



# MODERN SLAVERY RISKS AMONG PEOPLE LACKING OFFICIAL DOCUMENTATION

A global evidence review

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Authored by: Heaven Crawley, Anita Ghimire,  
Louis HERNs Marcelin, Linda Oucho and Angharad Smith



**UNU  
CPR**



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# EXECUTIVE SUMMARY

This desk-based review consolidates global evidence regarding the intersection between modern slavery and access to official documentation at the global level and in three focus countries: Brazil, Kenya and Nepal. It marks the initial phase of a comprehensive research project being jointly undertaken by the United Nations University Centre for Policy Research (UNU-CPR) for the Freedom Fund between October 2023 and September 2024. The aim of this research is to increase understanding of the modern slavery risks faced by people who lack documentation as well as their specific vulnerabilities to human trafficking. It seeks to identify practical solutions for policymakers, civil society organisations and donors, in the focus countries and globally, that are informed by the lived experiences of survivors of modern slavery.

## EVIDENCE ON THE SCALE OF THE PROBLEM

An estimated 850 million people around the world lack official documentation, disproportionately affecting disadvantaged groups including women, younger people, less educated people, rural dwellers, migrants, refugees and those living in poverty. There are significant differences in access to documentation among the focus countries. For example, 96 percent of children under five are registered at birth in Brazil, compared to 65 percent in Kenya and 77 percent in Nepal.

Globally, an estimated 49.6 million people, including more than 12 million children, are in situations of modern slavery. Survivors of modern slavery often face re-exploitation due to their lack of access to documentation. Despite widespread acknowledgment of the heightened risk faced by people who lack official documentation, our research was unable to identify any data, globally or in the focus countries, on the extent to which those who are in situations of modern slavery lack documentation, either as a causal factor or a consequence. This limitation complicates efforts to estimate the scale of the issue. There is therefore a pressing need for detailed empirical research to unravel the intricate links between a lack of documentation and the risks of modern slavery.

## UNDERSTANDING PATHS TO A LACK OF DOCUMENTATION

The research aims to better understand the pathways to a lack of documentation, identifying six overlapping groups.

- People who are consciously without documentation.
- People who are deemed as “not legally entitled” by local governments.
- People who fail to meet eligibility criteria for documentation.
- People who face practical or social barriers to register for documentation.
- People who are waiting to receive documentation.
- People whose documentation is lost/taken away.

## DOCUMENTATION AND MODERN SLAVERY RISKS

The literature underscores the central role of official documentation in vulnerability to exploitation. Various economic, social, cultural, legal and crises-related dimensions exacerbate vulnerability for individuals without documentation. Lack of access to services and rights pushes individuals into low-wage, unregulated sectors, fostering exploitation. Social isolation, cultural disconnection, racial and ethnic discrimination, and legal barriers contribute to heightened vulnerability. There is evidence that migrants lacking documentation, particularly in sectors like agriculture and fishing, face higher risks of exploitation and legal evasion by their employers. The specific vulnerabilities of migrants lacking documentation are noted in countries such as Brazil. Survivors of modern slavery may face re-victimisation due to a lack of access to correct documents, hindering their ability to seek help and services. International agencies stress the vulnerability of individuals without official documentation, linking it to an increased risk of smuggling, trafficking and exploitation.

Despite these widespread acknowledgments, international policy frameworks inconsistently address lack of documentation as a risk factor, reflecting gaps in the existing evidence. Notable research gaps exist in Nepal and Kenya regarding the intersection of slavery, forced labour and citizenship. In Brazil, there is a focus on the vulnerability of workers who lack documentation, but knowledge gaps persist for migrants to Brazil from other countries in the Latin America and the Caribbean region. Addressing these gaps is essential for developing strategies to combat exploitation and protect vulnerable populations.

## STRATEGIES FOR ADDRESSING LACK OF DOCUMENTATION AND MODERN SLAVERY RISKS

Most of the literature on this issue suggests that facilitating access to documentation serves a dual role as both a preventive and protective mechanism. This approach not only helps mitigate risks but also fortifies rehabilitation efforts, acting as a deterrent against the recurrence of exploitation; for example, when documentation is provided to people in situations of modern slavery. However, program emphasis usually leans more towards prevention than protection, as these initiatives are not often crafted with a specific anti-slavery focus.

Increasing birth registration emerges as a central preventive strategy. Legislative changes, awareness campaigns, financial incentives and digital solutions can boost registration rates. Support services for survivors of modern slavery play a crucial role, but there is a lack of literature assessing these programs. Policies exacerbating documentation challenges need to be addressed, including discriminatory requirements and insufficient safeguards to protect those working informally.

## CONCLUSIONS

The right to documentation and a legal identity is enshrined in the Sustainable Development Goals (SDG 16.9). The Global Compact on Migration encourages states to provide all migrants with proof of legal identity and adequate documentation (Objective 4). Yet millions of people struggle to secure documentation to prove their identity and access legal rights and basic services. Recognising and understanding the nexus between modern slavery and the absence of official documentation is potentially pivotal in shaping effective policies that not only address legal identity but also strive to eradicate the conditions fostering exploitation. This review highlights significant gaps in our understanding of the scale, causes and consequences of these interconnected issues, emphasising the need for further research to bridge these evidence gaps.

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# ABBREVIATIONS

AMADPOC	African Migration and Development Policy Centre
FAST	Finance Against Slavery and Trafficking
GP	General Practitioner
ICT	Information and Communication Technology
ID	Identity Documents
IDP	Internally Displaced Person
ILO	International Labour Organization
INURED	Interuniversity Institute for Research and Development
IOM	International Organization for Migration
KYC	Know Your Customer
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Queer and Intersex
NGO	Non-Governmental Organisation
NISER	Nepal Institute for Social and Environmental Research
OHCHR	Office of the High Commissioner for Human Rights
PTSD	Post-Traumatic Stress Disorder
SDGs	Sustainable Development Goals
TVPA	Trafficking Victims Protection Act
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNU-CPR	United Nations University Centre for Policy Research
US	United States
WHO	World Health Organization



# SECTION 1: BACKGROUND

Between October 2023 and September 2024, the United Nations University Centre for Policy Research (UNU-CPR), supported by the Freedom Fund, is undertaking mixed-method, action-oriented research into the relationships between a lack of documentation and heightened risks of trafficking and modern slavery. There is extensive evidence that people who lack official documentation are often unable to access their basic rights and entitlements, contributing to a myriad of complex challenges including social stigma, economic marginalisation and lack of political representation and legal protection. There is also extensive evidence on the impacts of modern slavery on those being exploited and survivors. Little is known, however, about whether, and if so how, a lack of official documentation can increase modern slavery risks.

To address this evidence gap, UNU-CPR is conducting a detailed examination of the intersection between modern slavery and access to official documentation at the global level and in three focus countries: Brazil, Kenya and Nepal. The aim of this research is to increase understanding of the modern slavery risks faced by people who lack documentation as well as their specific vulnerabilities to human trafficking. It seeks to identify practical solutions for policymakers, civil society organisations and donors, in the focus countries and globally, that are informed by the lived experiences of survivors of modern slavery.

This document synthesises the findings of our initial review of existing and emerging evidence on the modern slavery risks faced by people who lack the necessary documentation to access the full spectrum of rights and entitlements, globally and in the focus countries. It includes evidence relating to people who are stateless, have irregular legal status, or who possess specific documentation, such as birth registration, but who encounter substantial obstacles in acquiring other essential documents or entitlements.





## SECTION 2: THE EVIDENCE BASE FOR THIS REVIEW

A preliminary review of existing evidence was taken at the global level by the researchers at UNU-CPR and at the country level by the country leads and their teams, using an agreed literature review search protocol (Annex 1) and assessed in relation to the agreed research themes and questions. This approach was taken to ensure consistency in the search terms and criteria across the four separate reviews.

