and Modern Slavery

Slavery is a practice that remote from early humankind and it has been presented in several forms in many civilizations across the centuries. Despite being legally abolished in the nineteenth and twentieth centuries and criminalised in many jurisdictions and under international law (Crane, 2013), this practice still persists in many forms in contemporary societies, in both developed and developing countries.

Slavery is defined, in the 1926 Slavery Convention, “as the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (ILO, 1926). However, Scholars and activists use several terms to describe the conditions of a person that is treated in the similar way as the slaves who were legally owned in the past. These terms are, according to Kara (2017), *modern slavery*, *modern-day slavery*, *slavery-like practices or contemporary forms of slavery*.

Mende and Drubel (2020) point out that some scholars do reject the term modern slavery because of the blurry demarcation between modern and historical types of slavery; others prefer to use the term modern or contemporary slavery and is dedicated to define, capture and measure slavery (Mende, 2020), while others reject both terms. However, all of them aim at abolishing slavery or slavery-like conditions and diverge in terms of the determination of modern slavery scope and the strategies to eradicate it. Thus, the key to overcome their views is to integrate the approach under the scope of human rights dimension (Mende, 2019).

Furthermore, Mende (2019) point out that despite the fact that there are several definitions of modern slavery, there can be found certain images of modern slavery presented in international documents and scholar approaches such as: the control of a person over another, the involuntariness of their relation and the exploitation element.

Despite the fact that there are several concepts of modern slavery or modern-day slavery, this report adopted Landman and Silverman (2019) and Crane (2013) concepts of modern slavery which include several practices involving the exercise of power related to ownership such as forced labour, debt bondage, forced marriage, slavery and slavery-like practices and human trafficking.

Forced Labour as a Modern Form of Slavery

The term modern slavery is an umbrella that includes the practices mentioned previously. Thus, this paper will only focus on the modern slavery practice related to forced labour since the focus of this research is paid domestic work or domestic servitude.

In the Labour Forced Convention held by the International Labour Organization in 1930, forced labour is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (ILO, 1930, No. 29).

From the ILO (1930) definition presented above, coercion and involuntariness of labour are the two key elements of forced labour. Because the two key elements of the ILO definition of forced labour were not defined in the ILO convention, scholars established indicators to determine forced labour. The indicators for coercion include: verbal, physical, sexual abuse or treat to the victim, family members or other workers; confiscation of identity or working documents; living and working in the same place, excessive surveillance, denial of sufficient food and water; manipulation of debt. The indicators of involuntariness include the inability to leave the work place or to pursue other work options without permission; prohibition to communicate with friends and family; working excessive hours without overtime payment; asking for permission to use restroom; obligation to work when sick or injured; lack of holidays, time to rest, adequate safety equipment, toilet and sanitation (Kara, 2017).

The Concept of Modern Slavery in the Mozambican Context

The concept of modern slavery is not used in Mozambican policies and legislation, although practices similar to modern slavery such as prostitution, forced labour, child labour, and human trafficking find shelter in it and are considered punishable practices. For instance, prostitution is forbidden in the Republic of Mozambique, as stated in the article 214 of the Mozambican Penal Code (República de Moçambique, 2019).

Forced labour is also a forbidden practice in the Republic of Mozambique, except those work carried out within the framework of the penal legislation as shown in the number 3 of the article 84 of the Constitution of the Republic of Mozambique (República de Moçambique, 2018). Moreover, No.1 of the article 196 of the Mozambican Penal Code provides the punishment between one month to one year of imprisonment and a fine until one year.

In relation to child labour, not all works of minors are prohibited in Mozambique. Generally, minors of 15 years old are allowed to work with the authorization of their legal representatives as stated in the No. 1 of the article 26 of the Law of Work. However, there is an exception to this rule that allows minors between 12 and 15 years old to celebrate working contracts as long as they presented a written authorization of their legal representatives, as shown in the No. 1 of the article 27 of the same law. Human trafficking is also a criminal infraction in Mozambique and it is punishable by 16 to 20 years imprisonment, as stated in the No. 1 of the article 196-A of the Mozambican Penal Code (República de Moçambique, 2019).

SOCIAL DETERMINANTS INFLUENCING DOMESTIC WORK: GENERAL OVERVIEW

In many countries, paid domestic work appears to be the only option to support the majority of poor families. (Oelz and Rani, 2015). There are several factors influencing the increase paid domestic work in developing

countries. These include structural factors such as, rural poverty, structural adjustment programs economic crises, economic characteristics of the countries and the devastation of the agricultural sector (Oelz and Rani, 2015; Jokela, 2015; ILO, 2013), unemployment, greater income inequality, and a higher proportion of migrants (Nesbitt-Ahmed, 2020). These factors have pushed women and girls into the domestic labour market (Oelz and Rani, 2015; Jokela, 2015; ILO, 2013).

Social and cultural factors, such as gender, social standard and social roles, and level of education also influence the paid domestic work. Literature showed that paid domestic work is gender-based, and this under evaluates the domestic work, as these workers also perform the traditional role of care and household tasks (unpaid work) within their own households. The effects of gender-based undervaluation appear to be higher in domestic work, likely due to its gendered nature and the use of in-kind benefits such as food and accommodation as compensation, particularly in the case of live-in workers. Low pay in domestic work resulting from gender-bias may also be contributing to low pay in other female-dominated sectors (Oelz and Rani, 2015).

Social standards and roles also play an important factor in the undervaluation of the paid domestic work. Socialization process has often educated women to specialize in domestic activities and men in market activities because of culturally determined social standards and roles rather than economic factors. These social standards depend on religion, ethnicity, and position in the household hierarchy (Jokela, 2015).

As well, a higher level of education is associated with a larger male contribution to domestic work while women's contribution, however, remains virtually the same for both domestic tasks and market work regardless of their level of education. This finding tends to support the hypothesis of the minor role played by economic factors in the gender-based division of labour between market and paid domestic work (Herrera and Torelli, 2013).

Studies have also shown that in general, domestic workers frequently receive extremely low wages (OIT, 2015). This can partly be attributed to the fact that the formal skill requirements are relatively low. Other factors play a significant role, namely, innate skills required for domestic work that are often overlooked and not recognized on the basis that any woman can perform this type of work (OIT, 2015).

Another factor influencing paid domestic work is related to the power relation between the domestic workers and the employers. The bargaining position of domestic workers is often weak, especially in the face of high employment and where domestic workers lack strong representative organizations. These factors also lead to lower wages for domestic workers (ILO, 2013). Indeed, a study carried out in developing countries such as Brazil, Costa Rica, India, Indonesia, Mali, Mexico, Peru, Philippines, South Africa, Turkey, and Viet Nam, shows that the reasons for the low remuneration of domestic work: low formal skills and educational levels, high incidence of informality, lack of collective representation, weak individual bargaining power, lack of possibilities for income generation and vulnerable social status (Oelz and Rani, 2015).

A study of Central Administration of Statistics also showed that the people who are vulnerable to become domestic workers are those living in larger households, female headed households, larger dwellings, and with high aggregate household consumption (Fakin and Marrouch, 2012).

PAID DOMESTIC WORK IN MOZAMBIQUE

Domestic Servitude During Colonial and Post-Colonial in Mozambique

*Lighted iron on the wall
warms the whistle of the playful brat
and the violent voice of the boss.*

*Is the kid happy or not?
there is water and there is food
has trousers
and has a safe house and a violent voice from the boss.*

(Source: Calane da Silva in Zamparoni, 1999).

The extract above illustrates the relations established between employers and domestic workers in the colonial period in Mozambique, relations considered more humane when compared to those imposed on other paid jobs.

After defeating the State of Gaza, in 1895/6, the Portuguese colonial power headed by Mouzinho de Albuquerque acquired effective military control over the entire southern region of Mozambique, and, among other measures, imposed a supposed “moral obligation for work”, termed *chibalo*¹ (Zamparoni, 1991), which was formally defined by indigenous labour law of 1899 (Castel-Branco, 2012).

Several studies show that during this period, domestic employment was an activity historically associated with blacks whose origin is linked to slavery, whose individuals provided work in households under the orders of an owner (Penvenne, 1995; Zamparoni, 1998; Gonçalves, 1996). Paid domestic work in the colonial period was regulated in 1904. However, the legal instruments did not protect the majority of domestic workers because the regulations did not provide certain benefits and rights, such as daily working hours, time off and holidays. In addition, the Portuguese colonial government made it compulsory for those involved to buy a plate proving that they only worked for one employer as a barrier to social mobility. In 1944, the colonial government replaced the 1904 regulation

¹ Chibalo was considered the moral obligation of work imposed on all Mozambicans, between 14 and 60 years of age, to perform between ninety and one hundred and eighty days of work. (Zamparoni, 1991).

with the more comprehensive urban registration system, which was intended to further limit the mobility and wages of black workers. Despite these limitations, domestic work was considered an alternative to other types of work because there was a fear of going to forced labour as well as being deported and there was less violence in the domestic space compared to the *chibalo*.

In 1966, the regulation on domestic servants came into force, which in article 24 extended the rights of employers to the detriment of the rights of employees, e.g.: to require the employee to perform the work agreed upon; to supervise and check how the service is performed; to determine hygiene measures and measures to prevent accidents at work and occupational diseases; and to maintain discipline. Article 27, on the other hand, sets out the following duties and not rights of the employee: to perform the agreed work diligently and honestly; to obey and respect the employer and the members of his family and those living or temporarily staying in his home; to observe the hygiene measures laid down by the competent authorities; to deal loyally with the employer and maintain good relations with the other employees, if any, so as not to jeopardise each one's work and the tranquillity of domestic life; to look after the employer's interests. Domestic employees then came to have a specific work card (Zaparoni, 1991).

In Lourenço Marques, the actual Maputo city, the overwhelming majority of domestic servants were men. Various factors, such as race and class contributed to this. According to Schmidt (op.cit Zaparoni, 1991), most of employers feared the phenomenon known as “yellow peril”, that is, miscegenation between white men and black women. In colonial society, the African woman was considered to be tempting, as she supposedly embodied wild instincts such as sensuality and lust and constituted the secret object of white men's sexual desires. From this perspective, European women acted as guardians of civilisation and of the privileges of white-skinned people and assumed the primary responsibility of

defending dignity and prestige of the Empire, maintaining the necessary social distance between rulers and ruled. Fear for their own safety by employing men in the domestic space was less than concern for respect for the British crown and European women kept away from African women. Thus, should their husbands seek the company of women of the “subordinate races”, this would not only reduce the dignity that should govern the lives of Europeans, but they themselves would be singled out as failed wives. Another reason that kept African women away from paid domestic work was that it conflicted with the demands placed on them by attending to their own domestic work (Hansen, 1992). It is claimed that the domestic chores that African women learned in their own homes did not correspond to those expected of a paid domestic servant. Their houses were of mud and sticks, covered with reeds and beaten earth, with little furniture: beds, stools, and eventually a table. Food was prepared over a wood fire, in clay pots placed on stones. By contrast, the settlers’ houses were larger, with specialised compartments, built of stone, concrete or brick, with glass windows and equipped with expensive and varied items of furniture, kitchens with running water and cookers. Thus, the work demanded by this type of house bore little relation to that learned in their homes (Zampanoni, 1991).

Most of the domestic servants served the white population followed by the Indian population. Among the members of the African segment few had any kind of domestic servant. In case of existence, they were nephews/nieces or relatives brought from the rural area, who seldom received more than bed and board for the help or work rendered (Zampanoni, 1991).

Though the above historical narrative highlights that during colonial period there was a tight regulation of domestic work, domestic workers were not properly protected because they were governed by the indigenous law system based on a racist construction of political, economic, and social citizenship.

After independence, there was an informalisation of paid domestic work. The paid domestic work was criminalised and excluded from the framework of labour and social protection. Unlike South Africa, where extending labour protections to domestic workers was considered essential to correcting the injustices of apartheid, in Mozambique domestic work was seen as a relic of the colonial period, to be eradicated rather than promoted (Castel-Branco, 2017). The political ideology after independence was to emancipate women, incorporating them in the market production (Kricks, 1983), rather than working as domestic worker, which was considered an oppression practice.

However, the expected ideology was not materialized due to a number of factors: failure of the political and economic models implemented after independence, which did not create enable conditions to access formal employment for everybody and civil war² (1977-1992) that affected the socio-economic structure (Abrahanson and Nilson, 1998). Moreover, the shift of Mozambique from socialism model to democratic and liberalism model through the implementation of the Economic Rehabilitation Programme (PRE) in 1987 and the Economic and Social Rehabilitation Programme (PRES) in 1990 (Hanlon, 1996) imposed by International Monetary Fund (IMF) and World Bank (WB) also contributed to the socioeconomic crises because these models expelled most employees from formal market to informal market (Hanlon, 1996; Abrahanson and Nilson, 1998).

With market liberalism policy and economic crises, the informality became dominant in most urban areas, which was characterised by several activities, including paid domestic work. Paid domestic work was no longer prohibited and was no longer considered an oppression practice, but an alternative for the survival of most poor urban families. Additionally, paid domestic work was also boosted by the emergence of a new

² Civil war and low economic performance spelled most people from rural to urban areas: women, men and children migrated to safe places, and most of them had lost their parents, and they had not economic support in the cities. This led many people to look for the means of livelihoods, as their economic and social support was destroyed.

Mozambican bourgeois class, whose, with liberalism, had freedom to hire domestic workers (Ali, 2014).

The formalization of paid domestic work started in 2004 when some members of the Organization Labour (*OTM*) and National Confederation of free Syndicates [*Confederação Nacional dos Sindicatos Livres de Moçambique—CONSILMO*] organized domestic workers and created 3 associations: the first Association of Women Working as Domestic Workers (*AMUEDO*) was created in 2004 by *CONSILMO*. The *OTM* created the second, the Domestic Worker Association (*AEDOMO*) in 2006 and the third, Domestic Workers Syndicate (*SINED*) in 2008. The two associations led by *OTM* began drafting the domestic work regulation (Castel-Branco, 2017), which was then approved in 2008. Actually, there are three associations of domestic workers: *AMUEDO*, which is linked to the *CONSILMO* and *AEDOMO* and *SINED*, which are linked to the *OTM* (Ali, 2014; Castel-Branco, 2017).

Analysis of the Actual Legislation About Paid Domestic Work in Mozambique

In Mozambique, the paid domestic work is regulated by Domestic Act No.40/2008 of 26th November. This Act defines domestic work as a subordinate service, provided on a regular basis to a household or similar, in its household. As well, domestic workers are considered as those who provide domestic work for others in their home or place of residence for remuneration. The minimum age of domestic workers is 15 years old and above. However, the law allows children under this age to be employed as long as they are authorized by their parents or legal representatives, except children under 12 years old. This legal norm is similar to that stated by the general Mozambican labour law No. 23/2007 of 1st August. However, the labour law recommends medical exams to determine the physical robustness, mental health and aptitude for the job for children

aged between 12 and 17 years old before they are employed to an enterprise, which the Domestic Act No. 40/2008 does not put as a preliminary condition in the employment of children of such age. Thus, the Domestic Act does not accomplish the ILO recommendation (ILO, 2018), which stipulates 15 years old as a minimum age for work in general, and 18 years as a minimum age for hazardous work³.

The Domestic Act No. 40/2008 states that the tasks of domestic workers include cooking, cleaning the house, washing and ironing the laundry, looking after children, the elderly or sick people, treatment and care of domestic animals, carrying out garden work, performing of external tasks related to the previous activities, and other agreed activities (Governo de Moçambique, 2008). However, The Domestic Act does not specify which tasks should not be performed by children aged between 12 and 17 years old, thus putting children in hazardous work (ILO, 2018). Unlike this Act, the labour law specifies that all minors under 18 years old should not be engaged on unhealthy or dangerous work, or those activities that require high physical strengthening and big effort. Moreover, according to labour law the employer should provide adequate work to minors according to his/her age, health, education and professional training.

It is important to note that the definition of paid domestic work and domestic worker referred in the Mozambican law are similar to those presented by ILO (2011). However, there are some differences with regards to the boundaries of tasks of domestic workers. ILO (2011) establishes a clear and complete list of domestic work tasks, while the Mozambican Domestic Act opens space for inclusion of other activities which can be negotiated between the employer and employee. This could lead to overloading of tasks to domestic workers.

The Domestic Act states that the working contract of domestic workers is not subjected to a written form, and it can be fixed or indeterminate.

³ Hazardous work is defined as work that, due to its nature or the circumstances in which it is carried out, is likely to jeopardize children's health, safety or morals (ILO, 2018; ILO, 1999).

However, according to the same law, the contract can be written when it is subjected to a fixed period, which cannot be more than 2 years. This presupposition may put domestic workers in vulnerability compared to other general workers, which the labour law establishes that the working contract is subjected to a written form. Moreover, the written contracts for domestic workers are not considered as optional (Castel-Branco, 2017).

According to the Domestic Act, domestic workers have rights to (i) receive remuneration in the agreed manner; (ii) weekly rest and annual vacations remunerated; (iii) medical and medication assistance in the event of an accident at work or an occupational disease; (iv) to be treated with correctness and respect; and (v) to enrol herself or himself in the scheme of self-employment workers of the Compulsory Social Security System. However, some of these rights are ambiguous and limited. The Domestic Act, for example, does not determine the minimum wage for domestic workers (Castel-Branco, 2017) and social protection is at risk as its enrolment and payment depends solely on the willing of the domestic workers. This different from other workers covered by the labour law, where the employers have an obligation to enrol and pay⁴ for the Compulsory Social Security System of the employees. Moreover, different from the labour law, the Domestic Act does establish legal norms about occupational health and security at work (Castel-Branco, 2017).

The actual Domestic Act states that domestic workers are obliged to work a total of 54 hours per week, 9 hours per day, including 30 minutes of breaks for meals and resting. However, the starting and ending working time is established by the employer. These working hours are more than those established by the labour law for other workers, which is 40 hours per week, 8 hours per day. Thus, domestic workers are subject to work more hours, with short hours for break and only one day for resting per week. Furthermore, the Domestic Act does not limit the working

⁴ According to the labour law, the employers pay 7% of the total salary of each worker monthly, out of which 4% is from the employers and 3% from the employees.

hours for children under 18 years old; while the labour law establishes a maximum of 38 hours per week, 7 hours per day for children under 18 years old.

Though the domestic workers have right to 1 day of resting weekly, which is Sunday, annual vacation, and public holidays, the Domestic Act establishes that such rights can be negotiated. Thus, the employer can request a domestic worker to work on Sundays and public holidays under payment agreement, or determining other days for weekly resting or a substitute of a public holiday. As well, the employer can pay the annual vacation as long as the domestic worker is enabled to have 5 days of annual vacation.

In general, the Domestic Act specifies the tasks and rights of the domestic workers, but it still far from fully protecting the people working in the domestic service. As the above analysis highlights, the Domestic Act classify domestic workers with a lower social and economic status than other workers, in general. This gap opens a space to glance domestic service as an area vulnerable to modern slavery practices.

RESULTS

Profile and Conditions of Domestic Work

General Characteristics of Domestic Workers in Mozambique

In Mozambique, the majority of paid domestic workers in urban areas are from rural areas. These workers migrate to the city in search of work. According to the key informants interviewed, the rural exodus allows a number of people to migrate to suburban areas, who in turn feed the domestic labour market for citizens living in the city centre. In general, domestic workers are from poor families, they are not highly educated and have limited access to labour market opportunities, as illustrated in the narrative below:

Mainly, a domestic worker is someone who does not have much education in the sense that she has not studied at least beyond grade 12. Generally, they are people who have not completed grade 12 or any training that allows them to obtain or access a formal job (...). In general, if it is in the south of Mozambique, it is a woman of poor origin, with little education to access the labour market and the only jobs available are low grade jobs such as that of domestic servant. (Male key Informant, Sociologist 1 and researcher from UEM, 2021).

The key informants said that in Southern Mozambique domestic work was carried out mostly by women, while in Northern Mozambique it was mostly done by men. The entry of women into the domestic labour market is associated with the deterioration of the economic conditions of the family and women that are becoming heads and/or providers of the families, as explained below:

If we look at the southern zone, it is intriguing because if we look here, the gender issue is a central issue, because in the North, most domestic workers are men [who carry out domestic work] and here in the South [of Mozambique], most are women. In the South [of Mozambique] are women who come from the peripheral areas, where the husbands and families are in precarious situations and in very poor living conditions. Many of them need to work to ensure their livelihood. The other situation is that women themselves have become the providers for their families, that is, the heads of the families. And they have to earn a living and end up either in the informal sector or in domestic work. You rarely see a man as a domestic worker here in the South. And we have to consider that we are in a society where there is not enough jobs produced for the working age population and the level of unemployment is abysmal. (Male key informant, Sociologist 1 and researcher from UEM, 2021).

The differences in the domestic labour market between Southern and Northern Mozambique are due to the socially ascribed roles of men and women in household sustainability. For some key informants, although in the South zone men play the role of family provider, there is a clarity that women—their spouses—also have a responsibility to help generate income for the sustainability of the family. Contrary to the Southern zone, in the Northern zone men play the role of family provider and there is still little awareness of the need for women to help in the sustainability of the family. This fact means that in the northern zone men seek work, whatever it may be, to support their families:

I think it has to do with our membership system or different membership systems. In the North, I think there are many more men who are in domestic work because men have this very clear routine that they need to support their wife necessarily without the female counterpart [of their wives]. And it is very clear there [in the North]. In the South, it seems to me that the idea that a woman needs to participate in the family income is very clear too. It seems to me that the difference is that, in the North of Mozambique, men have the idea that they alone have the task of supporting their family without any female counterpart. A man in the North does not complain if his wife is not working. Here in the South women should share in the rent, they are much clearer about this. (Male key Informant, Sociologist 1 and researcher from UEM, 2021).

Another important characteristic of the Mozambican urban domestic labour market is the existence of inequalities in working conditions between the various cities and Maputo city. For some key informants, domestic workers in the metropolitan city of Maputo have better conditions than domestic workers in other cities of Mozambique. This inequality is due, in the opinion of key informants, to the fact that Maputo City is richer and has a more educated population than other cities, and

because there are more sources of information to enable citizens to access information about their rights:

It is clear that looking at Maputo as the largest metropolitan area, the conditions of domestic work are a little better compared to other cities. And those from here enjoy slightly more privileged rights compared to workers from Central and Northern Mozambique. Of course, the degree of urbanisation and access to information contribute to this difference. Maputo City, for example, is a cosmopolitan city, the wealthiest in Mozambique, with sources of information, where people are much better educated. This helps people to have a relatively different vision and somehow to know more about their rights and to have another kind of life expectation. (Male key Informant, Sociologist 2 and researcher from UEM, 2021).

General Profile of Domestic Workers Interviewed in Maputo City

This table shows the socio-demographic characteristics of the domestic workers interviewed. Most of the participants are adult females, have only primary schooling and have between 1 and more than 5 children.

TABLE 7 – Sociodemographic Characteristic of the Study Participants

SOCIODEMOGRAPHIC CHARACTERISTICS	NO.
SEX	
Female	10
Male	3
AGE	
23-36	4
36-59	8
60 +	1

SOCIODEMOGRAPHIC CHARACTERISTICS	NO.
LEVEL OF EDUCATION	
No	1
Primary	11
Secondary	1
MARITAL STATUS	
Single	1
Lives in a marital relationship	2
Married	3
Separated	6
Widow(er)	1
NUMBER OF CHILDREN	
No	1
1-2	6
3-4	3
5 and more	3

The participants in this study said that they had an extended family, ranging from 4 to 9 family members. Apart from their children and spouses, some domestic workers said that they lived with their mothers, nieces and grandmothers. Other domestic workers said that their household members were not working and did not contribute any income to the sustainability of the family. Only a few domestic workers said that their partners also worked as domestic workers or restaurant servers, whose income was not more than 3500 Meticaís, equivalent to 56.5 USD⁵.

Place of Residence and Work of the Domestic Workers Interviewed

All the interviewed participants (domestic workers) stated that they lived in the suburban areas of Maputo City (n=9) and Matola City (n=4) but they all worked in the centre of Maputo City.

⁵ 1 USD = 62 Meticaís, the average exchange rate for the months of March, April, May and June.

The participants' experience in domestic work ranges between 3 and 27 years. However, the length of time in the current workplace varies between 3 and 5 years, and no participant had training in the area of domestic work.

Almost all participants (who do not live at their workplace) said that they move from their homes to the centre of Maputo City, where their workplace is located, using public transport known as “*chapa*”. The cost of transport is about 600 meticaís per month (equivalent to 9.7 USD), and this is paid by the participants themselves. Only a few participants who live at their workplace do not cover the transport costs. Due to the long distance between the place of residence and the workplace and the high cost of transport, some participants said that they take one (1) *chapa* instead of two (2) *chapas*, and then walk to the workplace as a way to reduce the cost of transport:

I live in Matola, in the city of Matola, but I work in Malhangalene [a Maputo city neighbourhood]. I take one chapa from Matola to Avenida Guerra Popular [a Maputo city stop] and then walk to Malhangalene neighbourhood [where the house where she works is located]. I don't take another chapa [second chapa] to save money. (Female domestic worker, 2021).

WORKING CONDITIONS OF DOMESTIC WORKERS IN MAPUTO CITY

Most of the participants (domestic workers) revealed that they carried out ordinary tasks such as washing, ironing, cleaning the house, cooking, and shopping. However, other participants said that in addition to the tasks mentioned above they also worked as shopkeeper at the bosses' shop, looked after children, planted vegetable gardens and looked after dogs:

I wash, iron, clean the house and cook. That's all I do and sometimes I go to the market. But sometimes I go to the market with my lady [employer]. (Female domestic worker, 2021).

I am the one who does almost everything in that house [the employer's house]: washing, ironing, cleaning, cooking, going to the market, looking after the dog, I also prepare the children to go to school. I prepare snacks. I also take care of the vegetables we plant, lettuce; everything that has to do with housework. (Female domestic worker living at the workplace, 2021).

Some participants (male domestic workers) worked as guards, took out rubbish, controlled the entry and exit of people and controlled the bosses' cars. Other participants also said that they did house cleaning and electrical work, an additional work that was not part of their working contract, but that they were not paid for the extra work:

I am a guard. Every day, first I irrigate the garden and see if there are any things in the garden that are ready, sometimes I see if there are any vegetables that are ready to harvest... then I go to sleep, because I work at night and I guard the house... after my employers wake up and go to work it is when I can asleep. When I wake up I go and cook for the dogs, sometimes I clean the dogs' house, clean the yard, but the salary does not increase. (Male domestic worker – guard, living at the workplace, 2021).

Working hours vary depending on the type of domestic work. There are 3 types of domestic workers: i) day labourers, those who work once or twice a week in one or several households; ii) domestic workers who do not live at the workplace and iii) domestic workers who work and live at the workplace. The schedule of daily domestic workers depends on the employers. Sometimes these workers work on Sundays. Domestic workers who do not live at the workplace work from Monday to Saturday. Their work activities start at 6 a.m. and end at 5.30 p.m. from Monday to Friday and from 6 a.m. to 2 p.m. on Saturdays, while domestic workers who are guards work in shifts. Domestic workers who work and live at

the workplace said that they work every day, including Sundays, and do not have a schedule for starting and ending domestic activities, as one participant narrated:

Researcher: How many days do you work a week?

Interviewee: I don't even know what that is. Here I always have to wake up at 5 o'clock, I can't sleep any more, otherwise I won't have time to stop for a while at least to watch that 9 o'clock TV program. I wake up early to put the dog in its house because at night it stays outside. Then I start looking after the children for school during the week. There's also irrigation of the vegetables, which I have to irrigate in the morning.

Researcher: Don't you have set hours to work?

Participant: Here the timetable is not very useful. Here it's like at home. At any moment if you have to do something, you have to do it. I work every day until I go to sleep. I only rest on the days I have time off to travel and see my son there in Gaza [another province]. (Female domestic worker living at the workplace, 2021).

Few domestic employees (only men) said that they performed other activities besides working as guards. These domestic workers said that in their free time they also did electrical work, plumbing, loading goods and construction materials. These participants said that they did these activities to improve the low salary they received for their services:

In my free time, I sometimes go and do odd jobs as an electrician and plumber. Sometimes they also call me to carry things, sand and stones on the building sites. This salary is not enough. We have to manage to get something else. (Male domestic worker/guard, 2021).

Monthly Wage of Domestic Workers

Wages for domestic worker participants range from 1500 to 6500 Meticaís (equivalent between 24.2 USD and 104.8 USD). Most participants receive less than the minimum wage (1500-3000 Meticaís = 24.2 - 48.4 USD), currently set at 4300 Meticaís (69.4 USD). Only three (3) participants receive above the minimum wage (4800-6000 Meticaís = 77.4 - 48.4 USD). Daily paid domestic workers, who are paid per day, receive less than domestic workers working full time. Domestic workers (guards) are paid less (3000 meticaís = 48.4 USD) than domestic workers working full time.

Some participants working as guards said that they engaged in other activities that allowed them to have higher incomes than their salaries:

But here in my work I get other money from outside [besides employment]. As it is a building, people come here to park their cars. They give us some money to keep their cars. The ladies when they come back from shopping have things to carry. Sometimes they call me to do plumbing in the houses here in the building. I usually manage to earn about 7000 Metical [112.9 USD] a month. That way you can live a little. (Male domestic worker – guard, 2021).

MOTIVATION FOR JOINING DOMESTIC WORK

The motivation to join domestic work is related to the lack of employment, low level of education, the desire to satisfy the basic needs such as food, health and education of family members. This fact leads to the emigration of some citizens in search of better living conditions in Maputo City, as this presents itself as an attractive hub for the absorption of most domestic workers. For example, one of the participants said that he left Zambezia Province to Maputo City in search of better living conditions:

I came from Zambézia to try to see if I could get a better job here because things were very difficult there. But here also when you haven't studied it is also difficult to find a good job. (Male domestic worker – guard, 2021).

Some participants said that they started looking for a job after their divorce and only got domestic work because they had a low level of education and they had no other alternative to get another job, as illustrated in the following speeches:

I came from Inhambane through marriage. When I separated from my husband I started to look for a work, but as I didn't study well [she doesn't have a high level of education], so I only managed to get work as a domestic worker. Even to work in a shop you need to know people [who can get you work], it's difficult. Then another place where I worked, my boss was a foreigner, and when his contract ended, he returned back home. Then he referred me to my current lady that I am with her until now [the lady she currently works for]. (Female domestic worker, 2021).

I started working as a domestic worker because I separated from the father of my children and as I had studied almost nothing and had no employment. I realised that to work in other sectors you need to be educated, and for those who come from the countryside like me it becomes more difficult, so the option left to me was to look for a job in domestic work. First, I worked for Indians, then I managed to get a job at the Save the Children Agency in the area of cleaning and that's when I met my current employer. But before I worked as a day labourer and then they hired me full time. (Female domestic worker, 2021).

In fact, the participants' statements show that domestic work is not a choice, but one of the sectors that welcomes citizens with the lowest academic qualifications. The labour force in the domestic work market in Maputo city consists mainly of citizens who have not completed primary or secondary education, or do not have any academic degree at all. Domestic work also presents itself as a space of shelter for some citizens who do not have a residence in Maputo city, especially those who work and live in the workplace:

I came from Chidenguele, Gaza province, to buy things to sell, but that did not help me much because then I had to rent a house to live and I spent money. It is very expensive to live here in Maputo City. Then my friend who also works and lives in the house of her boss told me that she managed to save money because she didn't spend the money to rent a house, buy food and pay transport. So, I asked my friend to also find me a job where I could work and live. And I got this job. (Female domestic worker living in the workplace, 2021).

Other participants said that they joined domestic work because they needed to help their spouses to increase the family income:

I stopped studying for lack of conditions and then I had children. And I had to look for work to help my husband. So, I stayed as a maid. (Female domestic worker 4, 2021).

Almost all of the domestic workers interviewed got the domestic service job through or with the help of their relatives, friends, neighbours or other acquaintances:

My lady [employer] is the niece of my neighbour there in Gaza province. It seems that she told her aunt that she needed someone to

control her house in Maputo, and my neighbour as she knew of my difficulties, asked me if I wanted to work in Maputo... I spoke with my wife and we agreed that I can take the job... Sometimes I go to see my family and sometimes my wife comes here, in Maputo. (Male domestic worker working and living in the workplace, 2021).

I started working for a lady who my friend told me wanted someone to work only two days a week, from 7am to 5.30pm. And this lady paid me 1500Mts. Then other days I would go from house to house asking if they were looking for someone to wash, iron, or do any housework. But sometimes I got work, sometimes I didn't get any. When I got work they paid me 350 meticaais per day. (Female domestic worker, 2021).

PERCEPTIONS OF LAW ENFORCEMENT INSTITUTIONS, CIVIL SOCIETY ORGANIZATIONS, RESEARCHERS AND DOMESTIC WORKERS ON DOMESTIC WORK AND THE RIGHTS OF DOMESTIC WORKERS

The study identified three perceptions about domestic work. The first holds that domestic work cannot be associated with slavery since in Mozambique slavery does not exist. For the participants who had this perception, slavery is forced labour, where people, against their will, are forced to work without any income or any other kind of rights. The participants considered that slavery does not exist in the domestic work sector because there is still a salary although it is, in some cases, indecent and there is an exit schedule and freedom of choice in continuing with the work:

As far as I know, in Mozambique there is no slavery, there may be excesses in the way domestic workers are treated by their employers, but it does not come close to comparing it with slavery... slave labour is forced labour, where people, against their will are forced to do it, without any income or any other kind of rights, but domestic work

in Mozambique has a salary, time for the person to go home and do their own things, and freedom of choice if they want to be in one job or another... or if they want to work. There is still the law that protects domestic workers, so the worker is free to be able to report if he/she is being ill-treated. So, to compare it to slavery would be going too far. (Male key informant, Jurist from the MULEID, 2021).

I think it's a bit of an exaggeration [to compare domestic work with slavery], because the person should also know that they are working for our needs, our house, our children. But if there were stipulated hours there would be no problem one can work...we have this regulation that helps us to do our work with domestic workers, which is 40/2008 of 26 November. This law helps us to know how to act in these situations. (Female key informant from the SINED, 2021).

The second perception is that the term modern slavery can be used to refer to domestic work because practices similar to modern slavery exist in the domestic work sector today. Some examples are given of child labour, imprisonment or limitation of the right to freedom in the household, absence of holidays, wages that do not even cover food. Another common phenomenon in urban areas, which practice justifies the association between slavery and domestic work, is the sending of children without economic conditions to close relatives in the name of a good education. Once there, the children are transformed into domestic workers, without the right to a salary, and only have the right to food. In addition to the children linked by family ties, there is a tendency to use child labour in the domestic sector, which in addition to the absence or low wages, are subjected to forced labour above their capacities and to ill treatment such as physical and psychological aggression, sexual abuse and limitations to their freedom of movement, as illustrated in the following view:

Researcher: Do you think there are labour practices similar to modern slavery in Mozambique?

Participant: Yes, several.

Researcher: Could you give an example?

Participant: For example we have child labour in the frequent areas... we monitor human rights and we find situations like this in big pharms, in the home, we find people like workers who stay two days working without the right to anything, without the right to holidays... there is not much inspection and because of that, they put people to work without holidays, without rest... and in exchange for... sometimes they pay wages that are reduced to giving a little bag of something. I mean, they only work to eat. In some villages, in rural areas, they have the habit of taking the children and saying that they are going to educate them, but there, the child does a job that is far beyond their capacity and the education does not take place. There are children who are in families working without wages, also doing all kinds of hard work, so this is one of the areas that we should take into account; child domestic work. Then as you know, in that area there is no minimum wage determined. That work is really slavery work. And those jobs are hard. But if you go and ask if any labour inspector has ever been to a place where domestic work is done, you will see that he or she has never been. Unless the maid goes and complains. But in private companies, it's all that... a child, if he can't handle the work, the company hits him, insults him. It's all a set. Even moral offence. It's physical and moral abuse of all kinds. Whenever there are these situations, the victim doesn't have any rights. And if it's a girl, she's even sexually abused. (Male key informant from the CNDH, 2021).

In all work situations there are these situations [non-respect for human rights], it is not only in domestic work.... Of course, in

domestic work, as there is still not much in terms of legislation, there may be more cases related to attitudes that are not good for workers... We have also been reported on this situation... But we also have to take into account that boys selling on the streets under someone's custody are also considered domestic work. So, we have to do a graduation of the types of domestic work.... So, ... we do believe that there are forms that are not appropriate...northere is no doubt that there are several cases.... of children up to below 15 years old who are working in people's houses... in other family members' houses, when they come from the districts to the city.. we have several cases of these throughout Mozambique. Children who look after other children who are almost the same age as the children they are looking after... (Male key informant from the Labour Mediation, 2021).

The third perception is that one can use the term modern slavery to designate current domestic work, but only as a metaphorical resource. The use of the metaphor is due to the abolition of the term slavery but that the same applies for the violent ways in which domestic workers are treated and the violation of their human rights. The metaphorical use is justified by the presence of a salary, freedom to give up employment and, by the existence above all, of a legal framework that confers equality on workers:

I think that domestic work is a job like any other in the Mozambican legal system and is regarded as legally pre-defined work. Of course, it [domestic work] has to be done within what is the legal framework. From the moment that domestic work is done outside of what has been legally defined, if the work that is being done goes beyond what is normal definition of domestic work, for example, not understanding the minimum hours, not respecting the clock-in and clock-out times, resting time, then of course we already start to enter

the forum of what we can conceptualise as slavery. Because slavery, from a conceptual point of view, is the non-observance of any minimum level of respect for the human person...of course it goes through what we can call slavery when the minimum labour standards are not observed....Mozambican society normally states that all work that a woman does should not be valued or is not valued because it is being done by a female person ...there is also a weight of gender aspects that undermine this situation of domestic work. (Female key informant, Jurist from PGR, 2021).

