

分享：COVID-19疫情期间 保护工人和现代奴役受害者 的好方法

研究项目报告

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致谢

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以下民间社会组织和工会接受了采访，就COVID-19（新冠病毒疫情）对现代奴役的多方面影响以及减轻这些影响的好方法提供了宝贵意见，研究团队特此表示衷心感谢：

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本报告仅代表作者观点，不一定代表现代奴役与人权政策和证据中心的观点。

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内容提要

该项目对COVID-19对现代奴役的主要影响进行全面而扼要的评估，并指出可以采取哪些好方法来保护受害者和受影响的工人。此次流行病影响了各国对现代奴役的防范和对受害者的保护，并增加了产生现代奴役现象的风险。该项目确定并批判性分析了哪些好方法有助于防范此次流行病加剧现代奴役和失业问题。最后，研究提出了在流行病等紧急情况下遏制现代奴役的指导原则。

方法：

这项研究依据不断发表的学术文献报告和有关数据，开展案头分析。这些数据来自政府、民间社会组织、工会、区域和国际组织以及媒体（视情况而定）。除了案头研究之外，还采取了一系列半结构化的访谈，访谈对象是从事现代奴役和工人权利领域工作的30多个非政府利益攸关方。

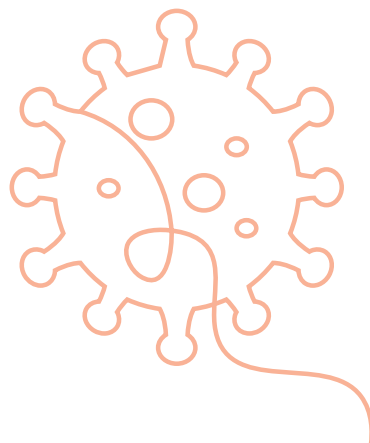
COVID-19对现代奴役现象的多方面影响

有一些人遭受着统称现代奴役的各种形式的剥削，此次流行病对他们产生了严重影响。这项研究侧重于这种影响的两个方面：第一是反奴役行动，包括保护和支持受到现代奴役影响的人；第二是此次流行病如何使人们更容易因失业而遭受剥削。

1 反奴役行动受阻

该项目发现，在一些国家和地区，对现代奴役的调查、起诉和惩罚，包括劳动监察和法庭诉讼，已经中断或推迟。由于全国性的隔离观察行动迫使一些人采取远程工作方式，且从反奴役行动中抽调资源来控制这场流行病，从而出现了这种局面。

更重要的是，从人权的角度来看，在全球范围内对受到现代奴役影响的人的保护都受到了影响。在流行病期间，受害者对面对面服务的需求同样存在，但是面对面服务的提供基本上已经停止。虽然许多组织做了调整，在线或通过电话提供服务，但这些服务并不总是能够提供给最弱势的群体，特别是在低收入地区。他们还面临其他障碍，包括无法与公共当局沟通、缺乏资金以及一线工人和现代奴役受害者感染COVID-19的风险增加。



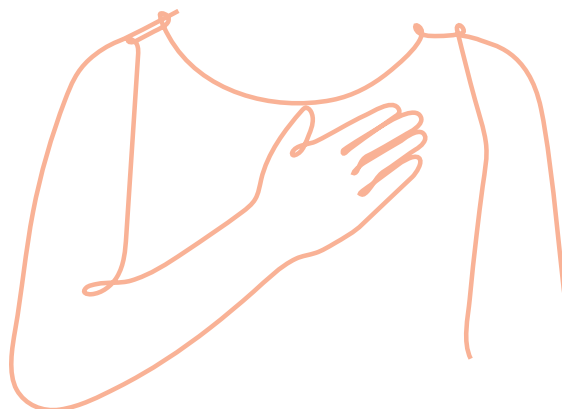
2 风险增加

流行病的发生，还增加了若干个关键方面的风险。首先，由于失业风险增加，一些受此影响的工人沦为奴工，或遭受强迫劳动、人口贩卖和其他形式的剥削。该研究发现，世界各地发生了从正规经济体到非正规经济体的一些人口流动现象。非正规经济体的特点是劳动中存在随意性、不稳定性，缺乏政府的充分保护。全球还有大量非正规工人失业。在低收入地区（即亚洲、非洲和拉丁美洲），非正规工作占劳动力的90%以上。毫无疑问，这些地区受到的影响最严重。这些工人别无选择，为了生存，只要有工作就做，因而处于更容易受剥削的境地。

第二，一些部门对劳动力需求的增加，导致工人遭受剥削和虐待。例如，在此次流行病期间，保健和社会护理和家庭佣工的工作量增大了。据报告，在生产个人防护用品的工厂和农业部门，虐待和剥削事件时有发生，包括生活和工作条件的恶化。许多政府没有增加保护，而是选择放松或暂停劳动和社会保护，以应对此次流行病造成的经济影响。

第三，此次流行病对儿童产生了不利影响。学校临时关闭，导致农业、建筑、采矿和家务劳动等方面的童工人数增加。据报道，在亚洲和非洲等一些地区，一些女童被迫结婚。在这场流行病期间，网上对儿童的性剥削也有所增加。

最后，工人从非正规经济到非法经济的流动已经出现。有报道说，有的失业妇女为了谋生而从事所谓“性交易”。在此次流行病中，还一直存在其他形式的犯罪性剥削，包括狡猾犯罪团伙组织的毒品生产、强迫乞讨和有组织盗窃。



保护现代奴役受害者和受流行病影响工人的好方法

1) 反奴役行动

必须认识到，许多国家政府继续采取执法对策，保护受害者，包括为跨国或国际刑事司法合作提供便利。一些国家和地区还迅速通过了虚拟法庭听证会，以便让那些从事现代奴役的人尽早受到起诉和惩罚。此外，民间社会组织也在保护受害者中发挥了重要作用，包括继续提供面对面的服务。

2) 缓解失业

减轻流行病造成失业的一些好方法正在付诸实施。100多个国家和地区普遍实施了通过工资补贴保就业的做法，即政府支付一定比例的工人工资。中欧、亚洲、非洲和拉丁美洲还推出了一些公共工程或项目，并提供职业和技能培训。此外，还向自由职业者、非正规工人、妇女、年轻人和有证件/无证件流动工人等弱势群体提供了现金转账等经济和社会支持。

3) 改善工作和生活条件

一系列改善工作条件的措施逐步得到推动。许多政府和企业都实施了劳动健康和安全措施，包括在家工作、错开工作时间、为保持社交距离提供便利和提供个人防护用品。有些国家已经颁布了法律或法规，要求采取这些措施。此外，还实行了免费医疗检测和治疗，尽管这些措施仅在中高收入国家和地区更为普遍。此外，还向感染此病毒的人员提供了额外的财务支持和特别休假计划，让他们不用担心被解雇或失去工资收入。

为了改善工人的生活条件，80多个国家和地区还向最无保障和最贫穷人口提供了紧急粮食救济。该项目发现，世界各地的民间社会组织和工会在此次流行病期间非常积极地提供食品和其他必需品。此外，欧洲、亚太和拉丁美洲的许多国家政府还积极考虑临时禁止驱逐，其他国家政府与国家金融机构和公用事业公司合作，提供财政支助，帮助工人支付租金/分期付款或水电等公用设施费。

就新兴良好方法的批判性分析

1) 反奴役行动

该项目发现，仍有改进的余地，特别是在保护现代奴役受害者方面。据称在流行病期间向个人提供的支持力度不够，而且各国政府没有承认或支持民间社会组织的贡献。

2) 对失业工人的支持

就对失业工人的经济和社会援助而言，这些援助的性质是临时性的，在此次流行病期间其中许多援助已经停止。有人认为，在世界所有地区，所提供的支助水平都不够高。这是因为许多国家，特别是低收入国家的政府，无力承担这笔开支。

3) 弱势群体受影响最大

显然，受影响最严重和最弱势的人群以某种方式被排除在支助和援助之外。例如，保就业计划主要适用于正规部门，因此，大量非正规工人实际上并未从中受益。其他一些原因，例如缺乏有效的基础设施或支助分发机制，官僚作风严重，以及无法有效登记受益人，都使妇女、青年、有证件/无证件的流动工人、土著人、少数民族和本国和外国流离失所者极难从现有支助中受益。

4) 工作和生活条件

在生活和条件方面，也发现了各种问题。例如，由雇主组织或管理的工人宿舍据说仍然不卫生，过于拥挤，因此工人无法保持社交距离，增加了感染COVID-19病毒的风险。这是由于缺乏有效的立法和其他措施，包括世界各国政府更强有力的劳动监察，但企业和雇主也经常不遵守官方的指导原则。

据报道，在全球各地的工作场所，特别是在非正规部门，个人防护用品的交付速度缓慢，甚至根本无法获得。许多企业仍然没有提供充分的个人防护用品，该项目发现，有一些民间社会组织或工会组织介入，提供个人防护用品。另据报道，贫困和边缘化人群并不容易获得COVID-19检测和治疗。

5) 民间社会组织和工会的活动

在全球，民间社会组织和工会的活动全都受到了影响。除了在提供面对面服务方面遇到各种困难外，在全球范围内，这些组织还都遭受过骚扰和恐吓。另外，在制定和实施COVID-19应对措施时，许多国家的政府并没有征求这些组织的意见。

紧急情况下遏制现代奴役行动的指导原则

按照国际人权法、国际劳工法和其他有关国际法分支，各国负有明确的法律义务，在紧急情况下，使用以下原则，继续采取反奴役行动：

- **原则1：** 在紧急情况下，必须将保护人权作为反对现代奴役行动的重中之重。
- **原则2：** 各国必须在紧急情况下继续调查、起诉和惩罚现代奴役。
- **原则3：** 必须根据现有的人权准则和原则，在紧急情况期间对现代奴役进行执法。
- **原则4：** 反奴役对策中必须包含金融调查和没收现代奴役的犯罪所得。
- **原则5：** 各国必须继续查明和保护紧急情况中的现代奴役的受害者。
- **原则6：** 各国必须确保企业和雇主在紧急情况下尊重和保护人权。
- **原则7：** 各国必须通过立法、行政、司法和其他手段，确保提供司法服务和补救措施。
- **原则8：** 在促进有效保护方面，各国应与民间社会组织和工会积极合作。
- **原则9：** 各国应改善工人的工作和生活条件。
- **原则10：** 在紧急情况下，各国必须继续防止现代奴役。
- **原则11：** 国际合作和团结对于在紧急情况下继续采取反奴役行动至关重要。

