



How has COVID-19 affected migrant workers vulnerability to human trafficking for forced labour in Southeast Asia? – a narrative review

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Background and Objective: This paper seeks to assess the impact of the COVID-19 pandemic on migrant workers' vulnerability to human trafficking for forced labour in Southeast Asia. Migrant workers already make up a large proportion of those most vulnerable to the coercion and exploitation that define human trafficking, yet few are officially identified as such. While migrants have been working in the very occupations and sectors essential to keeping societies and economies running during the pandemic, they have oftentimes been the least protected. The authors argue that to avoid further increases in human trafficking for labour exploitation as a result of the pandemic, the vulnerabilities of migrant workers should be addressed from policy to operational levels.

Methods: Review of ASEAN-Australia Counter Trafficking (ASEAN-ACT) monitoring data and reports, supplemented by a review of relevant publications on the impact of COVID-19 on the vulnerability of migrant workers to abuse and exploitation.

Key Content and Findings: Human trafficking for forced labour in Southeast Asia is a largely under-addressed and under documented phenomenon affecting the basic rights of exploited workers, many of these being migrants. The data indicates that vulnerability to human trafficking is likely to have increased among migrant workers in precarious occupations and sectors in Southeast Asia through the COVID-19 pandemic. As the region looks to recover from COVID-19, there is an opportunity to integrate migrant workers and promote more inclusive policy frameworks and workplace cultures that respect and value their important social and economic contributions. A transformation is required in response to the unsustainable practices that contribute to vulnerability in Southeast Asia and the Sustainable Development Goals (SDGs) provides the highest-level elaboration of these required standards. Acceleration towards the relevant SDG targets will contribute to more resilient workplaces, economies and societies in the region.

Conclusions: The greater vulnerability of migrant workers to human trafficking as a result of COVID-19 will require greater initiative and political will to address. Governments and the private sector in Southeast Asia are critical in addressing these vulnerabilities and the SDGs provide a valuable framework to do so through an integrated approach to development.

Keywords: Human trafficking; vulnerability; migrant workers; COVID-19; Southeast Asia

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Introduction

This review has been conducted to better understand and illustrate the impact of COVID-19 on migrant workers vulnerability to human trafficking for forced labour in Southeast Asia. The pandemic has developed from a health to a socio-economic crisis with profound impacts and the ultimate cost is still being counted. Impacts on businesses and their supply chains have had a knock-on effect on their workers, particularly in informal sectors and in countries with limited social safety nets and protections for non-citizens and other marginalized populations.

Human trafficking is a serious and systemic abuse of human rights in Southeast Asia, often in the form of forced labour. Migrant workers are among those already most vulnerable to human trafficking, resulting from the disparities in the region, weak governance and demand for cheap labour in key sectors of industry. They are subject to marginalization and discrimination in society, whether as a result of nationality, ethnicity, gender, disability, socio-economic status, or their legal status as migrants. The pandemic has therefore exacerbated an already precarious situation for many, even as they have played an essential role in industries and economies in Southeast Asia over this period.

This article highlights the important policy commitments in the Sustainable Development Goals that need to be met, by both governments and private sector in the region, to address the deepening vulnerabilities of migrant workers to human trafficking for forced labour. We present the following article in accordance with the Narrative Review reporting checklist (available at <https://jphe.amegroups.com/article/view/10.21037/jphe-21-108/rc>).

Methods

This narrative paper draws on the experience of the ASEAN-Australia Counter Trafficking (ASEAN-ACT) program and that of its predecessors' in working on human trafficking in Southeast Asia over the past 17 years (1). ASEAN-ACT works with ASEAN member states and other stakeholders to develop capacities to respond to human trafficking and builds the evidence base for improved law, policy and practice to counter trafficking. ASEAN-ACT is currently supporting research throughout Southeast Asia on the vulnerability of migrant workers to human trafficking for forced labour through a number of partnerships (2). Ongoing monitoring and data collection is conducted, and

analysis of these changing dynamics has been informed through regular engagements with governments, civil society, private sector and international organisations.

