**Submission to the United Nations Special Rapporteur on Contemporary Forms of Slavery for the thematic report on homelessness as a cause and a consequence of contemporary forms of slavery**

1. About GAATW

The Global Alliance Against Traffic in Women (GAATW) is an Alliance of almost 100 non-governmental organisations from Africa, Asia, Europe, and the Americas. Member organisations provide assistance to migrants, survivors of trafficking, sex workers, informal workers, and victims of gender-based violence. The GAATW International Secretariat is based in Bangkok, Thailand and coordinates the activities of the Alliance, initiates research, and advocates on behalf of the Alliance.

Amongst its core activities, GAATW publishes the Anti-Trafficking Review (ATR), which is the first open access, peer-reviewed journal dedicated to the issue of human trafficking. It explores trafficking in its broader context and intersections with gender, labour, and migration. The upcoming 20th issue of the ATR will focus on “homelessness.” This submission is based on the findings and arguments presented in this issue, as well as the invaluable expertise of GAATW’s members and partners who provided information for inclusion in this submission.

1. Submissions
2. Draconian immigration laws push survivors of trafficking and slavery into homelessness

Increasingly draconian and discriminatory immigration policies have made it difficult for migrants who have experienced trafficking and slavery to access housing and accommodation, and increased survivors’ risk of homelessness.

Housing is often a significant priority for survivors of trafficking and slavery. For many, escaping human trafficking or slavery means the simultaneous loss of work, income and accommodation, however exploitative any of these were.

In Australia, many survivors of trafficking are not eligible for accommodation options due to their immigration status. More than half of survivors supported by the Australian Red cross are on a temporary visa, making them ineligible for access to social housing in the states of New South Wales, Victoria, Tasmania, and the Australian Capital Territory.[[1]](#footnote-2) Many survivors are also unable to pay privately for accommodation due to a lack of stable income, as result of the restrictions on their right to work.[[2]](#footnote-3)

Survivors are only eligible for longer-term visas if they participate in the investigation of a human trafficking or slavery offence. This immediately excludes survivors who are unwilling or unable to engage with authorities, leaving them unsupported and vulnerable to homelessness. Moreover, even for those survivors who do engage with the authorities, their eligibility for these longer-term visas will cease once an investigation closes, which creates uncertainty when they are applying for community or public housing.[[3]](#footnote-4)

In France, as in other European countries, the only available process by which survivors of exploitation and slavery can access state support, is to seek asylum. However, asylum seekers are not allowed to work in France (as again is the case in many European countries) and so cannot earn money to pay for private housing. The only available state-provided emergency accommodation in France is hugely over-subscribed. Survivors report that when they contact the emergency accommodation phone platform (115), they are often offered only a single night with no guarantee of being able to stay longer.[[4]](#footnote-5) Survivors have reported waking up every morning at 5 o’clock to call 115, yet most times the lines are already too busy and there is no answer.[[5]](#footnote-6)

Moreover, many asylum seekers in France are prohibited from accessing the limited accommodation that is available by the EU Dublin Regulation which prohibits survivors of trafficking who have moved from one country to another in Europe (freely or not) from accessing the asylum process, and therefore from accessing any of the support services designated for asylum-seekers.[[6]](#footnote-7)

1. Paternalistic anti-trafficking support services push survivors away from housing services

In the United States, punitive policies and procedures have limited the implementation of trauma-informed housing services, leading to housing instability for survivors seeking safety.[[7]](#footnote-8) Historically, anti-trafficking housing programmes have employed practices that restrict survivor autonomy by establishing prerequisites such as sobriety or limiting cell phone use. In addition, some programmes require participation in case management or therapy, and opening of savings accounts, as a condition of using their services. While the programmes may see these policies as necessary for the safety of staff and other residents, such practices can recreate the power and control dynamics that a survivor experienced during their trafficking situation, pushing survivors away from otherwise safe housing options.[[8]](#footnote-9)