Researcher: can we say that domestic work is a new form of slavery?

Participant: Well, as far as I know, slaves had no right to remuneration. Now domestic work has the right to remuneration (...) what I think the previous slave was a person who was a tool of someone today the domestic worker (...) by analogy we can say that it is a slave, but metaphorical, since the employee today has the freedom to dispense with being an employee in quotes. Not long ago I said that people had no other alternative to have income so they opted for domestic work but I would not say slavery except in a metaphorical sense. People are subjected to working conditions that are not good at all. (Male key Informant, Sociologist 2 and researcher from UEM, 2021).

Domestic Workers' Perceptions About Domestic Work

There is a perception that domestic work is hard work that is not valued either by employers or by domestic workers themselves. For example, most of the domestic workers interviewed consider that although domestic work is considered as a work equal to other work in terms of dignity and value assigned to it, in most cases there are no limits on working hours and a large part of the tasks carried out by domestic workers have not been agreed upon, with domestic workers even carrying out all tasks, including those of small businesses carried out by employers, without overtime pay:

My job is difficult because I wake up early to work in the house and then I have to work in the shack. And you know how it is... in the shack the drunks want to drink up to... sometimes I only go to sleep at 2 o'clock in the morning, and then wake up, work at home... like that. But they only pay me that money... they don't even give me a little of what I work in the shack, because at least they could give me a little allowance... (Female domestic worker living at the workplace, 2021).

The perception that domestic work is hard and undervalued is clearly substantiated by the speeches made by domestic workers themselves when looking for a job. For domestic workers, the search for domestic work is presented as a last option in a desperate situation and is seen as a temporary phase in the search for decent work. Because the work is discriminated against and uninteresting, some domestic workers do not identify themselves with this class of workers and even less do they seek to know the rights associated with it. This perception is due to the discrimination of the sector and the hard work not accompanied by the respective payment that allows the worker to have a decent life and be able to support himself and his family:

[...] domestic work is the last option, because you know, they even say that when they are looking for work they are desperate and they say 'I'm looking for work, even that of a domestic worker'. I mean this work is only really when they are in a desperate situation because they know that it is a job that is really difficult...people enter this job hoping that they will find something better and there is not even talk about disclosure of the law because it is a class that doesn't want to be there, really and only goes [to the sector] until they find something better. Nobody wants to identify with this class. It's a class that has no other destiny...It's not worried about rights it just wants to work to get bread. (Male key informant from the CNDH, 2021).

It's a very difficult job, it involves a lot of contradiction between the employee and the employer. In general, employees are treated as if they were semi-persons. This experience is not generalised, but I've heard of cases where the employees don't have the right to eat the meal they've prepared and it has to be food from the day before that they have to serve themselves and not the food they prepared at that moment. This type of treatment I think is inhumane, apart from the low wages. It is not a good experience for people to subject themselves to domestic work. It has to do with the fact that they don't have other work opportunities. (Male key informant, Sociologist 2 and researcher from UEM, 2021).

Perception of Law Enforcement Institutions, Researchers and Civil Society Organisations on the Domestic Workers' Rights

Most of the study participants belonging to the various law and civil society institutions point out that the legislation on domestic work has gaps that end up influencing discrimination against domestic work and the rights of domestic workers. Such gaps are the differentiation in daily working hours between domestic and formal work, the failure to establish the minimum wage, the fact that the minimum wage by definition is not eligible for the INSS deductions, and the difference in the issue of severance pay:

First because in other jobs there is a minimum wage set by the state that everyone must comply with, while for domestic workers, the employer gives what he wants, on the day he wants. Domestic work is also considered to be self-employed. But we know that in order to register with the INSS you must have the employer's authorisation. If you don't, you can't register, which means that domestic workers are not self-employed as they say in the INSS, but employed by someone else. And if this is so, then a percentage must be guaranteed by the employer. But many domestic workers pay alone because their

employers don't help. But those who are in companies, the employer, out of the 7%, pays 4%. But for domestics they don't treat them like that anymore. You depend on good-hearted employers when they help you. But the law doesn't protect us. Even on working hours. Domestic workers have nine hours, but in the formal sector they have eight hours, but they don't say why it is different. (Female key informant from SINED, 2021).

[...] women in domestic work don't have the right to retire if they have even the bare minimum or something worthless. So for me we are in a situation of discrimination. We are treating equal situations in a completely different way and we totally fall into discrimination. (Female key informant Jurist, 2021).

Additionally, the SINED' key informants revealed that the difference in the issue of severance pay, the lack of notice in the law and the difference in maternity leave between domestic workers and other workers also contribute to discrimination of the domestic workers' rights:

[...] even if we are talking about the compensation itself, our sector is 10 days for each year, but for the others it is not like that, it is between 30 to 40 days. (Female key informant from SINED, 2021).

[...] we also have the issue of notice, we don't have it in the law. We also have domestic workers working on Saturdays and holidays, but the others who are in formal do not work like that. Now that maternity is already 90 days, we still continue with 60 days. (Female key informant from SINED, 2021).

Despite the existence of legislation on domestic work, law enforcement and civil society institutions point out that people do not respect

many of the domestic workers' rights, most notably working hours and the minimum wage. The failure to respect the minimum wage may be related to the fact that the legislator left the decision on wages between employers and domestic workers:

What should be established, the minimum wage for example, is not established. A lot of things practically the legislator legitimized that the families, that the bosses and the employers decide a lot of things about domestic work. The decisions were made available to the parties. (Female key informant and Jurist from PGR, 2021).

The other reason that contributes to the lack of respect for the rights of domestic workers is related to the lack of inspection in that sector because inspection falls only on formal work and domestic work is considered informal:

It is very complicated. First the inspection is a public act and the inspection falls on formal employment and it cannot fall on domestic employment. (Female key informant and Jurist from PGR, 2021).

However, in case of a complaint of ill-treatment of domestic workers, the inspection can be made to the informal sector, such as domestic work:

[...] exceptionally when we have a complaint and this complaint has to be about ill-treatment, violence or any other type of violence ... (there will be an inspection) ... the inspector would not go to a house just for the sake of it. You can't invade a home without a judicial decision... in extreme cases, only when there's a complaint. So practically in my point of view domestic employment is a job that does not have the same rights as other formal jobs... we still have a long way to go. (Female key informant and Jurist from PGR, 2021).

Another aspect that contributes to the violation of domestic workers' rights is related to the fact that many domestic workers work without contracts, which does not help them in case of non-compliance with agreements made in the context of employment:

Researcher: what are the risks that employees may face with regard to the violation of their rights?

Participant: The risks, for sure many are linked to the fact that they work without a contract, and this harms them, because they have no means to demonstrate that there was non-compliance with the agreements established in the contract. But even so, we try to work with witnesses to follow up on the matter. The second risk is the lack of knowledge of the laws, because if they delay in submitting the complaint, they run the risk of doing so after the statute of limitations has expired, and so we have no means to interfere. (Male key informant from IPAJ, 2021).

Domestic Workers' Perceptions of Their Rights

Domestic workers registered within the INSS said they know their rights to a minimum and know how to act if their rights are violated because they have had training at SINED:

Researcher: Do you know your rights as a domestic worker?

Participant: As I said before, we are usually given training at the SINED on our rights, but I don't always participate. What I do know is that we can go there to complain when they treat us badly at work, or when they delay paying us wages... but I don't know much about the law. (Female domestic worker registered with INSS, 2021).

Unlike domestic workers registered with the INSS, domestic workers who are not registered within the INSS do not know their rights and do not know where to complain if they have problems at work:

Researcher: Do you know your rights?

Participant: I don't know my rights. I don't even know that there is a law, I only know that you can't treat me badly, beat me...

Researcher: Do you know where you can go to complain in case you have a problem in your work?

Participant: No. (Male domestic worker, 2021).

Institutions Promoting the Rights of Domestic Workers

In Mozambique there are some institutions and civil society organizations that promote the rights of domestic workers. The public institutions that defend and promote workers' rights are: *Ministério do Trabalho, Emprego e Segurança Social* (MITESS) [Ministry of Labour; Employment and Social Security], *Instituto de Patrocínio e Assistência Jurídica* (IPAJ) [Institute for Sponsorship and Legal Assistance], *Comissão Nacional dos Direitos Humanos* (CNDH) [National Human Rights Commission], *Polícia da República de Moçambique* (PRM) [Police of the Republic of Mozambique] and the *Procuradoria Geral da República de Moçambique* (PGR) [Attorney General's Office].

The MITESS is responsible for the design, dissemination, implementation and supervision of the Law, including the facilitation of the registration processes of domestic workers with the National Social Security Institute (INSS). To this end, in addition to the Law No. 40/2008—

Decree on domestic work, MITESS has designed and implemented the Decree No. 14/2015 of 16 July, which sets the rate of contributions for self-employed workers and Ministerial Diploma No. 105/2015 of 27 November, which determines the registration requirements for self-employed workers.

The Decree No.14/2015 determines that domestic workers are part of the group of self-employed workers and, as such, they must register and pay contributions individually without the employer's contribution. Similarly, the same Decree sets the contributions of this group of workers at 7% of the monthly salary or income earned. However, the Decree determines that only workers earning the national minimum wage—which currently is actually 4300 MZN (*Meticais*)—can register at the National Institute of Social Security. In order for domestic workers to register with the INSS, according to Ministerial Diploma No. 105/2015, of 27 November, they must comply with the following requirements: Identity Card, declaration confirming the exercise of activities, Unique Tax Identification Number (*NUIT*), bank account, telephone contact, email address and supporting documents of the household members. These procedures are different from the employees, that as stipulated by Decree No. 4/90, 13th April—which sets the global contribution rate between employers and employees—the global contribution for INSS is 7%, with employees contributing 3% and employers contributing 4%.

Self-employed persons as well as employees receive the same benefits, i.e. sickness, maternity, invalidity, old age and death pensions:

All the benefits that employees have are the same as for the self-employed. For example, workers have the right to receive after contributing for 6 months in case of illness, but for the case of death it only takes 3 months. There is also the subsidy for illness, hospitalisations, then there is the paternity or maternity subsidy, when you give birth. There is also the disability pension, which is when, before the worker retires, the worker is unable to continue working and is therefore entitled to a disability pension. But we also have the old age pension, which has a minimum age to start receiving, but we also have an age at which the state says that this citizen is entitled to receive the old age pension. And finally the death when a worker dies, first

there is the funeral allowance to support the ceremonies, we also have the value of 6 months payment to support family members and the survivor pension to assist the spouse, and also for children, but each of these payments, depends on the contribution that the worker makes and we have the respective requirements for each benefit. (Male key informant from the INSS, 2021).

However, there is differentiation in terms of time in some benefits, as advocated by the Mandatory Social Security legislation (INSS, 2019). In the case of sickness benefit, for example, employees are entitled to the benefit for 20 working days, which can be extended if the illness also extends, while self-employed workers are entitled to the sickness benefit for a period of only 30 days. The maternity allowance for female employees is 3 months while domestic workers are entitled to maternity allowance for only 2 months (INSS, 2019).

The INSS is responsible for the registration, collection of contributions and payment of benefits for domestic workers. The institution also promotes the dissemination of legislation benefiting domestic workers:

The INSS has also been interacting with the trade union and workers' associations to promote and encourage workers to enrol, to register in the INSS. Also, the INSS makes campaigns in the social media about the benefits of the workers that are registered in the INSS (female key informant from the INSS, 2021).

The MITESS, through the National Directorate of Labour Inspection and the Labour Mediation and Arbitration Commission, carries out inspection activities and mediates the resolution of conflicts between workers, including domestic workers and employers. These institutions also disseminate the laws and sensitise communities on the existing mechanisms for the denunciation or resolution of labour problems:

There are complaint mechanisms in the Provincial Labour Directorate, it has been doing the work of disseminating the Law and raising awareness at district level, with the involvement of the Attorney- General Office. At district level, in conjunction with the community leaders, to raise awareness in the communities about these problems, these situations The Attorney- General Office are even receiving training to know how to act in these cases. (Male key informant representing the Labour Mediation and Arbitration Commission of MITESS, 2021).

The Institute for Legal Aid (IPAJ) provides free legal aid to citizens who can prove that they are unable to afford private legal services. These citizens include, among others, non-working citizens, employees, and domestic workers. The Police of the Republic of Mozambique (PRM) is the justice institution to which citizens appeal in case of injustice or violation of their rights. The National Human Rights Commission (CNDH) promotes and oversees compliance with human rights for all citizens, including all types of workers, and is active in promoting the rights of domestic workers. One of its roles is to refer cases related to violation of the rights of domestic workers, including civil and criminal cases:

We have a network of institutions that collaborate with us. If it is a criminal matter, we channel to the PRM or the prosecutor's office. For example, if it's a criminal case, we call the prosecutor straight away. If it's a civil case, we have IPAJ, if it's necessary the intervention of the Ministry, if it's a labour case, we have the Labour Inspectorate of MITESS. But there can be found some cases where we can prior see that these are already a crimes, so we call the police. (Male key informant from the CNDH, 2021).

Civil society organisations such as the Mozambican Workers Organization (OTM), National Union of Domestic Workers (SINED),

Association of Women, Law and Development (MULEID) also defend and promote the rights of domestic workers.

OTM plays the role of an intermediary between workers and companies and the Government. With regard to domestic workers, OTM seeks to lobby the Government to improve the law on domestic workers and the status of domestic workers in the labour market:

We have been lobbying our Government to improve the laws on domestic work. We are trying to change the Decree No. 40/2008 to ratify ILO Convention 189 and the Communication 122, because these principles will force the Government to look at domestic work like any other else. (Male key informant from the OTM, 2021).

The OTM has a trade union called SINED which deals only with matters relating to domestic workers. Domestic workers who join SINED can submit their problems to the union in particular or to the OTM in general:

We have the domestic workers' union [SINED] affiliated here at OTM. But workers can come and complain here [OTM] or in the union, depending on them. But if they register, they register with the union. But we are the general, we deal with the issues of all kinds of workers. (Male key informant from the OTM, 2021).

The SINED has the task of raising awareness and registering workers. According to the SINED' representative, in order to domestic workers be registered in the union, they only need to present their Identity Card. The SINED also helps workers when they have problems on work, advises workers to register within the INSS, and disseminates Law No. 40/2008 on domestic work, the rights and duties of domestic workers. However, it is acknowledged that many domestic workers are not aware of the SINED's existence:

The union usually gives lectures to domestic workers. They should have respect, not argue, not steal things from the owner. They should do their work properly so they don't have problems. They should know what their rights and duties are. Many people [domestic workers] don't have information. But when we started we did marches and we were on television and people saw us and came to register. But now we have stopped these activities because of COVID-19. Many don't know their rights and don't even know that the domestic workers' law exists. (Female key informant from the SINED, 2021).

The OTM and SINED' representatives said that they faced several challenges in carrying out their activities in safeguarding the domestic workers' rights. Such challenges are related, for example, to problems of relations between domestic workers and employers, limitations of the Law No. 40/2008 for supervision of domestic workers' activities and conditions at the workplace, constant violation of workers' rights, lack of training and knowledge of workers' rights, lack of laws determining minimum wage and working hours for domestic workers:

One of the challenges we face is knowing how to deal with employers who invent situations in order not to pay their workers, because many of them usually say, sometimes they don't have money at the moment, sometimes they are asking to pay in instalment [in case of debts or indemnities], sometimes they invoke things that the worker didn't do, just to avoid paying. And we have no way of proving it, it's the word of one against the other. We can't go into people's homes to inspect their working conditions because the law doesn't provide for it. So the law is our biggest challenge to get supervision's right. Also the forms of work.... We can only get workers together on Sundays, because others don't even have the right to holidays. So we don't have much time to provide training so that they know their rights. (Male key informant from the OTM, 2021).

[...] First thing is the minimum wage and many things that come after, we want all domestic workers to work in peace. We also want domestic workers to have a single schedule, that the person will work knowing how many hours and be stipulated legally. And we are working from morning until night, we don't have a fixed schedule. Our employers are the ones who determine the hours, from 7 until 6pm, 7pm, 8pm.... And we would only like to work the hours that we can work and come home and take care of our domestic affairs as well. (Male key informant from the SINED, 2021).

The, MULEID also promotes the rights of domestic workers by disseminating the Law No. 40/2008 and raising awareness of domestic workers' rights using campaigns, seminars and assistance to domestic workers in case of violation of their rights, including in criminal cases:

We do these campaigns and seminars for them to know that we exist and for them to come to us. And a lot of people [domestic workers] come and ask for our support. There have been many cases, I don't have the number now, but they reach more than 20 cases a year. Only in 2020 they went down a little bit, maybe because of Covid-19 because our performance was also not so up for the same reason. But people come to us a lot. (Male key Informant from MULEID, 2021).

Despite the existence of various state and civil society institutions that promote the domestic workers' rights, the results of the interviews indicate that most domestic workers did not know where they could present their problems, and the few who knew about the existence of some institutions had almost never used these institutions to present their problems. Some participants who mentioned some institutions were members of the SINED. Other participants mentioned the police station as the place where they could turn to present their concerns.

Some key informants said that the lack of use of institutions is partly due to the lack of knowledge of these institutions, lack of time to go to the institutions and fear of losing their jobs:

He/she [domestic worker] knows that he/she can complain, but he/she is afraid of losing his/her job, being without a job and not being able to pay his bills. So, he/she is in a situation of fragility. So, he/she finds him/herself in the situation of staying with that job, even though he/she is in an inhumane situation, because he/she would not have another job opportunity in the short term. (Male key Informant, Sociologist 2 and researcher from UEM, 2021).

SOCIAL DETERMINANTS INFLUENCING THE PRODUCTION AND REPRODUCTION OF INDECENT PAID DOMESTIC LABOUR

This study identified several determinants that influence the existence of indecent work in the domestic work sector, namely: historical-political, legislative, economic, social and cultural factors.

Historical-Political Factors

There is a perception that domestic work is a result of the colonial legacy. Although the post-independence period has seen an extension of equal rights among citizens, the domestic work sector has continued with several of the dominant characteristics of colonial domestic work. For example, the architecture of housing infrastructure built in the colonial period was designed around the settler's main house and outbuildings in the back of the house for domestic servants. This architectural structure has been maintained from the post-independence period to the present day as a way of serving the interests of employers at all times of the day without any agreement on wage payment or compensation for the extra time worked:

I think that post-colonial domestic work is an extension... and I also said at the beginning, various labour relations have emerged, but in the domestic sector, specifically, it has not had its visibility... We are still heirs of the colonial period, you only have to see, every house, every building that is built, there is always a shelter for the domestic worker, so our thinking is still feudalistic thinking. We have the big house and we have the sanzala [shelters for domestic workers]. So, the construction of the premises serves as a warehouse, but it also serves as a shelter for the one who has to wait for the boss when the boss comes back at two in the morning, and he has to wake up to attend to the boss, and he doesn't get paid for that. (Male Key Informant, Sociologist 2 and researcher from UEM, 2021).

Legal Factors

In Mozambique there are laws regulating labour relations in the domestic work sector. However, these laws need revision and consensus pacts between the main stakeholders, namely: employers, the State, civil society and the private sector. The current legislation does not fully protect the domestic workers' rights. The law only regulates but does not fully protect the worker due to inefficient inspection mechanisms as well as the persistence of some grey areas in relation to the establishment of more specific measures on minimum wages, working hours, compensation, inspection and impunity for those who infringe the rights of domestic workers:

Researcher: To what extent, do you think this law protects domestic workers?

Participant: I can say that it does not protect, but only regulates. The law does not protect because of the mechanisms that are not appropriate. First, the issues related to compensation... the inspection, I mean, there is no inspection in these areas, holidays, bonuses,

salaries, you name it. It's a regulation that exists but it's not effective. Now in terms of principles, we have many interesting ones. In the Constitution, it is stipulated there, the standards of laws we have international laws, but the guarantees of the efficiency of control, supervision, impunity, really leave something to be desired. Our country has laws that discourage this type of slavery, but already in the control.... (Male key informant from the CNDH, 2021)

Some key informants feel that domestic work should be made extinct because it puts workers in indecent and deplorable working conditions:

In legal terms something is missing. It seems to me that as soon as there is legislation that intends to ensure or dignify domestic work, it seems to me that domestic work should not somehow be fought against. In my opinion we should fight it [...] because I am of the opinion that all of us could, if [domestic work] were forbidden, do without domestic work and maids in our homes. Because we have the capacity in some way to assist domestic work. (Male key informant, Sociologist 2 and researcher from UEM, 2021).

[...] domestic work, I will say straight away that in fact this area is one of the most worrying. To begin with, under normal conditions there should be no domestic work... That is why here at OTM we do not defend domestic work as a job like any other formal job, but since there is a lack of job and we are in a poor country, people end up looking for precarious and undignified jobs such as domestic work and because we can't stop these jobs, not even with the help of the law, we have no other option but to try to guarantee a legislation that tries to make this domestic work a little dignified ... That's why we fought for the existence of the Decree 40/2008, to prevent domestic work from becoming slavery. But what we see is that workers as well

as their employers do not know this law, and those who know do not apply it and continue to exploit their workers in this sector. The employers don't respect working hours, don't pay overtime, workers are trampled underfoot, sometimes they can't eat, while she cooks, sometimes they can't use the bathroom that the boss uses... if they can't use the bathroom. (Male key informant from the OTM, 2021).

Factors Relating to the Enforcement of Laws and Regulations

The inspection of domestic work only happens in the formal sector in a more organised and consistent way. There is no inspection in the domestic work sector. On the one hand, inspection is only carried out in cases where the public denounces it and a labour inspector is sent to investigate the respective situation. On the other hand, there is a perception of impunity even in cases of denunciation. The lack of technical, material and financial conditions contributes to a greater vulnerability in the inspection of this sector, since if someone denounces cases of human rights violations, it is up to the same person to create the conditions for the authorities to go there for inspection:

There are also many areas where the state does not arrive to supervise. The other factor is the feeling of impunity, we always think that nothing will happen to us. These factors contribute to the aggravation... and also the lack of institutions to oversee these practices. If you report something that is happening today in Chókwe, for example, you are the one who has reported it and you have to arrange for the police to go there. So, this lack of technical, material, human and financial conditions also contributes a lot...Let's define private imprisonment, which is people who are not authorized to have the custody of people, or who are locked up. We have these situations that when the person doesn't do the job as the boss likes, they are locked up for a week, or

more. So, in this case, the boss is king and, given the lack of supervision by the judiciary, people end up taking the law into their own hands. (Male key informant from the CNDH, 2021).

The issue of labour inspection in the domestic layer there is no inspection.... Now there is no inspection, I can say. Because before they went from house to house trying to find out what was happening and negotiate good working conditions with the employer. They say there is inspection, but for me there is not because we are suffering and we are not seeing any help from anywhere. (Male domestic worker registered with SINED, 2021).

There is a perception that there is a pact of silence on the part of the state, which does little to intervene in these complaints because it cannot provide access to formal employment. Thus, employers violate human rights and the state pretends not to take harsh measures because it assumes that only this precarious situation is worth the total absence of employment, which further exacerbates the precarious working conditions of domestic workers:

The state knows, knows, but does not want to enter into open conflict with employers because the state should create access to formal work. And if workers don't have access to formal work, what will be done? Because it is the state that has to create these jobs. It is a continuity of a cultural practice. But in Brazil, we can find day labourers, and in Europe, domestic workers are hired for very specific activities, due to the payments that are in accordance with what is stipulated by law. But not in our case. We still have these colonial, feudal practices as a result of the culture of our settlers, of our history. But at the same time, the state knows that it does not have the conditions to ensure that people benefit from their rights, such as

access to work and a dignified life. There are attempts and proposals to improve the conditions of domestic work, but I don't know if the law that guarantees this is already in place. And the problem is this pact of silence. In Brazil they used to say "the state pretends to pay and we pretend to work" and all this is linked to the salary the state pays. If the state pays me a salary of 20000 MZN, how am I going to pay 5000 MZN to my employee. I can't. I can only pay him 1500 MZN. The state knows that what we have as salary is far from being able to meet our basic needs and give dignity to the human being. (Male Key informant, Sociologist 1 and researcher from UEM, 2021).

Finally, it must be considered that corruption also functions as a way of silencing the cases of denunciation to be submitted to inspection by the State sector. As can be seen in the following extract:

So there are several factors, but there is also a transversal factor that is very important, which is corruption. If I have the power to pay the inspector, then... corruption exists at all levels, from the highest to the lowest, and this hinders the good performance of the institutions. It is a mosaic of factors. (Male key informant from the CNDH, 2021).

Economic Factors

One of the economic factors contributing to indecent work is related to the severe poverty affecting most of the population, in general, and the population with a low level of education, in particular. The formal labour market is selective and limited in terms of job offer (employment), which pushes most people with low educational qualifications into domestic work. With low qualifications and greater offer in the demand

for employment, most employers offer occupations with low wages and limited rights to domestic workers. The low wages of the class of the domestic workers are mainly a result of the low income earned by the employers:

From an economic point of view, it is linked to purchasing power and the capacity of markets to create jobs. And since we have difficulties, we end up entering the field of labour precariousness, which is domestic work.... security guards, domestic employees, are subject to these issues of precariousness. In rural areas this is not as intense as in urban areas because in rural areas the families themselves are those who have to work for their own sustenance. And the employees who sustain the urban environment come from the rural areas to the cities in search of work. So, there is a little difference here. However, when we find a family in rural area that keeps a domestic worker, the working conditions of that domestic worker is much more deplorable because his salary is even lower, because the families are also poor. (Male key informant, Sociologist 2 and researcher from UEM, 2021).

Another aspect is poverty. When people are poor they often have no options and they are very vulnerable that they don't even demand rights. They just want to survive. (Male key informant from the CNDH, 2021).

Sociocultural and Political Factors

There is a combination of social and political factors that contribute to indecent work. The social factors include: (i) the low level of education that characterises the profile of domestic workers; (ii) the low level of knowledge about human rights and domestic workers' rights by the

domestic workers and their employers; and (iii) sending minors to live with relatives with a certain economic power in the name of solidarity and exchange for adequate education, health and protection (a practice more common in urban areas). The study also identified some practices that subtly start as domestic work and unfold into premature unions in both urban and rural settings. For example, there are cases in which the underage girls are subjected to forced labour, which may start in the name of paying off a debt incurred by their parents or guardians, and the value of the debt being deducted from the work carried out by the girls. When the debt is huge and the girl reaches puberty in the workplace while the debt has not yet been paid off, then this girl becomes the wife of whom she is still owed the value:

It seems that there is an interrelationship of factors [...] in a family or in a relatively disadvantaged social environment when one does not have the opportunity for formal education in the future he/she is forced to earn an income. As the market is closed to people with lower education, they are often forced to choose the domestic work. These are the options they have but at a lower level. So it seems to me that factors related to lack of education have to do with the fact that you come from an economically disadvantaged family, I imagine... people who don't manage to rise in education have to do with the fact that they can't continue with their studies. In general, it seems to be a case outside of situations where in some social cycles education has no value ... families having some income that can be used to guarantee the education of their children simply choose not to use that income for that purpose. They opt to use that income for other tasks than the education of their children [...] In these social cycles it seems that formal education has no value. It has value, for example, going to the mines to earn money and not seeing the child with some higher education. People have difficulties in accessing formal market work because they haven't had access to formal training.

If they didn't have access to formal training then there are other reasons that have to do with the fact that they come from generally poor families and education is probably not a priority. So it seems to me that these factors occur to me very well for people or their children [...] in the future to be potential domestic workers. (Male key Informant, Sociologist 2 and researcher from UEM, 2021).

Participant: [...] you take the child, you say that he has to live with his godmother or people take their godchildren to raise in the expectation that they will have more life opportunities [...] and consequently, the child is taken to be raised there, by the godmother, supposedly because he/she will have more opportunities. But in general we see that this is not the case. Generally these children who are taken by this acquaintance end up serving as domestic labour. This is a cultural element that is worth exploring. It may be an issue linked to the culture of working early... Because in the law you can only work at the age of 15, but with permission of the guardian. One thing we know is that children are working for people, children who even come from the districts and come to work for their relatives. (Female key informant from the Labour Mediation, 2021).

In relation to political factors, there is a combination of aspects that are linked to the policy that determines the minimum wage in the country, a policy that covers most employers, combined with market rules that are governed by the search for balance between supply and demand that contribute to the precariousness of domestic work. The combination of these factors means that employers cannot offer their domestic workers a decent wage. And, as the State does not interfere in the determination of the minimum wage for domestic workers, the latter are seen as victims of the “pact of silences” between employers and the State, as can be seen in the excerpt below:

There is an attempt to regulate this activity [domestic work], but there are also a lot of tensions in the middle of that because the wages of the employers, especially those who are linked to the civil service is also not high. If they want to demand that domestic workers earn like servants and others who are linked to the formal sector, it means that we as the State employees will not have the capacity to pay these employees.... It is as if it were a pact of silence between the State and employers, I might say, in order to save a category that still remain outside the formal parameters from the point of view of the labour rights. Even so, we can say that the issue of slavery continues, even if not very explicitly, it continues to exist. And partly even covered up by the State itself. Because the State knows... that it has not yet been able to protect and free the system of domestic work from a colonial process. (Male key informant, Sociologist 2 and researcher from UEM, 2021).

Cultural Factors

Similar to some social practices that implicitly and covertly operate as determinants of indecent work mentioned above, from the cultural point of view there are cultural practices that also operate in the same subtle way as determinants of indecent domestic work. Thus, this study found that most key informants have the perception that (i) the use of child labour for domestic work in both urban and rural areas; and (ii) the payment of debts incurred by parents or guardians where the children are used as bargaining chips until the value of the debt is settled (more common practice in rural areas) hide forms of modern slavery:

I think there is firstly a cultural factor. We have to think that Mozambique is a cultural mosaic. Another thing that we found is also linked to traditional practices when families go to a traditional

healer for treatment, sometimes they pay with the children. That is, they leave the children in the house of the healer to do work until the father is able to pay for the treatment.

Researcher: And when the child stays there, what is the child's function?

Participant: It's for domestic work. But you have to be aware that if they don't pay, the child stays there forever. And if it's a girl, she will serve the chief while she is at work and when she grows up she will become one of his wives. In Manica this is common and these practices still exist. (Male key informant from the CNDH, 2021).

According to our culture, there are certain houses where people start working and cleaning at the age of 8, 9, and maybe it's good for the person... but that's something people do inside their houses, not working for someone else. Now, when someone brings in an outsider to do work, the situation is different.... There is no doubt at all that there are several cases of children up to below the age of 15 who are working in people's houses... in the house of other relatives, when they come from the districts to the city... we have several cases of these in all of Mozambique. Children who look after other children who are almost the same age as the children they are looking after. (Male key participant from the labour mediation, 2021).

In addition to the use of children for various domestic work purposes, there is a culture of male domination that makes use of power and intimacy and imposes practices of sexual abuse on adult domestic workers. In some cases, this practice culminates in marital unions between the employers and the maids. Sexual violation takes on alarming proportions in the contexts where the State's inspection and enforcement of the laws is limited, particularly in the rural areas:

Violence continues...sexual abuse also continues. There are several cases of domestic workers being forced to have sex with their employers. Others complain, but there are others who even end up declaring themselves second wives of their employers. But what we have here is that the State itself has opened space for this aggression because the laws against violence helped to reduce this issue in urban areas, but in rural areas, where the State is almost not present, it is easier for these practices to spread. (Male key informant, Sociologist 2 and researcher from UEM, 2021).

IMPACT OF COVID-19 ON THE RIGHTS OF DOMESTIC WORKERS

The impact of Covid-19 on domestic workers was seen in relation to the following elements: type of work, daily workload, salary, contract and rights.

Regarding the type of work, most of the domestic workers living in the workplace and those living in their own homes stated that with Covid-19 the type of work has increased as they now have to be constantly disinfecting the spaces in the house, the objects in the house and the shopping items:

Researcher: now let us talk about Covid-19. Has anything changed in your work?

Interviewee: It has changed a lot because I have more work. Because now we have to clean everything that comes from outside. The cleaning inside the house has increased.

Researcher: What you did not do before but you start to do now with Covid-19?

Interviewee: Going out, coming back, changing clothes. Wash everything all the time. It's a lot of work because everything we bring from outside we have to wash or clean. (Female domestic worker 4, 2021).

However, some domestic workers who do not live in their workplaces stated that their weekly workload has reduced from six (6) days to three (3) days, but they still earn the same salary:

Researcher: what has changed in your work since the Covid-19 started?

Interviewee: With the start of Covid-19 I work every other day. But the schedule is the same. (Female domestic worker 2 registered at the INSS, 2021).

As for the daily workload, the domestic workers who live at their workplace and those who do not live at their workplace stated that the workload also increased with Covid-19 as they work between 9 and 12 hours from Monday to Saturday:

Researcher: at what time do you start to work?

Interviewee: I get in at 7.30am and leave at 5.30pm.

Researcher: Can you always leave at that time?

Interviewee: No. Because I keep organising other things that I couldn't organise before and sometimes I postpone other things for tomorrow.

Researcher: and how many days do you work per week?

Interviewee: from Monday to Saturday. (Female domestic worker 4, 2021).

Additionally, the domestic workers who live in their workplace revealed that with Covid-19 they work from early morning until late at night every day of the week:

Researcher: don't you have established the working hours?

Participant: here this schedule thing doesn't serve much purpose.

Here it's like at home. At any moment you have to do something, you

have to do it. I work every day until I go to sleep. I only rest on these days that I said they give me to go to see my son in Gaza.

Researcher: How many days do you work per week?

Interviewee: I don't even know what that is, sister. (Female domestic worker 3, 2021).

Researcher: don't you have established the times to work?

Interviewee: Here I don't have. As I live right here.

Researcher: How many days do you work per week?

Interviewee: I work every day. (Female domestic worker 2 living at the workplace, 2021).

Only a minority of domestic workers stated that Covid-19 did not bring any impact on their work:

Researcher: Did anything change in your work with the start of the Covid-19 pandemic?

Participant: nothing has changed with Covid-19. I went to stay with my son for a month when it started, but then I came back. But she paid me full salary that month.

Researcher: How did your relationship become with your employer?

Participant: nothing has changed. (Female domestic worker 3, 2021).

Researcher: How has Covid-19 influenced your work?

Participant: nothing has changed with Covid. I still work from Monday to Saturday. Same hours.

Researcher: What care is required from you in the service due to Covid-19?

Participant: Nothing has changed. But my employers buy masks and alcohol. (Male domestic worker 1 registered at SINED, 2021).

As for the salary, most of the domestic workers in this study stated that it remained the same in Covid-19 time and their employers paid the entire salary:

Researcher: Did anything change in your work due to the Covid-19?

Participant: Nothing has changed. I went to stay with my family for a month when illness (Covid-19) started, but later, I alone decided to return.

Researcher: and did they pay you the salary?

Participant: yes. They paid me. (Male domestic worker 2, 2021).

Regarding their rights, most of the domestic workers in this study said that Covid-19 has not changed their rights and their employers provided them with masks and alcohol for the prevention of Covid-19:

Researcher: Did anything change in your work due to the start of the Covid-19?

Interviewee: Not much has changed. I was only afraid of losing my job and of getting Covid-19, but thank God I am still here. (Male domestic worker 3, 2021).

However, few domestic workers of this study said that Covid-19 has not affected their rights but their employers do not buy basic *kits* for the prevention against Covid-19 such as masks and alcohol:

Interviewee: nothing has changed with Covid-19. I still work the same days. But masks and alcohol I have to buy by myself. (Female domestic worker 5, 2021).

Researcher: Do you buy the hygiene materials by yourself or does your boss buy them?

Interviewee: I buy everything by myself. (Female domestic worker 2 registered at INSS, 2021).

Discussion

The research results show that the characteristics of the domestic workers interviewed resemble the general characteristics of this group of workers already described in several previous studies (Rocha and Pinto, 2018; OIT, 2015; Ferreira, et al., 2020). The participants interviewed in this study come from poor families in rural areas and live in poverty in the suburban area, present a low level of education, lack of training on domestic work, low wages, precarious working conditions and vulnerability to exploitation. The material condition of these participants makes them engage in domestic work as a way of seeking their livelihood and survival of their family. In this sense, domestic work is not an option, but the only means available to them due to their socio-economic characteristics.

Domestic workers in Maputo City present 3 categories: resident monthly domestic workers, non-resident monthly domestic workers, and day labourers, as Rocha and Pinto (2018) had already suggested. These categories represent an object of differentiation between domestic workers in terms of the type of activities, working hours, wages and vulnerability to exploitation. The research findings show, for example, that resident monthly workers are more vulnerable to exploitation than their fellow non-resident monthly workers and day labourers as supported in previous studies such as that of Ramos (2013), as they do not have a time to start and finish their activities and, additionally, they undertake many more activities—some that are not necessarily domestic—than other domestic workers. Similarly, the wages of the day labourers are much lower than those of their peers. These workers also have an unstable job, as they depend on the existence of the job and negotiation of the number of days required to perform the house activities. The nature of the work of the participants in this research resembles indecent work (ILO, 2009).