ASEAN-ACT's data is supplemented in this article with a review of relevant publications collated by searching key terms for open-source material, using Google Scholar and Google Search, published during the pandemic period (see *Table 1*). Selected articles were chosen for their relevance and insights on the vulnerabilities of migrant workers to human trafficking in Southeast Asia through the COVID-19 pandemic, particularly in Malaysia, Singapore and Thailand, as key destination countries in the region and the focus countries of this article.

Defining human trafficking

Human trafficking, forced labour and modern slavery, are all terms broadly used to describe phenomena whereby people are deceived or coerced into exploitative environments that they would otherwise not have agreed to, and are compelled to work against their will (3). Human trafficking is defined in international law in the UN Convention on Transnational Organized Crime (UNTOC Convention) as: 'The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation' and this is also mirrored in the ASEAN Convention against Trafficking in Persons (UN Convention on Transnational Organized Crime, 2000) (4).

It elaborates that 'exploitation': 'shall 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 (4)'.

Forced Labour is defined under ILO Convention 29 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 (5)'. Modern slavery has often been used by advocates as an alternative to forced labour and human trafficking, to more effectively convey the exploitation that such workers are compelled to work in after they have been transported between or within countries. It has since been adopted in legislation in the UK and Australia, as well as in the Sustainable

Table 1 Search strategy

Items	Specification
Date of search	For open-source materials: 13 September to 22 October 2021
Databases and other sources searched	ASEAN-ACT published and unpublished data and reports Additional documents sourced through Google Scholar and Google
Search terms used	While this was not a systematic literature review, a combination of the following search terms was used in an online search of relevant documentation: “COVID-19” AND “Migrant workers” OR “Migration” AND “Southeast Asia” OR “Malaysia” OR “Singapore” OR “Thailand”
Timeframe	Articles related to the impact of COVID-19 on vulnerability to trafficking were sourced from March 2020 to present. Selected further materials for context on human trafficking in Southeast Asia are from longer history
Inclusion and exclusion criteria	Studies and articles were selected for inclusion if they provided insights on the conditions of migrant workers in destination countries in Southeast Asia as a result of the COVID-19 Only English language studies and articles were included
Selection process	The material for review was selected by the authors, and consensus was obtained through collective review
Any additional considerations	ASEAN-Australia Counter Trafficking conducts ongoing in-depth monitoring of human trafficking patterns and responses in Southeast Asia that has been a key resource in informing this analysis

ASEAN-ACT, ASEAN-Australia Counter Trafficking.

Development Goals. However, the concept is not enshrined in international law and there are differences in definition across the small number of jurisdictions that legislate against it.

The ILO, together with the Walk Free Foundation, estimated that 25 million people are in conditions of modern slavery in Asia and the Pacific as of 2017, that is forced labour or forced marriage (6). Vulnerability to trafficking is highest in domestic work, construction, manufacturing, commercial agriculture and fishing (6,7). Indicators of coercion and exploitation are often used to guide responders and duty bearers in understanding the phenomena in practical terms. These include:

- (I) Abuse of vulnerability;
- (II) Deception;
- (III) Restriction of movement;
- (IV) Isolation;
- (V) Physical and sexual violence;
- (VI) Intimidation and threats;
- (VII) Retention of identity documents;
- (VIII) Withholding of wages;
- (IX) Debt bondage;
- (X) Abusive working and living conditions; and,
- (XI) Excessive overtime (8).

The severity of the indicator needs to be considered as well as the number of indicators in a given case, making it challenging to set out a specific methodology of calculating

if a case is trafficking or not.

Human trafficking can therefore be a complex phenomenon, with the drivers of trafficking impacted by a range of individual circumstances and structural factors. Trafficking is particularly prevalent in Southeast Asia for diverse forms of exploitation, including different forms of forced labour, sexual exploitation, forced and often underage marriage, and organ trafficking. A narrow conception of human trafficking remains common in the region, that victims are predominantly women and girls trafficked for sexual exploitation.