The global level review was undertaken by the lead researcher at UNU-CPR using UNU's recommended academic databases, including JSTOR, PubMed and Google Scholar. The review focused exclusively on English-language sources published during the period from 2010 to 2023. After applying inclusion and exclusion criteria, a total of 150 sources underwent thorough review, ensuring a balanced representation from both the global south and global north. Documents from the United Nations (UN) were an important part of evidence at the global level.

In **Brazil**, the review was undertaken by the Interuniversity Institute for Research and Development (INURED) in both English and Portuguese using Google Scholar. In the English search, 29 results were identified as relevant and 170 results were deemed relevant in the Portuguese search. The results revealed thematic disparities, with English studies addressing modern slavery broadly and Portuguese studies focusing on human trafficking. Google searches complemented the Google Scholar results, including news articles on migrant labour exploitation. The researchers identified a focus in the existing literature on the intersection of migration and exploitation, particularly with regard to the situation of Bolivian immigrants in São Paulo's textile industry.

The review in **Kenya** was undertaken in English by the African Migration and Development Policy Centre (AMADPOC) using multiple sources including Google Scholar. Additionally, insights were gathered from UN agencies and various government ministries and departments, most notably the State Department for Social Protection, Directorate of Immigration Services and the Office of the Attorney General. The review also drew upon the expertise of organisations specialising in cases of trafficking, modern slavery, refugees and asylum seekers, as well as insights from human rights institutions.

The review in **Nepal** was undertaken by the Nepal Institute for Social and Environmental Research (NISER), drawing on evidence gathered via Google Scholar alongside key informant interviews. Google Scholar searches were undertaken in English. In addition, a Google search targeted grey literature and government reports in Nepali focusing on documentation issues, particularly for marginalised populations. The researchers also scrutinised policies, acts and regulations related to citizenship from the Ministry of Home Affairs website, as well as hard copy reports and documents. A total of 186 documents were selected and reviewed.

# SECTION 3: EVIDENCE ON THE SCALE OF THE PROBLEM

The importance of being documented in order to access justice is reflected in SDG 16.9, which calls for everyone to have a legal identity by 2030. This includes recording and registering 100 percent of births. This target acknowledges the critical role that documentation plays in a person's ability to access a range of human rights, social services and developmental opportunities. A lack of documentation, from birth registration to identity papers, prevents millions of people from reaching their full potential. Those who lack documentation are isolated from the legal and administrative frameworks that exist to protect their economic, political and social rights, leaving them exposed to unfair or exploitative working conditions, abuse and violence, and unequal power dynamics when it comes to land and property. They also face obstacles to accessing key services such as education, healthcare, social protection and financial services. These individuals are often also without access to courts and police, which can be essential to resolving legal violations and accessing justice. As a result, people lacking documentation are left vulnerable and unable to access the full spectrum of rights and entitlements. This dynamic ultimately entrenches poverty, inequality and other forms of injustice (World Bank, 2023).

Evidence from the literature review indicates that globally there is a significant number of people lacking official documentation. In 2021, the World Bank estimated that one in nine (approximately 850 million) people around the world lacked official proof of their identity (World Bank, 2021). Notably, around half of this population are children and the majority reside in lower-income countries within Africa and South Asia. These data also show that people from disadvantaged groups – including women, younger people, less educated people, rural dwellers and those living in poverty – are more likely to be without official documentation. In addition to the 850 million who lack official proof entirely, there is also a further population who have a partial but insufficient set of documentation to access their full range of legal entitlements.

The existing literature highlights two main factors why people are or become undocumented: (1) the issues associated with barriers to birth registration and (2) the challenges in accessing official documentation for those who migrate or who are forced to leave their countries of birth.

Although the **birth registration rate** worldwide for children under five increased from 60 percent to 75 percent between 2000 and 2019, an estimated 237 million children under five still lack a valid identity document (UNICEF, 2019). In sub-Saharan Africa, just over half (51 percent) of children are registered by their fifth birthday according to the latest figures from June 2023. There are significant disparities in birth registration at the regional level. Western Europe and North America have the highest levels of birth registration, with 100 percent of children under five registered. Eastern Europe and Central Asia follow closely at 99 percent and the Latin America and the Caribbean region is at 95 percent. In stark contrast, in Eastern and Southern Africa, only 41 percent of children are registered. Regarding the focus countries in this review, in **Brazil**, 96 percent of children under the age of five have been registered at birth, whilst in **Kenya** and **Nepal** the figures are considerably lower at 65 percent and 77 percent respectively (UNICEF, 2019).

The United Nations High Commissioner for Refugees (UNHCR) recognises statelessness as a growing problem, defined as "a person who is not considered as a national by any State under the operation of its law" (UNHCR, 1954). UNHCR estimates that approximately 4.4 million people are currently stateless and lack a recognised legal identity (UNHCR, 2023a). Stateless people lack official documentation due to discriminatory or deficient nationality laws, which is often a deliberate strategy by governing authorities to exclude certain groups.

There is little comparable data on those lacking documentation in the case study countries. According to the Office of the High Commissioner for Human Rights (OHCHR, 2014), **Brazil** hosts a relatively small stateless population due to the constitutional embrace of the *jus solis* principle, automatically granting Brazilian nationality to those born in the country. However, both OHCHR (2014) and the

Brazilian Institute of Geography and Statistics estimate that three million people are living without documentation. UNHCR (2023f) estimates that Brazil hosts 538,000 forcibly displaced persons and stateless individuals, primarily from Venezuela, Haiti, Cuba, Syria and the Democratic Republic of the Congo. Notably, there has been an increase in arrivals from other nationalities in the past year, including Cuba (8,000, a 200 percent increase from 2021), Haiti (7,000, a 14 percent decrease) and Afghanistan (4,400, a 1,600 percent increase). Oliveira and Giacometti (2020) highlight the complexity of accurately gauging the number of migrants without documents, citing disparities in estimates over the years. The absence of official statistics in Brazil results in a critical information gap that must be addressed to advance the rights and dignity of people who lack documentation.

National data on the number of undocumented persons are not available in **Kenya**, however, there are some data relating to specific groups. For example, UNHCR (2023b) reports that Kenya is host to 16,800 stateless individuals. These communities include the Pemba, Galijael and Shona, as well as groups of individuals of Burundian, Congolese, Indian and Rwandan descent. Moreover, Kenya is the fifth largest refugee-hosting country in Africa and the 13<sup>th</sup> largest in the world, with more than 650,000 registered refugees and asylum seekers. The vast majority reside in refugee camps, including more than 275,000 people in Dadaab (Garissa County) and more than 280,000 in Kakuma (Turkana County). About 95,000 refugees and asylum seekers reside in Nairobi and other urban areas (UNHCR, 2023b). Refugees and asylum seekers are at a heightened risk of lacking official documentation due to the circumstances that compel them to flee their home country. The UN 1951 Refugee Convention mandates that all ratifying states must issue identity papers or travel documents to refugees and asylum seekers lawfully residing within their borders. In practice, however, the process can be protracted, convoluted and prone to political interference (Manby, 2016). There is evidence that many refugees face challenges in obtaining official documents, as they often face unclear, inconsistent and burdensome processes. Some refugees have also described harassment, demands for bribes and threats of arrest by officials (Norwegian Refugee Council, 2017). Those without documentation, including applicants who have been waiting for over a year, described feeling stressed and without hope. This underscores the impact of documentation on people's well-being and opportunity to live dignified lives.



Image: A woman worker at a construction site in India  
© ILO/ Joydeep Mukherjee

National data on the number of undocumented persons are also unavailable in **Nepal**. However, an estimated 6.7 million people lack proper citizenship documentation (United States [US] Department of State, 2022). We were able to identify just one quantitative study that looked at a larger sample of people who did not have citizenship. The study, by the Forum for Women, Law and Development (2014), found that the most common reason for not having citizenship certificate is never having applied for one (95 percent). It also cited as other reasons a low value placed on needing a citizenship certificate, uncooperative attitudes of family members and husbands being away from home at the time. Among those who did apply but did not receive their citizenship certificate, 43 percent were refused due to lack of proper documents and 26 percent were waiting for appraisal of the documents they had submitted. Awareness about the importance of citizenship varied among the population. People ages 16 to 20 had the lowest rate of applying for citizenship; a majority perceived that citizenship certificates were unnecessary for daily life.