The results of this research also reveal that there are gender differences among the domestic workers interviewed. Female workers tend to

perform activities related to women, mainly the same ones they would perform in their homes, such as cooking, cleaning, childcare, shopping; while male workers tend to perform activities socially considered to be male work, such as garnishing a house, doing electricity work; notwithstanding the existence of male workers who also do house cleaning. These results partly substantiate the results of previous research that considers domestic work as female work (Maúngue, 2019) and predominantly carried out by women (OIT, 2016). However, the fact that Northern Mozambique is dominated by male domestic workers may reveal a local particularity, but more research is needed to gauge the nature of domestic work undertaken by men.

The results of this study clearly show that key stakeholders from law enforcement and civil society institutions are aware that the legislation on domestic work has gaps that end up negatively influencing the rights of domestic workers. Such gaps are the differentiation in daily working hours between domestic and formal work, the failure to establish the minimum wage, the fact that the minimum wage by definition is not liable to be discounted for INSS, and the difference in the issue of compensation. Therefore, there is a perception, among the key stakeholders from the Mozambican institutions of the law and civil society organizations, that domestic work can be perceived as an indecent work and, as such, similar to slavery. These results do not differ from the study conducted by Ramos (2013) which pointed that the rights of the domestic workers are often violated and they are also subject to indecent working conditions.

Key participants from law enforcement institutions and civil society point out that the violation of workers' rights may be related to the absence of inspection of domestic work in Mozambique, since the inspection is only carried out in the formal sector and not in the informal sector as is the case of the domestic work. This situation only confirms the results of previous studies (Ramos, 2013).

Similarly, part of the domestic workers in this study, especially those who are not registered at the INSS, stated that they do not know their rights. This fact may be related to the lack of a work contract and the massive non-dissemination of the rights of this class. Similar studies show that many domestic workers are subject to work without contracts which puts them in a situation of vulnerability regarding to their rights (Ramos, 2013).

Regarding the role of institutions that promote the rights of domestic workers in Mozambique, the research results show that despite the existence of several institutions that develop activities to promote the rights of domestic workers, the interviewed domestic workers still do not enjoy their rights due to the existence of gaps in the current legislation, workers' lack of knowledge about their rights and institutions that can assist them in their problems, and the existence of a very large gap between the institutions and citizens. These results show that the current legislation on domestic work is important but does not tend to solve the problems of the domestic workers (Castel-Branco, 2017). The weak legislation and the lack of regulations represent important barriers (OIT, 2016) because, on the one hand, they do not allow domestic workers earning less than one minimum wage to register with the INSS, harming them from all the benefits they could have as workers, and on the other hand, the legislation does not establish the minimum wage for domestic workers. Similarly, current legislation on domestic work and labour law does not allow the responsible institutions to supervise and act on practices considered indecent in the domestic labour market.

The study identified several determinants that condition the existence of indecent work in the domestic work sector, namely, historical-political factors, legislation, economic, social and cultural factors. Firstly, with regard to historical-political factors, there is a perception that domestic work is the result of colonial heritage. Although in the post-independence period, there has been an extension of equal rights among

citizens, the domestic work sector has continued with many of the dominant characteristics of domestic work from the colonisation period. On the other hand, the architecture of the housing infrastructure built in the colonial period was not transformed—the concept of the Portuguese colonists to build the main house for themselves and the outbuildings in the back of the main house for the domestic servants remain until today as a way of serving the interests of the patronage at any time of the day.

Second, there are laws regulating labour relations in the domestic work sector, however, these laws need to be revised and consensus pacts are needed between the main stakeholders, namely employers, the State, civil society, the private sector. Current legislation does not fully protect workers' rights due to inefficient enforcement mechanisms and the persistence of some grey areas with regard to the establishment of more specific measures on minimum wages, working hours, insignificant compensation and impunity for those who infringe the rights of domestic workers. Third, enforcement of domestic work is non-existent. These data are consistent with the Chipenembe study (2010) when referring to the fact that there are no formal mechanisms on the part of the State that enable the supervision of this activity. The lack of technical, material and financial conditions contributes to greater vulnerability of domestic workers, since if someone denounces cases of human rights violations, it is up to the same person to create the conditions for the authorities to move in for inspection. Fourth, poverty is one of the economic factors that contribute to indecent work. The formal labour market is selective and limited with low qualifications and increased job search, most employers offer occupations with low wages and limited enjoyment of domestic worker rights. The economic factor was identified as one of the most important determinants in contributing to the reproduction of the inhumane conditions that characterize domestic work, which differs from some studies that point to cultural and social factors as more prevalent (Herrera and Torelli, 2013).

Fifthly, there is a perception that some cultural practices contribute to indecent work, namely (i) the use of child labour for domestic work in both urban and rural areas; (ii) the payment of debts incurred by parents or guardians where the minors are used as bargaining chips until the value of the debt is paid off (most common practice in rural areas); (iii) sending minors to live with relatives with a certain economic power in exchange for adequate education, health and protection (most common practice in urban areas); and (iv) the practice of premature unions in both urban and rural areas. However, these factors mentioned above operate as latent and subtle forms of indecent work since at first sight they may not appear to be practices on paid domestic work but at the end is to comply with an oral labour contract as a form of payment of a debt or in the name of retribution for a solidarity action. Finally, there is a combination of social and cultural factors that contribute to indecent work namely (i) the low level of education that characterizes the profile of domestic workers; (ii) early unions that begin with the use of child labour up to puberty; (iii) the low level of knowledge about human rights and domestic workers' rights by domestic workers and by the employer; and (iv) the low wages of the domestic workers class mostly resulting from the low incomes of their employers. These data are consistent with the findings of various researches which point out that social and cultural factors such as, low level of education, gender inequalities and rural exodus are prevalent in creating inhumane conditions of the domestic work sector (Oelz, 2015; Jokela, 2015; ILO, 2013).

Regarding the impact of Covid-19 on domestic work, the majority of domestic workers who live at their workplace and those who do not live at their workplace revealed that Covid-19 had a considerable impact on the type of work performed and the daily workload that ranges from 9 to 12 hours, from Monday to Saturday. These results do not differ from those presented in similar studies showing that domestic workers in Mozambique have a daily workload of more than 10 hours (Castel-Branco,

2017; Chipenembe, 2010). Additionally, this study revealed that domestic workers living in their workplace work every day until they sleep, carrying out a range of domestic activities, including looking after children and vegetable gardens, which reveals a clear violation of their rights. However, it should be noted that this labour situation of domestic workers living at their workplaces does not only happen in cases of pandemic of Covid-19 but also at times without Covid-19. In fact, similar studies conducted before the pandemic of Covid-19 show that domestic workers living in their workplaces are subject to fragility, disrespect and violation of their rights because being in their employers' homes, they are available to help whenever they are requested (Ramos, 2013). Additionally, Neetha (2021) points out that the situation of domestic workers' vulnerability is not only caused by Covid-19 but by the failure of the whole structural system (Neetha, 2021) and the weak capacity or absence of inspection in that sector (Castel-Branco, 2017).

Although the domestic workers in this study claim that Covid-19 did not bring any changes in their rights, their discourses about the increase in the daily workload and the work done are a clear indication of the implicit violation of their rights. Implicit violation because they are not aware that their rights are being violated. Additionally, just the fact that their daily workload has increased but their salary has remained the same is already an indication of non-payment for overtime work. Previous studies conducted in several countries show that domestic workers are not rewarded for the extra hours of work done (Ramos, 2013). Further, studies show that although domestic work is considered essential, this symbolic appreciation does not extend to remuneration (Pandey, Parreñas, Sabio, 2021).

An interesting fact in this study is that most of the domestic workers participating in this study said that Covid-19 brought no change in their wages, which contrasts with the similar studies showing that many domestic workers across the world experienced wage reduction in time of the Covid-19 pandemic (Rai Choudhury, Bhan, Sampat, 2020).

CONCLUSION AND RECOMMENDATIONS

Conclusion

This study identified and analysed the conditions of domestic workers, the determinants influencing the production and reproduction of indecent conditions of domestic work and, the impact of Covid-19 on the rights of domestic workers.

The results of this study show that domestic workers in Maputo City work in indecent conditions, characterised by precarious working conditions, overwork, high working hours, and low wages. These working conditions are influenced by the fact that domestic workers have low levels of education and lack vocational training. These factors do not allow domestic workers to have another type of employment and contribute to the reproduction of domestic work and indecent work.

The determinants influencing the production and reproduction of indecent work in Maputo City include historical-political factors such as lack of appreciation of domestic work and absence of policies on the domestic labour market; and legal factors related to the existence of weak legislation and lack of adequate enforcement of existing laws and regulations; which is conducive to the violation of domestic workers' rights. In this sense, domestic workers still do not enjoy their rights adequately, despite the existence of a Law that protects this class of workers.

Other determinants that influence the reproduction of indecent work by domestic workers in Maputo City are the economic determinants, such as high unemployment rate, low market wages in general; and the socio-cultural determinants linked to the poverty that characterises the origin of domestic workers, low level of education and lack of knowledge about their rights.

Covid-19 also represents a significant additional factor in the reproduction of indecent working conditions among domestic workers in Maputo

City, as it exacerbated the already precarious working conditions of the domestic workers. Covid-19 has been influential in increasing work activities without additional pay, thereby violating the rights of domestic workers.

In sum, the indecent conditions under which domestic workers work places them in a situation of vulnerability to exploitation and practices analogous to modern slavery, such as working and living in the workplace, working overtime without additional pay, and lack of time to rest. These indecent conditions stem from the socio-economic and political framework conditions and the nature of domestic work in Maputo City.

Recommendations

- Review the labour law so that it is more general for all workers, introducing a well-stipulated timetable, minimum wage, issues of age for starting work and retirement, working conditions such as food, forms of treatment;
- Sensitise employers to respect workers' rights and human rights;
- Transform the domestic work sector into a formal sector;
- Review the domestic work law to accommodate the same rights accorded to the formal sector worker;
- Improve and expand the inspection of domestic work in the same way as formal work. This sector should be prioritized like any other and not seen as a marginal sector;
- Build the capacity of institutions such as the Prosecutor's Office and SERNIC to meet the challenges that the domestic work sector brings, as this is the sector where the greatest abuses and human rights violations occur;
- Improve and expand the inspection of domestic work;
- Train domestic workers in their rights;
- Raise the interest of the state by establishing a minimum wage; of trade

- unions and civil society organisations working for the defence of human rights by campaigning for the rights of domestic workers; and
- Raise awareness and involve civil society, trade unions, employers and State institutions in publicising and respecting the rights of domestic workers.

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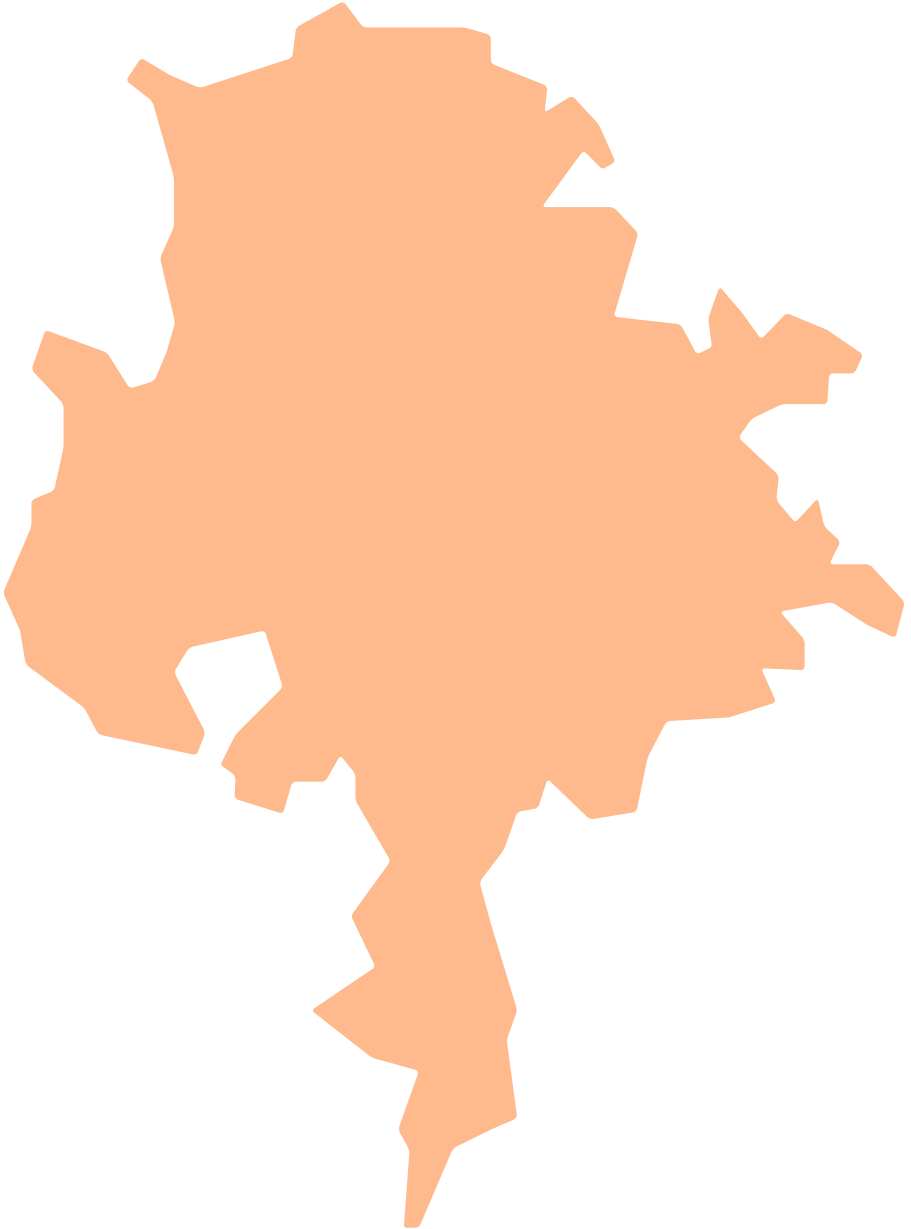


NOTTINGHAM

UK

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* This project was undertaken by the Rights Lab (University of Nottingham). The Rights Lab is home to the world's largest group of modern slavery researchers. Through its five research programmes, impact team, and INSPIRE project, the Rights Lab is underpinning antislavery with an advanced research agenda, collaborating with civil society, business, and government, and elevating survivor-informed research as a key part of knowledge production to help end slavery.



INTRODUCTION

Modern Slavery and Exploitation in the UK

During the past seven years the UK government has invested considerable political capital, and public funding, into developing a high-profile policy and enforcement response to the problem of modern slavery and human trafficking. Former Prime Minister Theresa May described the issue as ‘one of the greatest human rights challenges of our time’ (May, 2016). The 2015 Modern Slavery Act for England and Wales aimed to be world-leading; clarifying and extending existing legislation that criminalised human trafficking, slavery, servitude, forced and compulsory labour; and requiring increased transparency in business supply chains. Increasing recognition and referral of potential victims of exploitation has meant that numbers in the National Referral Mechanism (the ‘NRM’, a national support system for victims of exploitation) rose rapidly from 2,337 in 2014 to 10,613 in 2020 (Home Office, 2021c). Estimations of national prevalence of severe forms of exploitation covered by the 2015 Act have also increased, from 10-13,000 suspected victims (Bales, Hesketh, Silverman, 2015) to numbers ranging between 100,000 and 136,000 (Centre for Social Justice 2020; Walk Free Foundation 2018).

As the national policy response has developed, there has also been increasing recognition of the importance of local public services and voluntary sector actors in identifying and responding to exploitation, as well as creating a context which facilitates prevention of exploitation on a sustainable basis. This has resulted in a patchwork of partnership-based activity in which police and law enforcement bodies collaborate with other local actors, including local government, housing, health, NGOs and faith actors, to build awareness and knowledge of exploitation, train those in contact with high-risk communities, and collaborate in responding to identified cases (Northall, Brewster, Gardner, 2020).

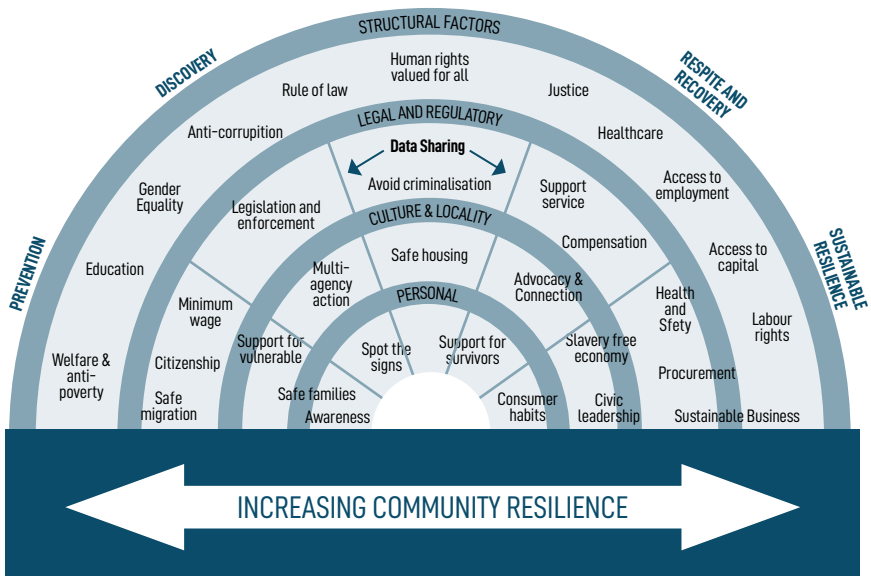
As these networks have grown and matured, a more nuanced account has also started to emerge about the diverse forms of exploitation that are identified on a local basis in the UK, as well as the (sometimes complex) multi-agency interventions which are developed in response. Some of these manifestations of exploitation are recognised and investigated by police as cases of modern slavery, but many fall into a legal hinterland, including for instance offences such as ‘cuckooing,’ (the exploitation of someone’s home, often for drugs distribution and supply or other illegal activities) financial exploitation, ‘mate crime’ (exploitation by a friend or acquaintance) and sexual exploitation that is not clearly identifiable as forced labour and/or trafficking. Although such offences may sometimes be labelled as ‘lower level’ exploitation, they frequently affect highly vulnerable people, and can cause considerable harm to physical and emotional well-being, as well as being associated with anti-social behaviour and criminality that can impact the wider community. In addition, there is not yet clear evidence as to whether such offences may escalate, or create a context in which extreme forms of exploitation can more easily occur. For this reason, local law enforcement and statutory agencies need to devise approaches to recognising and responding to this broader cross-section of exploitation occurring at community level.

A ‘Social Determinants’ Based Approach to Understanding Exploitation in Context

Gardner et al. conceptualise community resilience against exploitation as the adaptive capacity for a community to prevent, identify and respond to cases, and promote a context conducive to sustaining freedom. Research suggests that the factors underpinning this resilience can be structural or regulatory, but also exist at locality level in the form of local institutions, culture and social norms (Gardner, Northall, Brewster, 2020). These ‘social determinants’ of resilience interact with familial and

personal factors to create a context that can promote or inhibit different forms of exploitation. They are not fixed but continuously changing in response to the local context and external pressures, which may engender both positive and negative systemic effects (see Figure 4).

FIGURE 4 – Social Determinants of Community Resilience Against Exploitation



Source: Gardner, Northall and Brewster (2020).

There are a number of advantages to reviewing resilience against exploitation on a local or ‘place’ basis. Firstly, this approach enables the identification of factors—representing both assets and vulnerabilities—that can promote or inhibit conditions that may lead to exploitation. Not all of these factors are local—some will be structural or apply on a national basis—but a place-based lens enables us to review and understand how different issues combine and intersect. Second, a local perspective on determinants of exploitation facilitates a better understanding

of local gaps in knowledge and service provision, and helps to identify which communities face potentially higher levels of risk.

The collection of local data on diverse factors underpinning exploitation in Nottingham, UK, undertaken by Nottingham City Council (NCC's) Slavery and Exploitation team, led to recognition that different forms of cognitive impairment (including mental health-related disability, learning disability, cognitive issues such as dementia, and intellectual conditions such as autism and ADHD) were frequently present amongst cases referred to their SERAC process (Slavery and Exploitation Risk Assessment Conference). This information led in turn to the design and delivery of this research study, which reviews the characteristics of cases of exploitation identified via the SERAC data in Nottingham and the intersections with cognitive impairment.

Background: The Context of Nottingham

Nottingham is located in the East Midlands region of England, approximately 130 miles north of London. The municipal administrative area of the City of Nottingham has a population of around 330,000, but the wider urban area including the City and contiguous districts includes 686,000 people, putting Nottingham among the 10 largest city-conurbations in England. The city underwent a rapid expansion in the 19th century associated with the growth of the textile industry, but the modern economy depends to a greater extent on public sector employment as well as educational, finance, creative and biotech sectors. However, recent years have been challenging with the city suffering from relatively high rates of unemployment, particularly during the 2008/9 recession, and being disproportionately impacted by public spending cuts and welfare reforms from 2010 onwards (Beatty and Fothergill, 2013). Recently it has been labelled the UK's "poorest city" due to having the lowest gross disposable household income of any local authority area, £13,381 per

head, compared to £62,408 in west London (ONS 2019). Poverty, low wages, health inequalities and educational disadvantage are persistently concentrated in the city which is the 11th most deprived district in England (out of 317) (Nottingham Insight, 2022).

Nottingham has a well-established multi-agency approach to addressing exploitation. Both the police and council have dedicated teams specialising in cases of exploitation and the Slavery and Exploitation Risk Assessment Conference or SERAC, chaired by the City Council, provides a regular meeting to review referrals concerning potential cases. There is also a county-wide modern slavery partnership involving a wide range of statutory, educational, voluntary and faith partners which meets every two months, and promotes both information-sharing and awareness-raising initiatives. The partnership undertook a review in 2020 to create a profile of modern slavery and related exploitation across the County (Brewster, 2021). Analysis of police crime data relating to modern slavery in Nottingham indicated that labour exploitation was the most commonly identified form of exploitation (35% of occurrences) followed by criminal exploitation (31%) and sexual exploitation (20%). The profile also identified that there was a need for greater engagement with communities that showed lower levels of referrals in relation to perceived risks, including young people, homeless people and people with learning disabilities.

Why Focus on Cognitive Impairments?

There is growing acknowledgement of the significance of learning disabilities, mental health problems and memory and cognitive impairments in conjunction with cases of exploitation both in the UK and internationally. People with disabilities are more likely to experience violence, including sexual and domestic abuse; exploitation by family members; discrimination; and exclusion from access to welfare and humanitarian

assistance. Women, older individuals, children, and LGBTI persons who have a disability are doubly exposed to such risks (UNHCR, 2021, p. 3).

In addition, learning impairment and mental ill-health has been noted in a range of studies concerning exploitation and human trafficking (see for instance Stanley et al., 2016; and Polaris, 2018). These studies show cognitive impairment often preceding victimisation, as well as resulting from violence and trauma in relation to the crime.

However, despite the significance of this issue, dedicated research on potential links between forms of cognitive impairment and exploitation are rare, and the topic has in general been excluded from policy initiatives, guidance and research centred on contemporary forms of exploitation. Data from the Nottingham SERAC therefore provided a unique resource to explore this issue on a local basis, in the hope that results might benefit not just local agencies but also shed light on the potential connections between cognitive impairment and exploitation more widely.

Definitions

In developing this report we have examined literature and data relating to a broad range of learning, developmental and intellectual disabilities, mental health disabilities, and memory or cognition problems. Collectively we use the term ‘cognitive impairments’ to describe these conditions, whilst recognising that they also have individual and specific characteristics. We adopted this approach because these conditions can share symptoms and characteristics, such as problems with social interaction, cognition and making judgements, which create similar vulnerabilities for the individuals involved. We also understand that from a practice perspective, it is sometimes difficult to have full knowledge of the type of impairment individuals are experiencing, and that more than one condition may be present. Using this broader perspective also assisted in gathering a range of relevant information in a relatively under-researched field.

METHODOLOGY

This research took an exploratory approach in exploring the connection between mental health problems, learning disabilities, other forms of cognitive impairments and exploitation. The project was funded for four months between June and September 2021 with the following research questions:

- What published evidence is available on the connections between cognitive impairments and different forms of exploitation?
- What does the SERAC evidence tell us about the prevalence of mental health and learning disabilities amongst those who are identified as potential victims of exploitation in Nottingham?
- What stakeholders are key to dealing with these issues in Nottingham?
- What challenges do public and voluntary services in Nottingham face in identifying and responding to cases of exploitation for people with mental health and learning disabilities?
- What legal and national / local policy issues impact on this area?
- How could we improve the evidence base on this topic?

The project commenced with establishment of an expert advisory board including academics and NGO practitioners with expertise in mental health and learning disabilities. A literature review drew upon a wide range of academic and grey literature to examine what is currently understood about the intersection of cognitive impairments and exploitation, and this background information was used to underpin the subsequent research design (including interview schedules) and analysis.

In terms of primary data collection, the project adopted two methods. Quantitative analysis was carried out to examine data captured by the NCC SERAC team over a 12 month period, from April 2020 to March 2021. In addition, 16 interviews were conducted with frontline professionals in Nottingham. The sample included professionals working within Nottingham's Health Care Trust (N=5), various housing organisations (N=3), The Ann Craft Trust (N=2), Nottinghamshire Police (N=1),

and NGOs who identified working with a cohort of victims with mental health problems and learning disabilities (N=5).

Interviews were semi-structured, with flexibility to allow the researchers to explore emerging insights raised by participants. Regular meetings with the an expert advisory board informed the structure of the interview schedule, and all interviews followed this schedule, with slight variances in the phrasing of questions, depending on the participant's professional role. Interviews lasted between 30 and 55 minutes and were recorded using Microsoft Teams videoconferencing software for transcription by the researchers. All interviews were thematically coded (Creswell, 2013) giving the researchers flexibility to “identify, analyse, and report patterns (themes) within data” (Braun and Clarke, 2006, p. 6) without being tied to any “pre-existing theoretical framework[s]” (ibid, 9). All coding and analysis were completed by two researchers. Braun and Clarke’s six-step guide to thematic analysis was adopted, enabling the researchers to familiarise themselves with the data by way of transcription, reading and re-reading transcripts, and making notes about general ideas and patterns.

Thematic analysis of the data identified five themes from across our sample of practitioners. These included:

1. The extent of exploitation across Nottingham;
2. Vulnerability/susceptibility to exploitation;
3. Intervention and safeguarding victims of exploitation;
4. Barriers to victims seeking support;
5. Examples of good practice.

The research was granted ethical approval by the School of Sociology & Social Policy Research Ethics Committee within the University of Nottingham.

Limitations

Our research shines a local spotlight on the exploitation of those with cognitive impairments. However it does have some limitations.

Some sectors were overrepresented in the data. For example, the vast majority of interview participants were working in health settings or housing organisations. Further insights from enforcement, social care and policy perspectives may have provided additional insights.

Time restrictions limited the number of interviews and the extent of the desk-based research that could be conducted. The literature review was not all-encompassing but rather an overview of the academic research nationally and internationally. The desk based search yielded more literature around mate crime and learning disabilities than mental health and cuckooing.

In terms of the quantitative data provided by the SERAC, we encountered some ambiguity in the data fields and consistency of recording, and have made recommendations to clarify these issues moving forward.

Finally, due to time constraints and ethical requirements, we were unable to capture the views of those people whom the research was focussed on. The findings are therefore drawn from practitioners' experiences of working with victims with cognitive impairments and based upon their interpretations of the conversations and interactions that they have had. We recognise the importance of including the voices of victims with cognitive impairments for the shaping of practice and policy within this area and would encourage any future research on the topic to ensure that this demographic are carefully involved.

LITERATURE REVIEW

This review draws upon 35 UK and international articles and reports to examine what is currently understood about the intersection of cognitive impairments and exploitation.

The primary forms of exploitation identified in the literature by people experiencing cognitive impairments were trafficking, sexual exploitation, 'mate crime', cuckooing, and financial exploitation. Surprisingly,

given that it is the UK's most prevalent form of exploitation, it has proved difficult to locate sources concerning labour exploitation. This is despite a number of high profile cases, for example the Darrell Simester case where an individual with learning difficulties was exploited for 13 years (BBC, 2014) and the 'Rooney' case where multiple individuals with learning disabilities were targeted to provide forced labour, in some cases for 18 years (Vernalls, 2017). Labour exploitation involving people with cognitive impairment currently represents a significant gap in existing literature.

Trafficking

There are examples in both international and UK based literature of the significance of cognitive impairments in victims of human trafficking. For example, in the 2020 Trafficking in Persons Report, exploitation of people with cognitive impairment was specifically noted in relation to cases of human trafficking in China, Japan, Estonia, Latvia, Mexico and Slovakia. (Office to Monitor and Combat Trafficking in Persons, 2020) A report by the US NGO, Polaris, found that between January 2015 and December 2017, the National Human Trafficking Hotline documented 2,116 potential victims that had a pre-existing health concern or disability immediately prior to their trafficking situation. This included a possible physical disability, mental health diagnosis, substance use concern, or intellectual/developmental disability (Polaris Project, 2018). In the UK, Stanley et al. (2016) undertook a health survey and qualitative interviews with 29 young people aged 16–21 trafficked into the UK from other countries. When asked about learning disabilities or difficulties reading in their own language, a third (N=8) of the young women reported a disability or reading difficulties. The study also noted a 'considerable' overlap between prior vulnerability and mental disorder, and the authors recommended further research into this issue.

Sexual Exploitation

People with any type of disability are four times more likely to be victims of violent or sexual crimes with women with psychosocial disabilities at a higher risk than non-disabled women (Muccigrosso, 1991; Perrault, 2009). However recent studies appear to focus more on sexual exploitation amongst children than adults¹. In the case of adults, understanding whether an individual has consented to sexual contact may be challenging. Intellectual disability heightens vulnerability to victimisation due to individuals' inability to decipher what is happening during sexual abuse, assault, or exploitation (Wissink et al., 2015). Similarly, individuals may be unfamiliar with the legality of certain behaviours, may not realize their right to say 'no', or may not be able to disclose details of sexual assault, or exploitation (Reid, 2018). For this reason, it is common for those affected to not recognise themselves as victims of exploitation. In the case of cognitive impairment relating to mental ill-health, progressive illness or substance abuse, capacity to consent may also fluctuate.

“Mate Crime”

The Association For Real Change (ARC) define mate crime as 'when people with learning disabilities are befriended by someone who uses the relationship to exploit or abuse the person' (ARC, 2013, p. 4) a process which Doherty (2017; 2020) terms 'exploitative familiarity'. The range of crime under the umbrella of “mate crimes” is extensive, and includes financial, physical, emotional, sexual, and criminal exploitation. In a study of mate crime, Doherty (2017) found that most victims and perpetrators were male, and that the majority of crimes were financial in nature, although past cases have included examples of minor offences escalating to include modern slavery and murder. Mate crimes are typically perpetrated against disabled people living alone in deprived and poor areas.

¹ See for instance Wissink et al. (2015) Franklin and Smeaton (2017) and Reid (2018)

Befriending in cases of exploitative familiarity often appears mutual, and occurs over a period of time. Wilson et al.'s (1996) study found that respondents with learning disabilities found it more difficult to make judgments that involved friends rather than strangers.

Doherty (2020) contends that institutional responses to mate crime have been ineffective, and there remains no official data on their prevalence, supporting the literature's contention that crimes of this nature remain hidden, unreported, and unprosecuted.

Cuckooing

Cuckooing is a form of crime often associated with drugs distribution ('county lines') where victims' homes and property are used as a base for criminality. As with mate crimes, cuckooing necessitates a period of befriending in order to create a false sense of intimacy. Spicer et al. (2020) identified the prevalence of "local cuckooing" in areas close to where dealers reside. While victims of cuckooing frequently include those with class A drug dependencies, victims often include people with cognitive impairments whose conditions inhibit them from understanding the grooming and exploitative relationship. Perpetrators may engage in sexual activity or offer emotional 'openness' towards their victims. Often, those with cognitive impairments may not be able to decipher between coercion and genuine friendship. This builds an illusion of a trusting relationship which is, in fact, predicated on taking advantage of the victim's physical or mental disability. Victims can also be coerced into facilitating drug supply (Robinson et al., 2019), with their engagement in the criminal network used to deter them from reporting their exploitation to the police.

Financial Exploitation

Within the literature, financial exploitation is closely related to mate crime and disability-related harassment, often accompanying other types

of abuse or exploitation. Financial exploitation has also been recognised as being particularly relevant to older people, often involving exploitation of their funds and resources, most often by family members but also by other friends, acquaintances and care-givers (Davidson, Rossall, Hart, 2015). In an inquiry into disability-related harassment (Equality and Human Rights Commission, 2011), disabled people reported theft, fraud and other financial exploitation such as being ‘encouraged’ to spend their money on people who befriend them. Association for Real Change (2013) introduced the term ‘Tuesday friends’:

Tuesday, the day his benefits arrived, saw a particular group of people turn up at his flat, ‘help’ him to the cashpoint and then on to the pub where they ‘help’ him spend his money (p. 51).

Criminal Exploitation

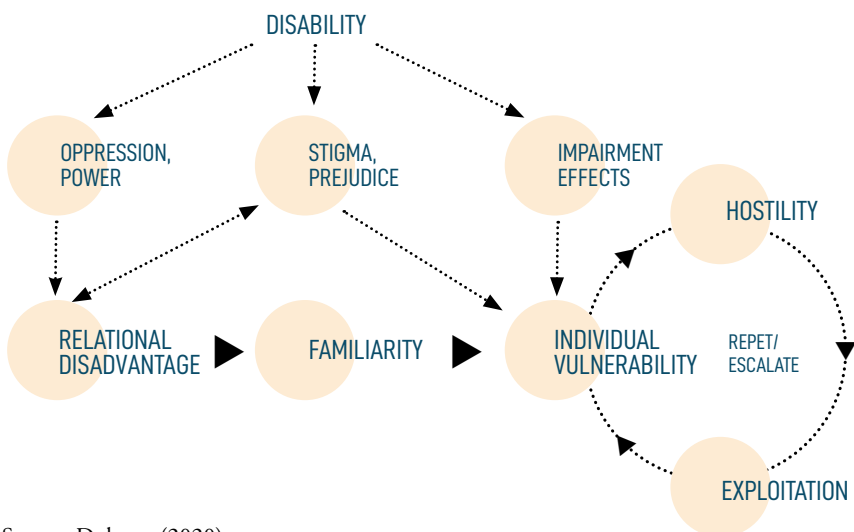
Criminal exploitation is now the most frequently recorded form of exploitation among children in the UK. Often associated with county lines drugs supply, and mainly (but not exclusively) involving British boys and young men, county lines commonly involves children or young adults with mental health or behavioural issues, many of whom come from a disadvantaged family background’ (UNODC, 2020, p. 58). County lines also blurs boundaries between victims and perpetrators, as many of those involved are gang-affiliated young people who may suffer from mental health issues in the form of attention deficit hyperactivity disorder (ADHD) depression, anxiety and PTSD, and learning disabilities such as autism spectrum disorder (ASD) (National Crime Agency, 2019; Baidawi et al., 2020). The 2015 Modern Slavery Act includes a statutory defence against criminal exploitation, with physical or mental illness or disability among the relevant characteristics that may be used to demonstrate that a person raising the section 45 defence was compelled to act unlawfully (Home Office, 2021b).

IMPACTS OF COGNITIVE IMPAIRMENT ON EXPLOITATION RISK

Both children and adults with learning disabilities are disproportionately more likely to experience exploitation than the general population (Scottish Commission for Learning Disability, 2019, p. 3-4). Disability Justice USA suggest that people with developmental disabilities may be four to ten times more likely to be abused than their peers without disabilities’ (Disability Justice USA, 2021). However there are debates concerning the extent to which a cognitive impairment by itself constitutes ‘vulnerability’. Disability rights perspectives suggest that it is also important to consider socio-political and structural drivers for hostility and violence against disabled people (Waxman, 1991).

Doherty (2020) suggests a process model for his concept of ‘exploitative familiarity’ which encapsulates the effects of structural oppression and power imbalances, stigma and prejudice and the effects of the impairment itself. The following sections will briefly address these issues with reference to the literature.

FIGURE 5 – Doherty’s Model of Exploitative Familiarity



Source: Doherty (2020).

Oppression and Power

Several sources comment on the marginalisation of people with disabilities, particularly in the case of individuals who have ‘mild’ or ‘moderate’ learning disabilities, physical or sensory impairments, who do not reach the attention of services because they would not meet the eligibility criteria of critical or substantial need (Thomas, 2011). Multiple studies also comment that victims of exploitation may not be believed by authorities or their account may not be seen as credible (Office for Victims of Crime, 2021; Reid, 2016; Mencap, 2001).

The Equalities and Human Rights Commission also comment on the tendency to treat crimes against people with disabilities as less serious in nature:

Calling a crime a crime is an important part of getting it right. For example, we have come across agencies using the term ‘abuse’ rather than ‘physical assault’ or ‘rape’, and ‘financial exploitation’ in place of ‘theft’ when referring to disabled people’s experiences. The impact of this, whether or not intentional, is at its best unhelpful and misleading and at its worse prevents appropriate legal redress (2011, p. 135).

In addition, the literature noted that institutional structures and practices may sometimes exclude people with impairments. For example, in the Netherlands when foreign national trafficking victims are unwilling or unable to participate in prosecution proceedings, due to trauma or a medical or mental disability, they are eligible to apply for a one-year temporary humanitarian residence permit. However, according to the interviewees from victim support organisations, applications for residence permits on humanitarian grounds are usually denied and trafficked persons henceforth rarely make use of this option (ILO, 2021, p. 56).