A significant challenge in uncovering human trafficking is that its victims are disempowered and often afraid to reveal their status, either as victims or often undocumented migrants. They are intimidated by their traffickers and authorities may perceive them as more likely criminals than victims of exploitation. The vast majority of victims of trafficking globally are not identified or assisted (9). Yet while few victims are ultimately identified, more is known about employment sectors vulnerable to trafficking. In identifying vulnerable employment sectors, workplaces that keep workers in remote or isolated conditions should draw attention. UNODC notes that ‘the “invisibility” of some sectors, such as domestic work, fishing in open sea, agriculture or mining in remote areas where workers have no contact with the rest of the community, facilitates exploitative practices (7). This equally applies to industrial

zones and workplaces that restrict freedom of movement. These isolated working environments present barriers in bringing trafficking cases and exploitative patterns to justice. Workers themselves may not know that the conditions and terms of their employment may be defined as forced labour or human trafficking, and in the unlikely event that responsible authorities encounter the workers in these environments, they also may not recognize these as being such. Others may be in environments less hidden yet feel unable to escape; their exploitation may be normalized or they may be coerced into not seeking assistance.

Political commitments by the international community to counter human trafficking

In recent years, the imperative to counter human trafficking and the precarious situation of migrant workers has been recognized by the international community at the highest levels. The Sustainable Development Goals (SDGs) provide the most comprehensive high-level political statement that world leaders have committed to in order to achieve higher social, environmental, economic, and governance standards for all. They recognize the particular vulnerability of migrants yet also that the different aspects of sustainable development are closely inter-related and integrated (10). Each of the SDGs have specific targets and indicators to measure their achievement, and the following targets relate specifically to ending forced labour, trafficking and modern slavery:

- (I) Target 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;
- (II) Target 8.7: take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour;
- (III) Target 10.7: facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies; and
- (IV) Target 16.2: end abuse, exploitation, trafficking and all forms of violence against and torture of children (10).

The SDGs highlight the inter-related and integrated nature of sustainable development, that is in deficit with regards to migrant workers. Further, the multi-faceted and complex nature of human trafficking reflects the importance

of such an approach taken in the SDGs. While the pandemic has set countries back in their achievement of the SDGs, it also illustrates their importance and why increased efforts are needed to ‘build back better’ in response to the crisis. This will also require investment in developing the methodologies and data collection to measure achievements against the agreed targets and their indicators, that states have committed to.

Businesses have been a key target stakeholder of the SDGs and many larger companies have bought into the agenda since their adoption. The UN Global Compact (UNGC) is the largest corporate social responsibility (CSR) network globally and through the respective national networks, there is increasing progress towards the uptake and implementation of the SDGs in business. The UNGC and its respective national networks, founded to promote and implement specific social, environmental and governance principles, includes among these ‘the elimination of all forms of forced and compulsory labour (11). The leadership demonstrated by companies in such coalitions as the World Business Council for Sustainable Development, also suggests substantial commitment in reports from the private sector to the different goals (12). However, even prior to the pandemic the substance of these commitments has been questioned and analysis to date indicates these have not been accompanied by action for the vast majority of businesses—changes in approach are required (13).

Governments in Southeast Asia have adopted a regional commitment to counter-trafficking in the ASEAN Convention against Trafficking in Persons, Especially Women and Children. At the national level there is legislation to counter human trafficking in all ASEAN Member States and all have developed and implemented National Plans of Action to support implementation. Developments in countries and regional groupings beyond Southeast Asia, particularly in destination markets for goods produced in the region, may have as significant an effect on human rights in supply chains and trafficking therein. The framework around business and human rights is evolving towards more mandatory corporate human rights due diligence regimes as opposed to the voluntary approaches to date. A draft directive by the EU Parliament is anticipated to soon require member states to legislate that companies of a certain size are responsible for the impacts on human rights throughout their value chains, therefore bringing accountability for forced labour and related practices much further down the supply chain than has ever been required

to date (14).