Evidence from the literature review indicates that 49.6 million people worldwide are in situations of modern slavery, of which about one-quarter (more than 12.3 million) are children (ILO et al., 2022). Women and girls comprise over half (54 percent) of those living in conditions of modern slavery, with the Asia-Pacific region having the highest number of people in modern slavery and the Arab States exhibiting the highest prevalence (ILO et al., 2022). There is a limited amount of official data available on the scale of modern slavery in the focus countries, in part because of a difference in definitions of modern slavery within and between countries.

It is widely argued in the existing literature that people who lack official documentation face a higher risk of falling and remaining in a situation of exploitation and that this poses a distinct challenge for the anti-slavery community (David et al., 2019). However, we were unable to identify any data, globally or in the focus countries, on the extent to which people in situations of modern slavery lack official documentation, either as a causal factor or a consequence. This underscores the importance of undertaking detailed empirical research on the links between a lack of official documentation and the risks of modern slavery.



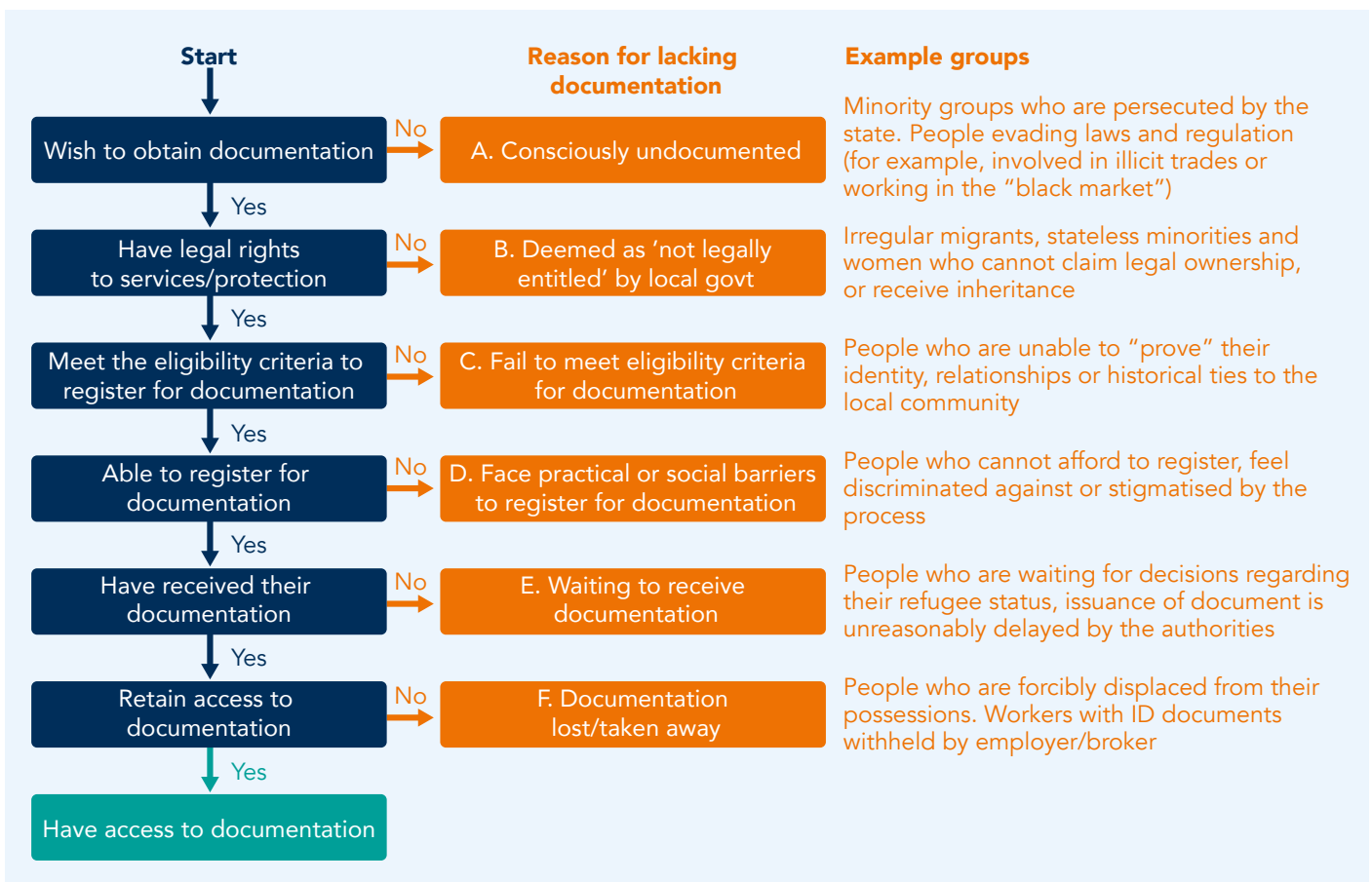
*Image: Activist in a demonstration in Berlin, protesting against the refugees camp eviction.*  
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# SECTION 4: UNDERSTANDING THE PATHS TO A LACK OF DOCUMENTATION

One of the primary aims of this research is to better understand the pathways to a lack of documentation; in other words, the processes that lead to individuals being or becoming undocumented. There are six potentially overlapping groups lacking official documentation (see Figure 1), namely:

- People who are consciously undocumented.
- People who are deemed as “not legally entitled” by local governments.
- People who fail to meet eligibility criteria for documentation.
- People who face practical or social barriers to register for documentation.
- People who are waiting to receive documentation.
- People whose documentation is lost/taken away.

Figure 1: Reasons why people are undocumented: pathways and categories



## 4.1 PEOPLE WHO ARE CONSCIOUSLY UNDOCUMENTED

There is a lack of evidence on the circumstances under which a person might choose to be undocumented, and no evidence on whether this might put them at increased risk of modern slavery. Notably, our examination of country case studies yielded no conclusive evidence regarding individuals actively choosing to maintain undocumented status.

From the limited literature that exists, it is clear that this subgroup is diverse, encompassing people from minority backgrounds who face persecution by the state, as well as those intentionally circumventing legal regulations for a myriad of reasons. Within this subgroup there are individuals who opt for an undocumented existence as a means of escaping oppressive or discriminatory circumstances in their home countries. For these people, the decision to go “off grid” is fuelled by a desire for safety and freedom, as well as the pursuit of better economic opportunities and a chance at a more dignified life (Andersson et al., 2018).

A recent study by Finance Against Slavery and Trafficking (FAST) indicates that some male Ukrainian refugees between the ages of 18 and 60 are opting to remain without certain documentation in host countries. This choice stems from a fear of being identified by Ukrainian authorities and potentially repatriated to face military conscription—a requirement enforced by Ukrainian law for men of this age group. This fear pushes them away from formal services towards the informal sector, reducing access to legitimate services and increasing exploitation risks as they turn to unregulated alternatives (Smith et al., 2024).

## 4.2 PEOPLE WHO ARE DEEMED AS “NOT LEGALLY ENTITLED” BY LOCAL GOVERNMENTS

The existing literature indicates that this subgroup is potentially significant in scale and includes, among others: those experiencing irregular migration; stateless minorities; women facing legal ownership challenges; and persons registered at birth but denied recognition. For example, numerous countries refuse to allow birth registration where the parents are of different nationalities or the parents themselves are undocumented, in turn creating a cycle of documentation challenges that affect future generations’ access to rights and services.

A substantial number of people in this category are undocumented migrants. Some enter a country without proper documentation, others face expired legal statuses, leaving them susceptible to immigration enforcement. The fear of apprehension compels many to live “under the radar”, with the perceived benefits of staying outweighing the risks of returning to their home countries (Valdez et al., 2013). The experiences of migrants lacking documentation are marked by their hidden nature, fear of detection, participation in the informal economy, constant mobility and the politically sensitive nature of immigration issues, all of which create challenges in gathering accurate data. These circumstances also lead to a potentially heightened risk of modern slavery, a concern observed in various countries, including **Brazil** (Araújo, 2022), **Kenya** (Zhang et al., 2021) and **Nepal** (Bhagat, 2023).