简介

现代奴役政策与证据中心通过艺术和人文研究委员会为本项目提供了资助。该项目的主要目的是研究COVID-19对现代奴役的关键影响，认识/分享保护工人和现代奴役受害者的好方法，推广以受害者为中心的做法。核心研究小组的成员包括Tomoya Obokata教授（首席研究员）、Forough Ramezankah博士（联合研究员）和国际少数群体权利组织（Rasha Saba女士和Samrawit Gougsa女士）。

最初确定了如下主要研究问题：

- COVID-19流行病对反奴役行动（包括保护受害者）有何影响？
- 在流行病期间，可以采取哪些好方法来执行反奴役行动？
- 失业如何促使失业工人从正规经济向非正规经济流动，从非正规经济向非法经济流动，从而增加这些工人的不稳定性和风险？
- 对于那些在流行病期间坚持运营的部门，企业和雇主所助长的剥削和虐待的性质和程度如何？
- 在保护工人的权利，包括他们的生活和工作条件方面有哪些好方法？它们是否对流行病的主要影响做出了充分的应对？
- 保护措施是否专门针对特定弱势人群的具体需要？
- 在这场流行病期间，保护现代奴役受害者和工人面临哪些重大挑战？

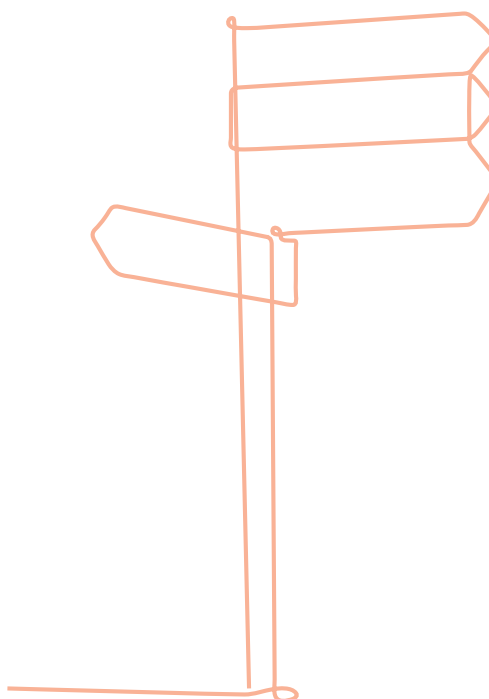


本项目报告回答了这些问题。为了最大限度地发挥项目的影响，提出了好方法和切实可行的建议，以期现代奴役受害者和受此流行病影响的工人得到更好的保护。

在研究方法方面，该项目是一项覆盖全球的快速反应项目。因此，数据收集自所有地区：亚洲及太平洋、欧洲、非洲、美洲和中东。需要说明的一点是，如果一些国家和地区未出现在提及名单，并不表明未对这些国家进行评估。这仅仅反映了不可能每次都列出一个长长的名单。鉴于该项目的周期很短（6个月），不可能探讨世界各国政府实施的所有措施。因此，研究团队决定关注直接使受影响的工人和现代奴役受害者受益的关键措施，而不考虑旨在帮助企业/雇主而采取的更广泛措施。

该项目的大部分工作是对政府、民间社会组织、工会、区域和国际组织提供的最新学术文献、报告和数据进行案头分析。在适当情况下，也依赖媒体报道。在开展这项案头研究的同时，还对从事现代奴役和工人权利领域工作的非政府利益攸关方进行了一系列半结构化访谈，从而核实从案头研究中获得的相关信息和数据。利用研究团队现有的网络，该项目得以与30多个民间社会组织和工会取得联系，进行面对面的虚拟访谈。

本项目报告分为几个部分。第一部分概述了COVID-19对反奴役行动、就业和现代奴役的主要影响。第二部分确定了保护现代奴役受害者和受影响工人的好方法，包括民间社会组织和工会等其他人权维护者所作的重要贡献。第三部分对好方法进行了批判性分析，以审查这些做法是否适当和有效。在这项分析的基础上，第四部分提出了结论和供相关利益攸关方采纳的实用建议清单。最后，第五部分提出“紧急情况下遏制现代奴役行动的指导原则”。



第一部分 COVID-19对现代奴役行为的多方面影响

1.1. 对反奴役行动和受害者保护行动的影响

目前的项目发现，在一些国家，对现代奴役的调查、起诉和惩罚在此次流行病期间被中断或减缓¹。造成这种情况的原因是封锁，因为封锁，世界各地的公共当局选择远程工作和/或将本来用于反奴役行动的资源转移到防治这一流行病上。国际刑警组织称，由于在封锁期间，执法人员的人数减少，使用国际数据库等调查工具的机会减少，对网上剥削儿童现象的调查受到影响²。面对面的劳动监察³、金融调查和犯罪资产追回⁴也受到这一流行病的影响。另据报道，一些国家对现代奴役的刑事诉讼被推迟甚至中止⁵。

很明显，COVID-19流行病对保护现代奴役受害者提出了挑战。在世界所有地区，调查现代奴役的工作全都被推迟⁶。据报道，澳大利亚、玻利维亚、加拿大、墨西哥、尼泊尔和西班牙等国⁷的服务减少，在其他国家，由于民事、刑事和行政司法/非司法程序的延迟，已停止补偿有关人员⁸。

另外，在保护受害者方面，一线民间社会组织遇到困难，因为行动受到限制，因封锁而只能进行远程工作，这些组织更难接触受害者并提供面对面的服务⁹，尽管在流行病期间人们同样需要这些组织的服务¹⁰。据报道，还有一个影响是资金短缺¹¹，这迫使一些组织结束其计划和/或解雇工人¹²。此外，正如对奥地利、中非共和国、克罗地亚、印度和秘鲁的报告指出，公职人员只能开展部分工作或远程工作，这妨碍了与一线工作人员的有效沟通¹³。在各个低收入国家，公共当局，特别是地方一级的公共当局，并不总是能够获得笔记本电脑等现代技术或充分的互联网接入¹⁴，这增加了进行通信和提供保护的困难。虽然许多组织已转而通过电话、电子邮件、社交媒体和互联网提供服务，但需要的人并不总是能够获得这些服务¹⁵。对于那些在流行病期间开展工作的服务提供者来说，一线工作人员感染COVID-19病毒的风险已引起严重关注¹⁶。由于这些原因，许多受害者无法逃脱虐待和剥削¹⁷，他们的人权继续受到侵犯。对于获救者来说，还有另外一些挑战，比如难以实施自我隔离或保持社交距离¹⁸，除了封锁措施造成的心理压力外¹⁹，这些挑战还增加了病毒感染的风险²⁰。

1.2 对就业的影响

此次流行病造成的一大后果是失业。根据国际劳工组织的数据，2020年全球工作时间减少了8.8%，相当于2.55亿份全职工作，收入损失达3.7万亿美元²¹。该项目的一个研究问题是，在正规经济中失业是否会促使人们向非正规经济（其特点是随意、不稳定以及缺乏足够的劳动力、经济和社会保护）流动²²。这一部门的大量工人没有可靠的就业合同，他们做临时工和/或日结工资工作²³。因此，他们不享有与在正规经济中工作的人同样的权利和福利²⁴，更容易受到剥削和虐待。还应强调非正规经济的性别性质，因为在低收入国家，90%的妇女从事非正规工作²⁵，即使在发达国家，如日本和英国，妇女在零时工合同的低薪工作（如家务、清洁、客户服务和招待）中所占比例也过高²⁶。

本项目没有发现失业工人从正规经济向非正规经济的广泛和系统性的流动。这可能是由于许多国家的政府实施了保工作的计划和其他支助（如下所述）来保护他们。然而，在世界的一些地方新出现了这种流动。例如，在巴西，黑人少数民族和土著人民特别容易失业，迫使他们在非正规部门寻找工作²⁷。印度、肯尼亚、斯里兰卡、塔吉克斯坦和乌干达也有类似趋势的报告²⁸。此外，世界各地的青年失业似乎促使更多人从事非正规工作。2020年第一季度，仅亚太地区就减少了约6%的工作时间，相当于2.47亿份全职工作²⁹。国际劳工组织注意到，由于此次流行病，在低收入国家年轻人从事非正规工作的比例已上升到95%以上，在中等偏下收入国家³⁰则上升到91%。此外，还发生了一些失业妇女、女孩和LGBTQ人士由于被排除在经济支助之外而诉诸性交易行为的情况³¹，使得自己面临感染COVID-19、性传播疾病和剥削的风险³²。

更重要的是要认识到，全球有大量非正规工人失业³³。哥斯达黎加和智利在2020年4月至6月期间，家务劳动行业的就业率分别下降46%和48%。据报道，黎巴嫩失业的家庭佣工没有得到政府的足够支持，流落街头³⁴。在孟加拉国、柬埔寨和越南的服装业中，由于合同取消，妇女更大比例地失业³⁵。此外，据称印度有8000万国内流动工人失业，其中大多数属于被称为达利特人³⁶的最低种姓³⁷，毛里塔尼亚也出现了类似的情况，在那里，许多遭受世系奴役的人受到影响，而那些拥有权力和特权的人继续得到政府的支持³⁸。总的来说，预计有16亿非正规工人将因这一流行病而失去工作³⁹。在某些情况下，失业工人从正规部门向非正规部门的流动，增加了那些已经在非正规部门工作的人的压力，因为他们现在不得不竞争稀缺的工作⁴⁰，这进一步增加了他们工作的不稳定性和工作条件的恶化⁴¹。对于受扶养中的外国流动工人来说，还有一个问题，即一旦他们失去工作，就会成为无证件者，使他们无法获得经济或社会援助以及其他重要的支助和服务⁴²。

1.3 对现代奴役的影响

该项目发现，这场流行病加剧了世界所有地区的现代奴役现象。这一点在流行病期间一直在经营的企业中很明显，其中许多企业从事非正规经济经营。首先，应当解释强迫劳动的表现形式。国际劳工组织认为，滥用弱点、欺骗、限制行动、隔离、人身暴力和性暴力、恐吓和威胁、扣留身份证件、扣留工资、因债扣押、虐待性工作和生活条件以及过度加班⁴³都是强迫劳动的主要表现形式，对工人的人权造成不利影响。正如本报告通篇所示，在此次流行病期间，这些问题在世界所有地区都表现得非常明显。