At a practical level, the conditions that migrant workers face reflects a disconnect between the political commitments outlined, and the reality on the ground. In a number of Southeast Asian nations, laws and policies limit the labour protections extended to migrant workers, especially those who work in the informal sector. The pandemic has deepened the divide between workers in the formal and informal sectors, with the former afforded access to social security and relief payments in some countries. Further, many sectors with vulnerable workers are not regularly or adequately inspected to check for labour violations or signs of labour exploitation. The ILO collects data on labour inspections globally and found a decreasing trend over 2010–2018 (7). With this trend prior to the pandemic, it would be reasonable to assume that inspections for workers' rights protection (as opposed to pandemic control) have continued to decline, which is supported by anecdotal data in the region. In the majority of Southeast Asian countries, labour inspectorates are not adequately resourced or trained to enter into workplaces where workers may be working in dirty, dangerous and difficult (3D) working conditions. This was the case prior to COVID-19 and would likely have worsened as budgets and resources have been diverted for pandemic response (15).

COVID-19 impacts on the vulnerability of migrant workers in Southeast Asia

The pandemic, and the measures put in place to contain it, have had a serious impact on many sectors of industry. Some governments in Southeast Asia, as globally, have attempted to mitigate the impact with different forms of assistance, including loans, suspension of debt repayments, and wage payment subsidies. Yet the sustained and systemic impacts on many sectors have created economic conditions and costs that may be passed directly onto workers, depending also on the regulatory framework. Small and medium-sized enterprises (SMEs) have been particularly hard hit, as have many businesses that depend on international markets and supply chains. With the intermittent closure of important trading ports in China and elsewhere, quarantine and other restrictions, supply chains have been disrupted globally. This has had a paradoxical effect on the demands on workers in the transportation industry. Industry leaders representing the maritime, road and aviation sectors expressed concerns that the 'continued mistreatment [of workers in these industries] is adding pressure on an already crumbling

global supply chain (16)'. Filipino migrant workers make up approximately a quarter of seafarers working in the shipping industry, approximately 230,000 workers, who have been forced to remain at sea for extended periods, uncertain of how long this will continue. This has affected their physical health and vulnerability to contracting and transmitting COVID-19, and also taken a significant toll on seafarers' mental health (17).

It is important to understand the specific dynamics of human trafficking in the region that provide the context prior to the COVID-19 pandemic. The demographics and differences in socio-economic development between countries in Southeast Asia result in unmet demand for labour in some countries and a youthful population with few livelihood options in others. The nature of restrictive border controls in the region, made even stricter as a result of the pandemic, combined with the high cost of migration, results in labour movements often taking place through risky and irregular channels. Such precarious migration is made possible by corruption, complicity, weak governance and rule of law, particularly around borders and areas with concentrations of migrant workers. Migrant workers often have a low awareness of their rights or available support mechanisms in the destination country. They are often unfamiliar with the language and customs in the destination country and are disconnected from government services and social structures. Studies also indicate that 'law enforcement or labour inspectors may not always be so keen in protecting migrants' rights due to widespread discrimination by the community or state authorities of the countries where they have settled' (7).

Malaysia, Singapore and Thailand are the main destinations for migrant workers in Southeast Asia and they play an important part in both the destination economies and in countries of origin through their remittances. A snapshot of their situation follows, as well as the impacts of the pandemic and related governments' responses. It should be recognized that each country has enacted legislation against human trafficking broadly aligned to international standards and have made a regional commitment against the problem in the ASEAN Convention against Trafficking in Persons, Especially Women and Children.

Malaysia

Migrant workers are a critical part of Malaysia's workforce, responding to demand in sectors, such as agriculture (largely palm oil plantations), manufacturing, electronics and domestic work. Prior to the pandemic, 3 million to

5.5 million migrants were estimated to be working in the country, with 1 million to 3.5 million of those being undocumented (18). While therefore constituting up to 30% of the country's workforce, they have experienced weak labour protection standards and often discriminatory practices. The exploitation of workers in these sectors has also been well documented by civil society, international and workers' organisations (19). The remoteness of many of the workplaces is compounded by the vulnerabilities that workers often arrive with, including the debts associated with labour migration to Malaysia, which already put migrant workers in precarious situations. Rubber gloves have been imperative protective equipment for frontline and medical responders to COVID-19, yet reports of forced labour in Malaysian manufacturers' factories led to the US government banning gloves from a number of firms over 2020 and 2021 (20).