In **Brazil**, a recent report investigating exploitative working conditions in São Paulo’s sewing factories found that a substantial number of rescued workers were undocumented (ASBRAD, 2021). Other studies have also examined the situation faced by domestic workers in the informal economy, including their frequent exposure to financial, psychological, physical and sexual violence (Mayer, 2021). These roles are mostly filled by migrant women, who face extra hurdles in regularising their status and protecting their labour rights (UNHCR and ILO, 2019).

A significant proportion of those considered ineligible for documentation in Brazil are effectively stateless, affecting both those who move between countries and, in some cases, even those who remain in their country of birth. The literature identifies six ways in which individuals may become stateless.

Firstly, international border changes can render individuals stateless; for instance, where groups pre-dating the official statehood lack universal recognition as a sovereign state, as seen with Palestinians (Shiblak, 2006) and historically nomadic groups like the Sahrawis (Smith, 2021). When geopolitical shifts occur, people residing in affected areas may find themselves without a recognised nationality. Even in

newly established countries, ethnic, racial and religious minorities often face difficulties in proving their connection to the nation, perpetuating statelessness through generations (UNHCR, 2023e).

Secondly, loss of nationality or difficulties in accessing citizenship can contribute to statelessness. Factors such as residing outside one's country for an extended period, the non-recognition of dual citizenship, or the involuntary revocation of citizenship due to changes in laws or for political reasons, can lead to statelessness. An illustrative example from the literature review is the situation of Dominicans of foreign and Haitian descent who lost their Dominican citizenship after a constitutional change in 2013, creating one of the world's largest stateless populations (Libresco, 2015). This ruling affected predominantly Dominicans of Haitian descent who had been migrating for decades from Haiti to the Dominican Republic due to natural and economic disasters in Haiti (Human Rights Watch, 2016).

Thirdly, administrative errors or gaps in nationality laws frequently impact the process of determining statelessness. Poorly drafted or incorrectly applied laws can exclude certain individuals, particularly those of unknown parentage in countries where nationality is acquired through descent. It has been argued that statelessness in **Kenya**, for example, is perpetuated by the failure to issue birth certificates to children born to stateless parents (Kenya Human Rights Commission, 2019a). This issue is compounded by the inability of immigration and registration officers to identify stateless persons and the lack of documentation for infant births in various communities. The absence of proper documentation restricts these children's access to education and vital services including healthcare, significantly heightening their vulnerability. Consequently, stateless persons face a heightened risk of exploitation as their access to formal job opportunities, education and access to rights is reduced (Kenya Human Rights Commission, 2019a).

An example identified in the literature review is that of the Makonde community, which has experienced statelessness in Kenya for many decades. The lack of precise data regarding the number of individuals impacted, due to insufficient documentation of their residency status, obstructs a comprehensive



grasp of the issue's prevalence and complicates the formulation of precise interventions (Kenya Human Rights Commission, 2019a). Their regularisation was delayed until advocacy organisations supported them in initiating the documentation process. Eventually, in February 2017, 1,176 Makonde individuals were officially recognised as the 43rd tribe in Kenya and were issued Kenyan identity cards by former President Uhuru Kenyatta. This successful regularisation marked a significant step in addressing the challenges of statelessness within the Makonde community (UNHCR, 2017).

Fourth, conflicts between nationality laws when people move from their birth countries can heighten the risk of statelessness. For example, gender discrimination in nationality laws, where women cannot pass on nationality on an equal basis, is a significant cause of child statelessness in some contexts, including **Nepal** (Mishra, 2023). Indeed, the laws in 25 countries do not let women pass on their nationality on an equal basis with men (UNHCR and UNICEF, 2019). In addition, children born in foreign countries may face statelessness if the birth country does not grant nationality based on birth alone for fear of "anchor babies" and if the country of origin restricts parents from passing on nationality to children born abroad (Chavez, 2017). Reflecting the increase in labour migration globally, especially in precarious and irregular forms, there is a growing body of literature addressing the risk of statelessness for children who are born in host countries and lack legal status. Recent research in Hong Kong (Constable, 2014), the Gulf States (Mahdavi, 2011), the Dominican Republic (Petrozziello, 2019) and in Lebanon (Fernandez et al., 2023), for example, has shed light on the experiences of migrant women giving birth overseas and the challenges faced by children born "in between", emphasising the risk of statelessness and other rights violations. Moreover, there is evidence of de facto statelessness in contexts of forced displacement. For example, following the socioeconomic and political crises beginning in Venezuela in 2010, millions of Venezuelans were effectively unable to access the protection or benefits of their nationality, rendering them de facto stateless (International Crisis Group, 2022). As many as 8,200 pregnant Venezuelan women have entered Colombia since 2018, with no assurances that their children will be granted citizenship under Colombia's nationality laws, effectively rendering these children stateless (Bolívar and Ruiz, 2018). Recent government initiatives aimed at regularising Venezuelans show promising progress, signalling significant improvements in addressing this issue (International Rescue Committee, 2023).

Fifth, discrimination based on ethnicity, religion or other factors can lead to citizenship denial (UNHCR, 2021), resulting in statelessness, as exemplified by the impact of the 1982 Citizenship Law in Myanmar that left the Rohingya population stateless (OHCHR, 2020). This discriminatory exclusion of specific groups, often minorities, contributes to large-scale statelessness. Evidence relating to this category was found to be strongest in **Nepal**, where there is some research into variations in citizenship acquisition across caste and religious groups (Gurung and Khatiwada, 2015). Generally, higher castes and hill groups, such as Hill Brahmins, Chhetris and Newars, are more likely to possess citizenship certificates. In contrast, people from Dalit communities in hills and plains, including Chepangs, Rajbars, Musahars, Badi, Harawa-Charawa and Haliya, are less likely to acquire citizenship (Forum for Women, Law and Development, 2014; Dhakal et al., 2021). Citizenship acquisition also varies along religious lines, with Muslim groups being the least likely to acquire citizenship.

These communities experience poverty, illiteracy, landlessness, social exclusion and are affected by orthodox cultural norms (including the practice of "untouchability") (Forum for Women, Law and Development, 2014). Research findings from various studies highlight non-regulatory barriers contributing to the absence of citizenship among certain populations (Dhakal et al., 2021; Nightingale et al., 2019). These studies reveal that members of marginalised communities, notably Dalits and Muslims, often report that local authorities may refuse to certify their eligibility for citizenship or issue the necessary documentation, even when all requirements are met.

Finally, there is evidence that individuals may be at risk of statelessness if they cannot prove their links to a state. While being undocumented is distinct from statelessness, the lack of birth registration increases vulnerability to statelessness. Birth certificates, providing essential information about birthplace and parentage, are essential in establishing nationality. A clear example is the case of the Shona community in **Kenya**, which endured statelessness for over 50 years until 2019. Most notably, the Shona experienced challenges in accessing health facilities for childbirth due to the lack of identity documents. This situation led to infants being concealed from the authorities, resulting in delays in birth registration (Kenya Human Rights Commission, 2019b).



### 4.3 PEOPLE WHO FAIL TO MEET ELIGIBILITY CRITERIA FOR DOCUMENTATION

Individuals failing to meet eligibility criteria for documentation form a diverse group, with a significant subset comprising those unable to establish identity, relationships or historical ties to their local community. For example, indigenous populations may encounter hurdles in meeting citizenship requirements, as government authorities may not recognise their historical connections due to a lack of documentation (UN, 2018).