例如，妇女占全球一线保健和社会护理工作者的70%以上（其中许多是移民），由于其工作性质，面临着更高的感染COVID-19病毒的风险⁴⁴。据报道，由于人手短缺，许多人的工作时间延长，同时在家要照顾家人⁴⁵。社会护理通常被视作“低技能”工作，据称工人只拿到临时或零时工合同下的最低工资⁴⁶，使他们处于朝不保夕的不稳定境地。加拿大、法国、瑞典和英国都是这样⁴⁷。据报道，在巴西、克罗地亚、印度尼西亚、新西兰和美国，这些一线工人难以获得个人防护用品⁴⁸，在中国、意大利和新加坡，也有身体和言语暴力的报道⁴⁹。

另一项在此次流行病期间蓬勃发展的生意是个人防护用品的生产。在中国，一些公司涉嫌利用维吾尔族少数民族生产医用口罩，其条件相当于强迫劳动⁵⁰。马来西亚、巴基斯坦和南非⁵¹也有关于强迫劳动和童工现象的报道。此外，香港和美国的服刑人员被强迫长时间劳动，生产口罩⁵²。

此外，值得强调的是，由于消费需求不足⁵³，服装订单取消，导致失业，有报道说，亚洲的服装业正转向生产个人防护用品。仅在柬埔寨，就有400家工厂自流行病以来暂停生产，影响到15万名工人⁵⁴。柬埔寨服装制造商协会随后提交了一份生产个人防护用品的提案，该提案后来得到了政府的批准⁵⁵。孟加拉国、印度、印度尼西亚、巴基斯坦和越南也出现了类似的情况⁵⁶。虽然创造就业机会是缓解失业的一个重要步骤，但同时也有了虐待和剥削的情况报道⁵⁷，突出表明需要采取强有力的立法和其他措施来保护工人。同样重要的是要记住，提高工人权利和尊严的责任不仅在于个人防护用品的生产国，也在于推动了强劲需求的消费国。

食品生产/加工是另一个一直强劲需求劳动力的部门。据报告，农业工人和季节性工人在相当于强迫劳动的条件下工作⁵⁸。在德国，工作中并不总是保持社交距离⁵⁹。在泰国渔业和墨西哥农业部门⁶⁰，以解雇相威胁，提供恶劣工作条件（如没有病假、健康和安全问题增加以及工作时间长），这些都得到了证明⁶¹。在美国，根据总统签署的行政命令，肉类生产厂在流行病期间仍然营业，工人中出现了病毒感染和死亡的情况，其中许多人是移民、难民，以及少数民族，他们不得不在拥挤的地方长时间工作，却享受不到病假等福利⁶²。

此外，虽然一些家庭佣工在流行病期间能够保住工作，但他们的工作条件却恶化了。家政工作的性别性质应该引起注意，因为80%的家政工人是妇女⁶³，COVID-19给她们带来了更大的不确定性。例如，据说黎巴嫩和土耳其的家庭佣工工作量增加，以确保雇主的清洁和卫生，而许多人没有得到加班费或补偿⁶⁴。阿联酋和科威特的一些雇主在政府的积极鼓励下，一直在削减工资或强迫他们休无薪假^{65,66}。在亚洲、非洲、美洲和中东，也有类似的虐待和剥削事件的报道，包括扣留身份证件和身体/心理暴力⁶⁷。这些工人遇到的另一个困难是语言。卫生和社会保障方面的信息往往以他们不懂的语言提供⁶⁸，打击了他们寻求援助的积极性。

还有其他一线工人，他们一直在提供重要的服务，如清洁工、司机、保安和超市工作人员。与其他行业一样，他们在不安全的条件下长时间工作的压力越来越大⁶⁹，但并不总是享有与其他企业相同的权利和福利，如带薪病假和收入支助⁷⁰。这是非正规部门常见的问题，如前所述。这些工人中有很一部分人是移民或属于少数民族群体⁷¹，从而凸显了这些弱势群体受到了COVID-19的更大影响。

世界各地的许多政府不但没有改善这些工人的状况，反而暂停了劳动和社会保障⁷²，这增加了进一步剥削和虐待的风险。有报告指出，在亚洲、中东和拉丁美洲，就有延长工作时间/天数、暂停最低工资条例和使工作条件恶化的其他措施⁷³。除其他因素外，季节性工人和流动工人容易受到不利影响，因为他们往往在最低工资、工作时间、节假日和年假方面不受劳动和社会保障⁷⁴，但由于担心被解雇和由此产生的执法行动（如拘留和驱逐出境），他们不敢开口说话，因为其就业往往离不开其雇主⁷⁵。劳动保护法的松弛还更多地影响到了印度和孟加拉国的达利特人，他们被迫长时间工作，没有工资、休息或休闲⁷⁶。从这些例子中可以明显看出，如前所述，强迫劳动的表现在世界所有地区都明显存在。

在此次流行病期间，除了工作条件外，全球许多工人的生活条件也在不断恶化。正如关于加拿大、希腊、马尔代夫、新加坡和中东的报告指出，许多流动工人被迫住在狭窄的、卫生条件差的住所里，在此无法保持适当的社交距离⁷⁷。他们中的大多数人在非正规或非正规的条件下工作，因此无权享受卫生和社会保障⁷⁸。

奴役、强迫劳动和其他类似奴隶的做法之所以能够得逞，还有其他方面的原因。剥削儿童就是一个明显的例子。根据联合国儿童基金会的资料，在这场流行病期间，有16亿儿童面临停课、停学⁷⁹。虽然世界各地的许多学校通过媒体（如电视和广播）或网络开展教育，以减轻COVID-19对教育的负面影响⁸⁰，但仍有数百万儿童，特别是低收入国家和地区的儿童，由于其家庭无力支付笔记本电脑、平板电脑或互联网连接的费用，未能从中受益⁸¹。

事实上，有证据表明，在巴西、科特迪瓦、加纳、危地马拉、印度、伊拉克、马拉维、毛里塔尼亚、墨西哥、菲律宾、坦桑尼亚、乌干达和赞比亚等国，学校的关闭促进甚至迫使大量儿童进入劳动力市场（如农业、建筑、采矿和家务活）或在街头甚至在家中工作⁸²。据报道，孟加拉国、埃塞俄比亚、肯尼亚、印度、毛里塔尼亚、尼泊尔、尼日尔、塞内加尔和越南⁸³发生了令人不安的强迫婚姻事件，因为许多父母将童婚视为应付经济困难的一种方式⁸⁴。此外，在布基纳法索、马里、莫桑比克和尼日尔，学校关闭加上粮食短缺和安全局势恶化等其他因素，为招募儿童加入武装团体提供了便利⁸⁵。

学校关闭的另一个副作用是网上性剥削，因为孩子们用在网上的时间越来越多。据国际刑警组织称，在这场流行病期间，通过点对点网络和暗网、社交媒体和其他平台，对儿童在线色情制品的访问量大大增加⁸⁶。欧洲刑警组织证实，在欧盟成员国，也存在类似的网上剥削儿童的趋势⁸⁷。据报道，在菲律宾、肯尼亚和乌干达，存在犯罪分子和一筹莫展的父母对儿童进行性剥削的现象，包括直播⁸⁸。

其他形式的犯罪剥削也正在出现。贩卖人口就是一个很好的例子。从利比亚到南欧的人口贩运实际上增加了，这是由于COVID-19的经济影响造成的，75%的移民和难民在非正规部门失去了工作⁸⁹，在西地中海路线（经摩洛哥⁹⁰）和其他地区⁹¹也出现了类似的情况。例如，亚洲和拉丁美洲的土著妇女和女孩遭到贩运并在性产业中受到剥削⁹²，孟加拉国、海地、马里和尼日尔难民营内流离失所妇女和女孩也遭到类似的剥削和虐待⁹³。

在阿富汗，由于收入损失和缺乏替代收入，一些人转向鸦片生产⁹⁴。在英国，犯罪集团利用执法中的资源再分配促进大麻生产，大麻生产主要由被贩运的越南国民进行⁹⁵，巴尔干地区的有组织犯罪集团也同样利用儿童进行贩毒⁹⁶。关于非法捕捞贝类的现代奴役的报道也开始出现⁹⁷，在非洲，人们发现街头有越来越多的儿童，他们在犯罪分子的协助下，从事强迫乞讨、盗窃和其他活动，受到剥削⁹⁸。

总之，在犯罪分子、企业和雇主的参与下，现代奴役继续存在，全球都受到了COVID-19的负面影响。世界各地大量工人的工作和生活条件不断恶化。特别令人关切的是受到最严重影响的弱势群体，包括妇女、儿童和青年、土著人、少数群体（包括世系奴役或在册种姓）、本国和外国流离失所者，以及流动工人，他们大多在非正规行业工作，由于缺乏劳动和社会保障，面临更多的挑战。这些现象明显侵犯了现代奴役受害者和受影响工人的人权，这些问题迫切需要解决。

第二部分：保护现代奴役受害者和受 流行病影响工人的好方法

2.1 反奴役行动

尽管在这场流行病期间继续采取反奴役行动存在困难，但一些好方法正在浮出水面。第一，各国继续进行调查、劳动监察和起诉⁹⁹。世界各地也在开展国际刑事司法合作。根据美墨双边打击人口贩运行动计划，两国一直通过交换情报，为跨境调查和起诉人口贩运犯罪提供便利，并加强了没收犯罪所得的金融调查工作¹⁰⁰。在欧洲，欧洲司法组织（欧洲联盟刑事司法合作署）在这一流行病期间仍然充分运作，并成功地协助了与罗马尼亚和芬兰的联合调查小组，起诉了罗马尼亚有组织犯罪集团，并没收了45 000欧元¹⁰¹。此外，加拿大和美国加强了应对供应链企业行为问题的努力，两国政府最近宣布禁止进口中国强迫维吾尔族少数民族劳动生产的商品¹⁰²。此外，包括澳大利亚、加拿大、中国、哥伦比亚、芬兰、肯尼亚、新西兰、尼日利亚、挪威、新加坡、阿拉伯联合酋长国、英国和美国¹⁰³在内的国家都比较迅速地采取虚拟法庭听证措施。只要有关各方的权利得到充分保护，安全和技术问题等其他重要问题得到充分解决，这样举行虚拟听证会就可以减轻这场流行病造成的延误。

各国政府也在采取措施保护现代奴役的受害者。一些国家继续提供咨询、医疗援助、生计和财政支助等基本服务¹⁰⁴。在这方面，埃塞俄比亚、塞内加尔和乌干达为街头儿童，包括乞讨儿童提供了庇护所¹⁰⁵，阿姆斯特丹市向无证工人提供了紧急财政援助¹⁰⁶。此外，许多国家还在学校关闭期间向儿童提供教育，防止他们遭受劳动和性剥削¹⁰⁷。