Stigma and Prejudice

United Nations High Commissioner for Refugees (UNHCR) noted that persons with intellectual and psychosocial disabilities often face particularly high levels of stigma, resulting in heightened risk of exploitation and abuse, due to isolation, lack of access to services and community perceptions (UNHCR, 2019, p. 13). The NGO World Vision comments that:

People with disabilities are often perceived as worth less to their community and potentially more to traffickers, especially in the begging industry or in brothels. Their lack of participation or perceived value to the family, or even in some cultures a sense of shame or embarrassment to have a disability in the family, means that families may even seek out traffickers to relieve themselves of responsibility (World Vision, 2009).

In addition, the challenges people with cognitive impairments may experience in understanding and relating to others can further increase their isolation. In an international study of 20 victims and 20 non-victims of crime, all with learning disabilities, it was found that vulnerability to exploitation was associated with poor interpersonal competence (Wilson et al., 1996, p. 13). Social isolation and the wish for companionship—particularly when combined with difficulty in judging the nature of a relationship—increases vulnerability to abuse. This risk would be heightened for people with lower support needs who have limited or irregular contact with statutory services (Fyson and Kitson, 2010, p. 316).

Individual Vulnerabilities

The US office for victims of crime provides a list of the ways in which victims with physical, cognitive or emotional disabilities become vulnerable to exploitation. This includes reliance on others including care-givers; submission to caregivers in unequal power relationships; social isolation;

speech or language difficulties; lack of understanding of abusive situations and not being believed by authorities. The office also highlights that even when they are believed, and their cases are prosecuted, their abusers may be given shorter sentences than abusers of able-bodied people (Office for Victims of Crime, 2021). These factors are similar to those identified by Reid (2016) in relation to trafficking of girls with intellectual disabilities. They also show strong overlap with vulnerabilities previously identified in relation to abuse of those with learning disabilities (Mencap, 2001).

INTERNATIONAL COMMITMENTS AND STATE RESPONSIBILITIES

States are committed to protect people with disabilities under the Universal Declaration of Human Rights and the 2006 UN Convention on the rights of people with disabilities, but less provision exists specifically in relation to preventing exploitation, particularly in relation to policy implementation at a domestic level.

Article 22 of the Universal Declaration of Human Rights states that:

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Furthermore, article 25 reinforces the right to security in the event of unemployment, sickness, *disability*, widowhood, old age or other lack of livelihood in circumstances beyond his control (UN 1948).

The UN convention on the rights of persons with disabilities covers ‘those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others’

(art. 1). The following provisions are of particular relevance to the issue of trafficking and disability:

- Obligation to guarantee that persons with disabilities enjoy their inherent right to life on an equal basis with others (art. 10);
- Obligation to ensure the equal rights and advancement of women and girls with disabilities (art. 6);
- Obligation to protect children with disabilities (art. 7);
- Obligation to ensure that laws and administrative measures guarantee freedom from exploitation, violence and abuse. In the event of abuse, States parties shall promote the recovery, rehabilitation and reintegration of the victim and investigate the abuse (art. 16); and
- Obligation to protect the physical and mental integrity of persons with disabilities (art. 17) (UNHCHR, 2010).

Furthermore, UNHCR has emphasised the need to improve monitoring, emphasising that data collection continues to suffer from biases and discrimination. UNHCR recommend that data collection processes are strengthened to guarantee more inclusive levels of planning, implementation, and monitoring (UNHCR, 2019).

At a domestic level, 2021 Statutory Guidance for the UK Modern Slavery Act highlights that people with drug and alcohol dependency issues, people with underlying health factors such as learning difficulties, disability, communication difficulties, chronic developmental or mental health disorders may be ‘particularly susceptible’ to modern slavery (Home Office 2021b, p. 102) Yet surprisingly, although learning disabilities are recorded by the Home Office in relation to forced marriage, it is not yet routine to report the presence of any form of cognitive impairment in relation to cases of exploitation, including modern slavery and human trafficking, although some monitoring is carried out in relation to statistical returns on Safeguarding Adults Inquiries.

Equally there is no systematic programme of training and few tailored resources in the UK either for organisations working with people

with learning disabilities, who are likely to come into contact with potential or actual victims of trafficking, or for those organisations focussed on people with experience of trafficking and exploitation who need to be prepared to meet the needs of individuals with learning disabilities (Scottish Commission for Learning Disability, 2019, p. 4). Given the overlap between cognitive impairments and exploitation, this seems to represent an important gap in provision.

FINDINGS

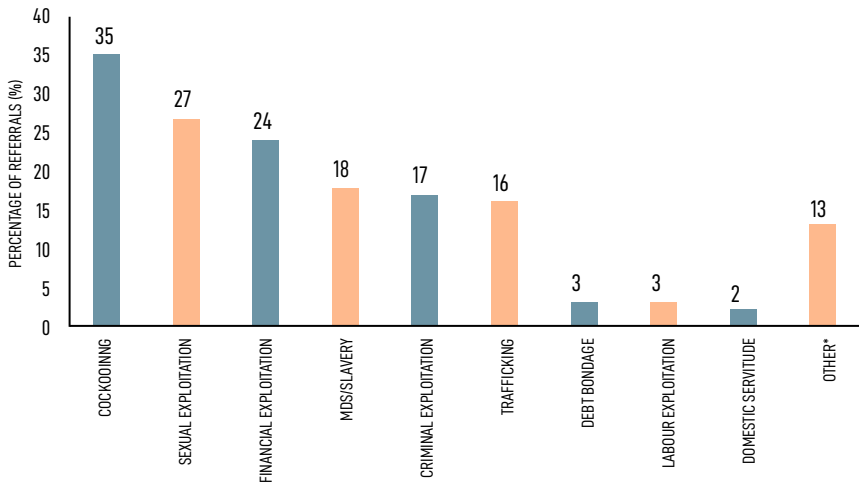
The Extent of Exploitation Across Nottingham

Analysis of the quantitative data provided by Nottingham's SERAC is highlighted within the graphs in the following section. These graphs relate to the location of referrals into the SERAC, the age of those referred, the type of exploitation experienced by age group, the type of exploitation experienced across gender, the reported vulnerabilities of those referred, violence experienced within each referral, and the specific vulnerabilities of cuckooing (the most common type of exploitation across Nottinghamshire). A total of 147 referrals were analysed for the purposes of this research. Of those, 46% were male and 46% were female. Seven per cent of referrals related to the property/house that was referred, where no known gender was identified. One per cent of referrals (two cases) were identified as 'Multiple' or 'M/F'.

Type of Exploitation

SERAC data suggested that cuckooing was the most commonly referred type of exploitation across the city, representing over one third of the sample. This was followed by 27% of cases relating to sexual exploitation and 24% financial exploitation. 18% of cases were classified as 'modern slavery'.

FIGURE 6 – Type of Exploitation



* ‘Other’ includes cases where at least one other type of exploitation was reported, such as false imprisonment, or ‘exploitation’ not specified.

Similarly, our sample of professionals also identified cuckooing as the most common type of exploitation. This was coupled with discussions around criminal exploitation (mainly county lines), debt bondage and financial exploitation. Cuckooing has been paid significant attention nationally in recent years, possibly as a result of being associated with ‘county lines’ drug supply, which was made a national priority for Government in 2020. Professionals have received training around cuckooing and criminal exploitation and are likely to be alert to the signs and indicators.

While it is not an offence to cuckoo a property, professionals raised concerns about the types of illicit activities that were taking place once somebody’s home had been taken over. For the majority of cases it was noted that antisocial behaviour, drug use and drug supply drew professionals attention to the cuckooing in the first instance. That is, numerous unidentified individuals frequenting somebody’s property, an increase in cars and bicycles parked outside of the property and reports of criminal damage and disturbances:

They were her friends, and they were in the property, and they were giving her drugs, and everything was fine, then it became, she was in debt with them. They were charging her double what they would charge other people for example or other dealers would charge for the amount that she was getting and then longer term it became quite physically abusive, they had sort of taken over the bedroom so that she was sleeping on the sofa. Like I say we started seeing her out street sex working again which we hadn't for a while. (NGO Support Worker 1).

In cases in which women had their homes taken over, professionals suggested that women with drug dependencies and/or involved in sex work were more at risk of cuckooing due to the interactions they had and vulnerabilities which left them open to exploitation (discussed in more depth below).

Within sort of the drug using, sex working community they are more likely to have a home, and within that there's usually a drug dealer that befriends them. (NGO Support Worker 1).

Surprisingly, sexual exploitation was not a key theme within the interviews, although it did arise in conversations with police. This possibly relates to the gendered nature of exploitation that was being reported to the SERAC, as cuckooing tended to affect men more than women (see gender and exploitation, p. 22 below).

Financial exploitation, consistent with referrals into the SERAC, was identified by professionals during interview as a key issue across Nottinghamshire. Indeed, it was reported to be hidden and often difficult to identify, usually only coming to the fore through parents of victims raising concerns and through professionals conversations with victims where a trusting relationship had been developed. One nurse reported:

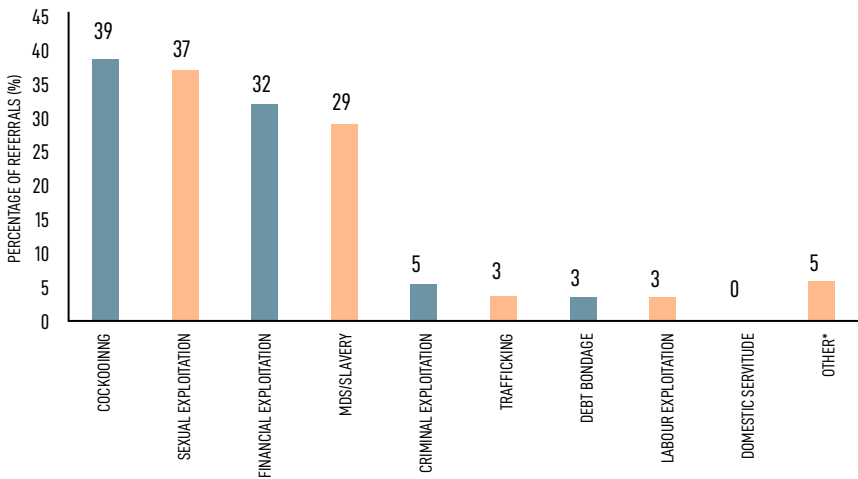
Another source of exploitation for people with a learning disability, where they perhaps don't understand money as much, but the people who are sort of preying on them have wised up to the fact that "oh, but they could go and buy a voucher from Morrison's or Amazon that's £10 and send it to me". (Learning Disability Nurse 1).

Additionally, one participant who worked for a third sector organisation discussed spiritual exploitation (Ann Craft Trust, 2020), which had not been drawn to our attention by the quantitative data or—initially—the desk-based literature review:

If you're person of faith, and we found that a lot, for the people that come to us are people of faith, and from the Muslim community, a lot of the women will think they need to go to a spiritual sort of leader to heal. But then we're finding that, you know, we're finding that that spiritual leader is then saying to them: "well, I can heal you, but you have to marry me if I heal you" and "oh, we can get married for 2-3 weeks and then I can divorce you". (NGO Support Worker 2).

This may speak to the hidden nature of exploitation and the way in which it intersects with faith and cultures. Participants highlighted some of the difficulties facing victims in seeking support about their exploitation. For example, it was noted that in some religions there remains a stigma around mental health issues, with those experiencing disorders like depression being identified by others as 'mad'. Rather than seeking medical support, victims would instead seek help from those within their community behind closed doors, leaving themselves vulnerable to exploitation from alleged 'healers'.

FIGURE 7 – Cognitive Impairment and Exploitation



Referrals with a cognitive impairment (those recorded in the data as having intellectual disabilities, learning disabilities, diagnosed mental health vulnerabilities, or a cognitive impairment) commonly experienced financial exploitation (39%), followed by cuckooing (37%) and sexual exploitation (32%). Over a quarter of referrals with cognitive impairment noted also experienced criminal exploitation (29%). Less common were trafficking, slavery, labour exploitation, debt bondage, and domestic servitude.

Age

The age range of those referred into the SERAC was 17 to 77 with a median age of 37. Of all referrals into the SERAC, those between the ages of 21 and 40 were most frequently represented across the sample, followed by those aged 41-60.

Cuckooing appeared to be more commonly experienced by older people. For example, only 9% of those in the 0-20 age group were noted as experiencing cuckooing, in comparison to 80% of 61-80 year olds. In contrast, sexual exploitation was much more common for younger age groups. Criminal exploitation also appeared to be more prevalent amongst younger referrals.

FIGURE 8 – Age Ranges

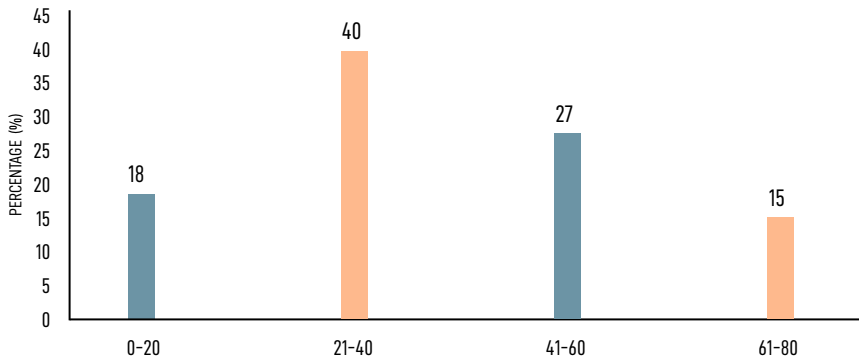
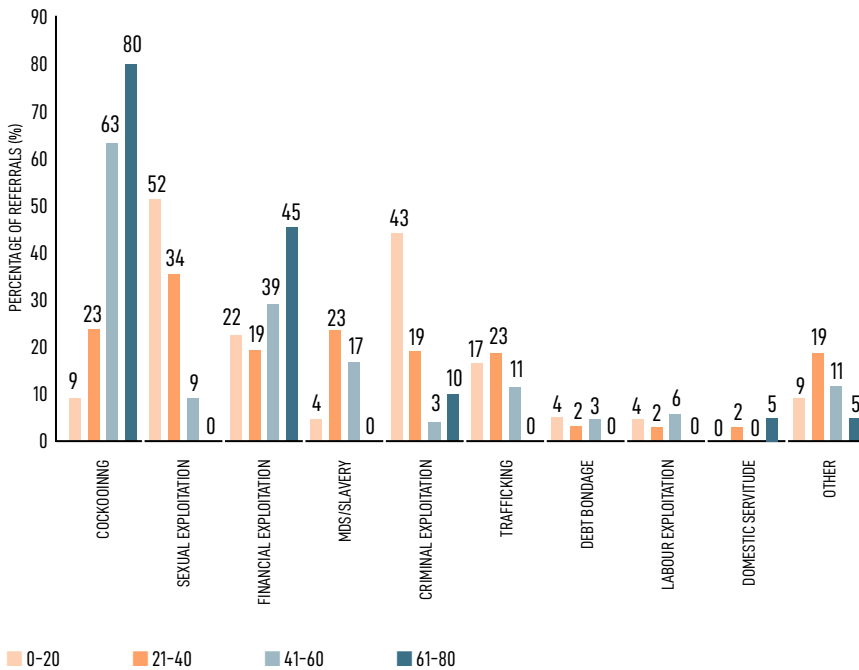


FIGURE 9 – Age and Type of Exploitation



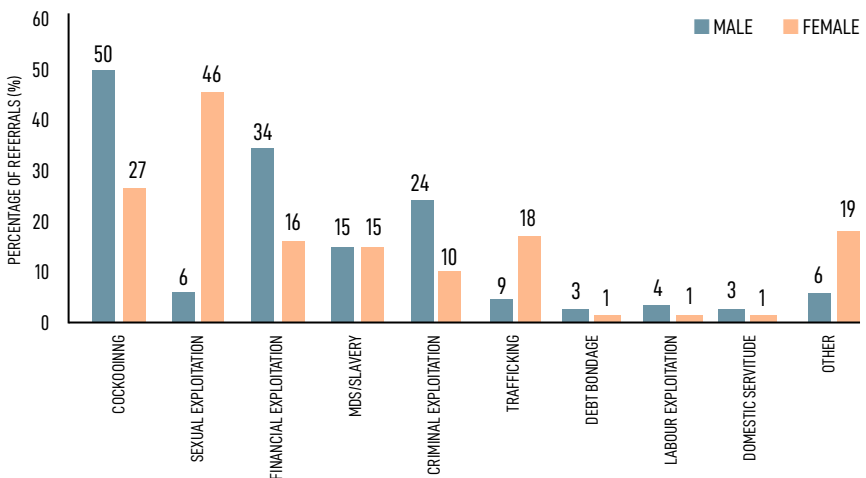
The analysis comprised of 23 referrals where the victim was aged 0-20, 53 referrals where the victim was aged 21-40, 35 referrals where the victim was aged 41-60, and 20 referrals where the victim was aged 61-80.

Gender

Analysing the type of exploitation experienced by gender revealed several distinct disparities. 50% of men referred to the SERAC had experienced cuckooing, compared to just over one quarter of women. In comparison, sexual exploitation was much more common for women. Additionally, more than twice the percentage of men experienced financial exploitation than women (34% of men compared to 16% of women).

The data provided by the SERAC marries up with our interview data and the literature base and suggests that experiences of exploitation differ between genders. Indeed, where sexual exploitation was discussed by our participants, this was in relation to women, with no reports of sexual exploitation perpetrated on men. Further, cuckooing was something that disproportionately affected men. While there were many cases of cuckooing where the victim was female, it was generally asserted by professionals that females were most at risk of sexual exploitation, often through trafficking. Financial exploitation was also a form of exploitation that disproportionately affected men.

FIGURE 10 – Gender and Type of Exploitation



This is based upon 68 cases where the victim was male and 67 cases where the victim was female.

One housing professional commented that women and men experienced differing circumstances that put them at risk of exploitation. For example, it was suggested that women were more likely to be exploited in the workplace due to having childcare responsibilities, i.e. needing to collect children from school. Because of this, women were offered lower pay by employers who took advantage of their situation and difficulty in finding other convenient work (Housing professional 1). Financial exploitation was outlined by professionals working in housing support roles as being, in many cases, perpetrated by women who took advantage of the male victims desire for a sexual and/or loving relationship.

VULNERABILITY/SUSCEPTIBILITY TO EXPLOITATION

Understandings of Exploitation

In order to understand what professionals knew about exploitation, they were asked to outline their perceptions of exploitation and grooming. Across the sample, respondents were in agreement that exploitation rested upon taking advantage of a vulnerability by an individual(s) who held power over their victim. In most cases of exploitation, professionals discussed elements of deception and control whereby victims were deceived and tricked by perpetrators into thinking that they were their friends and had their best interests at heart. These levels of deception restricted victims from being able to make informed decisions and understanding the consequences of their actions, often exacerbated further by the existence of cognitive impairments. Grooming tactics were identified as often very subtle and hidden, making it difficult for professionals to identify where exploitation was taking place.

Vulnerability

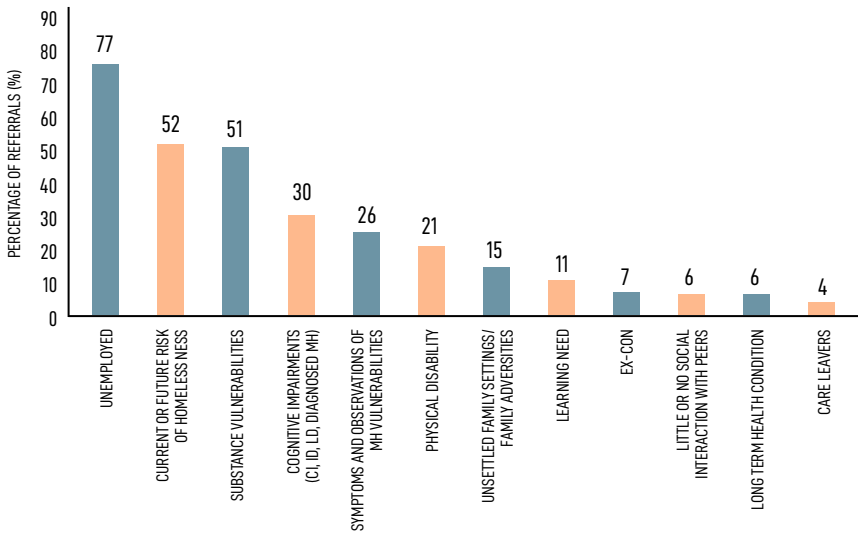
Vulnerability was a key theme across the sample. Interestingly, and in line with findings in the literature, professionals critiqued understandings of vulnerability and what constitutes a vulnerability. Indeed, it was reported that vulnerability was fluid and varied on a case by case basis, but ultimately it was a combination of circumstances that resulted in specific vulnerabilities coming to the fore. Some local authority professionals were keen to highlight that the fluidity of vulnerability and personal circumstances meant that anybody could find themselves victimised through exploitation.

Respondents suggested that what constituted vulnerability was personal to the individual and depended upon their ability to navigate that vulnerability. For example, as will become clear throughout this section, while having a learning disability is indeed a vulnerability, it may not be the learning disability which makes somebody susceptible to exploitation. For example in multiple cases interviewees pointed to loneliness and social isolation as the root of the exploitation, where victims would seek relationships leaving them open to exploitation, and their learning disability hindered their ability to acknowledge the harm within that relationship.

Interestingly, analysis of the SERAC data revealed that unemployment was the most common vulnerability amongst those referred for potential cases of exploitation. This was followed by homelessness—or risk of homelessness—and substance dependence, present in more than half of the referrals. Cognitive impairments were a recorded vulnerability in 30% of the referrals into the SERAC. This related to cases in which victims had been diagnosed with either a learning disability or a mental health issues. In a further 26% of cases in professionals suspected a cognitive impairment due to symptoms and observations of mental health issues, but this judgement was subjective rather than being based on a diagnosis. Therefore the actual number of referrals which include cognitive impairments could be higher due to issues with securing a medical diagnosis, victims seeking medical intervention and recording of data.

The majority of respondents had multiple vulnerabilities, with most having either two or three recorded. This indicates that vulnerabilities are commonly shared and intersect with one another.

FIGURE 11 – Vulnerabilities of Victims of Exploitation



The data is based upon 125 referrals. Percentages have been calculated out of those with at least one vulnerability noted.

Taking a closer look at shared vulnerabilities, it is clear that unemployment is a dominant theme amongst the majority of referrals. For example, 86% of those with substance vulnerabilities were also unemployed, as well as 74% of those with family adversities. Risk of homelessness is also commonly shared with other vulnerabilities, for example 53% of referrals with substance vulnerabilities were also noted as having a current or future risk of homelessness, as well as 52% of those with diagnosed mental health vulnerabilities. 58% of those with diagnosed mental health vulnerabilities were also reported as having substance vulnerabilities. Whilst there were only three referrals involving intellectual disabilities, all three also involved substance vulnerabilities and unemployment.

Similarly, all five referrals with learning disabilities also shared vulnerabilities, i.e. having diagnosed mental health vulnerabilities and experiencing unemployment. Additionally, all of the five care leaver referrals were noted as being at current or future risk of homelessness.

In contrast to the SERAC data, our participants did not mention unemployment. Instead, they identified five prominent vulnerabilities that they came across through cases of exploitation that they had worked on. These included mental health issues, learning disabilities, drug dependence, old age and care leavers (those who are transitioning out of the care system). These five vulnerabilities were followed closely by vulnerabilities that could be identified as affecting victims on a social and environmental level. For example, isolation and loneliness, previous criminal convictions, homelessness, divorce and grief. Rather than one vulnerability, it was acknowledged that a combination of factors, i.e. individual, social and environmental vulnerabilities provided the environment for exploitation to thrive.

The aforementioned experience of social isolation and loneliness, stemming from victims lacking a support network and a sense of community was paid considerable attention by professionals during interview. Indeed, one local authority worker noted rising cases across Nottingham where loneliness was the *only* vulnerability identified within the exploitation:

Loneliness has been a massive vulnerability within our role over the last few years due to Covid. We've had quite a few cases where there hasn't been any substance misuse, there's been no mental health issues, no disability, it literally just has been the fact that they are so lonely and these people target loneliness. (Local Authority Worker 1).

Experiences of loneliness made men and women susceptible to different types of exploitation. Professionals suggested that isolation and

loneliness in women provided male perpetrators with enhanced opportunities for sexual exploitation because of the woman's desire for a loving relationship and the perceived protection and care that the man could provide. In contrast, loneliness and isolation in men appeared to make them more susceptible to financial exploitation whereby female perpetrators used sex as a way to financially exploit their male victims. One housing officer stated:

We had one [case] in the past. Sex workers were exploiting them because that individual liked their company. Sometimes it wasn't always done through sex because yes, they were there to provide a service, but they didn't always have that service, but they would then groom them in a way of like "oh I'll look after you, I'll bring you alcohol, I'll bring you fags...oh give us £20, give me your bank card and I'll go and take the money out for you". (Housing Support Officer).

As mentioned above, old age was reported by some professionals as a vulnerability in cases of exploitation that they were dealing with. One housing officer stated:

We have an increase of elderly people committing antisocial behaviour, being dependent on drugs and alcohol. That wouldn't have happened probably 15-20 years ago [and] is happening now because we live longer. Things are much more available. Drugs, alcohol. We live in a different generation. (Housing Support Officer).

Social changes combined with increases in the average life expectancy mean that individuals are living longer. This, according to professionals, has brought with it increased cases of social isolation and loneliness and needs that are often not met by services. For example, if an older

person had no cognitive impairments and was physically able, but became vulnerable due to their age and lack of support network, they were unlikely to come to the attention of authorities and had more chance of slipping through the net.

Those leaving the care system were identified by professionals as often being disproportionately affected by exploitation. Having received state support, upon reaching 18 years of age that support disintegrated overnight. Care leavers then found themselves trying to manage their finances, secure employment and support themselves, often immediately after being moved to some form of independent accommodation. While we did not speak to any of this demographic during the research, professionals shared their views based upon conversations that they had with care leavers, suggesting that these individuals found themselves isolated, lonely and daunted by the prospect of caring for themselves. Their desire for a sense of belonging was their own personal vulnerability which made them more susceptible to grooming and exploitation. Perpetrators were thus easily able to identify care leavers and take advantage of their desire for a friendship group. One housing support officer told us:

People will purposely go out and look for these people, so when you've got care leavers just moved in ... they watch them and then I would say over time they will either find out what their habits are, if they are drug user, if they have lots of people around, and without them knowing, they're grooming them. (Housing Support Officer).

Where those with cognitive impairments struggled to make positive and lasting relationships, social media became a channel for fulfilling their needs and seeking. During interviews, social media was highlighted as providing perpetrators with distance and anonymity to groom and exploit victims. Financial exploitation was indicated to be commonly facilitated through social media, where male and female perpetrators took

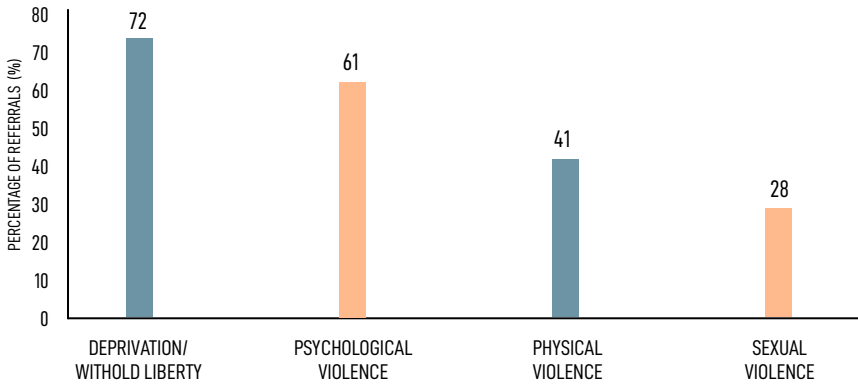
advantage of the opposite sex's desire for a loving relationship. Where professionals had identified exploitation and removed the victim from the environment, the victim had moved their activity online, so that they were not at risk from members of the community. Professionals also spoke of the impact of Covid-19 and the greater ease with which perpetrators could groom and exploit because a large part of the population had increased their social media use.

Violence

The results indicated that 78% of referrals were categorised as experiencing at least one of the following: physical violence, sexual violence, deprivation/withholding of liberty, and psychological violence. Of cases where at least one type of violence or deprivation was noted (N=115), nearly three quarters of referrals were categorised as experiencing deprivation/withholding of liberty. Just over 60% experienced psychological violence. Whilst sexual violence was the least common, it still affected 28% (of those who had at least one specific violence type or deprivation noted).

In cuckooing cases it is often noted that victims are restricted from leaving their premises due to the risk of detection from law enforcement and the desire for perpetrators to keep their activities hidden. This was noted by professionals during interview, especially in relation to care leavers, older people and those with learning disabilities. Indeed, one housing officer reported that many of those with learning disabilities who initially enjoyed the presence of perpetrators due to feelings of loneliness, found it difficult to ask people to leave their premises, lacking in confidence and assertiveness. In such scenarios, it was sometimes the parents of victims who had to remove the unwanted group from their adult child's accommodation. In other cases, victims retreated to their bedrooms or left their premises altogether because they were fearful of the consequences of asking their 'friends' to leave.

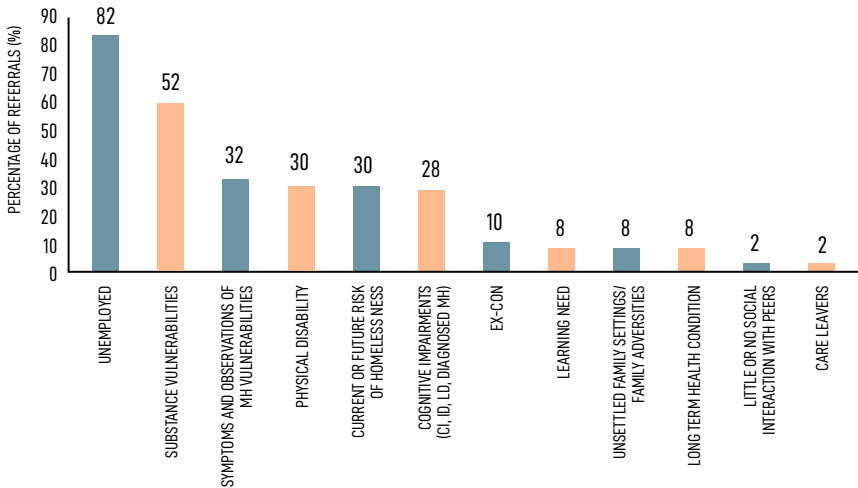
FIGURE 12 – Violence and Deprivation of Liberty Cases



Percentages are calculated from referrals which had at least one type noted rather than the whole sample.

As cuckooing was identified as the most common type of exploitation across Nottinghamshire, we undertook additional analysis to analyse the specific vulnerabilities identified within each cuckooing referral into the SERAC.

FIGURE 13 – Cuckooing and Vulnerabilities



Results suggested that 82% of cuckooing cases involved unemployment as a vulnerability. This was followed by 58% involving substance abuse vulnerabilities. Mental health vulnerabilities, physical disability, risk of homelessness and cognitive impairment were also present in between a quarter and a third of cases. Only 2% of referrals noted little or no social interaction with peers, which is perhaps surprising given the significance attached to loneliness and isolation in interviews, and raises questions on whether this factor is being recorded systematically.

Indicators of Exploitation

When asked to outline some of the indicators of exploitation, professionals highlighted physical and psychological changes in those who they worked with. For example, psychological indicators of exploitation included victims becoming withdrawn, anxious and depressed. In some cases, victims displayed signs of aggression and confrontation with professionals who tried to intervene. Our respondents suggested possible reasons for this including feelings of shame upon realising that they had been taken advantage of and rejecting any intervention because of the fear of being left without a friendship group once again. In terms of physical changes, professionals stated that a decline in the victims appearance was often one of the greatest indicators of exploitation, i.e. deteriorating personal hygiene, changes in weight, and changes in body language and demeanour.

In cases of financial exploitation, the frequent ordering of new bank cards stood out as a sign of exploitation, with victims reported to be handing over their bank cards to perpetrators who had promised to return them and then failed to do so.

Some of the more complex and hidden signs of exploitation noted by professionals drew attention to the importance of trusting and long-lasting relationships between professionals and victims. For example, professionals suggested that an increased presence on the streets, mainly for

females who participated in sex work, could indicate the presence of drug dealers, or other unfavourable activities, within the home. However this would only be recognised where support agencies had long-term relationships with individuals which enabled them to recognise these signs.

Perpetrators

Perpetrators of exploitation, were identified by professionals as members of criminal gangs, relatives, neighbours, friends and carers. Similar to the literature on mate crime, our respondents identified that friends and neighbours were often implicated in taking advantage of vulnerability, whether it was loneliness, the desire for an intimate relationship or a reliance on substances. Exploitation usually takes place in isolated environments where the activity remains hidden from the public view or intervention.

Our interviewees indicated that some perpetrators were intelligent individuals who knew how to groom, coerce and control victims, while others noted perpetrators as highly vulnerable people trying to navigate and manage their own vulnerabilities (Housing Support Officer 2). While the literature would suggest that perpetrators of cuckooing are mainly organised criminal gangs—or drug runners—who take over the homes of vulnerable people for the purposes of facilitating in County Lines drug supply, our study revealed that perpetrators of cuckooing could be characteristically similar to their victims in terms of experiencing vulnerabilities. It was also noted that perpetrators, like their victims, may often not see the exploitation, or even intend for the relationship to be exploitative, yet their own mental health issues and drug dependencies meant that some of their survival mechanisms included harming other people. One participant reported:

You often get the slightly less vulnerable, exploiting the slightly more vulnerable. their intention is driven by not necessarily malicious

intent, but more addictive or just wanting to block things out themselves. (NGO Worker 3).

Professionals also highlighted the difficulty in identifying perpetrators of exploitation and securing prosecutions. Perpetrators were reported to be highly mobile and easily able to shift their activities to another location and victim if they perceived themselves to be subject to police monitoring and intervention. This could prevent enforcement agencies from collating evidence and catching perpetrators in committing a criminal offence, restricting their ability to apprehend perpetrators and end the cycle of exploitation. Cuckooing is not a criminal offence and interventions such as moving the victim to another property may have negative effects. The perpetrator is available to move onto another property and victim.

INTERVENTION AND SAFEGUARDING VICTIMS OF EXPLOITATION

Professionals were asked to consider and discuss the measures that they could implement when they suspected cases of exploitation in those who they worked with. Conversations centred on their current safeguarding process, as well as some of the barriers which they faced supporting victims.

Current Safeguarding Processes

As noted above, the difficulty in apprehending perpetrators and securing prosecutions often meant that professionals could do little other than gather intelligence and manage risk when they suspected the presence of exploitation. One participant reported:

It's very hard for social care to sometimes step in. We have all these safeguarding meetings but unless there's horrific violence or obvious

sexual abuse ... it is a case of gathering enough evidence to be able to bring about some change, but it can be very hard. (Learning Disability Nurse 1).

In such cases, professionals in local authority roles discussed increasing the number of visits that they would make to the victim, and ensuring that agencies, through the SERAC process, were making frequent trips to their properties. One of the issues with this related to funding and staffing numbers, whereby it was often not possible to increase the level of intervention that the victim was receiving. It was also highlighted that any interventions were usually victim-focussed, rather than perpetrator focussed. For example, in cases of cuckooing, police often applied Closure Orders to shut down the premises when cuckooing had been identified. The local authority could then assist in moving the victim to a different property, but this usually had a negative impact on the victim due to the upheaval, uncertainty and feelings of isolation that they are often left with upon being removed from the exploitative situation.

Respondents agreed on the importance of a multi-agency approach, whereby professionals could come together from across Nottinghamshire, all working in different capacities to support vulnerable people. Indeed, multi-agency working was highlighted by each of our participants as one of the most successful tools in identifying and responding to exploitation.

The aforementioned importance of having consistent relationships with service users and victims of exploitation meant that professionals could often identify exploitation early and put safeguarding measures in place to increase the level of intervention that victims of exploitation were exposed to. Lengthier periods of time spent with victims allowed for the development of relationships in which victims could begin to trust certain authority figures and open up about their exploitation, thus aiding services in building intelligence (Local Authority worker 2). Aside from direct intervention, some participants discussed instances in which

they had tried to educate victims on inappropriate relationships, grooming and exploitation, however this was largely dependent upon having the necessary staffing levels and time to spend prolonged periods of time with victims (Learning Disability Nurse 2).

Barriers to Safeguarding Victims

Professionals were asked to consider the main barriers restricting them in intervening and safeguarding victims. Some responses included a lack of an understanding of trauma where, for example, victims presented with complex behaviours such as aggressiveness and confrontation which created barriers between victims and professionals and meant that some victims were perceived as not deserving of support.

Long waiting lists impacting upon the time it takes for interventions to be implemented sometimes resulted in victims who had once agreed to engage with services, withdrawing their consent upon receiving notice of a safeguarding plan. It was noted that for some victims, non-engagement is used as a survival mechanism. For example, in cases where victims are unable to open their own post or restricted from leaving the home, the potential consequences of discovery by the perpetrator could make seeking help too big a risk.