With the large number of undocumented and precarious migrant workers in the country, the impacts of COVID-19 in Malaysia were substantial, including a range of labour rights violations, lack of food and supplies, unfair termination and unpaid wages (18). In April 2020, outbreaks of COVID-19 in migrant workers communities in three buildings resulted in the buildings being 'placed under an enhanced movement control order (EMCO), i.e., a complete lockdown (21)'. This kept infected and uninfected migrants together, sealed off from the wider population and services. Undocumented workers were initially reassured that they could come forward for testing without penalty, yet this was reversed in late April, when the Defence Minister notified that 'all undocumented migrants found in EMCO areas across the country would be placed in detention centres or special prisons (21)'. There were reports that some migrant workers were arrested as a result, and significant concerns were raised about the conditions in immigration centers and migrant workers' accommodation, including the vulnerability to COVID-19 in these cramped environments (21).

Migrant workers in Malaysia were already considered to be in difficult conditions in a range of sectors, prior to the country's downgrade to Tier 3 in the US State Department's Trafficking in Persons Report 2021 (22). The report and downgrading emphasized concerns over the lack of efforts to identify victims of trafficking and particular concerns over conditions in the rubber manufacturing and palm oil industries. Advocates have proposed interventions to improve this standing that include a focus on ethical recruitment and human rights due diligence to ensure

minimum labour standards. However, moves now to recruit more migrant workers from overseas rather than regularize those currently in the country, and those in detention centers who lost employment, indicates that there is a need for more tangible protection and promotion of migrant workers' rights in the country (23).

Singapore

Approximately 300,000 migrant workers work in Singapore out of a total workforce of approximately 3.6 million workers, therefore constituting approximately 8% (24). As the most advanced economy in ASEAN by a considerable margin, the city state attracts migrant workers from the region to its construction, shipbuilding, service and domestic work sectors. Migrant workers have become increasingly important as the country rapidly develops and its citizens do not work in labour-intensive industries. The labour migration regime is highly regulated and migrant workers are housed in appointed dormitories, with their visas attached to specific employers, and must usually leave the country to change employer (25).

Despite this, the pandemic highlighted the plight of migrant workers in Singapore, often unnoticed before, with outbreaks in the dormitories becoming the key focal area of COVID-19 in the country. The dormitories were put under isolation orders as a result, and workers were forced to remain in difficult conditions, with no possibility of social distancing, often lacking in hygiene, plus loss of income and increasing stress (26). Where workers lost employment, some were able to return to their home countries, but most remained in confinement in the dormitories. Even as much of the country returned to degrees of normality, migrant workers were kept in confinement. The subsequent reporting of cases in dorms as separate from the general population in Singapore was observed to highlight the inequality faced by migrant workers (27).

The revelations of the conditions migrant workers endured in Singapore led to greater recognition of their plight. Prime Minister Lee Hsieng Loong made a speech honoring the migrant workers in the country, for their contribution to Singapore and the sacrifice during the COVID-19 pandemic, at least in rhetoric assuring that they would be cared for as Singaporeans are (28). There have since been improvements to migrant workers dorms and facilities which have eased the cramped conditions, however many migrant workers continue to remain affected by both the restrictions and loss of work.

While there are certainly vulnerabilities of migrants

to different forms of exploitation in Singapore therefore, the US State Department's Trafficking in Persons report recognizes the governments' efforts to address human trafficking and gave Singapore the highest ranking, Tier 1 in 2021 (22). While caution should be used in making inferences from these rankings, they are one indicator among others that point to similar findings on the vulnerabilities of migrant workers to trafficking in destination countries in Southeast Asia.