应当强调民间社会组织在这场流行病期间保护现代奴役受害者的作用，因为它们发挥了重要作用，填补了许多政府在保护工作方面的不足。例如，在肯尼亚，反人口贩运组织HAART能够在国内和国际上筹集资金，以便向人口贩运和剥削的受害者提供援助，包括现金福利¹⁰⁸。世界各地也进行了筹资和捐献¹⁰⁹。乌干达的“劳工行动平台”、奥地利的LEFÖ-IBF和英国的Passage也一直在为客户提供面对面的服务（如咨询/建议、生计和教育/培训¹¹⁰）。许多组织现在利用互联网和智能手机等技术提供远程服务¹¹¹，使他们能够方便地接触到受害者，包括农村地区的受害者。

2.2 就业机会的保护和创造

许多国家为减轻这一流行病造成的失业而采取的重要措施之一是通过工资补贴来保就业，即政府在一段时间内（从一个月到一年或更长的时间），为工人的工资提供一定比例的补贴。该项目发现，有120多个国家和地区实施了这一计划¹¹²。一些国家一直在利用现有的立法/行政框架/布局来帮助受影响的工人¹¹³，而另一些国家则推出了特别/临时计划，专门解决COVID-19造成的失业问题¹¹⁴。

许多政府还采取了其他措施来促进就业。在这方面，为解决失业工人就业问题而推出了公共工程或项目¹¹⁵。值得强调的是，在各国的农业、建筑和医疗保健等部门¹¹⁶，也向外国人提供了就业机会。甚至本国和外国流离失所者也有机会生产个人防护用品¹¹⁷。同样重要的是，在澳大利亚、巴西、加拿大、丹麦、法国、俄罗斯、新加坡和韩国等国，加强了职业和技能培训（包括在线培训和面对面培训），以提高就业能力¹¹⁸。

其他国家正在与企业 and 工会密切协调，以促进或保护就业。突尼斯政府与突尼斯总工会和突尼斯工业、贸易和手工业联合会达成协议，保证农业、渔业、运输、钢铁和服装等行业的150多万名工人的工作和收入有保障¹¹⁹。不丹与私营公司合作招聘失业年轻人¹²⁰，印度尼西亚的Kartu Pra-Kerja（就业准备卡）计划为失业工人提供培训和再技能培训券，据说这使560万非正规工人受益¹²¹。在墨西哥和葡萄牙，政府为雇用年轻人和其他弱势群体的雇主提供了奖励¹²²，丹麦、意大利、新加坡、韩国和斯里兰卡也采取了类似的好方法¹²³。

2.3 向失业工人提供更广泛的经济和社会支助

该项目发现，全球都在向失业工人提供了更广泛的经济和社会支助。阿根廷、阿塞拜疆、中国、萨尔瓦多、埃塞俄比亚、印度、意大利、吉尔吉斯斯坦、约旦、墨西哥、荷兰、巴基斯坦、沙特阿拉伯、西班牙、土耳其、乌兹别克斯坦和委内瑞拉等国都实行了防止解雇（非正规部门工人）的好方法¹²⁴。卡塔尔和黎巴嫩已采取措施改革卡法拉制度，允许流动工人在未经雇主许可的情况下更换工作，并实行每月最低工资、休息、加班和病假以及年假制度¹²⁵。在执行这些措施时利用立法或条例很重要，因为如不守法，会被诉诸法律。这样就加强了问责制和保护。

现金转账是另一种普遍的措施。萨尔瓦多、日本、以色列、蒙古、韩国、图瓦卢和美国向其所有或大多数公民支付了现金¹²⁶。另一些则针对弱势群体，包括非正规工人、卫生和社会护理人员¹²⁷、自由职业者¹²⁸、难民¹²⁹、农村地区的¹³⁰人和反响的流动工人¹³¹。截至编写本报告时，已有150多个国家和地区实施了现金转账¹³²。使用了互联网和智能手机等现代技术来转移现金¹³³，因此人们能够更容易、更快地登记和接受援助。危地马拉和萨尔瓦多实施了另一种创新办法，在这两个国家，依据弱势非正规工人和其他工人的用电量来确定其获得支助的资格¹³⁴。此外，肯尼亚还利用没收的腐败犯罪所得提供援助¹³⁵。

在许多国家和地区，也更加注重提供更广泛的社会援助。在菲律宾，一项特别社会保障计划向在流行病期间失去工作的多达6万名工人提供失业救济¹³⁶，其第二阶段的具体目标是约50万名以前未能享受这一福利的非正规工人¹³⁷。布基纳法索、丹麦和加蓬也向非正规工人/企业提供了额外的经济援助¹³⁸。韩国为旅游业工人提供了90%的休假津贴，该国将旅游业定为“特殊就业支持部门”¹³⁹，斐济也在这一部门提供了类似的援助¹⁴⁰。在南非，政府设立了为期六个月的COVID-19社会救助金，以支持那些以前没有被其他社保措施覆盖的人，包括永久居民和登记难民¹⁴¹。

必须认识到，这些措施中有许多是针对其他弱势群体的。有些国家专门为妇女提供一揽子支助。这些包括阿根廷的*Ingreso Familiar de Emergencia*（家庭救助）和印度的*Pradhan Mantri Garib Kalyan Yojana*计划¹⁴²。在巴西和缅甸，母亲有权获得额外的现金福利，亚美尼亚为失业妇女、单身孕妇或丈夫失业的妇女提供一笔支助¹⁴³。此外，奥地利和荷兰向性工作者提供了经济援助和其他援助¹⁴⁴。

经济和社会援助也扩大到外国流动工人。一些国家已延长工作/居住许可证¹⁴⁵。因此这些流动工人能够享受医疗和社会照顾，包括收入支助、病假和社会保障福利。巴西、加利福尼亚、智利、哥斯达黎加、日本、菲律宾、西班牙、塔吉克斯坦和突尼斯向流动工人提供了救济金和其他财政支助¹⁴⁶，许多国家现在都以多种语言提供COVID-19福利和援助的相关信息¹⁴⁷。同样令人鼓舞的是，向非正规或无证流动工人提供了某些形式的社会和医疗保健福利¹⁴⁸。一些欧洲国家提供食物和庇护所¹⁴⁹，意大利、葡萄牙和沙特阿拉伯进一步采取措施，将从事农业、渔业、家务和护理工作的无证工人的移民身份暂时合法化¹⁵⁰。这些都是好方法的例子，因为不难理解，无证工人由于害怕被采取执法行动而不愿向当局寻求帮助，使他们更容易受到剥削和虐待。

此外，还有一些企业正在采取措施，除了提供政府资助的经济和社会援助外，还为受影响的工人提供支持。在印度尼西亚，Mayadapa集团和Tahir基金会与雅加达的中小企业合作，为街头小贩和出租车司机等非正规工人设立了临时食品库¹⁵¹。在克罗地亚，Spar Croatia通过购买和销售农产品，帮助了60个受该流行病影响的当地小型农业生产商¹⁵²，Danone UK（达能英国）在全球范围内延长了10万名工人的合同，并向供应链中的小型企业提供了财务援助¹⁵³。虽然这些和其他举措值得赞扬，但企业和雇主都必须做更多的工作，保护其工人，防止现代奴役的发生，以便在此次流行病期间和之后充分保障他们的人权。

2.4 改善工作和生活条件

在流行病期间改善工人的工作和生活条件极为重要，因为这可以防止他们沦为现代奴隶。为此已经在全球实施了各种各样的措施。远程或在家工作在正规部门得到了广泛推广，同时许多国家仍通过立法和其他手段，进一步加强了工作中的职业健康和安全，以防止病毒的传播。南非根据《2002年灾害管理法》（Disaster Management Act 2002）颁布法规，要求企业和雇主通过轮换和错开工作时间，尽量减少同时上班的雇员人数¹⁵⁴。其他国家也作出了类似安排¹⁵⁵。阿尔巴尼亚、巴哈马、巴林、巴巴多斯、伯利兹、中国、马拉维和圣基茨和尼维斯的法律规定，必须采取额外的安全措施，包括保持距离、提供关于COVID-19的信息、温度测试、加强消毒和在工作中提供个人防护用品（包括正规和非正规部门¹⁵⁶）。再次强调，立法和法规的使用非常重要，因为如不遵守规定的行为，企业或雇主可能会承担法律责任。该项目还发现，在许多情况下，工会和民间社会组织共同促进了这些努力。

许多国家的政府都提供了免费的COVID-19医疗检测和治疗，包括对受感染工人的紧急护理/援助¹⁵⁷。如果工人在工作中感染了病毒，还提供了额外的援助和支持。例如，马来西亚已将COVID-19列为职业病，感染该病毒的人可根据1969年《雇员社会保障法》申领工人赔偿¹⁵⁸。在一些国家，向工人，包括自由职业者提供了额外的疾病津贴¹⁵⁹。其他国家则针对COVID-19制定了特殊的带薪休假安排，其中包括育儿假¹⁶⁰。此外，工人在隔离观察或接受治疗期间，在病假之外获得了工资或经济援助¹⁶¹。所有这些举措都很重要，因为据称全球50%的劳动力不享有合法的疾病权利和其他福利¹⁶²。

关于工人的生活条件，一个好方法是向非正规工人和贫困人口提供救济食品。在编写本报告时，已有80多个国家和地区实施了这一做法¹⁶³。本项目发现，民间社会组织和工会以及地区和国际组织，在这方面都非常积极。另一个好做法是协助支付公用事业费。80多个国家和地区与公用事业和电信公司合作，协助支付电力、水、电信和互联网¹⁶⁴费用。此外，还实施了防止驱逐的措施。许多国家¹⁶⁵与国家金融机构协调，在支付抵押贷款或租金方面提供了支助，有些国家还进一步禁止或暂停在流行病期间进行驱逐¹⁶⁶。无家可归和现代奴役是紧密相连的¹⁶⁷，在这场流行病期间，实施这些措施比以往任何时候都更加重要。

应强调工会在改善受影响工人的工作和生活条件方面的作用，因为他们在全球范围内积极游说政府和企业/雇主。在约旦和巴勒斯坦，这些组织设立了基金来支持失业工人；在科威特，他们进一步解决了居住证过期、欠薪和流动工人生活条件恶劣等问题¹⁶⁸。各国的工会已成功地与一些部门的雇主及其各自政府签订了协议，以加强保工作（工资补贴）或工人复职、职业培训、社会保障福利和促进工作安全¹⁶⁹。此外，加拿大的工会还为国外供应链企业安排了财政和医疗援助以及生计支持，在¹⁷⁰一些欧盟成员国，巴林、科威特、马来西亚、新加坡、突尼斯和美国，向有证件和无证件的流动工人提供了广泛的支助¹⁷¹。