In **Kenya**, a significant number of citizens, particularly those in marginalised or border communities, are unable to obtain national identity documents (IDs) and find themselves without any proof of their citizenship as a result. For some, the acquisition process is particularly arduous, especially in regions where insecurity is a prevailing concern and there are additional layers of multi-agency screening (Talk Africa, 2020). This dynamic makes it difficult for people to apply, especially when supporting documents from parents are unavailable (UNICEF, 2018). Factors such as parents failing to apply for their children's birth certificates, loss of such documents or neglecting to reapply, contribute to this predicament (Manby, 2016).

The authorities use a two-step approach to address this challenge. The first step requires individuals to apply and provide basic information about themselves, while the second step entails collecting relevant documents such as birth certificates or identity cards. Unfortunately, there are instances where parents neglect to apply for their child's birth certificate, leaving them without this crucial document (Manby, 2016). This absence not only hampers access to services linked to the birth certificate but also affects the collection process for identification cards. Birth certificates and ID cards play pivotal roles in facilitating identification and access to various government services.

As noted above, migrants are often deemed as "not legally entitled" by local governments. In addition, they often confront significant challenges in meeting eligibility criteria for official documents, including driver's licenses, work permits or social security numbers. These categories often overlap and are difficult to separate or distinguish from one another. A significant body of literature has documented this issue in the US (National Conference of State Legislatures, 2023). Changes in immigration policies and heightened scrutiny pose barriers for persons seeking legal recognition and documentation (Martinez et al., 2015).

Legal changes, such as the introduction of new citizenship tests and laws, disproportionately affect specific populations, including minorities, those living in rural areas and the elderly. For these people, the sudden imposition of citizenship tests or stricter eligibility criteria can become a significant barrier to social and economic inclusion. Limited access to information, educational resources or financial means may also hinder the ability of some to fulfil any new requirements. In India, for example, the introduction of the National Register of Citizens has left nearly two million people at risk of arbitrary detention and statelessness in the northeast state of Assam (Raj, 2020). Human Rights Watch found that the process in Assam lacked standardisation, leading to arbitrary and discriminatory decisions – and putting undue hardship on poorer residents without access to identity documentation – dating back decades to establish citizenship claims. Women, who are more likely than men to lack access to documentation, were disproportionately affected (Human Rights Watch, 2019).

The literature on citizenship laws in **Nepal** highlights their critical importance and exposes legal gaps. Traditionally, children born to non-Nepali fathers have encountered obstacles in securing their citizenship certificates due to gender-biased laws necessitating evidence from the father (Grossman-Thompson and Dennis, 2017). While some obtained naturalised citizenship through mobile registration services until 2013, the discontinuation of this registration service has left many without citizenship. This poses challenges, particularly during the distribution of age-related social security allowances, as lack of citizenship renders them ineligible. The recent amendment to the Citizenship Act attempts to rectify this legal bias, enabling children to acquire citizenship through their mothers, allowing foreign women married to Nepali men to obtain citizenship without the stipulated waiting period, and making children without parents eligible for citizenship (Ghimire, 2023). However, the amendment still falls short of placing mothers on an equal footing with fathers in terms of conferring citizenship to their child (UNHCR, 2023c). Ongoing challenges in the early stages of implementation, such as with obtaining recommendation letters, along with persistent low rates of birth and marriage registration, suggest that numerous groups are still encountering difficulties in acquiring citizenship in Nepal.

People facing economic hardships may also struggle with eligibility criteria for documentation. For instance, someone experiencing homelessness may lack a permanent address, making it difficult to provide proof of residency and leading to their financial exclusion (Golabek-Goldman, 2017). An added dimension is the digitalisation of public services and financial transactions globally. This puts persons experiencing homelessness in a disadvantaged position, as many are excluded from digital technology. As the UN Special Rapporteur (2023) notes in his report, states must implement legislative and other appropriate measures to eliminate discrimination against persons experiencing homelessness. Requiring proof of address, payments or identity documents to gain access to housing and essential public services is regarded as discriminatory. Additionally, financial constraints can limit the ability of those who are homeless to obtain official documentation, perpetuating a cycle of exclusion from essential services and opportunities.

#### 4.4 PEOPLE WHO FACE PRACTICAL OR SOCIAL BARRIERS TO REGISTER FOR DOCUMENTATION

People facing practical or social barriers to register for documentation encounter a myriad of challenges. These barriers include financial constraints, discrimination and limited awareness of registration processes, all of which are more commonly associated with marginalised populations. In rural neighbourhoods, obstacles such as a lack of transportation to registration offices exacerbate vulnerability, impeding the documentation process (Organisation for Economic Co-operation and Development, 2019). In **Nepal**, the acquisition of citizenship varies across geographical areas, suggesting challenges in accessibility. Kathmandu, the capital district, has the highest percentage of individuals with citizenship certificates, followed by mountain districts, while Hill and Terai districts have comparatively lower percentages of eligible populations with citizenship certificates (Gurung and Khatiwada, 2015).

A critical factor contributing to low levels of birth and civil registration levels is a lack of knowledge about its value and importance. Communities may lack awareness about the rights and benefits associated with possessing documentation, further obstructing registration efforts, while physical or communication barriers can further constrain the ability to navigate the registration process independently. In **Kenya** there is evidence that some people are not registered in a timely manner because their fingerprint patterns have changed due to manual labour in sectors such as mining or from the effects of a skin disease (OHCHR, 2014).



*Image: Tegene Erke lives in Mecha woreda, Bachma kebele. Tegene is grateful for being able to have registration of birth for her daughter, who is nine months old. ©UNICEF Ethiopia/Michael Tsegaye*

The literature in Kenya also highlights a specific subset of young adults undergoing the transition from childhood to adulthood and who encounter challenges in obtaining essential documents (OHCHR, 2014). Under the Registration of Persons Act, individuals are mandated to present themselves before a registration officer within 90 days of turning 18 years old to apply for a National Identification Card. This process necessitates the submission of supporting documents, including the applicant's birth certificate, copies of their parents' IDs and the provision of biometrics for accurate identification. Despite these provisions, factors such as illiteracy, lack of awareness, gaps in registration laws, the complexity of identification procedures and displacement can still contribute to the challenges faced by certain people in obtaining relevant identification documents (UNICEF, 2018).

Poverty also emerges from the existing literature as a significant impediment to registration, as families in impoverished conditions frequently lack the resources required to navigate administrative processes, cover associated costs or access registration offices. This economic constraint perpetuates a cycle of low registration and is particularly prevalent in the world's poorest countries. Across various regions, children from wealthier households are 1.5 times more likely to have their births registered than children from economically disadvantaged households (Organisation for Economic Co-operation and Development, 2019). Evidence from **Brazil** indicates that the lack of documentation is intricately linked with a broader context of social vulnerability and chronic poverty affecting a sizeable portion of Brazilian society (Phillips, 2013). Ethnographic research in Brazil has also highlighted the cultural, financial and bureaucratic obstacles faced by people from marginalised backgrounds when attempting to apply for documents (Arpen Brasil, 2022).

Deep-rooted cultural norms and social practices can impede the registration of vital events, including birth and death, and especially impacting women and girls. Gender norms significantly shape individuals' interactions with authorities, posing an additional hindrance to the documentation process. Customs restricting women's autonomy and agency contribute to lower registration rates, particularly for births and deaths in certain ethnic or religious groups (UNHCR and UNICEF, 2021). For example, in Southeast Asia, many unmarried women refrain from registering their children due to embarrassment or because only a married parent is legally entitled to register a newborn (UNHCR and UNICEF, 2021). Similarly, in Burkina Faso, the challenges of cost and logistics in obtaining a birth certificate are particularly pronounced for women who may leave their birth villages after marriage. Survey data from **Nepal** reveal that women are twice as likely as men to lack legal identification, with daughters-in-law being the adults least likely to possess citizenship documents within households (Forum for Women, Law and Development, 2014).