Concerns were raised over the reactivity of interventions and in some cases, the exploitation not being severe enough to warrant support. Indeed, because of the difficulties in apprehending perpetrators and intervening in the absence of a criminal offence, professionals reported that it was often only after serious harm or violence had been inflicted that they were able to override the wishes of the victim and remove them from the situation.

It's how you manage the amount of harm a person is exposed to in the period of time it takes for changes to happen. The difficulty when

it comes to things like capacity is you can't just restrict somebody's human rights without having cause to do so and that takes time to establish. (Psychologist 1).

A significant aspect of professionals' inability to intervene was because of the victims' capacity to consent. In cases where victims did not see the exploitation and asserted that their perpetrators were their friends, and they had capacity to consent, professionals could be powerless to act. In these situations, professionals discussed gathering intelligence around the victim and perpetrator and increasing communication with, and surveillance of, the victim. One of our housing officer participants reported:

The Mental Capacity Act is a wonderful thing and it's done a lot of good things for a lot of people, but my experience with certainly the last two individuals I've been involved with, they had capacity, but they were making incredibly unwise decisions that were putting their health in such detriment that in one case it almost did lead to his death. (Learning Disability Nurse 3).

Professionals who suspected the existence of mental health and learning disabilities shared their frustrations with General Practitioners (GPs) who had in the past given opinions that individuals did have capacity to consent, despite making health-harming decisions. Indeed, while it was accepted that GPs had the expertise to review capacity, there were frustrations raised by professionals who, through long-term relationships with service users, were able to identify where they had witnessed cases of deteriorating mental health but were unable to get a diagnosis that would allow them to intervene. There were some questions raised around whether GPs were the appropriate individuals to be making mental health assessments.

Among the conversations about capacity to consent, tensions were raised between professionals wanting to safeguard victims and intervene to end the exploitation, but also acknowledging that such intervention

can be harmful to victims in terms of restricting their liberty and independence. One mental health nurse cited a case in which agencies had moved a victim of exploitation to a more secure property, but in the process had taken away the victims independence and resulted in the de-skilling of that individual (Safeguarding Nurse 1).

Another barrier in supporting victims of exploitation, participants suggested, resided with a lack of understanding of how certain learning disabilities present in those who have them. Professionals noted that those with mild learning disabilities commonly remain unidentified because on the surface they can appear competent and able to understand their situation, as well as not meeting the criteria for social care support. Professionals emphasised the importance of questioning people with learning disabilities to ensure that they understand the answers that they give during assessments and meetings with services. For example, one learning disability specialist nurse informed us:

[One of our service users] had a mild learning disability [and was] very good at sort of sounding streetwise and sounding plausible and sounding like he would have capacity around friends and taking drugs. But actually he didn't and it became quite obvious quite quickly. [When] specialists services went in and scratched the surface of those answers that he gave, it all fell apart quite quickly that he actually was just repeating what people had said and [he had] learnt to say what people had told him to say. (Learning Disability Nurse 2).

Lastly, some participants asserted that there was a tendency for agencies to make assumptions and undermine victims' experiences, specifically those with cognitive impairments. For example:

People make assumptions, [for example] people with learning disabilities don't have sexual relationships, and people with a learning

disability don't have access to drugs and alcohol. When they come for the annual health checks, when we talk about cervical screening for ladies, you'll often see them opted out straight away because they've never had sex, and you're like, how do you know that? (Learning Disability Nurse 3).

Such assumptions also included professionals failing to question the red flags that they witnessed because they assumed that other professionals would be dealing with the exploitation. However some participants noted that this may also be because professionals did not know what options were available to them to safeguard victims, leaving them feeling powerless to act.

Barriers to Victims Seeking Support

Participants were asked to discuss their views on who victims turned to when they needed support and the reasons why, in many cases, victims never sought help at all. Some of the reasons provided related to fear, feelings of shame, bravado, language barriers, and a mistrust of authority. The most common answer provided however, was that in most cases, the victim did not acknowledge the exploitation or see that they were being groomed or victimised. Returning back to the vulnerabilities mentioned previously, it was suggested by professionals that victims saw their perpetrators as their friends—largely because of their desire for social interaction—and even when the relationship was exploitative or inappropriate, it was an improvement on their previous feelings of isolation and loneliness. In cases where the victim did acknowledge the exploitation, professionals highlighted that there was a sense of hopelessness about what they could do to improve their situation. One NGO worker stated:

I think they do start to recognize it actually. And I think that a lot of the time it's because other members of the community are telling

them. In their words they would say 'I know they're taking the piss out of me but what can I do?'. (NGO Worker 2).

When victims did acknowledge their exploitation, participants reported dealing with confrontation and aggressive behaviour because of what they believed were feelings of shame that victims were experiencing as a result of being taken advantage of. Victims also often directed blame at those responsible for safeguarding them because they had been moved away from what they deemed to be people who had provided them with a sense of belonging and friendship.

It is important to note that within criminal networks, there is a code of conduct restricting those involved in divulging information to the authorities. The stigma surrounding those who 'grass' or 'snitch' on perpetrators is unfavourable and can lead to violent retaliations. Participants also suggested that there was considerable stigma around being identified as vulnerable or a victim, as these labels carry negative connotations and are associated with weakness and failure. One local authority worker provided an example of this:

Nobody wants to be identified as vulnerable or identified as a victim, it's a horrible word, and it strips you of all sorts of empowerment. (Local Authority Worker 2).

In terms of fear, it was suggested that victim sometimes failed to engage with services because they were fearful of the potential for further violence and abuse should their perpetrators find out that they had spoken to authority figures. In these situations it was easier for the victim to remain silent about their exploitation and not risk experiencing further harm. The harm that some victims experience cannot be understated. Professionals divulged cases that they had worked on where victims had been left with severe and life-changing injuries for life. For example:

I've worked with women who've had their ribs broken, who've had their jaws broken, who have had eye sockets damaged ... strangulation and throttling. So there's a lot of very serious physical assault, threats and attempts actually of being set on fire as well.
(NGO Worker 4).

There was also an acknowledgement that some victims do not report their exploitation through the fear that they will not be believed by services. This mainly related to cases where victims had criminal records and a history of substance dependence and would therefore not be identified as the 'ideal' victim (Christie, 1986) by those investigating the case. In some circumstances, perpetrators were deemed to be upstanding members of the community and, compared to their victims, were deemed to be much more credible in terms of trustworthiness and reputation (NGO Worker 3).

In cuckooing cases, victims harboured a fear over having their housing taken off them. This was made worse where drugs and antisocial behaviour were involved and where victims knew that they had been complicit in some of the activity either through force or initial willingness. Participants also raised frustrations that when victims had sought help, they had been met by professionals who had placed the onus on them to remove the perpetrators from their properties and rid themselves from the exploitation, even in cases where victims were living in fear (Housing Support Officer 2).

Many victims also held a deep mistrust of authorities due to previous negative experiences stemming from childhood. For example, those who had suffered from adverse childhood experiences were more likely to have been subjected to social care intervention that resulted in separation from their families, and such experiences, participants suggested could make victims resentful and unable to trust the organisations that were supposed to support them in times of need. Additionally, participants suggested

that the majority of interventions resulted in criminal sanctions or interactions with the criminal justice system, rather than being supported through rehabilitation.

A small number of participants stated that one of the barriers facing victims with learning disabilities and mental health issues is finding services and professionals who understand their language, religion and culture. These participants provided examples in which victims of certain religious faiths had been given advice by professionals which went against the values of their religion and/or culture (NGO Support Worker 2).

EXAMPLES OF GOOD PRACTICE ACROSS NOTTINGHAM

Participants were asked to recall examples of good practice that they had witnessed during their work with victims of exploitation, either within their own organisation or across Nottingham. It is hoped that by documenting these examples, organisations can learn what works and implement measures into their own practice.

As previously mentioned, all participants across the sample discussed the success of multi-agency work and the partnerships that they had formed which had allowed them to better identify and respond to victims of exploitation. Through monthly multi-agency conferences, professionals were able to identify victims, discuss their vulnerabilities, gather intelligence about perpetrators and learn from evidence based approaches what had worked in other cases of exploitation and what had failed. Being able to liaise with professionals with a common goal often meant that participants felt supported and were able to openly reflect on how best to deal with complex situations that they had little experience of.

Participants in health settings discussed the positive impact of Speech and Language Therapists. These practitioners were identified as holding crucial roles in providing professionals with support in how to communicate effectively with victims with learning disabilities and how

to better understand how learning disabilities can affect cognitive function. As well as Speech and Language Therapists, the inclusion of safeguarding nurses had provided health workers with a point of contact to liaise on certain cases and distinguish whether intervention was needed and how to approach the subject of exploitation with patients. Indeed, with the assistance of staff trained in exploitation, learning disabilities and safeguarding, participants highlighted how they had learned how to create safe spaces for service users to make disclosures. A specialist learning disability nurse explained:

It's about engineering time to ask important questions. (Learning Disability Nurse 1).

Such measures included finding opportunities to get patients on their own, something which was difficult when suspected perpetrators attended appointments with their victims. Health professionals were encouraged to adopt a professional curiosity and not always assume that those in attendance with patients had their best interests at heart. For example, some participants discussed cases of exploitation in which carers were the perpetrators of exploitation and, because of the position of power that they held, were rarely questioned.

DISCUSSION AND CONCLUSION

What Does the Data Suggest in Relation to Social Determinants of Resilience to Exploitation?

Some factors highlighted in Gardner, Northall and Brewster's (2020) framework of social determinants of resilience against exploitation are visible within this study. For instance at a *structural* level the data shows that the majority of cases referred to Nottingham SERAC align closely with inner city areas associated with high levels of poverty, multiple

occupancy housing, and social deprivation, indicating that these contextual factors correlate with vulnerability to exploitation.

There were some structural factors not currently represented in the framework which merit greater attention. In particular the study highlighted the importance of physical and mental disability as a factor contributing to the exploitation risk of individuals.

The data also suggested that unemployment was the most common vulnerability noted amongst SERAC referrals (possibly because it is more straightforward to identify and record than other more hidden vulnerabilities). Although our interviewees did not mention lack of employment as a risk factor during interviews, there are undoubtedly links between unemployment, social isolation, mental health issues, debt and poverty. The complex relationship between unemployment and exploitation therefore requires further attention and investigation.

At a *regulatory* level it was interesting to see that labour exploitation did not feature highly in the SERAC data that we were provided with, which mainly highlighted cuckooing, financial exploitation, and sexual exploitation (with criminal exploitation also represented more frequently among individuals with diagnosed cognitive impairments). Data from the National Referral Mechanism (NRM) indicates that criminal exploitation is the most common type of exploitation for children and young people across the UK, and labour exploitation is the most common type of exploitation for adults. During interviews our policing participant affirmed that county lines, drug cultivation and sexual exploitation were also highly prevalent in Nottinghamshire. Additionally, debt bondage only appeared in 3% of the referrals, although professionals in housing support roles discussed many of those who they had worked with as being drawn into a position of exploitation through owing a debt to somebody. According to Kenway (2021) debt bondage ‘is when a person is forced to work to pay off a debt, with that debt usually being artificially inflated and extreme control over the individual’ (2021, p. 104).

One reason for these apparent differences with national data may be that the NRM and policing pick up only the most serious cases of exploitation, and the SERAC looks more broadly at addressing exploitation that is perceived as complex or less-clearly justifying enforcement intervention. The data does, however, serve to illustrate the diverse forms of exploitation that are encountered by frontline agencies which fall outside the current legal framework offered by the 2015 Modern Slavery Act. Whilst these forms of exploitation may appear less extreme, SERAC data suggests they may still be associated with violence and deprivation of liberty, representing significant harm to individuals experiencing multiple vulnerabilities. At present a range of multi-agency interventions and disruption activity can be used to address such abuses, but in some cases (such as cuckooing) provision of further enforcement powers could be beneficial.

Additionally, within the SERAC data a higher proportion of people with diagnosed cognitive impairments were reported as experiencing cuckooing, sexual exploitation, financial exploitation and criminal exploitation than in the wider sample, and there were lower levels of identified modern slavery and trafficking. Although the sample size for this group was relatively small ($n=38$) it raises a question as to whether labels such as cuckooing and financial exploitation may sometimes mask more serious elements of exploitation. This would be in line with suggestions from the literature that offences against people with cognitive impairment may sometimes be minimised.

The data from interviewees also highlighted that determinations relating to the mental capacity of individuals (relating to the 2005 Mental Capacity Act) as well as resource levels and thresholds for access to support services (such as social services and housing) can play an important role in determining whether potential victims of exploitation are offered timely support. One of the major causes of failing to identify the signs of exploitation in those with cognitive impairments—as identified in the literature and by our participants—was that those with mild or moderate

cognitive impairments do not meet the eligibility criteria for social care intervention. Additionally, there may be issues around services perceiving victims to lack the necessary credibility in order for their experiences to be taken seriously. These regulatory and policy issues, which have both national and local elements, should be considered as important facets of resilience against exploitation in the UK context.

In common with the literature, and possibly prompted by the focus of our study, interviewees discussed learning disabilities more often than impairments associated with mental health problems or other issues. In the case of SERAC cuckooing cases, suspected mental health issues were as common as diagnosed impairments. The data therefore suggests that undiagnosed mental health issues may be a significant challenge, but perhaps one that is difficult to quantify or address due to challenges securing a diagnosis, particularly in cases where potential victims are not engaging with support. Again, this is an area that would benefit from further investigation.

At a *locality* level, the essential role of close multi-agency working and of supporting secure housing and related support services for potential victims of exploitation was underlined. This was partly due to the clear intersectionality of different types of vulnerability. Of the 147 referrals that we received data on, 40 experienced three vulnerabilities simultaneously, 22 referrals experienced two vulnerabilities at the same time, and 20 referrals experienced four vulnerabilities simultaneously. Unemployment was the most common vulnerability, intersecting with substance vulnerabilities and family adversity. Risk of homelessness was also commonly shared with other vulnerabilities. For example, 53% of referrals where substance vulnerabilities were recorded, were also reported as having a current or future risk of homelessness, as well as 52% of those with diagnosed mental health problems. This underlines the importance of a wide variety of frontline service professionals—including the Department for Work and Pensions and housing organisations—being alert

to potential for exploitation amongst vulnerable clients, and acting in concert with local partners to address emerging problems.

Interviews also underlined that organisations needed time and resources to build long-term trust relationships with those potentially vulnerable to exploitation, to aid in identifying the sometimes subtle indicators of exploitation. Building such relationships may be a challenge for professionals who are simultaneously struggling with short staffing and limited resources following a protracted retrenchment across the public and voluntary sectors. In addition many funded projects are time limited in their nature, and short-term funding can impact negatively on the ability to build long-term relationships with people experiencing multiple vulnerabilities. Providing support for such services therefore requires sustained local civic and political leadership.

At the *personal* level, diverse factors combined in multi-layered ways to impact upon individuals' resilience against exploitation. The data indicated that age and gender were associated with greater, or lesser likelihood of experiencing certain types of exploitation. Life experiences such as being in social care, and cultural or religious stigma could impact on willingness to engage with support. Addictions and substance misuse seemed to be present in a high proportion of cases, and were probably also linked to identified cognitive impairments. According to our interviewees, the significance of these was not so much about the effects of specific factors, but the ways in which they combined to create a context of social isolation. Although the role of isolation and loneliness is well-established in learning disability and mate crime literature, there has been relatively little recognition of this vulnerability in relation to modern slavery and exploitation more generally, and this topic would also benefit from further investigation.

These factors have been added to a re-worked version of the Gardner, Northall and Brewster (2020) framework (figure 14 below) which also highlights the social determinants which have been found to be significant in this study (in red). Although SERAC data is unique to Nottingham,

a wider study would be beneficial in understanding the degree to which these findings are applicable in England and the UK as a whole.

Recommendations for Further Research

1. Include the voices of people with lived experience in future research on cognitive impairments and exploitation.
2. Further examine the exploitation-related experiences of people with mild disabilities who do not meet the criteria for social care intervention.
3. Review the impact of the Mental Capacity Act and how professionals respond to victims of exploitation with cognitive impairments.
4. Explore characteristics of perpetrators and the vulnerabilities that they experience.
5. Consider the role that families play in providing support to victims of exploitation with cognitive impairments.
6. Future research should focus on the impact of loneliness and social isolation on susceptibility to exploitation.

POLICY AND PRACTICE RECOMMENDATIONS

Recommendations for the Health Sector

1. Safeguarding teams within the NHS need to work with learning disability specialists when reviewing relevant cases of exploitation.
2. Learning disability teams within the NHS should ensure that resources are available to employ speech and language therapists.

Recommendations for Central Government

1. Long-term funding must be provided for statutory and voluntary services to resource multi-agency approaches to addressing exploitation, and to enable them to build trusting relationships with service users.

2. Policymakers should consider making cuckooing a criminal offence.
3. Victims of exploitation should not be required to provide consent for pressing charges. Prosecutors should also seek strategies that do not require victims' participation as witnesses.
4. Training on Modern Slavery and forms of exploitation should be required for those working with people at high risk of exploitation.
5. Perpetrator-focused interventions need to be developed and implemented, recognising that perpetrators often have similar vulnerabilities to victims.
6. Campaigns and resources should be developed to educate people at risk of exploitation on the signs of exploitation and grooming.
7. Increase funding for mental health services in order to reduce waiting times.

Recommendations for Local Government

1. Develop data recording to enhance clarity on types of exploitation and forms of cognitive impairment that are recorded.
2. Continue to explore funding opportunities and support multi-agency interventions against exploitation (such as the SERAC process).
3. Local Authority safeguarding teams should consider working with speech and language therapists in cases involving cognitive impairment.
4. Consider working with partners to develop further drop-in services for people at risk of exploitation, providing them with safe spaces when they need support.
5. Empower individuals affected to recognise exploitative situations. Enable front line staff to build trust-based relationships and use accessible language and terminology.
6. Target awareness-raising towards individuals with multiple risk factors for exploitation, as well as their friends, families, support services and advocates. Work with partners to provide preventative support.

Recommendations for Third-Sector Organisations

1. Seek the advice and engagement of people with lived experience of exploitation to ensure that support services are appropriate and sensitive to culture.
2. Provide an online, accessible pathway for people accessing services to report concerns of exploitation.

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NAN PROVINCE

THAILAND

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INTRODUCTION

Background and Rationale

Modern slavery is one of the most serious human rights violations and one of the world's rapid growing crime. It is estimated that approximately 40.3 million people live as a slave, which means that there are 5.4 victims of modern slavery for every 1,000 people in the world (ILO, 2016). Women and children are the most vulnerable group of modern slavery—1 in 4 of the victims are children and nearly three quarters are women and girls (Anti-Slavery, 2021). Modern slavery refers to the exploitation of people who have been forced, deceived, or coerced into a life of labour and servitude (UN, 2021; Home Office, 2021). The main forms encompass of human trafficking and forced labour (UN, 2021). International community and countries have committed to take actions against modern slavery. This enshrined in treaties, agreements and guidelines, for example, The United Nations Supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Council of Europe Convention on Action against Trafficking in Human Beings, ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) and the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children. At country level, efforts and actions has been made through formulation of policies, law enforcement, and preventive measures. However, solely government and non- governmental organizations alone cannot achieve in tackling modern slavery and human trafficking. Realizing that academic as one sector in contributing to society, Rights Lab at University of Nottingham, Eduardo Mondlane University, BRICS Policy Center at Pontifical Catholic University of Rio de Janeiro (PUC-Rio) and the Asian Research Center for Migration (ARCM) Center of Excellence on Migration and Development at the Institute of Asian Studies (IAS) of

Chulalongkorn University, Thailand collaborate to initiate Global Cities Free of Modern Slavery and Human Trafficking. This project aims to studies and provide a practical model to anti-modern slavery and human trafficking to establish a better place for all.

For the Asian Research Center for Migration (ARCM), Center of Excellence on Migration and Development, at the Institute of Asian Studies, Chulalongkorn University, to tackling this issue, community is considered as a foundation for prevention and surveillance of modern slavery and human trafficking as well as safe repatriation and reintegration for the survivors.

The collaboration among Pontifical Catholic University of Rio de Janeiro (PUC-Rio), Brazil, University of Nottingham, United Kingdom, Eduardo Mondlane University, Mozambique, and the Asian Research Center for Migration (ARCM) Center of Excellence on Migration and Development at the Institute of Asian Studies, Chulalongkorn University, Thailand.

Nan province is selected as a site of the study because Nan is a border province between Thailand and Lao PDR and has been promoting as one of tourist attraction places in Thailand. With more national and international tourists are coming to Nan, the demand of employment in service sector is also arisen. However, according to the national data, the number of human trafficking and people smuggling cases are tentatively low compared to other border provinces. As a result, the search to diagnose the social determinants to vulnerability and resilience to modern slavery / human trafficking is significant. The close engagement of local initiatives and authorities will be included in the diagnosis.

About Nan Province, Thailand

Nan Province is a fairly typical provincial city in the Northern Thailand which is approximately 675 kilometers or 420 miles from Bangkok. Nan

is a border province between Thailand and Lao PDR and has a vast, interesting history and nature. Located around 17 kilometers or 10 miles from the center of Nan town, the Baan Bo Suak Community has several historical tourism sites which attract the foreign and local tourists by its local products such as pottery, traditional hand-woven fabric, and earthen streamer. The Designated Areas for Sustainable Tourism Administration (DASTA) promotes Ban Bo Suak as a community-based tourism. Ban Bo Suak has consisted of 6,622 people; 3,321 male and 3,301 female, and 2,183 households. According to the information from Nan Provincial Social Development and Human Security Office on human trafficking and exploitation, Nan is a source, destination and transit province for human trafficking and exploitation. The type of human trafficking and cases were sex trafficking of students in 2002, novice labor trafficking in 2004, Cambodian monks' tourism exploitation in 2012, Lao young adult sex trafficking in karaoke shop in 2013, and Lao migrant workers in forced labor in 2013. Since then, there was no report on human trafficking and exploitation in Nan due to the serious coordination among multi-disciplinary team members and the local provincial mechanism such as the emergency operation centers in provincial, district and sub-district levels, the provincial anti-trafficking sub-committee meeting, the provincial anti-trafficking strategic plan (2018-2022), with prevention and awareness raising activities for community members and children.

Nevertheless, in February 2021, there was a case of human trafficking at Karaoke restaurants (there were 4 girls who were under 18 years old).

Research Questions:

- 1) What are the social determinants to vulnerability and resilience to human trafficking/modern slavery in your selected site?
- 2) What are the law(s) and concepts as well as local initiatives that prevent human trafficking/modern slavery in your selected site?
- 3) How does the study support the construction of a database; including

study cases and reports to develop public policies and private sectors' initiatives to tackle human trafficking/modern slavery.

4) How does the study ensure/encourage the close engagement of local initiatives and authorities?

Research Objectives:

1) To study and diagnose/analyze the social determinants to vulnerability and resilience to human trafficking/modern slavery in Nan Province.

2) To review literature on law and concepts as well as local initiatives that prevent human trafficking/modern slavery in Nan Province.

3) To support the construction of a database; including study cases and reports to develop public policies and private sectors' initiatives to tackle human trafficking/modern slavery.

4) To ensure/encourage the close engagement of local initiatives and authorities.

METHODOLOGY

Data Collection

The research project is planned to cover the study with diagnosis and analysis the social determinants to vulnerability and resilience to human trafficking in Nan Province, Thailand. The research has been closely discussed among implementing partners across the regions as well as consulted with the research's advisors at national level. In addition, the research's proposal with qualitative research methodology and design with a proposed timeline were submitted for Chulalongkorn University's office of the Research Ethics Review Committee for Research Involving Human Subjects (IRB's committee) prior to the primary data collection. Therefore, the data collection of this research started with the literature review, followed by the documentary research, key informant interview, in-depth interview, and Focus Group Discussion (FGD) through video conference

platform. By implementing the purposive sampling and snowball sampling techniques, the data collection was able to reach the extensive network of multi-disciplinary team in Nan province to identify community groups such as occupational group, students group, tourism group, and community network group in order to form four FGDs, six key informants and six in-depth interviews. The interview was semi-structured interview. The research started in early April and completed in September 2021. The validity and reliability of the data applied the triangulation technique throughout the data collection process.

A little challenge: our Thailand research team normally organizes weekly research team meeting to update and provide progress of the project. However, due to the 3rd and 4th waves of Covid-19 pandemic situation in Thailand, resulting to several postponements of our field data collection which also had an impact toward our initial work plan. In addition, it is a compulsory that the research team needs to submit the research proposal along with the interview’s tools and questions to the Chulalongkorn University’s IRB Committee for their approval prior to our primary data collection. Later, the approval from the University’s IRB Committee was confirmed since 23 July 2021, hence the primary data collection started through virtual platform application and telephone calls. As a result of the technology required, there was a challenge for some community members who were expected to be informants and member of FGDs, could not join the discussion due to internet access limitation and phone signals.

TABLE 8 – Summary of Primary Data Collection

RESEARCH METHODOLOGY/TECHNIQUE	TOTAL
Key informant	6
Informant / In-depth interview	6
Focus Group Discussion	4 times (total of 15 persons)
Grand Total	27 persons

The data collection comprises of two main components, first is a secondary data collection through documentary research and second is a primary data collection through open and semi-structured interviews¹.

- **Documentary Research**

The area-based literatures, reports, articles, news, and other related documents on human trafficking were selected for the review, which including both national and international information related to human trafficking at global, regional, Thailand and specifically at Nan Province. The preliminary data had been utilized to form the list of open and semi-structured interview questions for key informant, informant, in-depth interviews and focus group discussion. The list of questions was tested and further develop for final set of the interview questions.

- **Open and Semi-Structured Interview**

Due to the Covid-19 pandemic situation, all interviews were conducted through virtual platform and phone calls with an average of two hours. The criteria of interview selection were implementing the purposive sampling with snowball technique. The first key informant interview was conducted by selecting a respondent who had a wide knowledge and connection with main stakeholders in Nan Province.

The first part of the questions was open; referring to the general information of Nan Province in the perception of an interviewee and personal information. Second and third parts refer to social determinants, followed by legal mechanism related to human trafficking in Thailand and Nan Province, which covering policy, prevention, protection, prosecution and partnership mechanisms in Nan Province. The Fourth part refers to the initiative of human trafficking prevention and community participation, and the last part focuses on database management, information sharing and inclusiveness of all relevant parties for community development and human trafficking awareness.

1 List of interview questions (in local language) are included in Annex Two.

Data Analysis

The study applies standard qualitative analysis, inductive and triangulation techniques. Data analysis was developed by analyzing the primary data and secondary data under the research's conceptual framework and respond to research questions and objectives. In addition, all interviews were transcribed and coded with anonymous reference. The data storage has been strictly followed the guidance indicated in the IRB's approval documents. Research assistants and data transcribers agreed to sign confidentiality form for unrevealing the respondents' contact details and collected data.

Limitations

One of the limitations of this research imposed by the Covid-19 pandemic (3rd and 4th wave) in Thailand, as a result the research technique on non-participant and participant observations could not conduct since the research team could not go to the selected site. All primary data collection had been done through virtual platform and phone calls. Some target population, such as community members of hill tribes and women groups could not participate in the virtual platform and phone calls for data collection due to the unavailability of the internet signal and inconvenience of the participants.

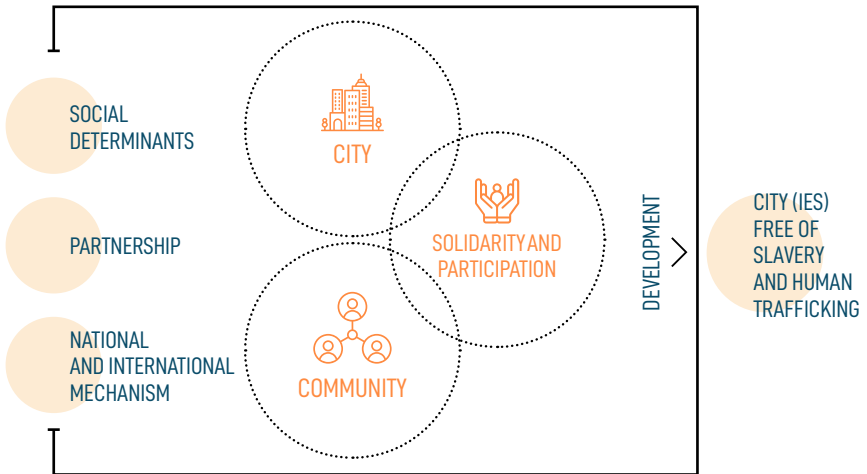
Situation on human trafficking in Nan Province is relatively low in number of cases compared to other border provinces in Thailand. In addition, knowledge and information on human trafficking still not widespread to reach all population groups in Nan Province. The definition of human trafficking was not well recognized and understood from all stakeholders.

Ethical Issues

The research team has also designed the rights protection, risk management, and confidentiality mechanism for key informants and stakeholders as followings:

- 1) The invitation of key informant was conducted without coercion or pressuring to participate in the research and would not providing excessive compensation which causes key informant to be unaware on the risks which may occur when participate in the research.
- 2) In the process of obtaining consent, research team would not conceal any research information or fraudulent to key informant/informant in order to obtain the participation in providing information in the research.
- 3) In obtaining consent, the key informant/informant have to sign the consent form as an evidence. In case that key informant/informant could not write, key informants/informant should provide a fingerprint stamp in the form and the person who are not a research stakeholder has to sign as a witness
- 4) Research team does not exempt on the consent form signing.
- 5) Research team would not access any in-depth personal information without the permission from key informant/informant and would not observe the key informant's behaviors in the matters that key informant does not want others to know such as secretly recording the conversation or interviewing.
- 6) Research team would maintain confidentiality by respecting the key informant/ informant who provides personal information specifically to this research and will keep confidentiality by not sharing information with others who are not having the rights to access.
- 7) Research team recorded anonymous information during the data collection process and data analysis to protect the key informant's/informant's identification and the confidentiality. If necessary, the research team would record data with encryption for the accuracy of research results. The data of unnecessary sampling would be destroyed from the beginning.
- 8) The publication of research results would be conducted in a way that the reader could not identify key informants/informants and stakeholders who participated in the research.

FIGURE 14 – Conceptual Framework



Note: The conceptual framework has drawn in reflection of the research questions, research objectives, and also from the documentary review as illustrated in this report.

Theory of Change (ToC)

What is ToC?

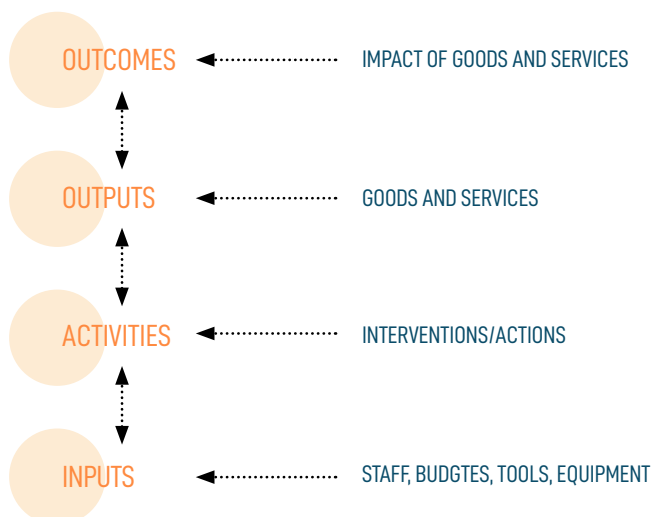
ToC refers to a comprehensive illustration and explanation of interventions, process and reasons of an expected change occurs in a specific context (Center for Theory of Change, 2019; Rogers, 2014; Taplin and Clarks, 2012). A designed change covers any level of interventions, that is an event, a project, a program, a policy, a strategy or an organization (Rogers, 2014). Key essence of ToC is a participatory process in which stakeholders participate in all intervention process to set up a goal, process, and preconditions in achieving a designed outcome (Taplin and Rasic, 2012).

Elements of ToC

Allen, Cruz, and Warburton (2017) highlight four elements of ToC approach: inputs, activities, outputs, and outcomes.

- 1) **Inputs** (What we invest to make change?): Inputs relates to resources including staff, budgets, tools, equipment. Normally inputs can be measured as counts, for example, budget spent, hours of work, numbers of staff.
- 2) **Activities** (What we do to make change?): Activities cover interventions and actions which undertaken to achieve particular outputs (Taplin and Clarks, 2012).
- 3) **Outputs**: Outputs are tangible result of activities and interventions, for instance, goods and services.
- 4) **Outcomes** (What happens because of activities?): Outcomes are impacts of activities and interventions. Jones et al. (2012) suggest SMART: Specific, Measurable, Attainable, relevant and time-bound to specify the outcomes. Outcomes are differentiated into short, medium, and long terms. Short term covers changes in individuals and groups, for example, knowledge and understanding. Medium term change relates to changes of skills and practices. For long term, this change involves macro transformation, for instance, economic situation, political stability or instability and social changes (Rogers, 2014).

FIGURE 15 – Elements of Theory of Change



Source: Authors.

ToC and Impact Evaluation

ToC is applied into various processes, for example, design programs, projects and activities, participatory implementation as well as evaluate programs or projects. In this study, the utilization of ToC focuses on impact evaluation to measure outcomes and impacts of interventions and activities that Nan Province has been implemented to support safe cities from human trafficking.

An impact evaluation refers to that an assessment which provides information about the impacts produced by an intervention, which covers policies, programs, activities (Roger, 2014). In considering impacts, this not only goes beyond by looking only at goals and objectives, but also involves with an analysis of positive and negative, primary, secondary, as well as long-term effects, directly or indirectly, intended or unintended of the results of interventions (Roger, 2014).

ToC guides an impact evaluation to scrutinizing steps towards a designed change by identify interventions, examining the enablers and barriers to change, assessing consequences of interventions (Grantcrafts, 2006). ToC can support an impact evaluation in numerous ways by identifying the data that need to be collected, analysis framework and reporting (LEA, 2020; Rogers, 2014; Grantcrafts, 2006;). ToC guides identifying the data that need to be collected, through framing questions. The overarching question in evaluation are:

1. Is strategic research informing and improving policy interventions in regulatory, legalistic, and judicial settings?
2. What progress is being made toward the development of frameworks, indicators of progress and other knowledge tools?
3. To what extent are professionalized policy organization and grassroots groups sharing strategic research and finding it helpful? (Grantcrafts, 2006).

These overarching question guides specific evaluation questions, for example, questions particularly in relation to those elements of ToC, examining relevant variables to be included in data collection, consequences in short and long terms (LEA, 2020; Rogers, 2014; Grantcraft, 2006). Regarding analysis framework of the evaluation, by applied ToC, using logic framework of the four elements—inputs, activities, outputs, and outcomes to critically examine research questions, for instance examine for success along the causal chain or identify alternative causal paths (LEA, 2020; Rogers, 2014). Also in reporting, ToC framework supports a presentation of a report in a causal chain as shown below:

FIGURE 16 – A Causal Chain for Reporting



Source: Rogers, 2014.

To capture changes, five compositions are outlined by Cheyanne and Rogers (2006) as illustrated in the next Table 9:

TABLE 9 - Theories about how change comes about and how the intervention can trigger the change

<p>Individual change: transformative change of a critical mass of individuals</p>	<p>Investment in individual change through training, personal transformation/ consciousness-raising workshops or processes; dialogues and encounter groups; trauma healing</p>
<p>Health relationships and connections: break down isolation, polarization, division, prejudice and stereotypes between/among groups</p>	<p>Process of inter-group dialogue; networking; relationship building processes; joint efforts and practical programmes on substantive problems</p>

<p>Root causes/justice: address underlying issues of injustice, oppression/exploitation, threats to identity and security, and people's sense of injury/victimization</p>	<p>Long-term campaigns for social and structural change; truth and reconciliation; changes in social institutions, laws, regulations and economic systems</p>
<p>Institutional development: establish stable/reliable social institutions that guarantee democracy, equity, justice and fair allocation of resources</p>	<p>New institutional and governance arrangements/entities; development of human rights, rule of law, anti-corruption; establishment of democratic/equitable economic structures; decentralization</p>
<p>Grass roots mobilization: mobilizing the community so that politicians have to pay attention</p>	<p>Mobilize grass roots groups, non-violent direct action campaigns, use of the media, education/mobilization efforts, advocacy groups</p>

Source: Based on Church, Cheyanne and Mark M. Rogers, Designing for Results: Integrating Monitoring and Evaluation in Conflict Transformation Programs, Search for Common Ground, Washington, D.C., 2006, pp. 14-15. See http://www.sfcg.org/programmes/ilt/ilt_manualpage.html.

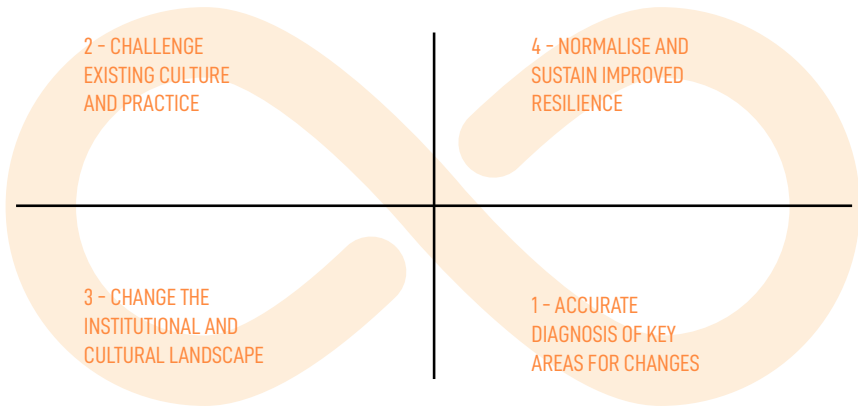
Five compositions of changes which are individual change, health relations and connections, root causes, institutional development, and grass roots mobilization can benefit of the capture of change of this study by linking with interventions and changes in the studied area.