民间社会组织也在保护受COVID-19流行病影响的工人方面发挥了重要作用。例如，在伦敦，市长向专门研究工人权利的民间社会和社区组织提供财政援助，以拍摄短片，推介COVID-19期间工人享有的权利，并提供多种语言的支持¹⁷²，民间社会组织也在其他国家开展了类似的推介活动¹⁷³。在印度，全国达利特人人权运动开发了一款手机应用程序“We Claim”，用于发现那些没有得到救济食品和其他支助的当地社区。自该应用程序启动以来，已经找到并援助了2.8万多个家庭¹⁷⁴。在葡萄牙，19个民间社会组织成功游说政府，为2020

年3月申请居住证的流动工人提供医疗、福利和劳动力市场¹⁷⁵。此外，在亚美尼亚、孟加拉国、法国、哈萨克斯坦、北马其顿、波兰、俄罗斯、乌克兰和英国，向性工作者提供了物质支持、信息、咨询和法律援助，其中许多人在此次流行病期间曾无法获得上述援助¹⁷⁶。最后，世界各地的一些组织帮助向有需要的人分发个人防护用品、消毒剂和其他必需品¹⁷⁷。

总之，世界所有地区都采取了各种措施，旨在保护现代奴役受害者和受影响工人人权，所有相关的政府/非政府利益攸关方所作的重要努力应得到广泛认可。

第三部分 就新兴良好方法的批判性分析

3.1 反奴役行动

虽然一些国家如前一节所述，继续其反奴役的努力，但也出现了一些重要问题。例如，仍有改进的余地，特别是在现代奴役受害者方面¹⁷⁸。例如，英国政府通过《英国受害者照顾合同》向现代奴役受害者提供每周39.50英镑至65英镑支助，但人们认为这是不够的¹⁷⁹。在加拿大，管理供应链企业的立法在这场流行病期间停止，关于授予负责企业监察员调查权的协商也出现了一些拖延¹⁸⁰。关于民间社会组织，也有一些问题。有报告指出，许多政府没有承认民间社会组织在保护现代奴役受害者方面所作的贡献，甚至在这一流行病期间限制了它们的活动¹⁸¹。在本项目中发现的另一个重要问题是，世界一些地区的一线工人感染了COVID-19病毒，这对为现代奴役受害者提供服务产生了影响¹⁸²。有新的报告说，在安全住所的受害者中，感染也在蔓延，迫使一些服务提供商暂停运营或关闭¹⁸³。这突出表明，必须优先确保一线工人和现代奴役受害者能够免费获得有关COVID-19的检测、个人防护用品和治疗。

3.2 向失业工人提供经济和社会援助

很显然，大多数国家和地区都在采取措施，减轻COVID-19对经济的影响。虽然这些好方法应该受到赞扬，但也出现了一些问题，带来了对其有效性和适当性的疑问。首先，援助措施本质上是临时性的，其中许多措施已经停止，没有延期，也没有提供额外/新的支助¹⁸⁴。一个相关的问题是，所提供的支助还不够¹⁸⁵。联合国赤贫与人权问题特别报告员举出了以下例子：

南非每月350南非兰特（18.44美元）的COVID-19社会补助金不到该国自身贫困线上限（UBPL）的三分之一；智利是经合组织中财富集中度最不平等的国家，2019年的国家贫困线为164605比索（212.18美元），该国为一个家庭提供一次65000比索，然后提供10万比索三次，通过其十分官僚的*Ingreso Familiar de Emergencia*转移现金。这个项目的支助标准不仅低于自己的水平，而且还造成混乱，因为其在最后时刻更新了好几次。巴基斯坦的*Ehsaas*紧急现金计划是该国历史上规模最大的一个援助计划，为每户提供1.2万巴基斯坦卢比（约72美元）。无论每户家庭构成情况如何，因此仍然低于其国家贫困线的3250.28巴基斯坦卢比¹⁸⁶。

再举一个例子，阿富汗、孟加拉国、埃塞俄比亚、印度、黎巴嫩、毛里塔尼亚和叙利亚政府提供的粮食救济和其他支助不够充足，民间社会/¹⁸⁷宗教组织和工会不得不提供捐助来补充。另据报道，南亚在册种姓的人因其身份而被拒绝获得救济食品和其他支助¹⁸⁸。在埃及，向非正规工人提供的一揽子支助没有考虑到通货膨胀，因此¹⁸⁹支助的价值减低。与正规部门的人相比，非正规工人（中低技能）、妇女、自营职业者和流动工人等弱势群体受到的影响尤其大¹⁹⁰。同样明显的是，低收入国家或那些面临更多人道主义危机的国家受到这一流行病造成的经济后果的影响更大。

这种不足在一定程度上是可以理解的，因为各国政府，特别是低收入地区的政府，在经济上不可能无限期地提供支助。同样值得赞赏的是，许多国家正在努力，在保护公共卫生和恢复国民经济之间取得良好的平衡。为了减轻经济负担，各国和地区应增加公共工程/项目的机会，通过教育和培训对人民进行投资，鼓励甚至要求企业分担这方面的负担¹⁹¹。国际合作也很重要，以便让有需要的人能够得到其他国家和地区/国际组织（包括金融机构）的援助。

另有一个大问题是，并没有为所有工人实施各种支助措施，并且许多弱势群体不在支助之列。保工作就是一个很好的例子。虽然许多国家和地区已经实施了这些措施（如前一节所述），但该项目发现，这一点在很大程度上仅适用于正规经济部门的工人¹⁹²。这意味着，非正规部门的人实际无法受益于此。孟加拉国、博茨瓦纳、柬埔寨和泰国等国只在某些部门促进保就业，而不包括其他部门¹⁹³。在许多国家和地区，非正规工人确实得到了现金支付和其他支助，但其中许多支助是一次性的，不像工资补贴那样，支付几个月或更长时间。这清楚地表明，这一流行病进一步恶化了非正规工人的不利处境。

此外，由于以下原因，更广泛的经济和社会援助并没有惠及有需要的人：缺乏提供援助所需的有效基础设施和问责机制¹⁹⁴、官僚作风严重¹⁹⁵、腐败¹⁹⁶、由于缺乏身份证件和其他公共记录而无法为个人登记相关服务¹⁹⁷、语言障碍¹⁹⁸、公共当局缺乏有效传播¹⁹⁹、移民身份²⁰⁰和年龄要求²⁰¹。这些情况导致许多人长期得不到支持或根本得不到支持，对以下边缘化人群造成了更大的影响：流动工人²⁰²、妇女²⁰³、少数民族（包括在册种姓²⁰⁴）、青年人²⁰⁵、土著人民、难民和无国籍人²⁰⁶，再次表明了对他们的事实上的歧视。

用一个具体例子来说明这些情况：在孟加拉国，登记接受现金援助的200名非正规工人的电话号码完全相同²⁰⁷，这表明缺乏识别受益人的适当机制。关于在泰国的流动工人，虽然理论上他们有权领取失业救济金，但实际上他们真正获得救济金的机会有限，因为他们需要有国民身份证号码、泰国银行账户和其他个人信息，而许多人没有这些信息²⁰⁸。另有报告指出，在印度、肯尼亚和马来西亚，没有向妇女、少数民族、无证工人、难民和寻求庇护者等弱势群体分发救济食品²⁰⁹。还有报告指出，在哥伦比亚、墨西哥、一些欧盟成员国、巴基斯坦和美国，无证工人也被排除在外²¹⁰。类似地，在澳大利亚、阿根廷、伯利兹、百慕大群岛、加拿大、厄瓜多尔、多米尼加共和国、香港、日本、约旦、尼泊尔、西班牙和特立尼达和多巴哥，必须具有公民身份、永久居留权、官方登记或拥有政府签发的身份证件/号码，才能获得COVID-19的相关收入和其他支持²¹¹。此外，在亚洲、非洲、北美洲和拉丁美洲以及欧洲²¹²，许多性工作者在流行病期间仍然得不到援助和支持，其中许多人决定在网上开展工作²¹³，从而面临病毒感染²¹⁴、进一步剥削和虐待的风险。在一些司法管辖区，对性工作/性工作者的刑事定罪也有所增加²¹⁵。还有一个困难是，支助措施并不总是能够惠及偏远的农村地区²¹⁶，这表明各国政府缺乏足够的基础设施和资源。

所有这些都表明了一个结论，即应尽快将非正规工作正规化。如果与参与决策的所有相关利益攸关方一起妥当实施，正规化在经济上是可行的，因为政府可以收税，而这反过来又可以在需要时用于支持企业和工人，逐步促进经济增长和良好治理²¹⁷。工人的权利将得到加强，企业/雇主和罪犯实施剥削和虐待的事例也将减少。刚开始，所有政府都应扩大公共工程和项目以及教育和职业培训计划。企业/雇主还应与公共当局、工会和民间社会组织密切合作，创造就业和培训机会。

虽然利用互联网和智能手机等现代技术提供现金转账等援助是一个好方法，因为可以将这些援助迅速转给受益者，但有一个缺点：那些无法获得这些技术的人，包括妇女、土著人民和少数民族，不能从中受益²¹⁸。例如，在拉丁美洲和加勒比地区，在COVID-19之前，38%的最贫穷家庭没有互联网接入，在玻利维亚、巴拉圭和秘鲁等国只有3%的贫穷家庭有互联网接入²¹⁹。在结构层面，有报告指出，各国有资格获得援助者的政府数据库/登记册没有定期更新，而且不包括流动工人等人口²²⁰。其他地方，工人和工会在使用或体验技术方面的困难也见诸报道²²¹。

此外，越来越多的证据表明存在挪用财政支助和其他支助的现象。据报道，在澳大利亚、孟加拉国、巴西、中国、加拿大、法国、德国、印度、爱尔兰、意大利、墨西哥、新西兰、卡塔尔、俄罗斯、瑞士、英国和美国等一些国家，私营公司、雇主和罪犯以及公职人员相互勾结，实施了工资盗窃和/或福利欺诈²²²。显然，并不仅仅在低收入地区才有这样的问题。许多政府倾向于直接向企业提供支持措施，以为这些措施将传递给工人²²³，但这些工资窃取和欺诈的例子表明，这种支持在许多情况下并没有发生，并凸显了进行严格监测的需要。除了对现代奴役采取执法行动外，各国政府还必须严格起诉和惩罚这些案件，没收非法所得，以便所有受影响的工人都能享受经济和社会保护措施，且不受歧视。在法国有一个好方法，对这些罪行可处以3万欧元罚款、两年监禁或五年内不得动用公共资金²²⁴。其他国家的政府也应该效仿。