## 4.5 PEOPLE WAITING TO RECEIVE DOCUMENTATION

There is evidence from the existing literature that people waiting to receive documentation, including refugee status and residency permits, face prolonged uncertainty, hindering their access to essential services and rights. In some cases, the inability to access documents in their own countries stems from humanitarian crises or ineffective bureaucratic systems. For instance, in Venezuela, the struggle to meet the demand for identity documents has resulted in many citizens being without passports, leaving them susceptible to exploitation by criminal networks (Praag, 2019). It is clear that delays in receiving documentation exacerbate vulnerabilities, impacting employment, education and healthcare. It seems likely, in turn, that these delays could increase the risks of modern slavery. For example, displaced Venezuelans, especially vulnerable groups such as poor women and children, frequently become targets for traffickers (International Organization for Migration [IOM], 2019).

In **Brazil**, the review of the existing literature found that despite specific regulatory frameworks ensuring the regularisation of immigrants of certain nationalities such as Bolivians, Haitians and Venezuelans, many still lack proper documentation. This is due to challenges in acquiring the necessary paperwork for regularisation, for example a passport, identity card, certificate of marital status, certificate of no criminal record or proof of address. Additionally, financial constraints may prevent them from affording the fees associated with document issuance (Squeff et al., 2021).

Evidence from **Kenya** identifies a number of delays faced by refugees and asylum seekers in terms of receiving documentation. Indeed, the government's failure to register these individuals has become a focal point of concern (Nyamori, 2018). Various documents are issued to this demographic in Kenya

and the acquisition process proves to be arduous, particularly for the Mandated Certificate and Alien Card (Norwegian Refugee Council and International Human Rights Commission, 2017). As of January 2023, Kenya reported a total of 577,492 registered refugees and asylum seekers, many of whom struggle to secure the necessary documentation to access employment and services. This can be seen most clearly in the Dadaab region, where an estimated 105,200 people reside without the necessary documentation, exacerbating a number of challenges, including restricted access to vital services like education, healthcare and employment opportunities.

The slow issuance of documents, including the Asylum Seeker Pass, compounds the challenges faced by this group, with bureaucratic hurdles further complicating their circumstances. The lack of official documentation undermines access to the labour market and the potential contribution of refugees to the local economy. Given that a significant portion of the refugee population is of working age (UNHCR, 2023b), it seems likely that delays in providing documentation will also increase vulnerability to modern slavery.

Further, asylum seekers entering **Kenya** without proper registration risk arrest or detention, or being treated as irregular or prohibited migrants. The prolonged waiting period for a decision on their asylum claims exposes them to various hazards, including engagement in hazardous labour conditions and susceptibility to modern slavery. In 2014, the amended Security Act aimed to streamline the management of refugee affairs, imposing a cap of 150,000 refugees to be hosted in the country. This necessitated a verification process, coupled with voluntary return and reintegration initiatives, particularly for asylum seekers and refugees accommodated in Dadaab (Haki na Sheria, 2021). However, the Kenyan government discovered approximately 40,000 people double registered as both refugees and Kenyan citizens. These individuals had their fingerprints taken during a prolonged drought between 1990 and 2012 in the East African region.

Double-registered individuals resorted to registering as refugees for additional food rations, especially during droughts and famines, using it as a coping strategy (Privacy International, 2021). They sought access to education and services perceived as better within refugee camps (Nyathira, 2023). Additionally, double registration occurred when Kenyan nationals were married to refugees, resulting in children being registered as refugees. Consequently, those with double registration found themselves unable to exercise their fundamental economic and political rights due to the lack of national IDs.

## 4.6 PEOPLE WHOSE DOCUMENTATION IS LOST/TAKEN AWAY

This section outlines the evidence in relation to people whose documentation is lost or taken away, stemming from a variety of factors, from simple misplacement to crises such as forced displacement and the withholding of documents by traffickers and/or employers.

In instances of forced displacement or crisis situations, people often find themselves compelled to hastily abandon their homes, leaving behind passports and other crucial identification documents and legal paperwork (May, 2016). In Iraq, children face varying degrees of documentation loss (Johnstone, 2019), as parents had documents confiscated by Islamic State militants, while others lost their documentation while fleeing from them. Additionally, some had their documents taken by Iraqi security forces due to perceived affiliations with extremist groups. Moreover, during the period in which it was in control, the Islamic State established its own bureaucratic system, issuing documents for births, marriages and life events, which are now considered invalid by the Iraqi government (Johnstone, 2019).

The lack of official documentation presents numerous difficulties for displaced persons, including limited access to essential services and heightened vulnerability to exploitation and obstacles in securing legal protection and rights (Medina-Rosales, 2021). Further, the process of obtaining new documentation in a host country or within displacement settings can be arduous and complex. Displaced persons often struggle to prove their identities and establish legal status, hindering their ability to access education, healthcare and employment opportunities. The loss or absence of documentation can also pose challenges when seeking asylum or applying for refugee status.

Research by the Norwegian Refugee Council across 14 countries, including refugee and internally displaced persons (IDP) settings, reveals a consistent pattern of exclusion driven by a mix of legal,

bureaucratic and practical obstacles (Norwegian Refugee Council, 2021). These obstacles encompass unaffordable costs, a lack of information about procedures and discrimination based on both the law and social practices. Displaced persons are often required to produce identity documents to obtain other essential documents or to register their children. Frequently, they cannot produce such documents due to loss or never having them, leading to a detrimental cycle of being undocumented and lacking registration. While these barriers are not exclusive to displacement contexts, the unique vulnerabilities of displaced persons intensify their impact.

Evidence from **Kenya** highlights the issues that the loss of a parent's documents, coupled with the failure or inability to replace them, can have on a child's registration and access to opportunities. Refugees frequently encounter challenges in obtaining replacements for essential documents left behind due to the urgency of their displacement, or lost amid the bureaucratic complexities of the process (Norwegian Refugee Council and International Human Rights Commission, 2017). This adversely affects the individuals concerned or, in the case of parental document loss, children, for whom these documents are crucial for future registration exercises. Consequently, people who lack documentation remain invisible, unaccounted for and overlooked in government interventions such as planning and emergency management efforts, exposing them to the risk of modern slavery or trafficking.

Barriers persist even in an individual's country of origin, as highlighted in **Kenya**. Some people, despite applying for relevant documents, lose them upon receipt and make no effort to pursue replacements, as they are often deterred by the penalty associated with replacing lost documents. Meanwhile, if a child's birth certificate is lost, they will be excluded from government services and basic entitlements until they secure a replacement certificate (UNICEF, n.d).

This category also encompasses workers whose ID documents are withheld by employers or brokers, a pervasive issue discussed in global literature on labour exploitation and modern slavery. This unethical practice represents a serious violation of human rights and labour standards. It leaves workers without essential documentation, complicating their ability to assert their identity and legal rights. Such actions also afford employers undue control, hindering workers from pursuing alternative employment or reporting abuses. This not only constitutes a breach of labour laws but also stands as an affront to the dignity and autonomy of workers. In all three focus countries, we found recorded instances of worker documentation withholding.

Less explored in the literature are the experiences of prisoners who lack official documents. Some are incarcerated due to document absence, loss or expiration pre-release, exacerbating reintegration challenges. Evidence from the US highlights bureaucratic hurdles for ex-inmates obtaining identification, hindering employment and housing prospects (Wise, 2020; Carson et al., 2021). Government-issued ID absence becomes a substantial barrier to a prisoner's reintegration into the community. Though some US states offer identification assistance, overall support and tracking are limited. Advocates emphasise addressing these challenges to disrupt recidivism.

Of relevance to this research is the high rate of trafficking survivors who have been wrongly incarcerated, some of whom may have had their own documents taken during their exploitation (US Department of State, 2014). Although limited, there is evidence female prisoners in the US continuing to have a coercive relationship with their trafficker while incarcerated (US National Human Trafficking Training and Technical Assistance Centre, 2019). Inmates who are vulnerable to trafficking are promised financial support while they are incarcerated (for example, deposits in commissary accounts) and offers of housing or employment after they are released from the correctional facility (Meekins, 2016). When someone is meeting with multiple incarcerated individuals during a single visit, it may also be an indicator that trafficking is occurring (Schoenly, 2018).

