

**Contemporary Slavery and Racial Discrimination:
Civil Society Support to Survivors during the Global Pandemic
WEBINAR 2.12.2020**

Introductory remarks

Thank you for the invitation and the opportunity to discuss how slavery and racial discrimination have been and still are inextricably linked. It is the invention of “race” that opened the way to the enslavement of Africans by Europeans, as it was the distinction between civilized and uncivilized peoples that justified the taking of possession of lands against the will of inhabitants.

Main links between slavery and racial discrimination

Slavery and racial discrimination are still mutually strengthening; racial discrimination facilitates contemporary forms of slavery as it makes individuals vulnerable to exploitation and coercion on the ground of race, colour, descent, national or ethnic origin, intersecting with other grounds such as gender, age, disability; on the other hand, contemporary forms of slavery dehumanize people involved and nullify not only the exercise on an equal footing of their human rights, but essentially their recognition as rights-holders. Structural discrimination exacerbates the dehumanizing effect by turning the society unperceptive and ultimately complicit.

The Committee on the Elimination of Racial Discrimination has examined various situations where contemporary forms of slavery persist. The key link between slavery and racial discrimination remains the interplay between racial privilege and racial, ethnic or descent-based discrimination. The racial factor plays an important role in most cases: first, as persistent inferiority indicator that justifies coercion and exploitation of specific groups by the rest of the population. Here, we find deeply rooted discriminations against specific groups: although domestic laws have prohibited forced or bonded labour, the CERD has received reports indicating that these practices persist in reality affecting marginalized castes. In other countries, descent-based discrimination is perpetuated across generations by the continued practice of slavery among certain ethnic groups. Finally, women and children belonging to ethnic minorities are highly represented among victims of different forms of economic and sexual exploitation.

On the other hand, the racial factor is also central as a structural element trapping persons in systems of domination where the exercise of powers of ownership in practice is tolerated. Here, we have the combination of laws, practices and stereotypes that increase precariousness, racialize borders and proliferate the channels leading to contemporary forms of slavery. Women are recruited either to domestic work or sexual exploitation based on their racial characteristics as stereotypically perceived in the country of destination. Black and brown bodies of men workers also convey the historical legacy of slavery; they are considered physically stronger and durable, suitable, therefore, for manual and hard work, as farm workers and in difficult physical conditions, under the supervision of armed guards and without the right to ask for wages. The legislative framework contains traps related to visas, sponsorship systems, bank guarantees that justify the exercise of powers by the employer and turn the authorities neutral, if not indifferent, definitely inert, towards systemic violations.

Role of the UN Treaty Bodies

Persons subjected to contemporary forms of slavery are dehumanised and remain mostly invisible for national authorities. Treaty bodies have integrated various aspects of contemporary forms of slavery in their work and shed some more light to survivors as human rights-holders.

Under the reporting procedure, the treaty bodies have the opportunity to address separately the factors resulting in contemporary forms of slavery and help the States Parties identify gaps and

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systemic patterns in legislations or practices. In particular, treaty bodies request and discuss quantitative and qualitative data that expose inequalities and can potentially bring to the surface “hidden” population and vulnerable groups.

Treaty bodies should continuously intensify their efforts to clarify States Parties’ obligations under their respective treaty. It should be reiterated that international human rights law applies to all persons under the jurisdiction of States Parties and that immigration policies and legislations should not result in violations of the prohibition of non-discrimination. In many countries, victims of contemporary forms of slavery have to face stereotypes in the criminal justice that still sees them as potential aggressors and not as victims of crimes and human rights violations. Challenges persist in investigating cases, prosecuting the perpetrators effectively and imposing appropriate penalties along with other reparative measures.

Treaty bodies should continue to address specific recommendations on measures to:

- Tackle systemic impunity and ensure evidence-based accountability.
- Promote specialisation among legal and other professionals. Criminal justice may play an important role in shaping the understanding that such practices are illegal and not tolerated.
- Highlight the role of labour legislation, labour monitoring mechanisms and health professionals in combatting racial discrimination and identifying contemporary forms of slavery.
- Promote broad coalitions and victim-centred support services with the participation of communities affected. In this way, survivors will be empowered, and so will be their defenders. Victims rarely trust the authorities and it takes serious efforts and resources for CSOs to help survivors. States Parties should be invited to respect their work and involve them actively in trainings and consultations.
- Under the current circumstances, recommendations should also aim at mitigating the impact of the COVID-19 pandemic on members of marginalized and vulnerable groups and ensuring their access to health services and a safety net.

Finally, treaty bodies should enhance their cooperation with national human rights institutions, civil society organisations and trade unions in collecting information on the implementation of their recommendations, while promoting the direct participation and involvement of survivors in this process. After all, listening to them is only the beginning of their rehabilitation.