3.3 工作和生活条件

关于受影响工人的生活和工作条件，已发现若干问题。世界各地的工人住所仍然过于拥挤，难以保持社交距离，增加了他们感染的风险。有报告指出，难民、寻求庇护者和流动工人等其他人员无法获得足够的生活保障²²⁵。这些情况在隔离观察设施中明显存在²²⁶。另据报告，许多家庭佣工的工资很低，但无权获得任何形式的援助，因此无法支付房租和公用事业费²²⁷。此外，虽然有些国家可能要求企业和雇主在工作场所实施保持距离的措施，但这对其他人来说却难办到，特别是那些需要与其同事或客户面对面接触的工人²²⁸，其中许多人在非正规部门工作。这再次凸显了非正规工人面对病毒感染的风险²²⁹，造成进一步的边缘化和污名化。在这方面，人们认识到需要加强监管制度，以确保工作场所的安全和督查²³⁰。

据报告，在世界所有地区的工作场所，特别是非正规部门，洗手液和个人防护用品的供应缓慢或无法获得²³¹。许多雇主没有提供²³²，导致感染在工人中蔓延²³³。为了缓解这一问题，民间社会组织、工会和当地社区正在介入提供个人防护装备²³⁴。因为直接歧视或政府没有提供足够的信息，贫穷和边缘化人口，如流动工人、无国籍人、受世系奴役者和在册种姓、农村地区的人和非常规工人，也不容易获得COVID-19检测和治疗²³⁵。更糟糕的是，这些边缘化的人口中有许多人被视为病毒携带者²³⁶，这使得他们遭受敌意和歧视。

此外，企业在保护工人福利方面做得还不够。在卡塔尔，虽然政府承诺保证工人在隔离观察期间的工资，但据报道，许多公司没有真正执行这一规定²³⁷。其他海湾国家和其他地区不支付工资、长时间工作却没有休息和带薪休假等其他虐待性条件也见诸报道²³⁸。在另一些国家²³⁹，据报道，雇主以降低工资或解雇相威胁，迫使工人来上班。这些例子充分表明存在上文提及的强迫劳动，同时表明企业无视遵守规则，以及严格的监督和执行机制的缺乏。这就

需要加强劳动监察，对违规行为追究责任。加入或组成工会是一项公认的权利²⁴⁰，可以改善所有工人的工作条件，但在一些国家，该项权利在此次流行病期间被剥夺²⁴¹。

在这场流行病期间，工会为改善工作条件而不懈努力，但在世界各地，工会活动受到影响。与帮助现代奴役受害者的民间社会组织类似，鉴于封锁措施，工会无法提供面对面的服务²⁴²。还有多份报告说，在非洲、亚洲、拉丁美洲和中东，工会受到越来越多的监视、恐吓、逮捕、拘留和被诉²⁴³。此外还发现，在安哥拉、克罗地亚和匈牙利等国，在执行COVID-19应对措施方面，没有与工会充分协商²⁴⁴。还有证据表明，加入工会的工人被不公平地解雇了，而且还实施了破坏工会的行为²⁴⁵。在更广泛的层面上，非正规部门的工人，如家庭佣工或农业工人（其中许多人是流动工人）很难加入工会。这是一项重大挑战²⁴⁶。各国必须认识到，它们的援助对于减轻COVID-19对工人的影响至关重要，并要进行建设性合作，以便更有效地防止现代奴役的发生。

总之，虽然在这个项目中发现的保护现代奴役受害者和受影响工人的好方法应该得到承认和广泛分享，但也很明显存在一些问题，因此在许多情况下，这些做法的适当性和有效性打了折扣。

第四部分 结论和建议

4.1 结论

该项目力图就COVID-19对现代奴役的主要影响进行扼要的评估，并找出可以采取哪些好方法来保护现代奴役的受害者和受影响的工人。通过案头研究和对一线民间社会组织和工会的访谈，已经证明这场流行病对反奴役行动产生了负面影响，在这场流行病期间受害者继续处于隐形之中，受到剥削。该项目还发现，失业增加了工人沦为现代奴隶的风险。已发现世界上一些地区有工人从正规经济向非正规经济流动，也有失业工人被挤入非法经济的情况，剥削和虐待现象常见。

对于在此次流行病期间照常经营的企业，有明确的证据表明，在世界所有地区都发生了强迫劳动（例如，滥用弱势地位、欺骗、限制行动、隔离、人身暴力和性暴力、恐吓和威胁、扣押身份证件、扣留工资、以债扣押、虐待性的工作/生活条件和过度加班）。在这方面特别弱势的群体是妇女、儿童和青年、土著人、少数群体（包括世系奴役和在册种姓）、流动工人以及本国和外来流离失所者。本项目清楚地发现，COVID-19进一步加剧了这些弱势群体本来就面临的贫困、不平等和歧视²⁴⁷。

为了减轻这些影响，世界各国政府实施了各种经济和社会援助措施，从保工作/工资补贴和现金转账到维持生计援助及改善工作和生活条件，无所不包。专门针对妇女、青年、流动工人（有证件/无证件）和非正规工人等弱势群体的好方法也正在不断涌现。应当进一步认识到，尽管这场流行病造成了实际困难，但反奴役行动，包括保护受害者，在世界各地仍在继续之中。

除了各国的好方法外，还必须明确承认企业、民间社会组织和工会在保护现代奴役受害者以及受影响工人方面发挥的作用，因为它们发挥了重要作用，填补了政府留下的保护空白。因此，很明显，仅靠各个国家的努力是不够的，所有相关的利益攸关方必须共同努力，制定和执行更有效的对策，应对此次流行病期间的现代奴役问题。

本报告中指出的好方法无疑帮助了大量受害者和工人，值得分享。然而，这个项目也发现了许多这些措施中固有的问题和隐忧。首先，经济和社会援助本身就是临时性的，不可能无限期地维持下去。虽然这是意料之中的，但必须制定和执行一项明确的中长期战略，在防止现代奴役和经济复苏之间取得良好平衡。

其次，这些措施中有许多显然还不够好。必须认识到并重视缺乏足够资源这个问题，但还必须积极探索缓解这一资源问题的不同方法。对现代奴役、欺诈和腐败进行有效的金融调查，并没收这些犯罪活动产生的非法所得，可以在一定程度上缓解财政紧张问题。将非正规工作正规化，是另一个好措施，因为这样，全球各国政府就能够对企业和工人进行适当的登记，并征收相关的税收，而这些税收反过来又可以用来支助那些需要帮助的人，并从长远来看促进国民经济的发展。

第三，这个项目表明，在许多情况下，经济和社会支助没有惠及最弱势的人群。保工作计划主要针对正规部门的人，有证件/无证件的流动工人和遭受世系奴役或在册种姓的人等人群无

法接受更广泛的社会和经济援助。此外，世界各地的工作和生活条件没有太大改善，还存在其他问题，如腐败、缺乏确定合格受益人的基础设施和机制以及缺乏有效的传播，所有这些都影响了一揽子支助计划的迅速交付。总之，虽然在COVID-19流行病期间保护现代奴役受害者和受影响工人的积极行动应该得到承认和赞扬，但在实施真正适当和有效的应对措施方面，仍有很长的路要走。

还有更广泛的问题需要学习。首先，必须仔细研究正规经济、非正规经济和非法经济之间的相互作用。该项目充分表明，随着工人从正规经济转向非正规经济，从非正规经济转向非法经济，其面临的不稳定性、风险和虐待/剥削的程度日益严重。充分了解这些复杂的相互作用，对于利益相关者确定和实施适当的应对措施至关重要，在COVID-19这样的紧急情况下尤其如此。这将需要开展超越法律领域的多学科分析。

这个项目还表明，就像在任何其他紧急情况下一样，COVID-19使得导致现代奴役的主要原因进一步恶化。在世界所有地区，特别是在低收入地区，贫困、不平等和歧视都进一步恶化，传统上的弱势群体，包括妇女、儿童和青年、土著人民、少数群体、流动工人、本国和外国流离失所者和非正规工作人员，受到的冲击最为严重。因此，迫切需要解决这些根源，以便加快形成一个更具包容性的社会，不让一个人被遗漏。国际合作和团结极其重要，这能够在不牺牲反奴役行动和工人保护的情况下，让那些需要帮助的人从这场流行病中恢复过来。

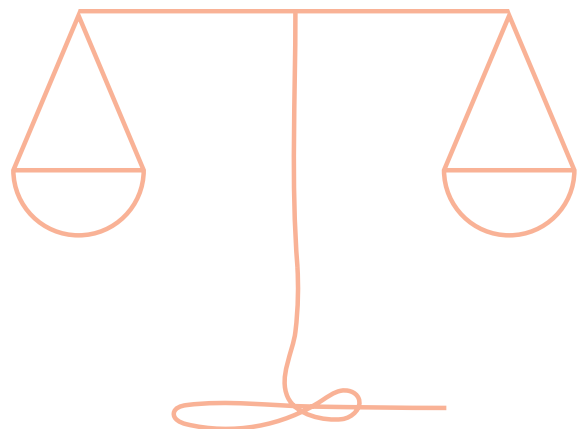
此外，报告还表明，COVID-19造成执法和保护漏洞，犯罪分子利用这一点，从现代奴役中非法获利，这一趋势在武装冲突或自然灾害等其他紧急情况中也存在。同样重要的是，在世界各地，都有企业和雇主利用这一流行病虐待和剥削弱势工人。许多政府是同谋，因为它们以公共卫生紧急情况为借口，放松或暂停了劳动和社会保障，不提供充分的支持和援助。该项目还发现了公职人员和企业/雇主的腐败情况。在紧急情况下采取反奴役行动，必须确保问责制和防止有罪不罚。

所有这些问题归结为一点：现在，采取以受害者为中心的人权保护方法比以往任何时候都更为重要。该项目集中展示了该流行病期间发生的各种各样的侵犯人权行为。政府不应限制或中止现代奴役受害者和受影响工人的权利，而应公开和明确地承认，保护他们是加强反奴役行动和促进经济复苏的最有效途径，因为这将防止弱势群体进一步受到剥削和虐待，并从长远来看提高生产力和盈利能力²⁴⁸。国家和企业/雇主都将人权作为重中之重，看得比利润还重要，就能尽早消除现代奴役。