## SECTION 5: DOCUMENTATION STATUS AND MODERN SLAVERY RISKS

While there is a lack of empirical data proving the links between documentation status and modern slavery risks, the absence of official documentation is consistently cited as a major precursor to exploitation in the literature on modern slavery, with numerous assertions that migrants who lack documentation are at a significantly higher risk of experiencing modern slavery compared to their documented counterparts (David et al., 2019). It is argued that this risk is particularly pronounced among migrants whose visas tie them to specific employers and sectors such as commercial agriculture and fishing, where there are glaring examples of exploitation. In these industries, employers may exploit undocumented migrants both to reduce costs and to evade the scrutiny of law enforcement authorities, as exemplified in the use of undocumented labour on boats in Thailand (ILO et al., 2022). In **Brazil**, for example, evidence from the literature review suggested that the situation facing migrants is distinct, with undocumented migrants deemed to be more susceptible to forced labour. While the available data on rescued migrants do not quantify how many are undocumented, insights from civil society actors and researchers in this field consistently emphasise their heightened vulnerability (Squeff et al., 2021; Boas and Talarico, 2021).

Another dimension of exploitation emerges in the form of forced marriages driven by the necessity for documentation. This is notably observed in migration, where individuals may seek documentation for extended family members to secure residency in a specific destination country (ILO et al., 2022).

Children who lack appropriate documents, such as birth registration, face the dual risk of being denied access to education and becoming a child labourer or undergoing a forced marriage due to their inability to prove their age (OHCHR, 2014). In Kenya and Nepal, all children born to citizens are legally entitled to a birth certificate. However, in practice, children who are orphaned, whose fathers are absent, or born out of wedlock have faced stigma or bureaucratic hurdles in securing a birth certificate, preventing them from state-funded health services and schooling (UNHCR, 2015; Anmol, 2022). In Botswana, enrolment in school required identity documents, leaving many families of the San peoples without the necessary documentation and rendering their children vulnerable to exploitative conditions on farms (US Department of State, 2023a). In Malaysia, stateless children in Sabah are particularly vulnerable to forced labour in palm oil production, service industries and in forced begging (US Department of State, 2023a).

Others have noted that survivors of modern slavery may also be at risk of re-victimisation due to their lack of access to the correct documents. For instance, the UN Special Rapporteur (2023) on contemporary forms of slavery underscores the need for progress in protecting survivors who lack certain documentation. In Mauritania, observers reported communities traditionally exploited in hereditary slavery faced significant discrimination and difficulty obtaining identity documents that were required for access to basic services (US Department of State, 2023a). A survivor at Winrock International's Asia Counter Trafficking in Persons program (2023) Evidence2Action Conference recently shared her experience, explaining that a lack of documentation frustrated her access the help and services needed to readjust to normal life.

International agencies such as the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crime (UNODC) similarly emphasise the vulnerability of individuals who lack official documentation, linking this to an elevated risk of smuggling, trafficking and exploitation. The International Labour Organization (ILO) identifies the retention of identity documents as a key indicator of forced labour, underscoring the importance of documentation status in identifying and preventing modern slavery (ILO et al., 2022; Lewis and Waite, 2015).

Despite the assertion of this link in both the existing literature and among UN agencies, international policy frameworks are inconsistent in the way they address access to documentation as a risk factor in human trafficking, if they address it at all as a key element in programmatic responses (Walk Free, 2021). While there is a wealth of guidance documents delineating measures that states can adopt to enhance access to identity, such as through birth registration or registering migrants, conversely there is

a scarcity of guidance specifically aimed at facilitating access to documentation for survivors of modern slavery (IOM, 2021). This underscores the urgent need for more detailed understanding of the ways in which a lack of official documentation can increase the risks of modern slavery. Addressing these evidence gaps is critical to developing comprehensive strategies that effectively combat exploitation and protect vulnerable populations.

## 5.1 EMPIRICAL INSIGHTS AND GAPS IN THE LITERATURE ON DOCUMENTATION AND MODERN SLAVERY

While the link between documentation status and modern slavery is acknowledged, empirical research on the subject is limited. Existing research fails to thoroughly explore the causal factors connecting documentation status to vulnerability. Challenges in statistically isolating and assessing individual drivers of modern slavery, coupled with data scarcity and high dimensionality, hinder a comprehensive understanding of the issue (Lavelle-Hill et al., 2021).

A two-year research project in Thailand stands out as a rare example of research that empirically examines the connection between statelessness and human trafficking (Rijken et al., 2015). This interdisciplinary effort revealed a significant overlap between the consequences of statelessness and the root causes of human trafficking, emphasising the cyclical nature and factors contributing to increased vulnerability and exploitation of stateless persons.

In **Nepal**, the literature review found that a discernible gap lies in connecting slavery to the absence of citizenship. These links have been mentioned in studies of migrant populations, and particularly women and girls in the adult entertainment industry, who are subject to trafficking (Jordan et al., 2023, Dank et al., 2019, Ealey, 2019 and Richardson et al., 2016). Yet these inquiries often do not explicitly explore the intersection of slavery, forced labour and citizenship. Studies delving into documentation issues and forced labour centre primarily on Nepali migrants working abroad, focusing on their documentation status in the destination country rather than their citizenship status in Nepal (Stallard, 2013).



Similarly in **Kenya**, there is a notable gap in research exploring how the lack of documentation exposes refugees and asylum seekers to elements of modern slavery. This is despite the existence of policy analyses and other literature underscoring the pivotal role of documentation for access to social services and protection.

In **Brazil**, civil society and researchers consistently emphasise the increased vulnerability of undocumented workers. Evidence from Brazil highlights profiles of people living in modern slavery and susceptibility factors among Brazilian citizens and migrants (Cockayne, 2021). While the literature documents abuse against Brazilians, especially those with confiscated documents, significant knowledge gaps persist regarding the experiences of undocumented migrants coming to Brazil from elsewhere in the Latin America and the Caribbean region, where challenges in securing documentation and risks of modern slavery are increasing. For instance, data from the Observatory of Migration in Sao Paulo (Observatório das Migrações em São Paulo, 2022) indicate that between 2010 and 2022, 21,216 people were rescued from slave conditions in Brazil, with 1,065 immigrants rescued, and in São Paulo from 2010 to 2016, 35 percent of those rescued by the Ministry of Labour and Employment were immigrants. According to the Observatory's data, Bolivians constitute the most affected group (42 percent), followed by Haitians and Venezuelans. Collectively, they make up 78 percent of rescues between 2003 and 2022.

## 5.2 FACTORS EXACERBATING VULNERABILITY TO MODERN SLAVERY FOR PEOPLE LACKING DOCUMENTATION

The vulnerability of undocumented persons to modern slavery is multi-dimensional, encompassing economic, social and cultural, legal and crises-related dimensions. Economically, the ineligibility for certain services intensifies dependence on exploitative employers, often trapping people in low-wage, unregulated sectors. Social isolation and cultural disconnection amplify susceptibility to exploitation, while legal barriers leave those lacking documentation without essential protections and hinder their access to legal representation. In crisis situations, the absence of official documentation becomes a severe threat, impeding individuals' ability to navigate legal channels and access essential services at a time of immediate and critical need.

### *Economic factors*

Approximately one in three adults without an ID encounter challenges in using financial services, receiving government financial support, applying for jobs or participating in elections. This "problem of personal identification" disproportionately affects those in rural and remote communities, contributing to marginalisation and heightened susceptibility to exploitation (Sanders et al., 2020 and World Bank, 2021).

Economically, the lack of access to services caused by not having documentation can confine people to low-wage, unregulated sectors and thereby foster exploitation. Many employers require specific documentation, including health certifications, identity documents and proof of housing. People who lack necessary documentation may find themselves excluded from job opportunities, perpetuating a cycle of unemployment, financial instability and vulnerability to exploitation. This situation also pushes them towards work in the informal sector, where weak labour standards and legal protections expose them to abuse by unscrupulous employers.