Similarly, in Australia, of the accommodation services which are available to survivors, many have rules and requirements that are not supportive of survivors’ unique needs. These include restrictions on survivors’ freedom of movement (curfews, limitations on staying away from the premises) or on the use of alcohol and other drugs (which makes survivors experiencing substance addiction more vulnerable to homelessness).[[9]](#footnote-10)

In Malaysia, all migrant victims of trafficking identified by the authorities are forcibly placed in shelters for the duration of the criminal proceedings against their traffickers or while awaiting repatriation. The state-run shelters, however, resemble prisons, with severe overcrowding, lack of psychological, medical or legal services and women forced to wear uniforms and having their freedom of movement and contacts with the outside world restricted.[[10]](#footnote-11)

1. Homelessness can be a driver for women to migrate overseas for work, including in exploitative conditions

In a recent study that GAATW conducted with partners across South Asia, buying land or building a house was a specific motivation for many women who migrated overseas to work in Middle Eastern countries.[[11]](#footnote-12) In Andhra Pradesh, India, many women who migrated for work came from the most marginalised communities, living on the periphery of villages without proper shelter. Many of these women were from “Scheduled Castes,” who are often ignored by government housing schemes. In order to survive, these women typically engage in agricultural work or domestic work in the homes of wealthier members of the community, but are sometimes targeted by agents who promise “domestic work” overseas that will earn them enough money to finally buy a home.[[12]](#footnote-13)

Some of these women went on to endure exploitative working conditions, trafficking and slavery whilst overseas, and returned without having earned the money they had hoped to. This precarity worsened during COVID-19 and many of the returnees we spoke with across South Asia did not have houses of their own and were unable to pay rent.[[13]](#footnote-14) Others had to mortgage their homes in order to repay exorbitant debts to migration brokers.[[14]](#footnote-15)

1. Anti-trafficking initiatives can fuel homelessness when they conflate sex work with trafficking and slavery

International research has often focused on participation in sex work by people experiencing homelessness as evidence of their victimisation and exploitation, yet sex work can actually be a means through which homeless people are able to meet their basic needs. Rather, it is the anti-trafficking initiatives that conflate sex work with exploitation, which often contribute to homelessness.[[15]](#footnote-16)

The conflation of sex work with trafficking and slavery has led to the criminalisation of sex work in much of the United States.[[16]](#footnote-17) These same attitudes have also led to specific restrictions on the ability of migrants to engage in sex work in, for example, New Zealand, where despite the decriminalisation of sex work amongst adults, it remains illegal for migrants on temporary visas to work in the sex industry.[[17]](#footnote-18)

Far from tackling exploitation, these attitudes have had a huge impact on the vulnerability of people engaged in sex work to homelessness. In the United States, women engaging in street-based sex work, who are the primary targets of prostitution arrests and incarceration, often report unstable housing or homelessness as a result of repeated arrests and detention.[[18]](#footnote-19) Sex work may also constitute the basis for eviction or exclusion from public housing.[[19]](#footnote-20) The scale of this problem is exemplified by the fact that some women engaged in sex work have described jail as a viable housing option, in juxtaposition to the difficulty of obtaining and maintaining housing as a person engaged in sex work in the United States.[[20]](#footnote-21)

The long-term impact of criminalisation has also been demonstrated in New Zealand, where even post-decriminalisation, historic convictions have made it more difficult for sex workers to obtain jobs and a stable income and has therefore made many more vulnerable to homelessness.[[21]](#footnote-22)

1. Recommendations

In light of the above, GAATW recommends that Member States:

1. Ensure all survivors have access to safe and affordable housing irrespective of their immigration status. This includes giving irregular migrants and migrants on temporary visas access to social/public housing, permission to work so as to be able to earn a stable income, and access to adequate welfare benefits for those who are unable to work.
2. Ensure that access to safe and affordable housing for survivors is not contingent on survivors’ cooperation with law enforcement authorities.
3. Establish a national framework for identifying victims of trafficking and slavery, and implement measures to provide for the physical, psychological and social recovery of victims, including the provision of appropriate housing.
4. Ensure that housing services provided to survivors are supportive of survivors’ unique needs and do not unduly restrict their autonomy, including their freedom of movement, their right to a family life and their ability to work (including restrictions on which sectors of work survivors may engage in).
5. Ensure that the right to adequate housing is guaranteed for all people, without discrimination.
6. End anti-trafficking initiatives which conflate sex work with trafficking and slavery, decriminalise sex work, remove restrictions on the rights of migrant to carry out sex work, and expunge any historic convictions for sex work.