Thailand

Thailand hosted approximately 4.8 million migrants as of 2019, 3.9 million of whom came from neighbouring countries, particularly Myanmar, followed by Cambodia and the Lao PDR, and an estimated 800,000 of these were in irregular status (29). Bilateral agreements to cooperate in labour migration with those countries allows migrants to come and work through regular channels however many come irregularly due to the time and financial costs of going through the regular channels. Through the course of 2020-21 the pandemic has added to the barriers, with the closure of such channels.

The Thai economy has been significantly impacted in hospitality, tourism and service sectors, as well as manufacturing and food processing sectors where COVID-19 outbreaks have occurred. The Thailand Development Research Institute (TDRI) noted that many migrant workers in sectors affected by business closures 'currently have no access to basic necessities, such as water, sanitary items, medicine and food (30)'. Among businesses that provided contracts for migrant workers, some 'have allegedly forced employees to sign resignation letters to avoid compensation for ending contracts (31)'.

The second wave of COVID-19 in Thailand struck in December 2020 and was attributed to migrant workers from Myanmar coming to Samut Sakhon province, a hub for the seafood processing industry and large migrant worker communities. The government immediately ordered migrants in the province not to leave their residences, which are characterized by cramped conditions and multiple inhabitants. This provided little scope for social distancing or maintaining hygiene standards, which created challenging conditions to keep safe during the pandemic, and also prevented them from earning wages.

The Thai government responded to the insecurity migrant workers faced by allowing undocumented migrants to register in early 2021, and for those on expiring work permits to remain in the country. Yet more serious waves

of the pandemic arrived in 2021, and construction camps largely employing migrant workers in Bangkok were heavily affected. The Thai government sealed off many of these construction sites with the workers often left in desperate conditions inside. Assistance to meet the basic needs of migrants has largely come from civil society, as TDRI note, 'despite being one of the most vulnerable groups in society, migrant workers, including their family members, have been left with little care from the government (30)'. A recent review of the situation of workers in seafood processing sector has shown the impacts include a loss of income, to the point that living costs could not be met, and particularly stark gender inequalities in wages (32). Ultimately, Thailand was also downgraded in the US State Department Trafficking in Persons 2021 report from its Tier 2 ranking to Tier 2 Watchlist, for reasons that include the lower number of victims identified than previous years, when key risks remain unaddressed (22).

By November 2021 a paradox had developed between the high demand for migrant workers in Thailand and the increasing reports of migrants arriving from Myanmar being arrested, with the high costs potentially putting migrants in situations of debt bondage and without documentation (33). There have been indications that the Thai government will soon open regular channels for migrant workers to come from neighbouring countries and suggestions of a registration process for migrant workers in the country that would essentially be an amnesty for those undocumented. Both processes raise questions of who will pay related costs, whether for quarantine or for documentation. If employers turn to recruiting migrants through irregular channels to avoid such costs, this will increase precarity in their employment and residency status. Whether through greater debt or irregular status, the current scenarios present increased risks of exploitation and trafficking unless measures are put in place to ensure greater protection of migrant workers' rights. Further, registration processes that have allowed some irregular migrants to become documented in the past have been sporadic and have not resulted in longer-term management of labour migration supply and demand.

Increased vulnerability in destination environments

This analysis of the situation of migrant workers in the three key destination countries in Southeast Asia demonstrates that they have been among the hardest hit by the COVID-19 induced crisis. While there are different

profiles of migrant workers, their situations have become more precarious and working conditions in general more abusive. As analysis by the OECD, ADBI and ILO notes, their exclusion 'from unemployment benefits, income relief, and wage subsidies... has led to a humanitarian crisis among the migrant populations (34)'. The socio-economic impact has hit their relative employment stability and income, and pandemic-related restrictions affected their freedom of movement and access to assistance and services. Few migrant workers in the region have been able to reach out and access support packages and safety nets that governments have put in place for workers. This is largely due to their differing legal status' but also sometimes due to their lack of knowledge of the provisions, or their inaccessibility (15). Non-government organisations have stepped in to provide assistance in many instances, however their support has also been hampered by the pandemic-related restrictions and impacts on their own funding (15).