Bridging ToC and Adaptive Cycle of Resilience to Build Slavery and Human Trafficking-Free Communities

Gardner et al. (2020) have brought the concept of change for resilience into anti-trafficking by purposing adaptive resilience cycle. This adaptive resilience cycle adapts from Holling’s (2001).

Diagram of the adaptive cycle comprising of four stages including exploitation, conservation, release, and reorganization. The adaptive resilience cycle consists of four stages: accurate diagnosis of key areas for change, challenge existing culture and practice, change institutional and cultural landscape, and normalize and sustain improved resilience as showed in Figure 17 below:

FIGURE 17 – Adaptive Cycle of Resilience to Build Slavery-Free Communities



Source: Gardner et al. 2020. Adaptive Cycle of Resilience to Build Slavery-Free Communities.

- 1) Diagnose: Accurate diagnosis of key areas for change: This first stage is to critically examine risk and vulnerability. The analysis relates to examine risk factors to vulnerability including ‘geographic, demographic, or sectoral weaknesses can enable particular threats to be identified’ (Gardner et al., 2020, p. 5). Also, investigation of community assets helps to identify resource in tackling different forms of exploitation and human trafficking.
- 2) Challenge: Challenge existing culture and practice: After identify risk, vulnerability and assets, key notion is to engaging all stakeholders, multiple actors at multilevel, and survivors in particular to ‘discussing and validating risk and vulnerability findings, prioritizing and implementing action, sharing best practice, and learning from both community and global networks’ to challenge and identify gap as well as bring a new vision. (Gardner et al., 202, p. 6).
- 3) Change: Change institutional and cultural landscape: to support cultural and institutional practices shift in particular structural issues in relation to social determinants to resilience. The process of impacting cultural and institutional changes is prerequisite to enabling long-term change.

4) **Normalize: Normalize and sustain practice:** This phase relates to considering ‘what changes to governance, legislation and policy are needed to embed the positive changes identified and achieved’ (Gardner et al. 2020, p. 6). Monitoring and evaluation of progress also involves in this phase as the core of adaptive cycle is to be continually adjusting and re-evaluating the local context for improvement towards establish sustainable of anti-modern slavery.

Determinants of Human Trafficking and Modern Slavery

The idea of social determinants has been largely applied in health sector. Social determinants is described by the World Health Organization (WHO) as ‘the circumstances in which people grow, live, work, and age, and the systems put in place to deal with illness. The conditions in which people live and die are, in turn, shaped by political, social, and economic forces’ (CSDH 2008). In other fields, social determinants become elements of studies in finding causes and relations of specific issues. For migration, modern slavery and human trafficking studies, social determinants are increasingly focused, for example, causes of human trafficking in the US (Jac-Kucharski, 2012), factors of the flow of human trafficking in Europe (Hernandez and Rudolph, 2014).

Social determinants in human trafficking relates to social, economic, political, and environmental conditions that shape how people live, grow, and work. These determinants ultimately affect people’s vulnerability to exploitation (Perry and McEwing, 2013). This section highlight common key social determinants of human trafficking and modern slavery as follows:

Individual Determinants

- *Economic Causes*

Across literature, economic causes are one of the significant factors leading a person falling into migration trajectory and human trafficked cycle

in South-east Asia (Perry and McEwing, 2013), in Europe (European Commission, 2015), in the U.S. (Jac-Kucharski, 2012). According to Perry and McEwing (2012), their systematic reviews show that economic causes play a significant cause in trafficking vulnerability, especially for women and children. Poverty relates to low income which is caused by agriculture is less profitable, scared land (DGD, 2003); lack of formal, education (Perry and McEwing, 2012); lack of economic opportunity (European commission, 2015), feminization of poverty (Kingshott and Jones, 2016). Poverty is push and pull factor of human trafficking. That is pushing people to leave from origin setting into new destination in which might be lured by human trafficker (Jac-Kucharski, 2012), furthermore, the prevention and mitigation of human trafficking extensively rely on the reduction of poverty, extreme, poverty, and chronic poverty (UNO-DC, 2006; DGD, 2003).

- *Informality / Working Environment*

Informal employment means casual work done by low skilled workers paid as ‘cash in hand’ (Ivakhnyuk, 2005). The characteristic of informal work generally associates with “low wages, lack of social guaranties and labor protection, unsteady employment, wide spread part time work, casual jobs, and irregular employment” (Ivakhnyuk, 2005). In many cases, employers intentionally take benefit from workers through illegal forms of employment and illegal status of migrant workers hired for casual works. The exploitation can be in many forms, for instance, giving low salaries, absence of formal obligations to employees, impunity for deceits and groundless dismissals (Ivakhnyuk, 2005).

- *Sex and Gender*

Gender is the second frequency cited as the determinant of the systematic review of Perry and McEwing (2012). Human trafficking is considered a gender-based issue (Zimmerman, 2005). Sex and gender brings impact

and vulnerability differently between males and females. The United Nations Office on Drugs and Crime (UNODC) (2020) reports that the vast majority of all human trafficking victims are women and girls which accounts 65 percent and one third are children. Furthermore, males in pre-puberty period tends to be trafficked, but females are more vulnerable to be trafficked when they are in post-puberty (ARCPPT, 2003). Gender also relates to dissimilar forms of human trafficking. Women and girls are usually trafficked for marriage and sexual slavery, however, men and boys are trafficked into exploitative labor, for instance, in the mining sector, porters, soldiers, and slaves (UNODC, 2016). Nevertheless, the analysis of gender determinants tends to ignore the impact of patriarchy relates to interventions of human trafficking, for example, policies, laws, and services. One example is the study of Kingshott (2016). This study points out that the U.S. basically responses to crimes based on “law and order” approaches which reflects a “masculine-defined institutional bias toward problem solving” (Lutze and Symons, 2003, p. 321). Males have historically dominated the U.S. legal system through male perspectives and interests. The United States’ Victims of Trafficking and Violence Protection Act (TVPA) has been criticized in neglecting trafficking victims’ needs which minimize the other compositions in anti-human trafficking including prevention, protection and rehabilitation.

- *Age*

Age groups also a factor in human trafficking and migration studies. The extent of vulnerability varies by particular age groups. According to IOM (2018), the average age of trafficked victims is 27 years old and 50 percent of all victims ranging between 19 and 33 years old. Also, the demand of trafficking involves with age group. ADB (2003) highlights that the demand of destination countries regarding for young girls, who just reach puberty, caused by fear of HIV/AIDs.

- *Formal Education and Knowledge/Ignorance on Human Trafficking*

“Education and knowledge of trafficking in persons among all members of society are key to beating human traffickers” (Chutikul, 2011). There is a significant connection between human trafficking and education. A common characteristic of trafficked persons are illiteracy and low levels of education (Perry and MeEwing, 2012). Limited access to education links with the implications for better future opportunities of people. Lack of education, especially marginalized groups, for examples, refugees, undocumented, and ethnic minorities, make them more vulnerable. The study of Spires (2012) indicates that education is applied as a means by agencies of the prevention of human trafficking and the protection survivors from victimized or return to a human trafficked path. In particular, education is seen by many as a means of prevention and protection, especially for vulnerable groups.

Education also relates to non-formal education involving with educating and awareness raising on human trafficking. From reviewing main activities of agencies regarding anti-human trafficking, it shows that investing on education, especially for children is a key strategy to prevent and surveillance human trafficking. For instance, The Human Trafficking Youth Prevention Education (HTYPE) Demonstration Program in the U.S. provide financial support to local educational agencies in developing and implementing programs to prevent human trafficking victimization for school staff and students. Furthermore, educating staff by providing training for law enforcement officials, the judiciary, service providers is vital to ensure that cases are identified, victims are protected and perpetrators are punished (UNODC, 2020).

- *Capacity Building as a Prevention Program*

Jayagupta (2013) referred to an effective prevention of human trafficking program that participants must be aware of the root causes of human trafficking and are able to eliminate those root causes (166). According to a capacity building course on human trafficking prevention organized in

one of the Northern Provinces in Thailand in 2012, finding that one of the most important root causes for migration is poverty. The training tool focused on the concept of safe migration, which should also be applicable during the pre-decision stage.

- *Ethnicity Citizenship and Documentation*

Lack of citizenship has been agreed as a substantial risk factor from the systematic review of Perry and McEwing (2013). This is because a lack of citizenship affected on other social determinants, for instance, no rights, no education, no access to social services, particularly when a person has no proof of their legal identity and existence; this exacerbates to be trafficked.

- *Family Determinants*

Family dysfunction is a factor contributing to human trafficking. According to IOM (2008), forty-one percent of identified child trafficking involve with the recruitment of family members. In adult case, family members involved in nine percent of the case. Marital status also relates to a risk becoming a victim. This is because marriage is a recruitment tool, for example, forced marriage (Perry and McEwing, 2013).

Human trafficking also intersects with domestic violence. Domestic violence relates to human trafficking as an associate factor. This can be illustrated by a situation when an individual is trafficked by family members, for instance, an intimate partner, parents, or sibling; domestic violence often happens (Cody, 2017). Furthermore, domestic violence can be a push factor that causes a person becomes vulnerable to be trafficked (UNICEF, 2017).

Community Determinants

- *Cultural Context and Social Norm*

Cultural context and social norm are not only a push factor of human trafficking, but also an obstacle for victims to access to get assistances.

The culture in helping families and responsibilities for families facilitate human trafficking and victims are submissive from this belief. For example, a Cambodian sex trafficked victim denied to get help from a practitioner as she is afraid in losing an opportunity to gain money to help her families (Chesnay, 2003). In the Southern part of North-East region in Thailand, many villagers also hold a value in having Western husbands to pursue better lives and get social recognition as there is an assumption that “Western” are superior and wealthier than “Eastern” (Hongthong, 2013). In an African context, spiritual belief plays a significant factor in turning victims away from getting assistance from exploitation. Victims believe that themselves and their families could become victims of supernatural harm if they broke their debt contracts (Finnish Immigration Report, 2015). Furthermore, in South-East Asia society, women are tended to be placed lower social status than men in families, community, and society, these social norms contribute to put women at risk in being trafficked (Perry and MeEwing, 2013).

- *Social Stigmatization*

Social stigmatization often occurs to trafficked victims especially those who are women. Stigma generally attaches which women trafficked for sexual exploitation (IOM, 2006). A case of victim in West Bangal, India reveals that victims face a “social boycott” of her and her family by community. This leads to psychological health and also impacts victims to be self-stigmatized (Gupta, 2017). In South Sudan, social stigma and fear of punishment also discourage victims of trafficking from reporting the crimes and seeking assistances (Petry, 2021).

Social and Political Determinants

- *Policies, Laws and Enforcement*

Key challenge of human trafficking is enforcement. International and national levels have been enacted specific legislation to address human

trafficking and modern slavery. For example, The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in fighting against transnational organized crime. Subsequent protocol relating to anti-human trafficking also stipulates, for instance, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms. These international agreements portray the way in which global community agrees to tackle human trafficking. Nevertheless, limited enforcement of the existing laws which have the potential to discourage and punish traffickers has been found across literature, especially in South East Asia (Perry and MeEwing, 2012). For example, traffickers may operate relatively easily in trafficking without punishment because of an absence of labor inspections, law enforcement and social control (UNODC, 2020).

- *Globalization*

Globalization is the process of an integration of global economy marked especially by free trade, free flow of capital, and labor markets across nation-state boundaries (Brewer, 2008). Due to globalization, the transfer of people both voluntary and coerced is becoming more widespread which associates with demand and migration.

- *Demand*

A demand of destination countries for cheap and free labor contributes to the trafficked trajectories. Demand can be a push factor and pull factor. For the push factor, demanding of families to earn more money push women to be a trafficked victim, for example, in Edo State women are pushed to earn money for their families through abusive sex work (Finnish Migration Report, 2015). For the pull factor, evidence across

literature shows that high income countries have an extensive demand for cheap labor in insecure and informal service sectors, for instance, domestic work, factory work and prostitution (Belser, 2005; IOM, 2019).

- *Migration*

The flow of migration and human trafficking are interrelated. Migration usually occurs from lower economic origin to wealthier destination. UNODC (2016) reports that approximately 60 percent are international migrants who have moved from one country to another. The aim to migrant is to seeking better lives, for example, decent employment, educational options, security. In many cases, peoples are forced to migrate because of conflict and natural disasters. These are push determinant of the movement of people. The flow of migration can lead to being a prey of human trafficking. Criminals exploit the migration desire to generate massive profits from the exploitation of victims, especially those who are vulnerable, for example, those who have lower education, ethnic minorities, women and children. They are at risk for manipulation by traffickers (UNODC, 2014; Perry and MeEwing, 2013).

- *Covid-19 Pandemic and Human Trafficking*

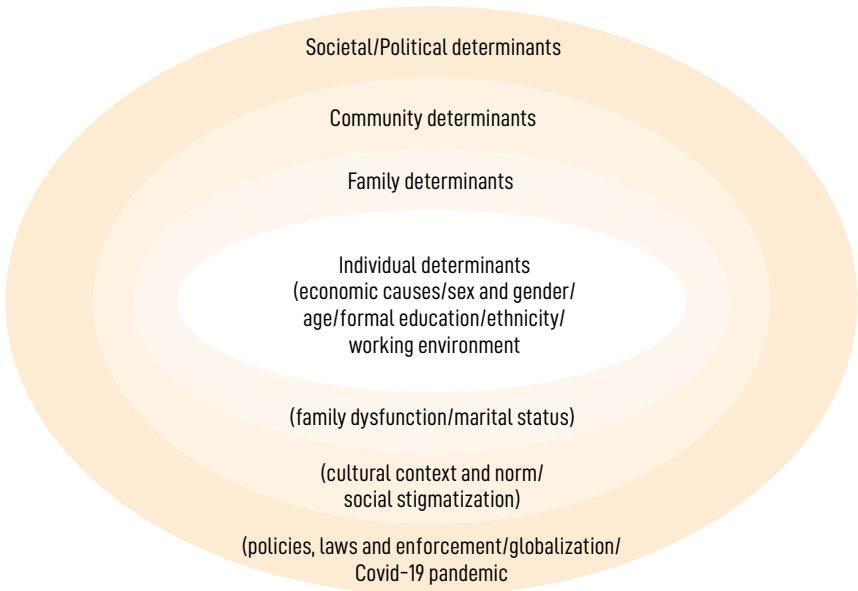
The outbreak of Covid-19 pushes people into vulnerable situation. The World Bank declared that the Covid-19 outbreak will be affecting approximately 40-60 million people into extreme poverty (World Bank, 2020). Furthermore, ILO (2020) estimates that 1.25 billion workers representing approximately thirty-eight percent of the global workforce are employed in sectors that are facing a severe decline and being a high-risk sector including retail trade, accommodation and food services, and manufacturing. They are in a risk of layoffs and reductions in wages and working hours. These workers are also at risking into vulnerable situations including human trafficking. In addition, school closure due to Covid-19 could increase the potential for child exploitation. Traffickers

might take this situation to expand to new forms of abuse, for example, online or livestreamed exploitation (Giammarinaro, 2020). Restricted to people to gain income, vulnerable groups might be lured into human trafficked cycle, for example, sex trafficking. Due to economic downturn, social services may be limited and financial support to civil society working for survivors of human trafficking may be reduced grant and donation (Giammarinaro, 2020).

• *Interconnection of Among Social Determinants*

Key social determinants discussed above can be differentiated based on the social-ecological model which focusing on individual, relationship, community, and societal determinants. However, this study adapted the model by classifying the social determinants as individual, family community, and social and political determinants as shown below:

FIGURE 18 – Key Social Determinants Adapted from the Social-Ecological Model



Source: Adapted from NHTTAC, 2020.

However, these social determinants are not distinct, but they are interrelated and interconnected. For example, individual determinants such as poverty links to the distribution and allocation of resource which based on societal and political determinants such as policies of government in eradication of poverty. Poverty tends to place an individual at a higher risk of trafficking. Furthermore, community determinants can be linked with how to prevent and surveillance individual from being trafficked persons, by increasing awareness. This also relates to relationship among family and community members to interact. In addition, societal and political determinants, for example, law enforcement and support services, and judicial system can lessen the number of individuals in experiencing trafficking (NHTTAC, 2020).

Sense of Community and Community Participation

A sense of community defines by McMillan & Chavis² (1986) as “a feeling that members have of belonging, a feeling that members matter to one another and to the group, and a shared faith that members’ needs will be met through their commitment to be together”. A sense of community comprises of four elements which are “membership, influence, reinforcement integration of fulfillment needs, and shared emotional connection”³ (Stewart, 2016; Byrne, 2014).

Membership often refers to sense of belonging in a particular community, while a person has a personal connection, a sense of emotional safety, being recognized and accepted. Influence always refer to when you are making a difference and having an influence on other members of the community, these also includes a rights to offer one’s opinion about what happens in and around your community, and having a closeness

2 McMillan, D.W. and Chavis, D.M. (1986). Sense of community: A definition and theory. *Journal of Community Psychology*, 14(1), 6-23.

3 Stewart, M. Sense of Community [online], Psyched for Social Justice.

to other members. Reinforcement integration of fulfillment needs defines as a mutual satisfaction between yourself and community; such as a community has something that you want, while you have something that the community offers. One can feel that s/he were respected for that s/he has offered and s/he should respect what others have offered in the community. Share emotional connection refers to a common connection that brings people connecting to each other.

• **Solidarity**

With reference to Durkheim (1893) on the solidarity discourse, he refers to the types of solidarity that had correlation with types of society, either mechanical or organic society. Mechanical solidarity shows its cohesion and integration that comes from the homogeneity of individuals; people feel connected through similar work, lifestyle, etc., it regularly operates in traditional and small-scale societies. While organic solidarity refers to a social cohesion which based upon the interdependence that arises between people from the ‘specialization of work and complementarianism’ as result of modern societies. Though individuals perform different tasks and often have different interests and values, the society depends on their reliance on each other to perform their specific tasks.

• **Community Participation**

With reference to Wilcox⁴ (1994), he referred to a summary of a new Guide to Effective Participation, which included a comprehensive framework for involvement, empowerment and partnership. There were ten keys ideas related to participation;

I. Level of participation, which includes Information:

- Informing people what is planned;
- Consultation: offering some options, listening to feedback, but not

⁴ Wilcox, David. Community participation and empowerment: putting theory into practice [online]., RRA Notes (1994), Issue 21, p.78-82, IIED London.

allowing new ideas, Deciding together: encouraging additional options and ideas, and providing opportunities for joint decision making;

- Acting together: make decision together, and form a partnership to carry out;
- Supporting independent community interests: local groups or organizations offered funds, advice, or other support to develop their own agendas within guidelines.

II. Initiation and process, this idea refers to the stage where participation just initiated then manages a process overtime, and allows others involved more or less control over what happens. The four phases that involved in the process includes; initiation, preparation, participation and continuation.

III. Control, the initiator is in a position where s/he decides how much or how little control that the others can have.

IV. Power and Purpose, Wilcox stated that in order to understand participation, one should understand ‘power’, which referred to the ability of the different interests to achieve what they want. Power always depend upon who has information and money, which also includes people’s confidence and skills.

V. Role of the practitioner, is only existed when planning or managing participation processes, since practitioners control much of what happens in the community.

VI. Stakeholders and community, when referred to the community, it often masks a complex range of interests, many will have different priorities. Some may wish to involve since initiative stage while the others may not.

VII. Partnership, it will be very useful when a number of different interests are willingly come together in order to achieve some common purposes. The partners do not need to have equal in skills, funds or even confidence, but they do have to trust each other and share some commitment, and it is a time consuming.

VIII. Commitment, normally people are committed when they want to achieve something and care about what they are interested.

IX. Ownership of ideas, regularly people are committed on things that they have a stake in the idea. In practice, having brainstorming can assist people being part of the ideas ownership.

X. Confidence and capacity, the ability to transform ideas into practice depends on people's confidence and skills. People need capacity building to develop skills and confidence and building trust in each other.

The Theory of Partnership

The definitions of partnership (McQuaid, 2000)⁵ refers to several assumptions that underlying the definitions. First, it refers to a synergy of some forms, while the others refer to the involvement of both development and delivery of strategy or a set of projects or operations. However, each stakeholder might not be equally involved in all stages. Partnership involves cooperation, stakeholders should work and act together.

Bridging the human trafficking issue with partnership:

With reference to SDG 5: Achieve gender equality and empower all women and girls, also refers to its sub-goal on “5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”, while SDG 17 refers to strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development with specific sub-goal that focusing on ‘multi-stakeholder partnerships’; to enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the SDGs in all countries, in particular in developing countries (17.16), and also to encourage and promote effective public, public-private and civil society partnerships, building on

⁵ McQuaid, R.W. 2000. The Theory of Partnerships – Why have Partnerships. In S.P. Osborne (ed.), *Managing public-private partnerships for public services: an international perspective* (Routledge, London) p.9-35.

the experience and resourcing strategies of partnerships (17.17).

Furthermore, one of the SDG17's sub-goals also refers to data, monitoring and accountability, therefore, the issues of enhancing the capacity-building by 2020 to support and to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts also emphasized (17.18).

Community Development is a “systematic approach to building social capital, sustainable communities, community networking, business and community partnerships”.

It is a “fundamental requisite to progress toward strong social, environmental and economic sustainability for the city, and it can positively shape the future through connected efforts and sharing responsibility with individuals, organizations, businesses and all levels of government.

Community development framework comprises of people, place, participation and partnerships”.

- **People:** Providing opportunities that promote an active, accessible, and inclusive community that provides social, economic, educational, sporting, recreational and cultural opportunities for families and individuals to endure they feel connected, safe and supported within the community. (factors: strong, diverse and inclusive community, honoring and celebrating our cultural heritage and identity, foster community safety, support community driven initiatives, and support community leadership).
- **Place:** Support local area development that creates livable gathering places for people to meet and engage in work, social or recreational activities, be their towns, neighborhoods o the city center (factors: engendering and build a sense of pride and belonging, fostering active, healthy and connected communities, dynamic services, facilities, and events).
- **Participation:** Developing responsive consultation and engagement that facilitates and enables community to be active in decision making processes both locally and more broadly, regarding issues that affect them

in the realms of environment, social health and economic prosperity (supporting community participation in decision making through best practice community engagement, establish learning communities, community participation and recognition, sustainable community groups)

- **Partnerships:** development of leading edge partnerships between all levels of government, the private and not for profit sectors that deliver innovative solutions to complex needs and issues in conjunction with the community (strong regional relationships and partnerships, integrated approaches across sectors and effective advocacy on behalf of the community).

CONTEXT: THAILAND

Human Trafficking

Human trafficking, or trafficking in persons (TIP), is a heinous and widespread crime occurring around the world in nearly every society. It is considered to be a form of modern-day slavery that causes suffering to victims who are treated as badly as slaves were in the past. The majority of human trafficking crimes are transnational and most of them involve, are operated or are controlled by organized criminal groups, in accordance with the UN's definition of organized criminal groups provided in the UN Convention against Transnational Organized Crime or the Palermo Convention (Roujanavong, 2012).

The Universal Declaration of Human Rights specifies that “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.” While slavery and the slave trade were the subject of treaties throughout the nineteenth century, it was not until 1926, with the adoption of the League of Nations Slavery Convention, that an international legal definition of slavery was formally articulated. Article 1 of that instrument defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of

ownership are exercised.” The same instrument also called upon States to bring about “progressively and as soon as possible, the complete abolition of slavery in all its forms.” The term “powers attaching to the right of ownership” and the “forms” of slavery that were to be progressively abolished were not specified and the resulting ambiguity has regularly given rise to expansionist interpretations. However, a careful review of the relevant travaux préparatoires confirms that the phrase “slavery in all its forms” was not intended and does not operate to expand the definition beyond those practices involving the demonstrable exercise of powers attached to the right of ownership. The inclusion of “practices similar to slavery” is not explained in the Travaux Préparatoires but is a clear reference to the 1956 Supplementary Slavery Convention. That instrument does not define contemporary forms of slavery but rather prohibits a set of practices. Accordingly, it operates to incorporate into the concept of “exploitation” the following: Debt bondage, Serfdom, Servile forms of marriage, and Sale of children for exploitation (UNODC, 2015).

The “UNODC Model Law against Trafficking in Persons” offers the following definition of slavery: “Slavery” shall mean the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised; or “Slavery” shall mean the status or condition of a person over whom control is exercised to the extent that the person is treated like property.⁶ The definition in the Slavery Convention may cause some difficulties today, as there could be no rights of ownership for one person over another. In order to solve this difficulty, an alternative definition is included here, which instead requires that the person is “treated like property”. Another definition of slavery, which focuses on the core of the crime—that is, the objectification of human beings—is “reducing a person to a status or condition in which any or all of the powers attaching to the right of property are exercised”.

6 Derived from Slavery Convention of 1926 as amended by the 1952 Protocol, article 1, paragraph 1.

On the Practices similar to slavery, the “UNODC Model Law against Trafficking in Persons” offers the following definition of practices similar to slavery: “Practices similar to slavery” shall include debt bondage, serfdom, servile forms of marriage and the exploitation of children and adolescents. The Supplementary Convention on the Abolition of Slavery does not contain a definition, but specifically prohibits debt bondage, serfdom, servile forms of marriage and the exploitation of children and adolescents. Moreover, another definition could be: “Practices similar to slavery shall mean the economic exploitation of another person on the basis of an actual relationship of dependency or coercion, in combination with a serious and far-reaching deprivation of fundamental civil rights, and shall include debt bondage, serfdom, forced or servile marriages and the exploitation of children and adolescents” (UNODC, 2015).

However, the existing legal understandings of servitude, ‘practices similar to slavery’ and ‘exploitation of prostitution’ are directly relevant to interpreting their substantive content within the context of the Protocol: While none of these three concepts is subject to clear international legal definition, there does exist a general understanding at law as to their substantive scope and content. The term ‘practices similar to slavery’ encompasses debt bondage, sale of children for exploitation, serfdom and servile forms of marriage, which have all been defined in international law. Definitions of these forms of exploitation are applicable to their use in the Trafficking in Persons Protocol. Servitude entails these four practices and additionally includes egregious exploitation of one person over another that is in the nature of slavery but does not reach that very high threshold of slavery. It is important to note that the Protocol does not equate prostitution with trafficking. For prostitution involving adults to fall within the definition of trafficking all three definitional elements (act, means and purpose). The relevant ‘purpose’ is ‘exploitation of prostitution’. This term refers not to prostitution per se but rather, to deriving some benefit from the prostitution of another person (UNODC, 2015).

Slavery is defined in international law and there are agreed international legal understandings as to the practices that fall within ‘practices similar to slavery’ and ‘servitude’. Most States surveyed have included these forms of exploitation within their list of stipulated purposes of trafficking. Some have attached definitions to these terms but most have not. Some States have Court practice concerning trafficking cases with slavery and practices similar to slavery and servitude as the exploitative element. But in most States these purposes of trafficking appear to be of limited importance, remain inadequately understood, and are rarely prosecuted. Irrespective of whether the law included a specific definition, practitioners in most States were able to point to slavery as being qualitatively different to other forms of exploitation in embodying the idea of de facto ownership of one person over another. No State surveyed has provided a legislative definition of ‘practices similar to slavery’ and there is some indication that States do not understand well the scope and substantive content of this international legal prohibition. Practitioners were generally unclear on the distinction between slavery, practices similar to slavery and other stipulated forms of exploitation, most particularly forced labour (UNODC, 2015).

General Situation of Human Trafficking and Modern Slavery in Thailand

Thailand, a country in Southeast Asian, has a population of 66,181,982 people which 32,359,030 are male and 33,822,952 are female as of June 2021 (Department of Provincial Administration, 2021). The US Trafficking in Persons Report describes Thailand as a source, destination, and transit country for men, women, and children subjected to forced labour and sex trafficking. Thailand attracts a great number of illegal migrants from poorer, neighbouring countries who are trafficked to the country (Ninsri, 2008). U.S. State Department’s Office to Monitor and Combat Trafficking in placed the country in “Tier 2” in 2020 as The Government

of Thailand does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore, Thailand is currently on Tier 2 Watch List. In 2020, the Thai government reported investigating 132 potential trafficking cases (288 in 2019), initiating prosecutions of 302 suspected traffickers (386 in 2019), and convicting 233 traffickers (304 in 2019). Courts sentenced approximately 76 percent of convicted traffickers to two or more years of imprisonment. On the protection of victim, the Thai government identified 230 trafficking victims in 2020, compared with approximately 868 victims identified in 2019, and 631 in 2018 (Trafficking in Persons Report, 2021).

The pattern of human trafficking in Thailand resulting in abuse and sex exploitation and forced labor of Thai, Myanmar, Cambodian and Vietnamese children in Thailand or in foreign owned fishing boats; Child labor: children are submitted to exhausting hours of work (18 to 20 hours a day) in degrading conditions (no adequate water, food or medical supplies) through debt-based coercion; and exploitation of migrant workers by labor traffickers in the poultry industry, manufacturing, and agriculture and domestic work.

On combatting human trafficking, Thailand ratified the UN Convention on Transnational Organized Crime (TOC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, known as the Palermo Protocol, in 2013 which defines ‘Trafficking in persons’ and also marks the milestone for Thailand in its efforts to fight against transnational organized crimes. Thailand has enacted numbers of legal tools to ensure effective compliance and cooperation under the aforementioned Convention and its supplementing Protocol;—the Prevention and Suppression of Trafficking in Persons Act 2008 (Amendment in 2015, 2017 and 2019), the Penal Code, the Criminal Procedure Code, the Child Protection Act, the Prevention and

Suppression of Prostitution Act, the Anti-Money Laundering Act, the Witness Protection Act, the Labor Protection Act, the Extradition Act and the International Cooperation in Criminal Matters Act. Also, the Thai law protected victims from prosecution for unlawful acts that their traffickers compelled them to commit.

Human Trafficking and Modern Slavery in Thailand: Legal Framework

Thailand has campaigned against the use of child labour and forced labour, and has passed Penal Code punishing those who use child or forced labour, and Anti-Trafficking in Persons Act B.E. 2551 (2008) prohibiting human trafficking. Thailand has been facing critical problems of human rights abuse, especially on human trafficking and labour exploitation for years especially during 2005 to 2015. At present, the Thai domestic laws that can deal with these issues are the Criminal Codes and the Anti-Human-trafficking Act B.E. 2551 (2008), and the punishments stated in these laws are not proportional to the severity of the crime. Furthermore, in Thailand, human rights abuses include not only enslavement but also other inhumane acts, which in some cases, are not protected by the Criminal Codes and the Human-trafficking Act B.E. 2551. This situation has made it difficult to bring the perpetrators to justice (Likhitwitayawuid, 2017).

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol) is considered to be “the principal, legally binding global instrument to combat trafficking in persons.” It defines trafficking in persons as constituting three elements:

- (i) an “action”, being recruitment, transportation, transfer, harbouring or receipt of persons;
- (ii) a “means” by which that action is achieved (threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of

power or a position of vulnerability, and the giving or receiving of payments or benefits to achieve consent of a person having control over another person); and

(iii) a “purpose” (of the action / means): namely, exploitation, which is defined to include, at a minimum, “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

All three elements must be present to constitute ‘trafficking in persons’ except in relation to trafficking of children for which the ‘means’ element is not required. The consent of a victim in trafficking is specified as irrelevant when any of the stipulated ‘means’ are used.

As well as the Anti-Trafficking in Persons Act (B.E. 2551/2008), the offence of human trafficking involves three elements:

1. The action of procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receiving any person;
2. By means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving of payments or benefits to achieve the consent of a person;
3. For the purpose of having control over another person for exploitation.

Where trafficking involves children (a person under the age of 18), the second element of the offence is not relevant because a child cannot provide consent.

In addition to this aforementioned Act, there are several other legislations which criminalise human trafficking activities and offences, including:

- Labour Protection Act (2008) Child Protection Act (2003);
- Anti-Money Laundering Act (1999) Penal;
- Code Amendment Act (1997);
- Criminal Procedure Amendment Act (1997);

- Prevention and Suppression of Prostitution Act (1996) Amendments to the Securities and Exchange Act (1992), and Immigration Act (1979).

These laws allow for serious penalties for individuals found guilty of charges relating to prostitution, exploitative labour, forced begging and other inhumane acts.

Below are key legal instruments, agreements and guidelines which also relate to anti-human trafficking in Thailand;

- Memorandum of Understanding between the Government of Thailand and the Government of Myanmar on Cooperation to Combat Trafficking in Persons, especially Women and Children (2009).
- Agreement between the Government of Thailand and the Government of Vietnam on
 - Bilateral Cooperation for Eliminating Trafficking in Persons, especially Women and Children and Assisting Victims of Trafficking (2008).
 - Memorandum of Understanding between the Government of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons, especially Women and Children (2005).
 - Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004).
 - Memorandum of Understanding between the Government of Thailand and the Government of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003).
 - National memoranda of understanding relating to trafficking in women and children which contain common guidelines for government, and nongovernment counter trafficking organisations in Thailand on how to work together to combat human trafficking.

- Regional memoranda of understanding relating to trafficking in multiple provinces in Thailand, which contain the operational procedures for victim rescue and assistance.
- Operational Guidelines on the Prevention, Suppression, Assistance and Protection of Trafficked Persons for Labour Purposes, which lists procedures for labour officials to follow when they are dealing with human trafficking cases.
- The National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons (2017-2022) following on from the National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons (2011-2016) and National Policy and Plan on Prevention, Suppression and Combating of Domestic and Transnational Trafficking in Children and Women (2005-2010).
- National Policy and Plan to Eliminate the Worst Forms of Child Labour (2009-2015).
- On 4 June 2018, Thailand deposited the instrument of ratification of the Protocol of 2014 to the Forced Labour Convention, thereby becoming the 24th country worldwide and the first in Asia to ratify the instrument. The Protocol, adopted by an overwhelming majority by the International Labour Conference in 2014, reinforces the international legal framework for combating all forms of forced labour, including trafficking in persons, and calls on ratifying States to take measures to prevent forced labour, protect victims and ensure their access to remedies and compensation.

TABLE 10 – Main Elements of Modern Slavery and Human Trafficking

ELEMENTS	THE UNITED KINGDOM	THAILAND
Legislations	The Modern Slavery Act 2015	The Anti-Trafficking in Persons Act B.E. 2551 (2008) <ul style="list-style-type: none"> • 1st Amendment of the Anti-Trafficking in Persons Act B.E. 2558 (2015) • 2nd Amendment of the Anti-Trafficking in Persons Act B.E. 2560 (2017) • Emergency Decree Amending the Anti-Human Trafficking Act, B.E. 2551 (2008)/ 2562 (2019)
	Modern slavery encompasses <ul style="list-style-type: none"> • human trafficking • slavery, servitude and forced or compulsory labour 	
HUMAN TRAFFICKING		
Action	recruitment, transportation, transfer, harbouring or receipt, which includes an element of movement whether national or cross-border	procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receipt of any person (Article 6)
Means	<ul style="list-style-type: none"> • the threat or use of force • abduction • fraud • deception • the abuse of power or of a position of vulnerability • the giving or receiving of payments or benefits • physical coercion • psychological coercion 	<ul style="list-style-type: none"> • threat or use of force, • abduction • fraud • deception • abuse of power • giving money or benefits to a guardian or caretaker of the person to achieve the consent of the guardian or caretaker of such person to allow the offender to exploit the person under his or her control • intimidation, use of force, or any other means causing such person to be in a state of being unable to resist

ELEMENTS	THE UNITED KINGDOM	THAILAND
Purpose of exploitation	<ul style="list-style-type: none"> • sexual exploitation • forced labour or domestic servitude, slavery, or practices similar to slavery • financial exploitation • removal of organs also known as organ harvesting) • forced criminality 	<p>“Exploitation” means seeking benefits from</p> <ul style="list-style-type: none"> • the prostitution • production or distribution of pornographic materials • other forms of sexual exploitation • Slavery • causing another person to be a beggar • forced labour or service • coerced removal of organs for the purpose of trade • or any other similar practices resulting in forced extortion, regardless of such person's consent. <p>“Forced labour or service” means compelling the other person to work or provide service by putting such person in fear of injury to life, body, liberty, reputation or property, of such person or another person, by means of intimidation, use of force, or any other means causing such person to be in a state of being unable to resist.</p>

The concept of modern slavery and human trafficking are interrelated and encompassed each other. In the U.K., the Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland under the Modern Slavery Act 2015 adopts “modern slavery” as a term in the official documents and provides a definition of modern slavery into two forms. These forms cover human trafficking; and slavery, servitude and forced or compulsory labour. For Thailand, according to the Anti-Trafficking in Persons Act B.E 2551 (2008), the law adopts the term “human trafficking” and includes slavery as one form of exploitation.