4.2 建议

4.2.1 反奴役行动

- 各国应通过坚持投入足够的人力和其他资源，继续调查、起诉和惩罚这场流行病期间的现代奴役。除了有组织犯罪集团等犯罪分子外，还必须追究剥削弱势群体的企业和雇主的责任，而不能让其逍遥法外。
- 各国应加强劳动监察，以便能够更有效地发现现代奴役情况。
- 在这场流行病期间，必须在执法对策中，对现代奴役和与COVID-19有关的欺诈和腐败行为进行有效的金融调查，并追回犯罪资产。没收的犯罪所得应用于保护受害者和受影响的工人，并加强执法和其他公共机构的能力。
- 各国必须继续不带歧视地保护现代奴役的所有受害者。必须特别注意弱势群体，如妇女、儿童和青年、土著人民、少数群体、有证件/无证件的流动工人、本国和外来流离失所者和非正规工人。
- 必须提供有针对性的援助，充分满足受害者的个人需要，包括诉诸司法和补救的机会。在这方面，各国必须广泛征求受害者的意见，并将他们的声音纳入保护措施中。
- 各国必须承认民间社会组织、工会和其他一线工作者所作的贡献，在援助现代奴役受害者方面，他们拥有丰富的专门知识和经验。政府应该支持这些组织的工作，包括帮助打造一个没有COVID-19感染风险的安全工作环境。这些组织也应该被纳入反奴役的决策过程中。

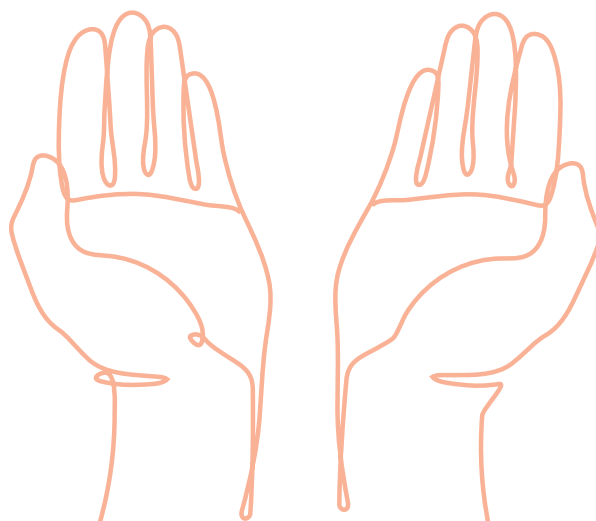


4.2.2 保护受COVID-19影响的工人

4.2.2.1 近期措施

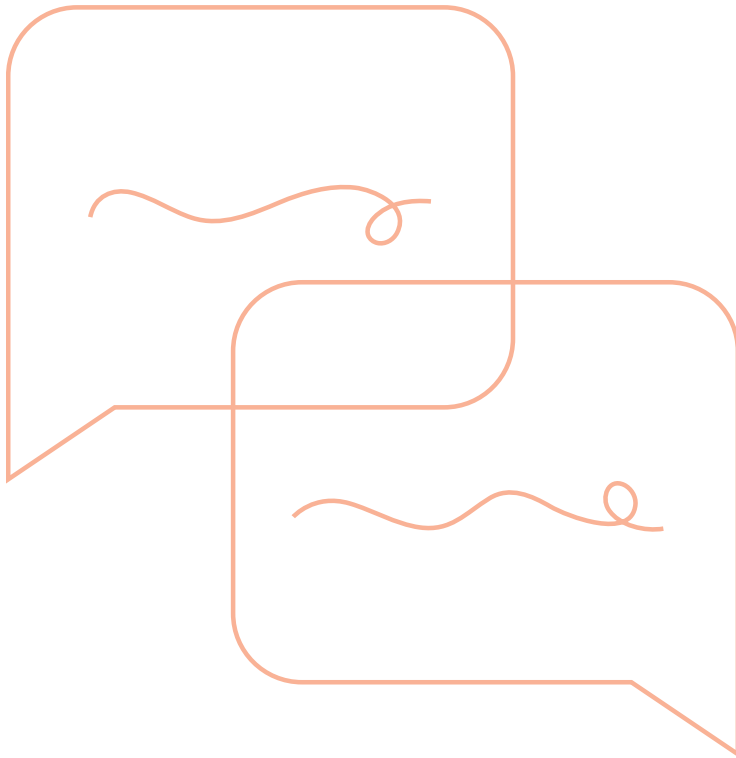
- 各国必须毫无歧视地向所有受影响的工人提供支持。必须特别注意弱势群体，如妇女、儿童和青年、土著人民、少数群体、有证件/无证件的流动工人、本国和外来流离失所者和非正规工人，他们大都在非正规部门工作。必须充分征求他们的意见，以便制定和实施适当的COVID-19应对措施。
- 各国必须建立和维持有效的基础设施和机制，为所有受影响者提供支助。
- 在这一流行病期间，各国应加强、而不是放松或暂停执行劳工和社会保护法律和条例。
- 国家和企业/雇主（包括供应链中的企业/雇主）必须改善所有工人的工作条件。他们必须采取措施，减少工作场所感染COVID-19病毒的风险，例如在正规和非正规部门采取灵活工作（如轮班和错开工作时间）、保持距离、提供个人防护用品以及进行免费体检等措施。
- 各国还应通过提供救济食品和其他日常必需品，防止驱逐，并通过与房东和公用事业供应商密切合作，帮助支付租金/分期付款和公用事业费用，为改善生活条件提供充分的支助。
- 各国应不带歧视地向所有工人免费提供COVID-19治疗和疫苗接种，并在隔离观察和/或治疗期间保障他们的工资。
- 国家和企业必须尊重和保护所有工人的工会权利，包括非正规工人和历来不享有这种权利的有证件/无证件流动工人。
- 各国应建立和维持一个独立和公正的机制，让所有工人都有机会处理侵犯劳工权利的事件并得到补救。
- 各国必须承认并积极支持工会和民间社会组织在这场流行病期间为保护工人权利所作的贡献。应邀请这些组织参与COVID-19应对措施的决策过程，应该严格调查和起诉对这些组织的任何形式的骚扰。
- 对于外国工人，各国应延长其工作和居住许可证（对于有证件的工人）或使其移民身份合法化（对于无证件的工人），并保证他们平等获得向本国国民提供的一切支助。
- 如果这些外国工人希望回国，原籍国和目的地国必须共同努力，为他们的安全返回提供便利。即使在流行病期间，也必须避免集体驱逐或递解出境。

- 关于儿童，各国必须防止他们沦为童工或遭受性剥削和强迫婚姻等其他对待。必须严格调查、起诉和惩罚肇事者。
- 在这场流行病期间，儿童和青年必须继续接受教育和培训。各国必须通过改善基础设施，包括互联网和现代技术的使用，确保所有儿童和青年都能平等地获得服务。
- 各国应相互合作，打击COVID-19。发达国家以及包括金融机构在内的区域/国际组织必须援助缺乏能力和资源的发展中国家。
- 各国应确保建立机制，投入资源，继续或在某些情况下开始研究行动，深入分析COVID-19对现代奴役的影响，以便制定适当的对策，包括对现代奴役的实际/潜在受害者提供支持。它们还应根据各种身份（例如种族、宗教、性别和残疾）对数据进行分类，以便发现可能出现的身份歧视和风险性趋势。



4.2.2.2 中长期措施

- 各国应尽快实现非正规工作的正规化，使这一部门的工人能够享有与正规工人相同的权利。
- 各国应确保所有人不受歧视地平等获得教育、职业培训、就业机会以及更广泛的经济和社会援助。应更密切地关注最弱势的群体，例如妇女、儿童和青年、土著人民、少数群体（包括遭受世系奴役和在册种姓的人）和国内外流离失所者。
- 各国应准确评估各部门的劳动力需求，为能够满足这些需求的外国工人的流动开辟合法和安全的渠道，并向他们提供与本国国民相同的权利。
- 各国必须与现代奴役幸存者、企业、本国人权机构、民间社会组织和区域/国际组织等相关利益攸关方一道，单独和集体解决现代奴役的根本原因，特别是在这一流行病期间加剧的贫穷、不平等和歧视问题。



第五部分：紧急情况下遏制现代奴役行动的指导原则

一般原则

原则1：在紧急情况下，必须将保护人权作为反对现代奴役行动的重中之重。

在紧急情况下，国际人权法继续适用²⁴⁹，必须将保护和提高现代奴役的实际或潜在受害者的人权作为反奴役对策的首要目标²⁵⁰，因为在紧急情况下他们迅速变得更加弱势。

调查、起诉和处罚

原则2：各国必须在紧急情况下继续调查、起诉和惩罚现代奴役。

虽然某些人权在紧急情况下可能会受到削弱，但禁止奴役、劳役和强迫劳动的规定是不可减损的，因此必须遵守²⁵¹。其他人权文书，如1989年《儿童权利公约²⁵²》，其关于买卖儿童、儿童卖淫和儿童色情制品以及关于儿童卷入武装冲突问题的议定书²⁵³和1979年《消除对妇女一切形式歧视公约²⁵⁴》也规定了各国政府负有这项义务。在国际劳工法方面，国际劳工组织1930年《强迫劳动公约》和1999年《最恶劣形式童工公约》以及2011年《家庭佣工体面工作公约》等文书在紧急情况下适用²⁵⁵。国际刑法进一步禁止奴役，包括贩卖人口、性奴役、强迫卖淫和招募儿童兵，并将其认定为危害人类罪和/或战争罪²⁵⁶。

首先，在紧急情况下，各国必须继续调查、起诉和惩罚罪犯以及企业和雇主犯下的奴役、劳役、强迫劳动和其他剥削行为²⁵⁷。正如人权机制所认识到的那样²⁵⁸，现代技术，包括利用以情报为主导的主动执法手段，例如监视和截获通信²⁵⁹，是可以突破现代奴役隐蔽性的有用工具。