Lockdowns and border closures have resulted in migrants being stranded in the three countries, as elsewhere globally, affecting their ability to send remittances, provide for their families, themselves, or return home. Some of those who became unemployed in Singapore and Malaysia have been repatriated or returned home, however formal channels have been limited and, consequently, illicit border crossings have increased (33). Thailand saw estimates of 60,000–200,000 workers leave the country early in the crisis when border closures were announced, with many more therefore remaining in the country (35). Those who have wanted to return to their home countries, or felt compelled to do so, have had to resort to more dangerous routes and the services of smugglers who are 'making use of more dangerous routes to cross borders and charging higher fees (36)'. It is important to note that the military coup in Myanmar in February 2021 also impacted the large number of Myanmar migrant workers in Thailand and Malaysia, who largely found the prospects of returning to their home country since either unappealing, dangerous or impossible.

The health impacts of COVID-19 have worsened living and working conditions in specific occupations employing migrant workers. The partial lockdown in Thailand for much of 2020-21 for example, exempted construction, a sector heavily dependent on migrant workers, and many were not provided with sufficient PPE. An assessment in mid-2020 observed that migrants would 'work on high-rise buildings and apartment complexes and building sites, with only a few wearing face masks or bandanas around their nose and mouth (37)'. Outbreaks in factories also illustrate

that the working and living conditions there may put workers at greater risk of contracting the virus. Such migrant workers have 'limited access to COVID-19 testing and treatment and might not be able to seek medical support due to costs involved, and fear of the repercussions of engaging with authorities, including deportation for those in irregular status (38)'. Language barriers and the different news sources used may mean that migrant workers do not get access to public health information, relying instead on informal networks, social media and non-government organisations. They may lack access to sufficient PPE and are even less likely to have access to vaccinations (38).

Undocumented migrants may be especially vulnerable to a range of abuses due to their irregular status and having to remain hidden from authorities. Traffickers often use threats of reporting undocumented workers to authorities in order to coerce, control and exploit (7). Even prior to the pandemic, their presence may be best understood to result from the political economy of the labour migration systems in the region and their complexities. The restrictive border regimes that result in irregular migrant workers balancing workforce supply and demand, benefit countries of destination and origin, yet leave the workers themselves bearing the burden of risk. This appears to have been most clearly a risk in Malaysia as a result of the pandemic and to some degree also Thailand. The pandemic has shown their vulnerability can now permeate society, where their health, and living and working conditions can potentially affect many others in society. A lesson from the pandemic has been that the safety nets for the most vulnerable are as imperative as they are for others in society.

Stigma and discrimination are further factors affecting the vulnerability of migrant workers, and these too have been exacerbated by the pandemic. As regular targets of discrimination in their workplaces and publicly, ILO research has shown that this has not improved in recent years (39). It is also therefore no surprise or coincidence that migrant workers have been seen as vectors of the disease and the cause of outbreaks in Malaysia, Singapore and Thailand. This compounds their vulnerable status in society, with 'social marginalization and xenophobia experienced by migrants [...] on the rise, feeding public perceptions of migrants as carriers and spreaders of COVID-19 (36)'. Migrant workers are often employed in sectors characterized as 'low-skilled', however the pandemic has highlighted the reality that these are sectors are vital to the economy and society functioning, whether supply of food or other necessities, construction of homes and offices,

or keeping towns and cities clean (40).

Looking at the domestic work sector as a specific example, even prior to COVID-19 domestic workers were 'exposed to severe levels of sexual, physical and psychological abuse that is rarely seen in other—albeit still tragic—forms of trafficking' and this may have been further exacerbated by the lockdowns, restrictions of movements and households working and schooling from home (7). Domestic work predominantly employs female workers, and there are therefore important gender dimensions to the vulnerability of workers in the sector. UNODC has documented that 'about 15 per cent of the victims of trafficking for the purpose of domestic servitude are exposed to sexual abuse', though the percentage is likely much higher due to low levels of reporting (7). With employers of domestic workers spending more time at home during the pandemic and the domestic sphere itself an increasingly invisible workplace, the workloads and safety risks for workers are even greater.