- **Forced Labour**

Although each country has developed laws related to human trafficking, International Labour Organization addressing the legal gaps in the laws of countries that in compliance with international law on human trafficking. Some countries do not have a clear distinction between human trafficking, illegal smuggling of immigrants and immigration laws. Some countries use enslavement or similar laws in human trafficking to prosecute. Smuggling is different from human trafficking which is considered moving people across the country's borders to make profit from the movement rather than for the purpose of exploitation (Cheevapanich, 2006). Prior to 2019, Thailand had no statutory provisions defining offenses and measures to protect victims of forced labour, so there was difficulty on preventing and resolving forced labour's problems which is effectively part of the exploitation of human trafficking offenses. In addition, Thailand has ratified Convention Concerning Forced or Compulsory Labour on 26 February 1969 which committed that member states accept to operate and suppress all forms of forced labour and then has ratified Force Labour Protocol 2014 on 4 June 2018 which is the first country in Asia that ratifying this protocol.

Forced labour is work that is coerced or “not voluntarily engaged in” by the worker. In some cases, a person may apply for a job directly by themselves, but then become a victim of human trafficking afterward by being forced to perform work that they did not consent to. The situation becomes coercive when there is threat of harm if the work is not performed, or the threat that the employer will not enable the worker to return home, or the employer confiscates the worker's passport to prevent the worker from fleeing, physically abusing other workers as a warning to a reluctant employee, or withholding of wages or paying a fraction of the agreed wages as a form of bondage to pressure the worker to stay on the job. The three components of forced labour or services apply to a situation in which the worker does not have freedom of choice whether

to perform the labour or not, but is compelled to perform the labour because they are in a coercive situation. In determining whether forced labour is a form of human trafficking, the screener needs to understand the distinction between permissible labour practices in accordance with the Labour Protection Act, and forced labour which constitutes human trafficking (Wongkiatpaisan, 2015). Moreover, The Royal Thai Government enacted Labour Protection in Fisheries Act B.E. 2562 (2019), effective on 18 November 2019, to support the implementation of ILO Convention No. 188 on Work in Fishing. The Act specifies duties of vessel owners and maritime labours to meet international standards in order to prevent forced labours in fisheries and protect the rights of fishery labours, whose working conditions differ from those of general labours because of risks at sea and long working hours. In addition, the Ministry of Labour (MOL) and related government agencies have enacted 9 secondary laws and guidelines to support the implementation of the Act under close consultation with ILO and the tripartite.

On the Anti-Human Trafficking relates to labour trafficking, The Article 4 of the Anti-Trafficking in Persons Act B.E. 2551 defines “forced labour or services” as compelling the other person to work or provide service such person in fear of injury to life, body, liberty, reputation or property, of such person or another person, by mean of intimidation, use of force, or any other means causing such person to be in a state of being unable to resist. When probing more deeply, the meaning of “forced labour or services” has three components:

There is a perpetrator who exploits another person in order to extract labour or services; There is a victim who is fearful of being harmed or placing others or property in danger; There is a method of coercion by threat of harm to life, body, freedom, reputation, or property of the victim or related person(s); threats of any kind are those which include threat of violence or placing the victim in a situation which they cannot refuse, and these are considered punishable offenses under the Criminal Code.

TABLE 11 – The Difference between Decent Work and Forced Labor

DECENT WORK	FORCED LABOR
<ul style="list-style-type: none"> • The worker has the freedom to decide by themselves what work they do, free of deceit, coercion or force. • The employer has authority and control over the employee only during the limited scope and duration of the work hours. • The conditions of the work do not violate labor law. • Punishment is conducted in an orderly way, and the amount of punishment is fair and does not harm life, body, or freedom, and does not violate the terms of the employment or the law. • The worker has the freedom to resign from their job at will. 	<ul style="list-style-type: none"> • The worker does not have the freedom to choose the work they do, or are deceived or denied access to information about the work, or are in a coercive situation where they have to perform work involuntarily. • The worker is forced to work under threat or use of violence, or deprived of rights and freedom without due cause. The worker is not able to lead an independent life, and must exist under the authority of another. • The terms and conditions of the work violate the law. This may apply to confiscation of the worker's passport by the employer, confiscation of wages, pressure or prevention of the worker from contacting others outside the workplace, forcing the worker to work very long hours or without days off, withholding wages or compensation, paying inappropriate wages or compensation, or paying only a fraction of the agreed wages. • The punishment of the worker violates the law. There is control and punishment by use of threats or harm to the worker's physical or mental status, or the worker's freedom is restricted. • The employer alone determines whether a worker can resign or not.

Source: Handbook on Prevention and Suppression of Human Trafficking in Labor. Foundation for Child Protection. First printing.

In addition, the Thai Government enacted Emergency Decree Amending the Anti-Human Trafficking Act, B.E. 2551 (2008) / 2562 (2019), effective on 8 April 2019, to support the implementation of Protocol to ILO Convention No. 29 on Forced Labour. The decree defines offenses concerning forced labour or service and sets appropriate penalty to deter and eliminate forced labour and service. It also provides measures to protect the welfare of victims of forced labour and ensures that trial

procedure is in line with human rights principles. This has resulted in better victim care and protection as well as remedies equivalent to those rendered to human trafficking victims (Royal Thai Government, 2020).

Trafficking in Person (TIP) in the Forms of Forced Labour and Slavery

The victims of trafficking in the category of forced labour or services and slavery or practices similar to slavery are often considered illegal economic migrants. There are more than two million illegal migrants in Thailand. Some illegal economic migrants become victims of human trafficking. Most of these victims are men and women living in poverty in rural areas and look forward to finding a well-paying job in an urban area or in a foreign country. The majority of them have low education and lack the skills required by well-paying jobs. When the traffickers offer them a well-paying job in other countries, providing false information about the income and/or conditions of work, the victims ignorantly accept and do whatever the traffickers tell them. When they cross the border, some victims are sent to factories with high walls and locked gates and some are sent to farms. The factory or farm owners who paid the traffickers to smuggle them then deduct the amount paid from the salary earned by the workers. These factories or farms are often unhygienic and require hard labour that very few local people would accept. During the initial stage, the workers are prohibited from leaving the workplace and, in some cases, are detained within the factories or farms until the amount paid to the traffickers is fully deducted. Even after this repayment, the workers receive less than the minimum wage set forth in the labour laws and regulations. These illegal immigrants end up underpaid and work long hours with deficient sanitation and inhumane living conditions. Besides factories or farms, the massive fishing industry in Thailand employs many foreign migrants (both legal and illegal migrants) as part of ships' crews. It is an honest business like other industries and most of them are good

employers who hire migrants with good pay and fair work conditions. However, a few greedy owners of fishing trawlers exploit illegal migrants. The victims of this form of trafficking comprise quite a small minority of the several hundred thousand foreign workers who worked willingly in the fishing industry. Additionally, they are considered to be illegal economic migrants, not victims, until the facts concerning the exploitation are revealed to the authorities.

Another form of forced labour is domestic servitude. Many domestic servants are brought by the traffickers from their countries of origin to the countries of destination and delivered to the masters for a price. The majority of domestic workers receive fair treatment and pay. However, some domestic workers become victims of trafficking when they are exploited by their masters using violence, sexual assault or sexual harassment, or other illegal means. In some cases, the workers are not allowed to go out of the house or are violently abused, while receiving low wages for their work. In a case of trafficking for domestic servitude with violent exploitation, a 14-year-old girl was hired from a remote rural area in Thailand for domestic work in the house of the defendant. The victim was forced to do housework from 4.30 a.m. until midnight every day without adequate rest, food or wages. The victim was not allowed to leave the house. On various occasions, the female exploiter used violence against the victim by beating her on the head, back and knees with a wooden stool, stabbing her chest with an iron rod, and other means of violence which inflicted serious wounds, bruises and some severe bleeding on the victim. This exploiter was arrested and prosecuted. The exploiter was convicted and sentenced to nine years and 42 months of imprisonment and was ordered to pay compensation of THB 200,000 (approximately USD 6,330) to the victim. The verdict was affirmed by the Appeal Court [19] (Roujanavong, 2012).

Although Thailand is a developing country, it is relatively more economically advanced than some of its neighboring countries. Thus, many

illegal immigrants from neighboring countries have entered Thailand for better-paid jobs, or to escape from unrest within their own country. It is estimated that more than 2,000,000 illegal immigrants are in Thailand working in the construction sector, the fishing and seafood industries, factories, restaurants, and in houses as domestic workers. The majority of these migrant workers are Myanmar people and other ethnic minority groups from Myanmar. The methodologies used in smuggling illegal immigrants across the border into Thailand, in some cases, are dangerous. In many instances, the victims are hidden in a vehicle in order to avoid inspection by law enforcement officers at the border or along the travel routes. Several victims have died of suffocation due to being packed in cramped spaces, placed under heavy loads of goods, or put in an air-tight container with a malfunctioning air conditioner (Roujanavong, 2012).

Labour exploitation of illegal immigrants is another challenge for Thailand. The Thai government, for the purpose of regulating these illegal immigrants, allowed them to register as legal immigrants who could work legally for a fixed period of time. Up to November 2011, 1,248,413 from two million illegal immigrants, or around 60%, came out to register. The problem was the illegal immigrants did not want to pay THB 2,000 (approximately USD 70) fee for medical examination, health insurance and registration. Some employers also did not want to pay this cost, because the illegal immigrants might move to another factory as soon as they obtained the working permits. The problem of forced labour stems from the fact that the owners of factories employing illegal immigrants have to pay brokers to smuggle these illegal immigrants into Thailand. The amount paid for smuggling is deducted from the salary of the immigrants. Some illegal immigrants, after working for a couple of days, changed their minds about working and ran away. To prevent illegal immigrants from escaping, some factory owners detained them in the factories until the smuggling debt was fully deducted. Upon complete payment, the owners then allowed them stay outside the factory

and come to work during working hours. Such detention against their will was considered to be exploitation constituting a trafficking offence. The Ministry of Labour had been working hard to solve the problem of forced labour in factories, and the result so far is satisfactory. Several factory owners were arrested, prosecuted and convicted with severe penalty (Roujanavong, 2012).

Besides factory work, labour exploitation of illegal immigrants in the fishing industry is much more complicated and is not easy to solve. Working in a fishing trawler is a hard work, physically and mentally, often in dangerous or unpredictable conditions. The labourers have no fixed working hours and have to work in the damp and limited space of the ship. It takes a great deal of endurance to get used to the difficult conditions of this kind of work. Due to the hardship faced, some fishing trawlers cannot find enough seamen to work on the boat, therefore, some owners applied every possible way to put the minimum number of workers on board to operate their trawlers. Each boat needs approximately 15–30 crew members depending on the type and size of the boat. Illegal immigrants are persuaded, brought, bought, lured, deceived or even kidnapped onto some fishing boats, departing before they can change their minds. Victims constitute a small minority among voluntary crew members who have been working for a long time in the fishing industry (Roujanavong, 2012).

Despite reduced growth of the industry over the last decade because of smaller catch sizes and higher fuel prices, the demand for labour has remained high. Meanwhile, the often difficult and dangerous working conditions, low remuneration, and length of time at sea, have discouraged potential workers from accepting work on fishing boats. This has created inefficiencies in the labour market and has led to the expansion of forced labour practices and human trafficking within the sector. Trafficking and exploitation of migrants in the commercial fishing industry is widely acknowledged to be a major human rights concern within Thailand.

Despite increased legislative efforts in the form of the Anti-Trafficking in Persons Act passed in 2008 and the establishment of shelter facilities by the Ministry of Social Development and Human Security for male victims of trafficking. In 2013, news reports by the BBC and PBS highlighted the severe and largely uninterrupted exploitation occurring in the fishing sector. Although not as vulnerable as foreign migrants, Thai men who internally migrate for work were also trafficked into labour exploitation on Thai fishing boats. Thailand ratified the ILO conventions on forced labour and in 2012 the ILO Committee of Experts made an observation on the application of these conventions that raised specific concerns on the vulnerability of migrant workers in the Thai fishing industry (ILO, 2013).

Furthermore, a qualitative study by the Solidarity Center found within its sampling a high prevalence of such indicators of labour exploitation as excessive working hours, deceptive, unfair payment practices, and physical abuse. The stories recorded during the study of migrant workers being deceived and/or coerced, revealed that human trafficking for purpose of labour exploitation was regularly used for assisting the need of the labour demands of the Thai fishing industry, particularly for long-haul boats bound for Indonesian waters (Solidarity Center, 2009, referenced from ILO, 2013).

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A quantitative survey to identify the prevalence of human trafficking and forced labour among Myanmar migrants working in the seafood

processing sector in Samut Sakhon was carried out by LPN and the Johns Hopkins School of Public Health in 2010. The survey results revealed that 33.6 per cent of these migrants had been trafficked and that 57.3 per cent had been subjected to forced labour (LPN and Johns Hopkins School of Public Health, 2011, p. 53, referenced from ILO, 2013).

The involvement of agents or brokers is a key element in the placing of migrants into exploitative situations, with such workers frequently being subjected to forms of debt bondage (Solidarity Center, 2009). The anecdotal estimates of LPN placed 80–90 per cent of Myanmar migrant workers in Samut Sakhon Province as being employed in debt bondage situations (UNIAP, 2007, referenced from ILO, 2013).

A study by the Mirror Foundation also revealed that the problems of human trafficking and forced labour in the fishing sector are not limited to foreign workers. Their study identified 83 cases of Thai nationals who were coerced or deceived into working on fishing boats for months or years at a time (Mirror Foundation, 2011, referenced from ILO, 2013).

Overall, there are strong indications from previous research that the cases of forced labour and human trafficking uncovered within the fishing sector are simply the tip of the iceberg in terms of the real prevalence of such abuses. As discussed further within section 2.7.3, major capacity gaps exist in victim identification activities by authorities, which currently limit the amount of empirical evidence available (ILO, 2013).

• **Case Study**

Since the Anti-Trafficking in Persons Act (B.E. 2551 / 2008) came into force, there has been more emphasis on forced labour and labour exploitation, particularly in the fishing industry, within the counter-trafficking sector. In the past, more attention was given to commercial sexual exploitation and child labour. Demand for cheap labour in unskilled sectors is met by migrant workers from neighbouring countries, particularly from Myanmar. The nature of labour migration to Thailand creates

vulnerabilities for migrant workers who do not speak Thai and do not understand their rights under Thai law. Undocumented migrant workers are particularly vulnerable, and many fears being apprehended by the Thai authorities and/or deported, if they approach authorities for help. Lack of education, poverty and few employment opportunities within the home community also create vulnerability to trafficking.

A small proportion of victims of human trafficking are subject to other forms of sexual exploitation besides prostitution. For example, some girls are sold off to marry aging men for a period of time (six months to one year or more) for a considerable sum of money. These sexual exploiters pay money to the parents, or the traffickers, in the pretext of dowry. In actual fact, these girls are sent off to become sex slaves of those aging men (Roujanavong, 2012).

In August 2007, the Human Rights and Development Foundation (HRDF), led by human rights lawyer Somchai Homlaor, initiated a working group of Thai lawyers who have pursued cases of severe labour exploitation and trafficking. These lawyers have made remarkable advances in prosecuting human trafficking through various means with the existing Thai criminal and civil laws, which do not yet include anti-trafficking legislation in compliance with the Palermo Protocol. A prime example of such innovation is the first successful prosecution using the fifty-year-old anti-slavery legislation in Thailand in April 2007, led by lawyer Siriwan Vongkietpaisan. This case brought to justice a family who trafficked and brutally abused their Thai domestic servant. While some authorities originally interpreted the legislation to require the victim to have been literally chained to her work, this landmark case brought the court to judge that slavery does not require a victim to be kept in shackles. (UNIAP, 2008). The case of a 14-year-old housemaid who was kept in slave-like conditions where she was brutally beaten by her employer—a well-to-do Bangkok housewife—and suffered severe injuries. In 2007 the Criminal Court sentenced the employer to 12-and-a-half years of imprisonment.

The provision of the anti-slavery law, which was incorporated into the Criminal Code since 1954, has never been used before. When Siriwan filed the anti-slavery case with the police, she was told straight to her face that slavery no longer exists. “We have no slavery in Thailand. It was abolished by King Rama V over a century ago,” she quoted as one police officer saying. It is a standard practice for the court to rely on previous verdicts for their cases, she pointed out. Since the anti-slavery law has never been invoked, it makes the police and the public believe the problem no longer exists.

Child Labour: The Broker Case. In October 2013, police officers from the Anti-Trafficking in Persons Division successfully rescued 5 children of Laos nationality, all of whom had been forced to work in a pineapple field and in a street food stall in Prachuap Khiri Khan Province where Case results: Criminal case No. 9/2556, suspects and case dockets submitted to the prosecutor on 7 October 2013 and currently pending in the 99 they had been working for over 3 months without pay. The owner of the food stall was arrested and charged with the offence of trafficking in persons by using forced labour. All 5 children are now under the care of the Kredtrakarn Protection and Occupation Development Center. Further investigation has led to the arrest of two Thai male brokers in January 2014, while an arrest warrant has been issued for another suspect. It is also found that the two brokers engaged in facilitating illegal immigrants from Laos, who were later found to be victims in four criminal cases including, among others, a case concerning slave labour trafficking in which 9 victims were successfully rescued.

Smuggling and Trafficking of Rohingya

Research and statistical data which conducted following the launch of the Anti-Trafficking in Persons Act B.E. 2551, indicated that victims were mainly migrant sex workers, child beggars, and migrant sea fishers from

Myanmar and Cambodia (Chantavanich, 2020). After 2012, new types of trafficking, including forced labour, migrant sea fishers, and child labour emerged. The existing legal definition of trafficking became too rigid and inadequate to cope with new forms of exploitation. After its launch in 2008, Thailand TIP Act underwent two revisions; the first amended in 2015 and the second amendment in 2017. The first amendment includes protection of whistle-blower, addition of inspection in the workplace and vehicles for victim identification, lack of cooperation from the workplace and vehicles conductor shall lead to license suspension, increase of penalties, and reason for the amendment as stipulated in the law: to address the transnational characteristics of the crime and its complexity. To motivate whistle-blower to participate in the prevention with proper protection. The second amendment includes revision of the definition of exploitation and forced labour and services, increase penalties for crime against children under 19 years old, for perpetrators as juristic person and for higher compensation, and reason for the amendment as stipulated in the law: to address the severe magnitude of violence and complexity of the crime, to increase the efficiency of prevention and suppression by adding the clarity of definition of key terms, and to impose appropriate penalties. Therefore, Thailand's amended TIP Act contains a revised definition of exploitation to include practices similar to slavery. The amendment also expanded the definition of forced labour to include "seizure of identification documents and debt bondage (Quinley, 2018).

The case of the Rohingya brought to light problems in the interpretation of "exploitation", particularly as related to extortion, slavery, and forced labour (Cheevapanich, 2016). In the Rohingya case, exploitation included mainly extortion of money from family members. However, the confinement of the Rohingya in the border camps reflected other practices similar to slavery. Moreover, the intention to smuggle them into Malaysia suggested possible forced labour (Chantavanich, 2020). Between 2013 and 2015, there was systematic large-scale smuggling of

Rohingya migrants by sea from Bangladesh and Myanmar through Thailand to Malaysia. UNHCR reported that in 2014, approximately 54,000 Rohingya undertook the irregular maritime journey that passed through South-East Asia. Among those, some endured serious criminal and human rights abuses by human smugglers and traffickers.

Upon reaching Thailand, Rohingya migrants were forced to contact relatives and to demand payments to cover the cost of the journey. Each migrant had to pay approximately USD 2,000.

Some were allowed to travel without payment, on the condition that their relatives would pay later. If the money was not transferred, migrants would be assaulted and sold to employers to use as forced labourers (Roujanavong, 2019). UNHCR and the Thai government assisted vulnerable arrivals, especially children separated from parents, those with physical and mental disabilities, and those with malnutrition due to vitamin deficiency. Thailand implemented screening of the identified groups. Those identified as victims of trafficking were protected by the TIP Act and transferred to shelters and the government conducted investigation and prosecution of suspected smugglers. The amended TIP Act was enforced to protect the victims. However, Rohingya smuggling was a transnational business, involving many types of migrants, which complicated matters further. (Chantavanich, 2020).

NAN PROVINCE, THAILAND

Situation of Human Trafficking in Nan

Nan Province is a fairly typical provincial city in the Northern Thailand which is approximately 675 kilometers or 420 miles from Bangkok. Nan is a border province between Thailand and Lao PDR and has a vast, interesting history and nature. In total, Nan Province has a population of 478,989 people in 15 districts, 99 sub-districts and 921 villages, out of which, 240,313 are male and 238,676 are female. There are a total of

109,203 families living in Nan Province out of which 41,735 are extended families, 53,474 are single families, 3,353 are families with a single family head, 1,718 are families that are looked after by elderly, and 146 are same sex families. The statistics show 32 cases of under-aged pregnancies and 1.58 % divorces (Statistical Office Nan Province, 2019). Altogether, the ethnic groups in Nan Province represent a population of 94,424 people. Nan is an ethnically diverse province. Apart from Northern Thais, there are also Thai Lua and various other ethnic groups such as Lua, Hmong, Mien, Khmu, Mabri, and Lahu. There are numerous ethnic groups living in all of Nan's districts.

On the employment situation in Nan province, Labor Office Nan Province reported that in the first quarter of 2020, there are 246,370 people (68.09%) within the employment age group and 115,426 people (31.91%) who are not. Most employed people work in the agricultural sector, which is an estimate of 140,264 people (57.10%). The others who are not working in the agricultural sector comprise the remaining 105,379 people (42.90%). Out of which, 30,037 are employees in trading businesses (12.40%), followed by 19,060 working as production workers (7.87%). Most employed people (approximately 61,477 people) have not finished their primary school education. 186,635 people who are categorized as informal labor, a majority of which are working in the agricultural sector (138,707 people, or 74.32%) and in other sectors (42,928 people, or 25.68%). There are 867 migrant workers employed in Nan Province. A majority (410 people) of these migrant workers are imported labor (MOU) (47.29%). The remainder are divided as follows: 305 people (35.18%) are workers from within the country (pink card), 132 people (15.22%) are general short-term migrant workers, and 20 (2.31%) are people from ethnic minority groups. Migrant workers mostly work in Muang and Puer district areas⁷.

⁷ Raks Thai Foundation, op. cit.

On the education situation in Nan province, the Freedom Story conducted Nan Needs Assessment Preliminary Findings in December 2020 with a total of 84 households (n= 52 adults, n= 32 children) across three villages in three sub-districts. This included ethnic Northern Thais and ethnic Hmong households. The results show that the education factor, 42% of adult respondents (22 of 52 respondents) admitted that at least one of their children has dropped out before finishing high school. The main reason for dropping out was overwhelmingly the cost of educating children. Moreover, of those that admitted that a child had dropped out, 95% (21/22 respondents' children) dropped out before the government mandated 9th grade. It is possible that the dropout rate is higher than reported due to the sensitivity of the question—parents are legally responsible for students who drop out before 9th grade⁸. In addition, the study of Raks Thai Foundation on Covid-19 Rapid Gender Analysis in Nan Province, Thailand 2020 found that there should be a support in terms of funding or school fees to parents in order to reduce risk of children leaving their schools prior graduation. In addition, awareness raising campaign regarding domestic violence prevention should be conducted with an objective of reducing violence that had been embedded in their culture structure and this should be done in long term and there should be a government loan offered for running businesses and providing solutions systematically, particularly to women who are entrepreneurs and become unemployed owing to the fact that they are vulnerable and potential to become poorer. This also includes assisting them in product development and promoting an on-line marketing.⁹

According to the information from Nan Provincial Social Development and Human Security Office on human trafficking and exploitation, Nan is a source, destination and transit province for human trafficking

8 McCray, L. (2020). Nan Needs Assessment Preliminary Findings. The Freedom Story.

9 Raks Thai Foundation, op. cite.

and exploitation. The type of human trafficking and cases were sex trafficking of students in 2002, novice labor trafficking in 2004, Cambodian monks' tourism exploitation in 2012, Lao young adult sex trafficking in karaoke shop in 2013, Lao migrant workers forced labor in 2013, and Thai girl on sex trafficking in 2021. Nan Province has coordination between multi-disciplinary team and the local provincial mechanism such as the emergency operation centers in provincial, district and sub-district levels, the provincial anti-trafficking sub-committee meeting, the provincial anti-trafficking strategic plan (2018-2022), and the prevention and awareness raising activities for community members and children. Moreover, from the study of, the Freedom Story on the trafficking in Nan Province with a total of 84 households, 48% of adult respondents reported knowing someone who was trafficking others. They mostly mentioned people in the village recruiting others to work in restaurants or in construction jobs in southern Thailand. 65% of adult respondents reported that they knew someone who had been trafficked. Again, most mentioned being trafficked to work in restaurants or construction or agriculture in southern Thailand. A few mentioned international trafficking to countries like Japan. However, when asked if they would work in a bar, club, karaoke bar or massage parlor (all of which are ways of referring to sex work) if their family really needed the money, 22% (7 of 32) said 'possibly', while 69% (22 of 32) said 'probably not'. The remaining 9% (3 of 32) said 'definitely not'. It is notable that a higher percentage of girls responded 'possibly'; 29.5% vs 13.3% of boys. Therefore, addressing poverty will be essential to decreasing risk and should include both scholarship and focus on sustainable incomes for the community.¹⁰

¹⁰ McCray, L. op. cite.

THE FINDINGS AND ANALYSIS

Social Determinant to Vulnerability and Resilience to Human Trafficking in Nan Province

- **Economic Status**

Agriculture is the province's main industry. Since 2016 tourism becomes one of sources of incomes for locals. The average economic status and living cost in Nan is low where poverty line of Nan is approximately USD 69. per month (Nan National Statistic Office, 2019). Person living with poverty is 9.4 percent or 42,000 people, which declines from 17.44 percent in 2018 (NSO, 2019). Data from interview show that the current number of the poor are 85,655 persons. An interviewee describes the situation in a village that,

Approximately 95 percent are poor which hold a welfare card provided by the government.

Poverty in Nan can be differentiated into 3 levels. The first level is people live with poverty, but they have their own property and own land for agriculture. This group is considerate as poor but be able to effort daily subsistence living. For example, an interview describes that:

An average income is approximately 200 pounds. This is sufficient for living especially those household owns their property and have agricultural land.

The second level of poverty is people with no agriculture land and earn from daily contract work, which relies on the demand of hiring. This group tends to be in economic trouble when there is no daily job.

Characteristics of poor families, they work in rubber plantation, they have to leave their children in Suksasongkho (government boarding school for the poor) and they do not have much chances to visit their children as they must work.

The last level is the poorest group. People in this group live with no job and have no land. They tend to live in remote areas which less infrastructure.

People earn from collecting things in forest, for example, bamboos, mushrooms. They have no land.

The data from the interview found that poverty in Nan also relates to geographical areas, especially in highland, ethnic groups live far below the established poverty line and tends to be in the last level of poverty. This indication illustrates from documents from field work. For example, in Tha Wang Pha, families are living far below the established poverty line, but are largely able to make ends meet through subsistence living. The extract below also illustrates the economic situation of ethnic groups in some areas:

In some villages in highland, people live with no electricity and internet.

Poverty is a risk factor in pushing people to be vulnerable to trafficked victim, especially those who are ethnic group who live in poverty. The form of human trafficking includes forced labour with unfair payment or sexual servitude. Data from documents and interviews indicate in the same way;

When people are poor, they have no much choices.

- **Education**

Data from documents and interviews show that the level of education of Nan people is average when compares with the average year of education of Thai population. In Thailand, the average year of education is 9.86 years, which is secondary school level (Office of the Educational Council, 2021). In Nan, the average year of education for whom aged from 50s and above is at primary and secondary school level (average year of education is 6-9 years). Whereas, the average of year of populations aged below 50s are in high school to bachelor degree (average year of education is 12 -16 years).

Financial situation effects an opportunity of education, this are illustrated by the data from documents and interviews. From the documentary analysis, due to financial situation and the cost of education, children tended to drop out before the government mandated 9th grade. The cost of educating children is significant, on average respondents reported paying THB 4,700 per month (USD157.36) (MSDHS, Nan Province, 2021). The expenses include dorm, food, educational equipment, term fees and travel costs of students. An interviewee also points out that an ethnic student dropped out due to poverty, such student remained in education for only 9 years and get married.

However, evidence indicates that the assumption that low level of education is vulnerable to human trafficking is misunderstood. Many interviewees especially those who relate to legal enforcement revealed that victims of human trafficking or sex workers that might be vulnerable to be the victim have good level of education, for example, vocational school. This reflects that having high education might not prevent people to be involved in the cycle of vulnerability of human trafficking. One factor is related to sex work gains money “easily”.

- **Risk Businesses**

Nan province is considered as “A Calm and Slow Living or Nan Nerb Nerb-in Thai” city. Business in Nan is relatively small with less than

20 workers in an enterprise. The biggest factory is a noodle factory with approximately 20 workers.

Here, there are small business, most registered businesses, they tend to have two or three workers under one employer. The biggest business here is a noodle factory with around 20 staffs as they use machine to produce their goods.

Data from interviews show that risk business of human trafficking are restaurants with Karaoke and crop production.

Working in Karaoke which might be a fake business to hide commercial sex... serving in nightclub ... these are risk [of human trafficking]. There are some issues that workers gain their payment less than what actually was due.

One indication of risk business was a case of human trafficking by sexual exploitation of person aged below 18-year-old in a restaurant with Karaoke in February in 2021.

The recent human trafficking case in Nan was in February. Police Force from the Provincial Police Section 5 invaded to Karaoke [a restaurant with entertainment] found victim of commercial sex and human trafficking...one of them aged below 18 years old.

Regarding crop production, there is no distinct example, but the majority of interviewees highlight that crop production might be risk for labor exploitation.

I have heard about stories workers who are hired below the minimum wage...in harvesting.

- **Social Value: Materialism**

Materialism is one of factor that pull people to work aboard or move to other cities. Materialism is the idea that people value the acquisition of goods, and especially the purchase of goods, as a vehicle for personal satisfaction. This value might lead people to be lured in human trafficked cycle. One example is a village in Nan, people tend to move to work in other cities or abroad to earn more money and sent back to their families to acquire goods and build a new house to show economic status.

Materialism... their parents did not have car. Anything that helped their families to get better... they went to work around two or three year and then came back.

In addition, culture might hinder people to develop their potential and choice of living. A document shows that children's drop out from school because of the value of duty and gratitude. "As the oldest child, to care for younger siblings or to sacrifice their education for younger siblings" (Nan Province, MSDHS, 2021). These issues prohibit them to have a choice to gain better incomes, which tends to push people in to the cycle of vulnerability.

- **Families**

Having family members involved in risk sector of human trafficking is one of jeopardy for being vulnerable. According to the study of The Freedom Story Nan Project (2020), it showed that 70% of the respondents had a parent or sibling who was involved in sex work, and 62% had an extended relative who was involved in sex work (Nan Province, MSDHS, 2021).

- **Geography**

Nan neighbors with Laos, where Laos easily migrates to Nan. The status of entering the Nan tends to be legal. However, some of them work illegally. Illegal work might lead to being victims of human trafficking.

Our border connects with Laos. There are two checkpoints here, people came here legally, but they work without permission, for example, Laos who cross the border and work without work permit.

• **Gender**

Gender perspectives in Nan are varied. In town, the role of women in community have been active when compared with women who live in high land.

Women in town have actively participated in economic, social, and political spheres. For example, an interviewee highlights that: Women now are leaders in many areas.... Leader in natural preservation...or in the past a spiritual guide must be men... nowadays we see women.

In contrast, in highland gender roles remain traditional. Women tend to be a follower and submissive, while men are leaders and have rights more than women as explained here:

In some ethnic groups, they pay respect to men as it is a traditional way of their culture. Even though women have education, but they will let men make a decision.

In addition, the segregated of work remains strong. Women work in service sectors, while men work in agricultural sector. The sex-segregated work also links with forms of human trafficking. Women tend to be a victim of sexual exploitation in service sector, whereas men tend to be a victim of labor exploitation.

Social Determinants for Safe City

• **Knowledge on Human Trafficking**

Nan has a strong dissemination of knowledge on human trafficking, especially forced labor. The dissemination raises an awareness on this issue.

At provincial level, offices relating to anti human trafficking issues, for example, Provincial Labor Office and Provincial of Social Development and Human Security Office regularly distribute information regarding human trafficking. This illustrates from the extract below:

We find leaflet and poster relating to raising awareness on human trafficking, particularly in Labor everywhere.

Likewise, data from documents also shows that knowledge of human trafficking in many village is relatively high (Nan Province, MSDH, 2021). Besides, NGOs, communities and other sectors, for example, schools have disseminated information for human trafficking prevention through various channels. For instance, Our community disseminates information on human trafficking via community broadcasting. (Code 9.2).

In school, we insert a story and situation of human trafficking in class to raise awareness for students.

• **Migration**

Migration in Nan is relatively small. Most of interviewees indicate that the level of migration, especially for work is not significant when compares with other cities. However, forms of migration in Nan can be classified in to three forms. The first form is cross country migration, in general, most of interviewee did not mention this form, but one interviewee revealed that in Bo Suak is a significant example of cross-country migration, female with vocational education from this district moved to Korea for fruit harvesting. Generally, they worked for 2-3 years and then they came back to and work in Nan as usual.

One example of migration is the movement of labour, particularly women who have got vocational diploma... They applied to work

in Korea through government process... I heard from head of villagers that people go there to work in agriculture sector, but it is not an intense work.

Another form of migration is relocation for education Nan people migrate to study in big cities and work there after graduation. Students here when they graduate high schools they tend to move to other districts in Nan or other provinces to pursue their higher education. Young generation they move to study in other cities, and then they work there to explore themselves to gain experience.

The third form is seasonal migration, some workers from other provinces and neighbor countries move to help to harvest crops in Nan. According to the statistics from Labor Office in Nan, the statistics of registered foreign workers are Laos, Burmese, and Cambodian. The numbers are 68, 20, and 10 respectively. Other than these numbers are other nationalities, for example, Philippines who migrate to work in Nan as a foreign language teacher. Migration occurs in a certain area, for example, Tan Wang Pha district, Pua district, and Chalermprakiat district. Males tend to work in using labour forces, for example harvest crop, construction. For females, they tend to work in service sector.

• **Community surveillances and strong civil society**

Community surveillance in Nan is relatively strong. Due to the size of small city, people in Nan tend to know each other and know background of each other, this helps to prevent human trafficking as they can capture a sign of human trafficking.

We know each other. When I wandered in the city, they called me and chat about daily life.

At community level, community leaders, for instance, head of villages and head of sub- districts are key person in keeping the strength of community with help of villagers to observe suspicious behaviors or strangers who come into the city.

Mostly, Nan has less human trafficking because we have strong community, head of villages can capture strangers in their communities.

Additionally, there is strong civil society in Nan. Business sectors have cooperated as occupational groups, for example, Association of Travel Business, Association of Hotel. These business groups are another platform in sharing information and data regarding human trafficking. Furthermore, civil society support the prevention of human trafficking. There are various NGOs work in Nan. The interviewees share the same perspective that civil society is effective as indicated from the extract below:

We admit that civil society here is very strong. We have key persons to help to build up processes...process of participation from civil society.

- **Various development organizations and projects**

Various development projects have been established in Nan to uplift people's quality of life. Examples are the following:

Freedom story is a non-government organization focusing on providing human rights education, scholarships and resources empower at-risk Thai students to stay in school and break the cycle of poverty and exploitation. The organization also conducted a study in Nan to investigate main risk factors of trafficking, including a lack of education, poverty and social isolation.

Pid Thong Lang Phra is a public organization which adopts the philosophy of “sufficiency economy” to develop community. The aim is

well-being of people. In Nan, the organization works on sufficient agriculture and environment preservation. The foundation changes the method of agriculture from Slash-and-burn agriculture to eco-agriculture.

Rak Thai is another NGO that support human development in Nan. The primary aim is to raise an awareness on environment issues and climate change and promotion of eco- agriculture. This NGO has expanded their work to women's economic empowerment. For example, We have a project to build up women entrepreneur to help them to rely on themselves.... another project is promoting digital skill for online marketing for women.

Many business models assist Nan people to have a secure economic status. Social Enterprise is one of remarkable example in boosting up villagers' economic, environment preservation, and sustainable development in Nan. For example,

CP All company has established social enterprise business by encouraging farmers to change from single crop framing to high value crops as well as preserve rain forest as illustrated here:

We have run this project for 5 years. We have 93 farmers to join and 700 Rai of plantation... We support farmers since the starting point, teach them new technology and marketing.

Coco Valley is another business model that creates economic opportunity for villagers. Coco Valley provides cocoa seedlings for villagers to grow and purchase their cocoa bean back. In addition, they also hire local staff to run their business.

At first, it was a bit hard to start as they were accustomed to growing corn...we tried not to change their way of life, just asked them to grow cocoa in a space of their land. When they can earn more money from cocoa, people start to understand.

- **Regular and Random Inspection and Surveillance**

Government in Nan works proactively in prevent human trafficking and forced labour. They provide regular and random with a multi-disciplinary team. The team consists of police, social development officer, labour officer to inspection enterprises to prevent illegal workers and forced labor. They not only inspect to detect human trafficking cases, but also examine to ensure that enterprises have allied with national standard of working conditions, and benefits for workers as interviewees in business sector revealed:

Labor officer usually visit us to check the conditions and welfare for workers. They come 2-3 times every year.

Labor officer visits us randomly without a notification. They came to give us information about security funds for our staff and give recent information about labor policies. They came quite often 2-3 times a year.

These regular and random inspection helps to detect labour exploitation and reduce risk of human trafficking in enterprise. Even though law enforcement officers indicate that the risk of human trafficking in Nan is considered low, they regularly detect and check actively. These examples are highlighted by the extract below:

We also randomly checked from Facebook to check whether there is a case of human trafficking.