1. K Raby, N Chazal, L Garcia-Daza, and G Mebalds, ‘“No Income, Temporary Visa, and Too Many Triggers”: Barriers in accommodating survivors of human trafficking and slavery in Australia’, *Anti-Trafficking Review*,issue 20, 2023 [↑](#footnote-ref-2)
2. *Ibid.* [↑](#footnote-ref-3)
3. *Ibid.* [↑](#footnote-ref-4)
4. Information provided by Association Mist (Mission d'Intervention et de Sensibilisation contre la Traite) [↑](#footnote-ref-5)
5. Information provided by Association Mist (Mission d'Intervention et de Sensibilisation contre la Traite) [↑](#footnote-ref-6)
6. The Dublin Regulation (Regulation No. 604/2013 of the European Parliament and the Council) [↑](#footnote-ref-7)
7. K Romero, T Torres, A Jones and C Dacosta-Reyes, ‘Closing the Door on Survivors: How anti-trafficking programmes in the US limit access to housing,’ *Anti-Trafficking Review*,issue 20, 2023 [↑](#footnote-ref-8)
8. *Ibid.* [↑](#footnote-ref-9)
9. K Raby, N Chazal, L Garcia-Daza, and G Mebalds, ‘“No Income, Temporary Visa, and Too Many Triggers”: Barriers in accommodating survivors of human trafficking and slavery in Australia’, *Anti-Trafficking Review*,issue 20, 2023 [↑](#footnote-ref-10)
10. H B A Hamid, ‘Shelter Homes – Safe haven or prison?’, *Anti-Trafficking Review*,issue 20, 2023. [↑](#footnote-ref-11)
11. Sustainable Reintegration – What Do Women Migrant Workers in the South Asia-Middle East Corridor Say?, GAATW, Bangkok, 2022. [↑](#footnote-ref-12)
12. Information provided by the National Workers Welfare Trust (NWWT). [↑](#footnote-ref-13)
13. Sustainable Reintegration – What Do Women Migrant Workers in the South Asia-Middle East Corridor Say?, GAATW, Bangkok, 2022. [↑](#footnote-ref-14)
14. *Ibid.* [↑](#footnote-ref-15)
15. B Fraser, E Chisholm, and N Pierse, ‘Takatapui/LGBTIQ+ people’s experiences of homelessness and sex work in Aotearoa New Zealand,’ *Anti-Trafficking Review*,issue 20, 2023 [↑](#footnote-ref-16)
16. C S Shdaimah, N D Franke, T D Becker, C S Leon, ‘Of House and Home: The meanings of housing for women engaged in criminalised street-based sex work,’ *Anti-Trafficking Review*,issue 20, 2023 [↑](#footnote-ref-17)
17. B Fraser, E Chisholm, and N Pierse, ‘Takatapui/LGBTIQ+ people’s experiences of homelessness and sex work in Aotearoa New Zealand,’ *Anti-Trafficking Review*,issue 20, 2023 [↑](#footnote-ref-18)
18. C S Shdaimah, N D Franke, T D Becker, C S Leon, ‘Of House and Home: The meanings of housing for women engaged in criminalised street-based sex work,’ *Anti-Trafficking Review*,issue 20, 2023 [↑](#footnote-ref-19)
19. *Ibid.* [↑](#footnote-ref-20)
20. *Ibid.* [↑](#footnote-ref-21)
21. B Fraser, E Chisholm, and N Pierse, ‘Takatapui/LGBTIQ+ people’s experiences of homelessness and sex work in Aotearoa New Zealand,’ *Anti-Trafficking Review*,issue 20, 2023 [↑](#footnote-ref-22)