In summary, there is a clear danger that those workplaces in the region that already exploited migrant workers, and exacerbated vulnerabilities brought about by a range of inequalities, would have furthered that exploitation as a result of COVID-19. The pandemic has highlighted the lower levels of respect for the rights of migrant workers and their health by employers in essential sectors, made possible by the lack of protective laws and regulations in many Southeast Asian countries. Workers in such precarious situations may be exposed to more severe exploitation or abuse in light of the pandemic, then further into forced labour or trafficking. In most cases these workers will not come forward or be detected by authorities—neither party will likely recognize the situation as trafficking. Restrictions on the freedom of movement, indebted workers with low wages, compulsory overtime, the withholding of identity documents, may seem normal in such workplaces, given the broader enabling environment. Responders, if they were to encounter such situations, often do not perceive them as trafficking, given the bias in Southeast Asia towards perceiving trafficking as largely for sexual exploitation.

The signal that Singapore has offered in recognizing the contribution that migrant workers have made to the country offers some hope, yet this sits in contrast to responses in Malaysia that have been less oriented to the protection of rights. Thailand's amnesty towards irregular migrants and those who became undocumented through the pandemic also demonstrates a recognition of their importance to the country and a positive approach to reducing their

vulnerability. However, this has been offset by a notable increase in vulnerability of migrants in the country, which will require a more rights-based approach to address.

Conclusions

This article has demonstrated that there are multiple and intersecting vulnerabilities faced by migrant workers in their workplaces in Southeast Asia, which have been further exacerbated by COVID-19. In light of the indicators of forced labour and human trafficking elaborated, the abuse of vulnerability, restrictions of movement, isolation, and abusive working and living conditions, are most clearly seen to have worsened through the pandemic.

As the region seeks to recover from COVID-19 and develop resilience to future shocks, a new approach to recognizing the value of migrant workers is required (40). Migrant workers are essential in Southeast Asia—they have been vital in manufacturing protective equipment for the pandemic response, ensuring supplies to supermarket shelves, and producing IT components for communications devices. A renewed emphasis on the living and working conditions of such essential workers is required. Governments, civil society and the private sector will need to work together to ensure that a comprehensive approach to addressing these vulnerabilities is for the benefit of workers. Recovery from the global pandemic comes at a time when the movements towards mandatory human rights due diligence in corporate supply chains is gaining increasing prominence in many destination markets. It will be important that this momentum is recognized in Southeast Asia and that policy makers work in consultation with industry to build greater sustainability and resilience in supply chains and protection for vulnerable workforces.

The Sustainable Development Goals provide the framework and opportunity for the different stakeholders to recognize and address the multi-dimensional vulnerabilities of migrant workers. Yet it will require a step change in the initiative and political will among both governments and the private sector in the region to conceive of development, and therefore the recovery, in an inclusive way. It would entail ensuring the dynamics towards mandatory corporate human rights due diligence that are picking up speed in different parts of the world are prioritized in Southeast Asia. A focus specifically on trafficking and forced labour will help address the most egregious abuses of human rights, and should aim to address the range of indicators of exploitation in so doing. Indicators of forced labour may be

used to assess, monitor, and identify at-risk workplaces and workers in precarious employment, to support targeting of interventions to reduce vulnerability.

Note on further research

ASEAN-ACT is currently supporting a number of research projects in Southeast Asia to better understand migrant workers' vulnerability to human trafficking, including the impacts of COVID-19. This includes primary research in partnerships with Migrant Forum Asia, Verite Southeast Asia, and the Overseas Development Institute, which will result in research studies published over 2022-23. The research and responses seek to promote inclusive approaches for migrant workers' engagement in policy processes.

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