I admit that though there is a low risk in Nan, but there might be some. We inspect business that might be suspicious and hide human trafficking crimes from authorities, for example, massage business or sex workers...In some education institutions, students might

be involved in human trafficked cycle. We have an operation team to regularly check at least 2 times a month, in some circumstance we inspect every week especially in entertainment establishment.

- **Geography**

The province is surrounded by forested mountains and high land. This geography make Nan is small economical scale city. Though Nan has adjusted itself to open for agricultural and eco- tourism, but the scale of tourism is relatively small. Furthermore, Nan has a landlocked geography, this also makes Nan a close city. That is Nan is not a transit town. Due to this geography, no industrial and landlocked, less people migrate to work in Nan and the risk of human trafficking is low as explained form the extracts below:

It is a bit strange, we do not have big industrial, this makes less migration of workers from other cities.

The geography of Nan is closed. Then, the majority of labour are local people.

In addition, forest and land in Nan is abundant. Though people are poor, they can find something to survive from their gardens and forests. As an interviewee explains here:

People might be poor, but they can survive from their gardens.

- **Culture**

Nan has a unique culture; majority of population remain lead their lives at a slow pace. People in Nan remains have a strong sense of community and help each other's as well as respect elderly and their ancestor. This unique way helps Nan to live in a peaceful way as explained here: The

centre of villagers is our ancestor, people respect them even young generation. This helps us to make a good deed (Code 9.2). People here are kind, do not live in hurry, and do not compete with others (Code 15). One reason of the slow living pace in Nan might relate to the principle of sufficient economy as illustrated by interviewees here:

Philosophy of Sufficiency Economy is applied in our daily lives ... spending in a moderate way in family...for example, we grow vegetable garden. The basic idea is to make people rely on themselves, for example, growing vegetable garden, livestock farming. So, villagers can be dependent.

- **Technology**

Technology facilitates sharing information and warning regarding human trafficking issue. For officers, they use a chat application, for example, Line to communicate with others to handler cases as an officer explained here:

It is easy to communicate with out team. I just call or send a message; our team is prompt to help to identification of victims.

In villages, head of villages and villagers also use application to communicate and dissemination information as illustrated here:

We have Line group to send information to others. If there is suspicious person come to our village, villagers will report through this channel.

- **Education system**

School system in Nan shows an effective schooling model, especially school that have the proper proportion of teacher and students. School provides support system for students, for example, scholarship from

government and alumni, home visiting, an extra curriculum that suits for Nan context.

One distinct example in helping to prevent from and detect children for human trafficking is home visiting, a teacher visits a student during the starting term time to examine students' family status and problems that they might have as an interviewee explains:

We have a supporting system for students. When the term begins, all teachers must visit students' homes to determine the status of living. In case of poor, we will pass this information to the Office of the Basic Education Commission... In case student absent from class, we will visit their homes to check if there is any problem.

Another example is developing a curriculum that suit to context. The aim is to instill local value, tradition, and culture.

The school committees are aware that local curriculum guide youth to understand and respect their local wisdom and culture.

Besides the main curriculum, the school initiate our local curriculum, local science for sustainable development to teach students to learn method of rice growing and preserve Thai rice.

• **Peer to Peer Learning**

Peer to peer learning is another good example to help prevent human trafficking. As mentioned that though there is low migration from Nan to work in other cities and abroad, there are some people that migrated to work and encountered exploitation experience. They brought their experience and warn other villagers to be conscious of exploitation. For example,

[...] they use their stories to warn other people, to be aware of illegal agents for working abroad [...] or word of mouth from other

villagers who might not reckon that they are lured by illegal agents from other provinces...

- **Covid-19**

Covid-19 epidemic tends to support Nan as a safe city from human trafficking. All interviewees indicate that the pandemic reduce risk factors of human trafficking. For example, borders between Thai and Laos have been closed. Travel within countries is also limited. Lock down measures effect temporary closure of restaurants, especially restaurants with entertainment. Furthermore, communities have established surveillance system and active searching of Covid-19, this helps to prevent suspicious persons to enter to communities. The impact of Covid-19 and the reduction of risk of human trafficking is illustrated from the extracts below:

During Covid-19, all restaurants are closed, no gathering, no parties... there are no risk of human trafficking. Before Covid-19, there might be a case particularly sex exploitation... Currently, I am certain that there is no risk of human trafficking.

Due to the pandemic, we close all entertainment places. We have one discotheque [nightclub], which has been closed. This lessens the risk.

Law, Concepts, Local Initiatives, Case Studies: Preventing Modern Slavery and Human Trafficking in Nan Province

The local Government has enforced anti-TIP law and policy and apply to implement in the local level in the form of provincial center for combatting human trafficking with provincial TIP sub-committee in provincial level consists of multi-disciplinary team from different agencies such as provincial office, provincial police, provincial prosecutor office, provincial labor office, provincial labor protection and welfare office and office

of social development and human security as a secretariat of the sub-committee working on the administration and information of the province. The sub-committee is focusing on 5Ps strategy, prevention, prosecution, protection, policy and partnership and information management. Sub-committee conducting surveillance to monitor on the TIP in private company setting, particularly farms and factories in the province and arrange meetings and reporting annually. The sub-committee is also working on MOU signing with local administration office to coordinate on the Anti-TIP Act, Child Protection Act, and Domestic Violence Victim Protection Act. Currently 99 sub-districts have signed the MOU to actively respond on protecting victims according to the Acts and there are 99 labor protection volunteers reporting the labor protection situation to the Provincial Labor Office. Besides the TIP provincial sub-committee, Nan province has also set up the working group to work on anti-labor trafficking center. The Governor is a chairperson and deputy commissioner of 38th Military Circle as a deputy chairperson and other working group members are representatives from Internal Security Operations Command, Public Health Office, Immigration, SDHS Office, Provincial Administrative Office, Social Security Office, Labor Welfare and Protection Office, and Provincial Labor Office as a secretariat of the working group to follow up closely on the law enforcing and conduct surveillance in the workplace.

Nan is having anti-trafficking strategy in the province following the national strategic plan. It is very important for every local administration office to understand and follow the provincial strategic plan. The sub-district administrative has 5 years developmental plan and the next one is 2023-2027 which is already covered the anti-TIP. The local Government agencies are very strict on implementing TIP law, I observe that they arrange seminar and provide reports regularly.

The provincial office is using the same format of national level, but the office has not invited CSOs to join and we never attended any MDT meetings or consultations, except we receive some information on cases and would like to invite them to discuss or arrange the meeting such as the discussion about domestic violence.

I have not seen the TIP case and smuggling cases. I found students who were working as waitress in the restaurant, and they might be at risk of sexual exploitation, and I talked to them to find more information why they are working at that place. Some students are also working part time to help in farming for income generation, but the farm owners are not forcing them.

Nan is a small province and the people in community are knowing each other and many are the relatives. The community is aware on hiring child labor even in the community tourism promotion activity. They have set up the community rule for both community members and visitor to respect and follow community practice and traditions, particularly to do no harm and no illegal practices in community such as fighting with other, preserve environment etc. These practices are considered as a basic rule in community justice system and if anyone does not follow, the community would report to police for prosecution, depends on the level of harm. However, informants from private sector expressed that they have not been informed about the TIP policy in the provincial level; yet they know about the TIP related law such as labor law and the child labor which are the restriction from RTG to the private sector. Provincial labor office and provincial public health office are very strict on conducting surveillance on do not hiring worker ages below eighteen.

RTG is very strict on hiring staff, we are not allowed to hire worker ages below eighteen due to the labor law. Even an intern in the spa,

they are not allowed to give massage to customer, they could work only in other part of the hotel such as lobby and restaurant.

In our community, we are very aware that it is a high risk to have child labor if we have student to work with us in the community tourism, so we have to be very careful and well organize on the management so that our children in community could learn about community culture and history, and follow the anti-child labor procedure at the same time.

There is a demand on hiring worker in the service sector, but the registration for work permit is complicate so many workers are using agency services which is mostly located in Vientiane, the capital of Lao which is far away from the border across Nan province. Therefore, some Lao migrant workers prefer to cross the border to work illegally, but they are not coming to work in Nan, instead they prefer to work in the city and other provinces. In Nan, the provincial sub-committee conduct labor surveillance regularly so most of the workers are working legally with the work permit.

Lao worker has to proceed the work permit from agency in Vientiane which is located far away from the province in Lao which is across Nan province in the border.

On the type of trafficking, Nan is rarely found the trafficking case such as forced labor and sex trafficking case due to the surveillance from Government officials and community leaders and volunteers. However, sex workers and entertaining workers are still being found at the restaurant, bar, and karaoke.

I have not seen the forced labor case or trafficking case, there might be some cases long time ago, but not for current situation. Maybe it is because they were caught. I have not heard that women below 18 is forced to be a sex worker. I don't think we have this in the province, but they might be hidden.

We have conducted surveillance regularly, mainly responsible by provincial office snowball checking the restaurant and shops every Tuesday or Friday night, including karaoke, bar, and hotel and they have rarely found the TIP case.

• **Prevention**

The Nan TIP provincial sub-committee are working on the prevention which consisting of provincial administrative office, provincial labor office, provincial police, provincial army, provincial public prosecutor office and SDHS office, etc. The example of prevention activity according to the implementation of the provincial sub-committee are such as the committee is working with education institute on arrainging anti-TIP awareness raising activity in schools and having student protection network like watch dogs to report when the case with students is found and the provincial labor office and provincial police are also working as a center for anti-TIP on labor case to arrange the regular surveillance in the private sector workplace and provide information about the anti-force labor. The provincial army set up the checkpoint at the provincial border to prevent on smuggling and illegal present of migrant workers. Government agencies, through local administration office, distributed brochures to private sector to promote on anti-TIP with customer. Nan police arranges community protection project by training community leaders on the reporting mechanism and community safety. The Drug Abuse Resistance Education or DARE police teachers are also teaching students about drug prevention in schools, and they also include TIP prevention

in the session. Moreover, CSOs which is focusing on anti-TIP project is having awareness raising activity in community through workshops for at risk population, particularly indigenous communities.

However, as mentioned in the law and legislation situation, informants from private sector and CSOs indicated that they have not seen the anti-TIP prevention and awareness raising materials such as poster, billboard, etc. in the province and the awareness raising activities are not organized in every districts. The informant from public sector mentioned that there is anti-TIP training for community volunteers, but the training is not arranging regularly. Moreover, many community members expressed to informants that they are not capable to report the case, if TIP case happened, they do not know how to start working on the case. Also, there is no direct TIP training arranged for community leaders and volunteer, both from public sectors and CSOs.

I might not notice on an-TIP advertisement maybe it is the billboard, but from what I have seen I did not know that anti-TIP is promoting in the province. It might be in the journal advertisement, but I never know. Maybe it is because we are not having many TIP cases in the province.

The provincial office informed business owner to register migrant workers annually. But for the TIP law, I do not know the information and never read about this. There is no prevention activity in my province, I never see the activity.

Nan is not having many TIP case due to the prevention factors in the community, but we still need to prepare if it happens.” (Code 2.1).

Two years ago, I have received brochures from local government so that I could give to customers to promote anti-TIP.

As a CSO which is working on anti-TIP project, we arrange workshop to raise awareness and build capacity of the local community, we also provide coaching for community members as a training for trainers program for community leaders.

CSOs such as Raks Thai Foundation, CCF, and Hug Mueang Nan are arranging prevention activity in the community.

I think the province already has policy on TIP, but in our community, we don't have much information. I think it is very rare that TIP could happen in our community members.

I have had very little information and news about TIP. I work with community for many years and have not heard about it in the community, I mostly heard about drugs.

As an entrepreneur, the provincial administrative office arrange meetings for business owner which is around 1-2 times per year. Also, the club has provided information to members through campaign about child labor and snowball surveillance by Government sector. They also provide us the anti-TIP poster to advertise in the workplace.

There is a child protection center in the provincial level which consists of many public agencies and is having monthly meeting to follow up on the TIP situation in the province. Police has to focus on combatting TIP and the parlor for the sex trafficking case, during Covid-19 pandemic most of the shops is closed.

We are providing surveillance in workplace twice a week to check on the labor protection and TIP.

On the TIP prevention activity in education sector, the schools in Nan is not having direct information in the curriculum about TIP. There is a human rights topic so that some students were able to learn about TIP in school, but not in every school. Teachers also provide information to student and teach about migrant workers and the safety and protection from stranger in community. Children and youth in community are helping on community protection as a community watchdog. However, some informants stated that they have not learned about TIP in schools, instead they have heard from online social media such as YouTube, Facebook, and movies.

In school, we are not related much to the TIP. There is a human rights topic in the school curricular and some teachers have included TIP into this session. But, on the province policy about TIP we have not been informed much, we received policy from Basic Education Commission Office.

Community members are taking care of one another and help looking after other members. Children and youth are also using online communication tools to communicate and inform their friends and adults in community.

I have not learned about TIP in school, I know the information from news and YouTube.

I mostly saw the TIP on internet, especially in Facebook. But in our province, it is not much TIP, it is more about drug as we are the border province and drug is trafficked from neighbor country.

- **Prosecution**

In Nan province, there are four TIP cases during 2012 to 2021. One case on child begging which the Cambodian boy was exploited, others three

cases were sex trafficking of Thai girls. These cases followed the process according to the provincial plan starting from victim identification interview, prosecution at the police level, prosecutor level, and court level. When the TIP is found from community or is reporting through hotline such as 1300, a hotline of MSDHS, the process is to report to police or if the incident is occurred at the community, the community leader, village chief, or anonymous reporter would report to the supervisor and police officer. The provincial anti-TIP sub-committee has followed up on the prosecution of TIP cases. On the migrant workers related case, the immigration police, provincial labor office, and SDHS office are in charge of conducting surveillance and proceed the report to if they found the case. However, some informant also mentioned that sometimes the prosecution process was very long and there is no continuous following up for child victim.

As a CSO, we observed that immigration police, provincial labor office and SDHS office are working very closely on preventing illegal migrant workers. They also work with CSOs and we are a part of the support on anti-TIP network.

I was working on trafficking case before, sometimes the officials were very active in the beginning, but then they were not following up on the case and left the child victim behind. I would like them to follow up closely and play an active role on supporting victim.

I heard that there is the committee in provincial level working on anti-TIP and prosecution. It was the TIP prosecution case around three years ago and the shop was closed due to the sex trafficking. The main actors are police, SDHS office, and SDHS shelter.

When we received report on TIP case, the MDT conducted raid and victim identification interview right after the raid. Then, we will

have a meeting to conclude the information whether it is a TIP case or not. If so, we will proceed on the prosecution and victim protection.

There were some cases that the mediation process happened in the community level and the TIP case was not reported or proceed according to the prosecution such as the child victim family talked to offenders and the offenders offered to pay for compensation directly to victim family, this process is sometimes involved community leaders as one of the mediators.

In previous case, we found that the child victim and offender were mediated by community leaders and offender paid compensation so that the child victim family did not want to report with Government officials to process on the prosecution.

In addition, due to Nan province is not having active TIP case, majority of informants, particularly representative from private sector, developmental CSOs, and community are not having information about the prosecution and prevention of TIP case as they never found or witness TIP in the community or workplace, not even been informed in the local news. Moreover, the informants from private sectors and CSOs which are working on the developmental program not the anti-TIP program, expressed that they are not familiar with prosecution process so that they are not having information to share on this topic during the interviewing.

In our factory, we don't have TIP so we don't have information on the prosecution.

I have not heard about TIP prosecution.

I really don't know the information on prosecution, I saw the court and we have two court in the province, Nan court and Pua district court. In the past 2-3 years, I have not heard about TIP prosecution.

- **Protection**

Nan province is having protection mechanism which is implementing through provincial anti-TIP sub-committee consisting of representatives from various Government agencies as mentioned in the law and legislation part. On the protection, the SDHS office and Nan Shelter for Children and Families provide safe place to protect TIP victim and provide medical treatment, counseling, rehabilitation, and vocational training. Not only referring victim to the government shelter, but Nan police also works with Police Region 5 in Chiang Mai province and CSO shelter to provide protection for TIP victim. The personal information of TIP victim is being protected with high confidentiality. The protection process is provided to TIP victim aligning with prosecution process such as victim forensic interview, court testifying, and compensation claiming. When protection and prosecution are finished, SDHS office would conduct reintegration program to TIP victim and follow up with them and police are also following up after the reintegration that victim are safe from threatening of offenders.

The SDHS office is the main actor in providing protection support to TIP victim by working closely with public agencies and private shelter from the beginning of the victim identification interview until the community reintegration.

There is not much TIP case in Nan, sometimes the sex trafficking case happened, but mostly there are women from neighboring country come to work in the restaurant to entertain and drink with customer which they were not working as a sex worker. When the officials come to surveillance, they sent back these women to their home countries.

The protection of people who are affected on TIP are according to the Government procedures and it is a coordination among local agencies.

On the child TIP victim, the officials provide counseling sessions from psychologist at hospital or specialist in the area.

Police Region 5 and ZOE Foundation reported to SDHS Office before the raid for sex trafficking case and they could refer the victim to protect in shelter right after the raid. The social workers were involved in all process to ensure the protection of victim, particularly who are ages below 18.

I have heard in the meeting that there is a government shelter for children for abuse and domestic violence cases and they provide basic assistance to victims. Police coordinate with CSO shelter which is in the Police Region 5 team in Chiang Mai Province that providing shelter for TIP victim. They also provide vocational training and reintegration.

In addition to the information mentioned in prosecution topic, the informants from private sectors and CSOs which are working on the developmental program not the anti-TIP program, expressed that they are not familiar with protection process so that they are not having information to share on this topic during the interviewing.

I don't know about the TIP victim protection; I don't have information.

- **Partnership**

The provincial TIP sub-committee is the main actor on implementing and responding on TIP in the provincial level. The meetings were arranged regularly quarterly with the good coordination among committee members mostly discuss on the community and workplace surveillance. The committee also arrange the meeting with business owners to provide information on illegal present of migrant workers, work permit

registration process and timeframe, forced labor, and information related to the labor protection and welfare. If there is any TIP case reported, the committee would arrange and urgent case meeting to discuss on the responding.

Since there is not much TIP case in the province, there is not much awareness raising activity or surveillance at the workplace. But when there is a report on TIP case, the officials would immediately taking action such as sex trafficking case.

All informants mentioned that the partnership in the local level is very strong, particularly the relationship between local Government and CSOs. The CSOs, foundations, clubs, Nan Red Cross, Royal Project and community-based organizations (CBOs) in Nan province is well organized and are actively participated and contribute to the developmental project of the province such as the anti-drug, environmental reservation, water management, etc. The private sector has played an important role on contributing on the community development of the local community through CSR program on vocational development and social enterprise project to reduce poverty. However, when mentioned about the TIP coordination in the provincial level, informants from public sector and private sector indicated that they have not seen the participation of TIP CSOs as the main actor is SDHS Office.

There are local clubs and foundations working on promoting the local lifestyle and community development, especially on the drug prevention, water reservation, rice development. The members are consisting of both Government officials, retirement officials, and community members.

I see the SDHS Office responding on child abuse and neglect case, but not the exploitation case and sometimes with the provincial administrative office. I have not seen the CSOs in Nan responding on TIP.

I have not known any foundation which is working on TIP in Nan, I know some foundation in other province [Mirror Foundation], I know from the media that if there is TIP related problem the SDHS Office is the main organization to support.

The chairperson of women group in community told me that the SDHS Official came to inform members about TIP, but it is not a problem in community as they have not had TIP case.” The women group is very strong network on supporting one another in the community level, sub-district level, district level, and provincial level.

Nan MDT members are having good network, we could communicate through phone. When we had case or urgent meetings, we called, and everyone was actively participated in the event. But I don't have much connection with CSO.

Everyone in the MDT knows about duty and responsibility according to the provincial order and we coordinate with each other on workplace surveillance.

Beside the information from public sector and private sector, the CSO informants mentioned that they have played an active role on working with the local community on the anti-TIP activities and community capacity building activities through child scholarship, child advocacy, and income generation, domestic violence prevention projects.

The Lanna Women Network and Friend of Women Foundation are working in the local community to empower and strengthening women in Muang District and Phu Pieng District, but they are focusing on domestic violence not including TIP. The anti-TIP activities of provincial officials are not promoting actively in both provincial level and community level. CSOs are arranging activity such as training, campaign, poster in Thai, English, and Cambodian, in many topics such as human rights and drug prevention, but also not mainly focusing on TIP.

The community development and participation is one of essential determinants for anti- human trafficking. All steps of community development and its initiatives must welcome all stakeholders' involvement which including problem identification and problem solving by focusing on root causes. Prioritization of the community problems is also significant with a well establish of community partnership and ownership. In regard to a construction of database of human trafficking in Nan Province, majority of the findings referred to a collaboration among stakeholders which including database from the MDT. Some CSOs/NGOs also developed their own database for the purpose of anti-human trafficking especially for prevention, protection and supporting prosecution. Some government sectors have not yet systematically shared their database and information with others. Even though their data is sufficient and efficient, still having a challenge on information sharing. The community participation with government sector in this province were relatively active and as illustrated in the record of several interviews; such as a collaboration among communities, MOL, MSDHS, the Royal Thai Police (RTP) and private sector, on the - advocacy program for raising awareness, and observation on human trafficking, labour and migration issues. In addition, a well collaboration across sectors reflect in the area of tourism, economic development , and Nan's ways of living.

Policy makers, practitioners, and villagers need to always closely work together, creating the platform for discussing and searching the facts, finding the root causes, and search for solutions together.

I would like to suggest the government sector to work outside their regular framework, and actively work with community to search for the root causes of human trafficking.

Culture and belief is also one of significant findings from Nan Province. It reflected in ways of livings of people both downtown and remoted areas. For instance, a belief and respect in “spiritual”, some communities especially in mountainous areas have a “Karma Day”, when they do not allow outsiders to enter to their villages, and the villagers are not working on that particular day, whoever violate the community’s practice, they believe that someone in the community will pass away. This can reflecting in the strong community collaboration, and surveillance system.

The community has a strong surveillance system where they are always aware of new comers or strangers who are visiting our villages, especially during Covid-19 Pandemic; we do not allow outsiders coming to our community, and those who want to leave the village need to always inform the head of the village.

Community leader is also among important denominations. The findings from all interviewees responded that a decent community/province leader would bring community/province free of human trafficking and prosper economic. Leaders must have clear vision, work plan, timeline and implementation. Villagers participation is also a must, in order to establish ownership, and strengthening the level of participation at all levels (Wilcox, 1994); information, consultation, decision, implementation and community support. In addition, villagers’ power is also essential, villagers can construct community power against leaders.

I will share you a story of one community leaders where he has been sanction by his villagers; he is a father in law and planning to kill his son in law for the purpose of the benefit of life insurance. Once the evidence of planning was revealed, no one in the community ever talked or communicated with him again, so his family was left alone, and he is no longer re-elected as community leader.

A successful community leader is not only having a determination, but also to truly serve the community. The leader must not always wait for official orders from government supervisor, but need to understand the community's demand and challenges. In addition, the leader should be well educated and financially well livings, because the leader works hard, s/he does not have time for growing and selling crops, hence the leader's income should be sufficient for survival and support her/his works.

Sufficiency Economy” philosophy (SEP) refers to a Thai development approach attributed to the late King Bhumibol Adulyadej. The SEP in Nan Province mostly implemented by government sector, while at community level also referred to this philosophy and combined with their own initiatives; such as a model on “Farmer School” where they focus on an actual way of livings, the founder of this school (a former district public health officer), established this school with the main purpose to provide outside classroom learning; skills for farmers. Community governance was also discussed during FGDs and interviews, and played a significant factor to keep Nan’s communities unique, accountable and participatory.

Another initiative to strategically promote villagers’ participation and information sharing is to bring the religion to community; an activity called “open house for Buddhism chanting”; villagers are gather together preparing and attending the chanting. Villagers can

share and update information prior and after the activity, this is an example of a very effective community communication.

Partnership: Close Engagement of Local Initiatives and Authorities

With reference to Wilcox (1994) referred to a useful partnership as a co-existent between a number of different interests and some common purposes. Stakeholders does not need to have equality in skills, and funds, they can only trust each other and share commitments. While MacQuaid (2000) defines the theory of partnership as a synergy of some forms that also refers to the involvement of both development and delivery of strategy or a set of projects or operations which each stakeholder may not be equally involved in all stages. Partnership focuses on operation, and collaboration among stakeholders. The findings have reiterated the above-mentioned concepts that partnership is essential and leading to a decent developed community. Further, the findings also indicate a developed community as a well collaboration among stakeholders at all sectors and levels, as well as to reserve the “folk wisdom”. In addition, Shepparton (2010) referred to a community development as a systematic approach to “building social capital, sustainable communities, community networking, business and community partnerships”. In addition, the community development framework consists of people, place, participation and partnerships.

from my observation, nowadays, policy planning and development of sub-district has been developed from the practitioners’ perspectives or it turns to be a bottom up approach, which I think it is realistic and practical.

Developed community should be a community where all villagers are supported their basic needs, and especially on economic aspect. In addition, children should be taken care by their parents not by grandparents.

According to ToC as stated in Allen, Cruz, and Warburton (2017), highlighted the essential elements of ToC approach which referred to inputs, activities, outputs and outcomes. While Taplin and Rasic (2012) stated the key essence of ToC is a participatory process where partners participate in all intervention process to establish a goal, process and “preconditions in achieving a designed outcome”.

With reference to the findings from Nan province, there are sufficient information to support the framework of ToC on the aspect of prevention of forced migration, especially on human trafficking and labour exploitation. The inputs refer to a knowledge and information sharing among stakeholders; government sector, business and CSOs sectors regard to current situation and prevention program of human trafficking (both sexual and labour trafficking). However, some sectors such as academic, business sector are still not well received of overall human trafficking situation information from both national and sub-national levels, which including awareness raising, capacity building, contact details of relevant stakeholders, and report/compliant mechanism.

The findings show that most of the well-developed communities, the inputs of information and knowledge related to trend of migration, economic opportunity, and awareness raising are well shared and informed community members through various activities with a well-designed approach in response to community’s demand and available resources. The outputs reflect in a strong community surveillance system, where villagers are supporting each other and reserve culture norms and practices. However, this close community monitoring system, can be a negative impact for those who prefer to live independently. The outcomes of the aforementioned activities, also reflected in a sustainable society and being aware of human trafficking situation. However, the findings also show that a collaboration between government and civil society needs to be strengthened. CSOs are not member of MDT on anti-human trafficking as a result they seem to work in parallel.

Regarding the adaptive cycle of resilience to build slavery-free communities proposed by Gardner et al. (2020), several communities in Nan Province diagnose key area for change, such as some remote and mountainous areas where several projects have been focusing on the prevention of human trafficking programs, they also examined possible risks and vulnerability of people in particular areas. The analysis covers risk factors, which focuses on both individual and community levels. The diagnosis refers to economic factor, working conditions and opportunities, age, gender, education, knowledge and ignorance of human trafficking issue, ethnicity and citizenship, culture context, social norms, and social stigmatization. However, there are some challenges in the exiting culture and practice, as a result, the engaging of relevant stakeholders at community and provincial levels are also introduced, discussed, validated risks, prioritised and implementation action, and learned the lessons from different communities.

The change in institution and cultural landscape can speed up especially during an irregular situation; Covid-19 pandemic in Thailand during 2020 until today (October, 2021). The close community and border monitor have been strengthening with a very well collaboration from all community members and stakeholders at all levels. Medical, counseling and necessity services are also available from both government and non-government sectors. The lesson learned from some sectors and areas voluntarily to exploitation, human and drug trafficking, can be a good asset for Nan to further monitor and evaluate the progress on a sustainability of anti-human trafficking.

Strengths and Opportunities

Nan province is full of resources in both personnel and national resources and has a strong MDT team which actively coordinate with one another. However, it would be better if CSOs members are invited to join

the provincial MDT for anti-Human Trafficking. The TIP provincial sub-committee are consisting of the agencies which understand the roles and responsibilities. There are social workers and officials who have been trained on anti-TIP Act and related laws and are ready to response at anytime. Since Nan province is a small province and officials, CSOs staff, and community leaders are familiar with one another, they are communicating through an informal channel such as telephone or LINE application to communicate and reduce the official communication steps through formal official letter proceeding. Also, the community-tie in Nan is strong because the coordination among community members, temple, school, and government sector which is considering as the main source of trust building for villagers to prevent TIP in their communities. The community's activities on preserving local tradition, culture and environment are also the factors which are strengthening community through the family empowerment. The strong foundation of family creates solid and sustain community.

We have the staff from community, these people have a perspective and understand their community which outsiders can't have because they come from the community. It is extremely helpful. No organization has a perfect and so the ability to adapt and learn from mistakes and learn from ideas is one of the best things about it.

CSOs in Nan are having good coordination, we arrange forums to share and exchange information and communicate with others.

When stranger accessing community, the community members are communicating and warning each other about the stranger and inform community leaders immediately about the information about strangers and their vehicle details.

The strength of Nan MDT is a good coordination.

The reporting mechanism and police hotline (191) in Nan province are very active. Police are standby to response on the report immediately such as child abuse, gambling, drug, and community dispute not about TIP case.

Police has to reach the incident within 5 minutes after the report if the incident happened in municipality area and 10-15 mins in the outer area.

Another strength for Nan province is the woman leaders' group at community and provincial levels. These women have been playing an active role as community volunteers, teachers, community health volunteers, etc. and have received trainings, capacity building and empowering by CSOs. Community surveillance system can act as a strength factor and as well as a challenge. The close monitor and awareness of activities happening in the community can consider as a well precaution mechanism, and at the same time it can create a nuisance for those who prefer to live their lives independently.

Gaps and Challenges

Gaps

The findings show that in some government's sector and NGOs tend to work in parallel on human trafficking issue. This indication illustrates from some interviews of government officials that they are not aware of NGOs' work on anti-human trafficking in Nan. Representatives of NGOs/CSOs are not a member of provincial MDT. While some NGOs express that they do not know much about how government sector works on this issue and also curious about an effectiveness of government's roles and responsibilities regarding human trafficking issue.

An education sector; at primary, secondary and university levels are also important to receive knowledge and information regard to situation

of human trafficking. Regarding to the findings from government sector, they indicated that the raising awareness campaign and knowledge sharing were delivered to the aforementioned groups, however, the findings from university students and teacher found that they never been informed and be aware of any anti-human trafficking campaigns and/or activities.

Challenges

The victim identification interview is also considered as one of challenges. It depends upon the knowledge and understanding of victim identification of the interviewers; such as police officer and SDHS officers. The good cooperation from victims is also considered as one of the main challenges faced by service providers during the victim identification process. Sometimes, victim may not want to disclose information at the first several interviews, or may want to withdraw his/her testimony, as a result the officers cannot further a prosecution process due to the insufficient of supporting evidence.

Sometimes when we have TIP case, we need to make sure that the victim identification is conducting properly, and the result of interview is made according to the anti-TIP Act so that we can identify whether the interviewee is a victim of human trafficking. Sometimes, there are some differences in viewpoint among interviewers, regard to indicators of the situation. Some victims do not want to access to justice and proceed on the prosecution, so they do not share all information on what was happening.

The main push factors for community members to vulnerable to victim of human trafficking are poverty, job opportunities, education, and drug. Women tends to have a higher risk to TIP than men, according to TIPs' cases happened in Nan during the past years. However, due to the

economic situation and job opportunities, both female and male are also vulnerable for migration. In some families, some children would like to drop out from schools in order to work and support their families. Some are below 15 years old of age and the law permits them to work part-time and innocuous work environment.

Some students are working at restaurants as waitress at nighttime and some are selling food at the tourist attraction area. After I received the information, I talked to children and parent on how to prevent student from dropping out from schools. In a case that family cannot pay for school fee, we need to find scholarships for them. We also discuss with community leaders requesting for families' supports to prevent them from having their children working instead of coming to school. We do not want students to drop out from school.

The economic problem has affected lives of people in community, parents leave children with grandparents and focus on their works; for instance on every Monday to Friday morning, children come to school, return home and living with their grandparents, later on Friday late afternoon, parents pick them up from school and stay with them on the weekend.

The knowledge and understanding of community members on anti-TIP Act are considered as one of the challenges. As a result, CSOs are working in the community to promote the knowledge and understanding of anti-TIP Act so that community members are well-informed, understood, and prevented from being exploited. In addition, there are numbers of unregistered workers in Nan, therefore it is a challenge for them to access to available services. In order to solve this problem, the government may consider setting up the center or hotline number to provide relevant information for irregular workers on how to register and

receive social protection and other benefits and to ensure that they can access to all services provided for workers in a support of the employment's rights.

There are many irregular workers, it would be good if government can set up a registration information center and promote them to register as legal workers. Probably, government can start at the district level as a model so that unregistered worker can participate in social support system.

CONCLUSION AND RECOMMENDATIONS

To conclude, with reference to aforementioned social determinants to vulnerability and resilience to human trafficking, and for safe city in Nan Province, illustrated in section 6 of this report confirming that the economic, education, business or job opportunities, social value, families, geography, gender, knowledge, migration pattern, community surveillances and strong civil society, culture, technology, irregular situation (such as Covid-19 pandemic), legislation, local initiatives, community and people participation, and database construction are among essential factors that have an impact for building a safe city free of human trafficking and modern slavery in a current globalization era.

Recommendations are as follows;

- **Economic, Education and Community Participation**

The provincial MDT should focus more on the root causes of the TIP problem especially on the education opportunity and poverty eradication. Awareness raising is also significant for community members on the anti-TIP through the public relations and trainings. This approach may not be focusing only on the business owner, but also to all people in the

community which including students in schools, colleges and universities. As a result, the community members are able to prevent themselves from TIP and exploitation. In addition, providing vocational training and employment support can be a decent mechanism to prevent TIP in the province.

Community members should be taking care of one another in the community, the activities can be related to family-strengthening activity and supporting each other. Some families are separated, children and youth are at risk to drug, sexual abuse, and other forms of exploitation. If we take good care of them, they will not vulnerable to criminals or create any crimes. The root cause of the problem is starting from a household level.

The most important thing for anti-TIP is everyone must be aware of the situation, sharing information with others, and forgiveness. We have to provide more TIP's information and knowledge for children through teachers and parents, which including the principles of human dignity and sustainability so that they will not become TIP victim.

Arranging project or activity that can support at risk children or family on the employment or vocational training might be a successful factor for TIP prevention.

It is very important for people to have knowledge and truly understand TIP, particularly communities in remoted areas. It would help reducing TIP problem in the long term.

My recommendation is to having TIP prevention project in every school so that students understand about TIP principle and are able to prevent themselves from it.

I would like to have anti-TIP project in both at-risk communities and general communities so villagers can have knowledge to prevent themselves from TIP. Currently, we can use online platform, so it is easy for knowledge sharing.

- **Legislation, law enforcement and family participation**

The law enforcement agency should always take serious implementation and enforcement of the anti-TIP Act by strengthening community's surveillance mechanism, particularly on the area of forced labor, child labor, child sexual exploitation, and activities that may vulnerable to human trafficking. The prosecution of offenders is a must according to a criminal process. The community mediation between victim's family and offenders through the direct compensation without prosecution in justice system must be avoided.

It would be good to have a regular capacity building for officials so that they are ready to respond to TIP and government should provide budget to arrange awareness raising activity for community members, particularly indigenous people who are living in the remoted area so that they will have knowledge on TIP and can prevent themselves from crimes.

- **Partnership and knowledge sharing**

In addition, there is a recommendation for public agencies to arrange regular meetings on anti-TIP to discuss the actual situation and update information of national and sub-national levels. The activity should be conducted on a regular basis; it should not be organized only when there is a TIP case. This meeting should include representatives from government, CSOs, business sector, community and all stakeholders. In fact, there are many CSOs working on various issues related to children and youth, women empowerment, and community development, yet they are

not actively working with government agencies on anti-TIP. As a result, there is a strong recommendation that the public agencies should have closely worked with CSOs to promote the anti-TIP activities and knowledge sharing in Nan Province.

- **Migration**

Though internal migration pattern in Nan province reflects in a seasonal or a daily travel for working in town or business districts, however, there are some external brokers who come to remote communities and recruit workers to work outside Nan province, this can cause a vulnerable situation for labor exploitation. As a result, the education and/or knowledge for safe migration is a must to provide to Nan people, especially to those who are residing in the remote areas.

- **Geography and Technology**

Since majority of Nan's area comprises of mountainous landscape, information sharing, preventive and protection mechanisms may not timely support those who live in these particular areas. The internet and phone signal may not be able to reach all communities in this province, hence a state of the art to develop new communication channels or strengthening the conventional way of communication should be discussed among anti-human trafficking stakeholders.

- **Irregular situation (Covid-19 Pandemic)**

Regarding to the Covid-19 situation, Nan can learn a good lesson for being a safe city from the Covid-19, which can be a model for a safe city free of human trafficking and modern slavery.

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<https://spinheiro.com/en/>

The Global Cities Free of Slavery Project represents a first attempt to imagine and pilot a global network of cities which could develop, scale and share sustainable approaches to achieving community resilience against slavery.

This two-year project, led by Dr. Silvia Pinheiro, at the Pontifical Catholic University of Rio de Janeiro, aimed to link together policy-makers, academics, local officials, law enforcement and NGOs with an interest in civic and place-based responses to modern slavery and human trafficking, providing opportunities both for the development of individual knowledge and a focal point for future collaboration.

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