各国必须在紧急情况下保持投入足够的人力和其他资源，以确保现代奴役的实施者受到应有的起诉和惩罚，避免有罪不罚²⁶⁰。

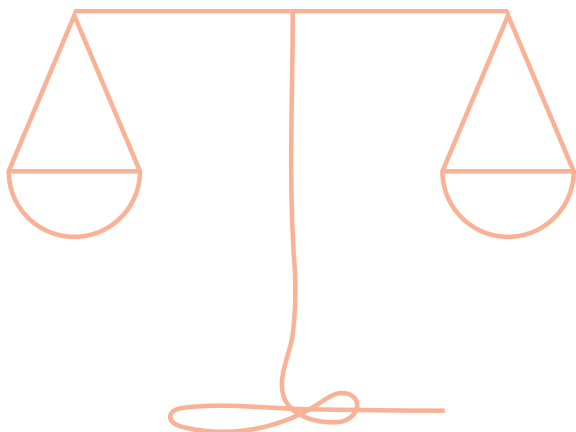
原则3：必须根据现有的人权准则和原则，在紧急情况期间对现代奴役进行执法。

除了刑事调查之外，通过使用特殊的调查手段，执行基于情报的执法，可能会引起隐私问题。虽然在紧急情况下可以限制这项权利，但这种限制必须具有合法性、必要性、相称性和非歧视性²⁶¹。

合法性和法治原则要求，即使在紧急情况下，也必须尊重公平审判的权利，包括无罪推定、诉诸独立法院的权利、保持沉默和获得法律援助²⁶²。

原则4：反奴役对策中必须包含金融调查和没收现代奴役的犯罪所得。

在进行金融调查和没收犯罪所得的同时，还应进行刑事调查和诉讼。这项义务与逐步²⁶³实现1966年《经济、社会、文化权利国际公约》规定的经济、社会、文化权利是相互关联的²⁶⁴。这种调查不仅应针对那些直接剥削受害者的人，而且还应针对在紧急情况下通过欺诈和腐败获益的其他人。应将没收的非法所得用于保护受害者²⁶⁵和提高执法能力。



保护和援助

原则5：各国必须继续查明和保护紧急情况中的现代奴役的受害者。

保护现代奴役受害者的义务已是禁止义务的一部分²⁶⁶，应在紧急情况下兑现²⁶⁷。其他人权文书²⁶⁸和国际劳工法²⁶⁹进一步强调了这一保护义务。

各国必须妥善查明受害者，以便他们能够得到保护²⁷⁰。这意味着各国应保持投入足够的人力和其他资源，以便在紧急情况下，国家身份查验机制也能够有效运作。各国还应采取合理措施，将受害者从受剥削的地方转移到安全地点²⁷¹。

在提供保护和援助时，各国不应采取一刀切的做法，因为受害程度因受害者的情况而异。它们必须提供有针对性的援助，以满足个人需要，其中可能包括但不限于获得保健服务²⁷²、生计维持资源²⁷³、法律援助²⁷⁴、教育和职业培训机会²⁷⁵以及康复²⁷⁶。这需要现代奴役受害者的参与，需要与其协商²⁷⁷。



在紧急情况下，应根据人权和（或）人道主义理由，暂时合法化现代奴役的外国受害者的移民身份²⁷⁸，以便他们得到保护和恢复，并有可能获得永久居留权。外国受害者有权安全返回本国²⁷⁹，必须防止任意或集体驱逐²⁸⁰。不驱回原则直接适用于现代奴役的受害者，按照该原则，各国不应将他们驱逐到面临国家或非国家行为者严重侵犯人权风险的国家²⁸¹，包括进一步遭受现代奴役的国家²⁸²。

必须始终不带歧视地提供保护，特别注意弱势群体，包括妇女、儿童、本国和外来流离失所者、无国籍人、老年人、残疾人、土著人民、少数群体和有证件/无证件的流动工人²⁸³。

原则6：各国必须确保企业和雇主在紧急情况下尊重和保护人权。

联合国关于商业和人权的指导原则适用于诸如COVID-19流行病²⁸⁴和武装冲突等紧急情况²⁸⁵。在紧急情况下向企业和雇主提供的任何援助，包括对供应链中企业的援助，都有一个明确的要求，即确保“工人没有健康和安全风险，有带薪病假，不被以危机和紧急情况为由加以利用。”²⁸⁶ 如果企业和雇主严重侵犯人权，包括实施现代奴役，各国应撤回支持，并采取立法和其他措施确保追究责任²⁸⁷。

原则7：各国必须通过立法、行政、司法和其他手段，确保提供司法服务和补救措施。

确保提供司法服务和补救措施是一项基本国家义务，在紧急情况下同样适用²⁸⁸。视受害人的情况而定，这可以是司法或行政援助²⁸⁹，包括法律、外交和/或领事援助、参与刑事诉讼²⁹⁰、赔偿损害以及诸如未付工资等物质损失²⁹¹、道歉、赔偿和康复，以及保证不再发生侵害²⁹²。各国必须对在紧急情况下严重侵犯人权的非国家行为者，包括企业和雇主建立问责制，确保它们与补救机制合作²⁹³。

原则8：在促进有效保护方面，各国应与民间社会组织和工会积极合作。

民间社会组织和工会在紧急情况下预防、制止和防范现代奴役方面发挥着重要作用。各国必须承认和支持这些组织的贡献，将其纳入反奴役对策的决策过程中²⁹⁴，防止其受到骚扰或恐吓²⁹⁵。应特别注意保障为民间社会组织和工会工作的个人的自由和安全权利。任何在紧急情况下削弱工会权利的措施都必须符合各国应当承担的国际法（包括国际人道主义法）的义务，并符合必要性、相称性和不歧视的严格要求，可由独立的司法机构核查²⁹⁶。削弱权利不得采取绑架和任意逮捕/拘留等行为，国家必须保护受害者不受企业和雇主等非国家行为者以及犯罪实体的干涉²⁹⁷。



预防

原则9：各国应改善工人的工作和生活条件。

改善工人的生活和工作条件是防止现代奴役的一个重要步骤，但在紧急情况下往往被忽视。在这方面，各国应保障公正和有利的工作条件²⁹⁸。至少，各国必须避免在没有认真考虑和充足理由的情况下采取倒退措施²⁹⁹。如果不是临时的、必要的、相称的和非歧视性的，放宽或暂停劳动和社会保障法律和措施可能就是一种倒退³⁰⁰。经济、社会、文化权利委员会强调，不允许采取倒退措施，包括中止实现工作权所需的立法³⁰¹。例如，“采取劳工流动政策，增加流动工人受剥削的风险”，就显然侵犯了获得公正和有利工作条件的权利³⁰²。基于不歧视原则，同样的理由也应适用于其他弱势群体。

在保证公正和有利工作条件的权利方面，包括“核心义务”，如保证最低工资、执行国家职业健康和安全政策、禁止工作场所的骚扰（包括性骚扰），以及在制定和实施有关休息、减少工作时间、休闲、带薪休假和公共假期的最低标准方面，国家决不能找借口采取倒退措施³⁰³。各国应确保妇女、儿童、青年和老年工人、残疾工人、非正规工人、有证件/无证件流动工人、土著人民和少数群体、自营职业者、境内外流离失所者和无国籍人等潜在弱势群体受到平等对待³⁰⁴。

各国应协助企业查明、预防和减轻公正和有利工作条件方面的风险，包括事故和疾病，并追究其侵犯这项权利的责任³⁰⁵。即使在紧急情况下，也应建立和维持强有力和有效的劳动监察制度³⁰⁶。

要保障所有工人的工会权利，以便改善劳动条件³⁰⁷。虽然在紧急情况下可以限制这种权利，但这种限制必须是临时的、必要的、相称的和非歧视性的³⁰⁸。工会权利适用于所有人，因此应包括外国人³⁰⁹。虽然有证件的工人在这方面享有更广泛的权利³¹⁰，但即使没有证件的工人也享有一些权利，例如加入和参加工会会议以及向工会寻求帮助³¹¹。按照不歧视原则，包括妇女、非正规工人和其他弱势群体的所有人³¹²都应享有同样的权利。

关于现代奴役受害者和紧急情况中工人的生活条件，各国应继续为他们提供安全的住所³¹³。在紧急情况中，强迫驱逐和由此造成的无家可归会加剧个人进一步遭受剥削和虐待的风险，违反国际人权法³¹⁴。在紧急情况下，必须继续提供社会保障和保护，包括收入支助³¹⁵，以避免有人无家可归，防止可能构成奴役、劳役或强迫劳动的剥削行为。应特别优先考虑弱势群体，如妇女、儿童、非正规工人、土著人民、少数群体、流动工人、本国和外国流离失所者和无国籍人。

原则10：在紧急情况下，各国必须继续防止现代奴役。

预防与其他人权义务密切相关。有效的查处、支持和援助，以及改善工作和生活条件，可以防止弱势群体成为现代奴役的受害者。

在更广泛的层面上，非紧急情况下的其他预防义务同样适用于紧急情况³¹⁶。这包括执行国家行动计划，提高对执法部门和负责反奴役对策的其他公共当局的认识和培训³¹⁷。各国应明确承认和支持现代奴役受害者/幸存者、民间社会组织和工会等其他组织在预防方面的贡献。

国际合作与团结

原则11：国际合作和团结对于在紧急情况下继续采取反奴役行动至关重要。

《联合国宪章》第一条、第五十五条和第五十六条以及《经济、社会、文化权利国际公约》第二条都强调了国际合作和团结的重要性³¹⁸。在防范奴役方面，各国须对一切人负责³¹⁹，这更加凸显了这一义务。在紧急情况下，国际合作和团结特别重要，因为各国可能不得不转移资源来应对紧急情况，可能会导致推迟或暂停反奴役的努力。

资源充足的发达国家应协助其他有需要的国家，确保所有国家都能够继续进行反奴役的努力，特别是保护和提高现代奴役受害者和工人的人权，并进行国际刑事司法合作³²⁰。

毒品和犯罪问题办公室、劳工组织、难民署和区域组织等国际机构自始至终在紧急情况下向发展中国家提供援助，发挥着重要作用。然而，至关重要的一项是，他们的活动和措施旨在保护和提高人权³²¹，包括防止现代奴役的发生。

世界银行、国际货币基金组织和区域开发银行等国际金融机构也是如此。各国应确保其战略、政策和方案不违背核心人权义务，包括在工作权³²²和公正、有利工作条件方面的义务³²³，以防止弱势群体遭受现代奴役的剥削。

在紧急情况下，各国应暂时中止对其他国家实施的经济制裁和其他胁迫性措施。这些措施往往会对保护和提高³²⁴包括工作权³²⁵在内的人权产生不利影响。这反过来又可能导致非正规或非法经济的产生³²⁶，进一步增加现代奴役现象。这些胁迫性措施还将影响到国际社会在处理紧急情况时的团结与合作³²⁷。

注

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- 164 Clingendael Institute, *supra* n. 132, 2, 44 and 45; Gentilini et al., *ibid.*, 27-35, 341, 382, 466, and 535; ILO, Country Policy Responses *ibid.*; and OECD, COVID-19 Crisis in the MENA Region, *ibid.*
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