Citizenship stands out as a pivotal factor influencing economic stability (Iman and Kpodar, 2019). The ability to engage with credit markets and own land, both contingent on citizenship, is crucial to shaping economic well-being. Consequently, people without citizenship often face limited opportunities and what amounts to a systemic barrier that perpetuates vulnerability to modern slavery. Across all three case study reviews, access to land rights emerged as both a vulnerability and a factor contributing to a lack of documentation (Portes Virginio et al., 2022). In **Brazil**, the combination of limited access to land ownership and inadequate income exposes vulnerable people residing in rural areas to the risk of exploitation (Hobbs, 2023). This pattern is not exclusive to the case study countries. For example, in Peru, the land titling program mandates that claimants present an identity document, such as a valid ID card. This requirement, less likely to be fulfilled by women, hinders their prospects for economic self-sufficiency. It is clear from the literature that this is a global phenomenon, with land rights playing a pivotal role in economic development, influencing outcomes for people, communities and nations.



In certain situations, economic hardships drive parents to send their children to other towns and cities for work. When specific qualifications cannot be met, or if the official documentation takes too long to obtain, families resort to using forged documents, as observed in **Nepal**. Here, traffickers can arrange for the creation of counterfeit documents, including altering ages on citizenship certificates or passports, to send children into labour (Yonzon and Calsado, 2015).

Financial inclusion plays a vital role in mitigating the risks of modern slavery. Ensuring that people have safe access to appropriate and affordable formal financial services – including bank accounts, remittance services, loans and even community credit or savings groups – can increase financial resilience and reduce vulnerability to exploitation (Robertson et al., 2022). However, without proper documentation, individuals face barriers in accessing financial services. Globally, around one in three adults without an ID report difficulty in accessing financial services, receiving financial support from the government or applying for a job, according to the World Bank (2021). This exclusion fosters reliance on informal financial schemes, making them vulnerable to exploitation and predatory lending. During the COVID-19 pandemic, evidence suggests that the unbanked – especially in rural areas, indigenous communities and among young people and women engaged in informal work – were most likely to be excluded or receive far less monetary support from governments than those with digital financial access, and therefore were at higher risk of abuse and exploitation (Robertson et al., 2022). Strict procedures for opening bank accounts and identity document requirements, as part of anti-money laundering regulation, can disproportionately affect women and girls, who often face financial, literacy, social and logistical barriers to fulfilling them (UNODC, 2021). For example, an inability to satisfy international Know Your Customer ID requirements is a major barrier to women's financial inclusion and access to the global economy (World Bank, 2023 and Alliance for Financial Inclusion, 2018).

### *Social factors*

Racial and ethnic discrimination significantly exacerbates the vulnerability of undocumented persons, curtailing their access to essential resources, services and fair treatment, and thereby exposing them to a higher risk of exploitation. The review of existing evidence in **Brazil** underscores the ways in which racial dynamics can compound the challenges faced by migrants from the global south, as exemplified by the struggles of Haitian immigrants (FAST and INURED, 2023). Despite the existence of the Migration Law 13.445/2017, which theoretically guarantees migrants equal access to social programs, benefits, legal aid and social assistance, migrants still experience a high level of vulnerability in Brazil. The challenges extend beyond the mere regularisation of their migration status. They encompass issues such as xenophobia, ruptured family ties, language barriers, cultural disparities and unfamiliarity with local legislation. Despite legal safeguards, persistent and complex hurdles are structural factors that contribute to the precarity faced by migrants in Brazil.

Social isolation and cultural disconnection can make people lacking documentation more susceptible to exploitation. Fear of deportation and societal stigmatisation may prevent them from seeking assistance or reporting abuse, fostering an environment where exploitation can thrive in the shadows. A report on the nexus of trafficking and statelessness (Rijken et al., 2015) reveals stark differences between how stateless persons, undocumented and documented citizens seek help from community institutions and the police. Stateless individuals were more dependent on community leaders and exhibited a reluctance to involve public institutions in problem-solving. A study examining the impact of legal status regularisation on undocumented migrants in Switzerland found that it had direct positive effects on their mental health in a longitudinal perspective, even when controlling for competing factors (Refle, 2023).

### *Legal factors*

Those who lack access to documentation face heightened vulnerability to modern slavery due to various legal factors inherent in the gaps and inadequacies of legal frameworks, enforcement mechanisms and protective measures. The absence of legal status is a foundational challenge, as it instils fear of deportation and legal consequences, thereby discouraging individuals from reporting abuse or seeking assistance.

Labour protections, often limited or non-existent for those who lack documents, expose people to exploitative working conditions, inadequate wages and a denial of basic workers' rights. Stringent



Image: © Josh Stride/Humanity United

immigration laws, coupled with complex and restrictive processes, contribute to individuals remaining undocumented, pushing them into the shadows and increasing their susceptibility to exploitation.

The legal tie between a person's undocumented status and a specific employer fosters dependency, making it difficult for them to report abuse or seek better employment opportunities. Access to legal remedies is often restricted for those lacking documentation, exacerbating their vulnerability. Criminalisation of undocumented status, rather than treating it as an administrative issue, creates additional fear and may deter individuals from seeking help or reporting exploitation. Barriers to reporting exploitation, such as extensive documentation requirements, further discourage them from seeking justice.

Detention and deportation policies, when strict, create an environment of fear, making undocumented persons reluctant to report instances of exploitation. Limited access to social services, including healthcare and education, further isolates them, contributing to their overall vulnerability.

Recent instances, such as the forced displacement of Afghans in Pakistan, underscore the elevated risks faced by undocumented people who become entangled within the state and legal systems and who are subject to changes in regulations and government upheaval (Al Jazeera, 2023a). Challenges in law and documentation can also affect people returning to their home country, as exemplified by a recent UNU-CPR policy brief that delves into safe, voluntary and dignified return for Syrian refugees from Lebanon (Diab and Crawley, 2023). Specifically, these refugees encounter obstacles in returning to Syria due to legal amendments by the national government that allow the state to expropriate housing and property from people who cannot prove ownership.

Legal systems that inadequately protect and support survivors of trafficking and modern slavery, especially those without documentation, hinder efforts to break free from exploitative situations. Addressing these legal factors requires comprehensive immigration reforms, enhanced labour protections, improved access to legal remedies and the creation of a supportive environment where individuals can report abuses without fear of punitive measures related to their lack of documentation.

## 5.3 PSYCHOLOGICAL AND PHYSICAL IMPACTS OF MODERN SLAVERY

Globally, around 25 percent of adults encounter difficulties in receiving medical care due to the lack of proper identification (World Bank, 2021). A study on trafficking survivors' access to healthcare services in England highlighted the role of identity documents as barriers to care during and after trafficking. The survivors revealed that access to healthcare in the post-trafficking period depended on having the required documentation for general practitioner (GP) registration. The study recommends providing guidance to healthcare practitioners on supporting people who lack official documentation. It also suggests encouraging GPs to offer walk-in clinics in collaboration with other services, catering to those awaiting identification documents or seeking anonymous care.

Research with asylum seekers and other migrant groups shows that language difficulties and the ID requirements to register for healthcare services are major barriers to care (Campbell et al., 2014, O'Donnell et al., 2007). Our review of the existing literature confirms this, indicating that these barriers may be heightened for trafficked persons due to their fears of harm from traffickers and their experiences of isolation, control, deprivation and coercion during trafficking.

It is important to acknowledge the limited attention devoted to understanding the psychological and physical impacts of lacking documentation and of modern slavery, both of which remain relatively understudied areas. Existing research looking at how a lack of documentation affects individuals centres on Latin American migrants in the US (Ornelas et al., 2020) or adopts a global perspective within the context of refugees (World Health Organization, 2021). In the anti-slavery literature, there is a growing focus on studying health impacts but there is still limited attention to the lack of documentation.

Evidence from **Kenya** highlights the risks of modern slavery, especially for children. Data from the Kenya National Bureau of Statistics show that 8.5 percent of children, or 1.3 million, are engaged in child labour and at risk of modern slavery. In addition, there are between 35,000 and 40,000 people in situations of sex trafficking in Kenya, of which approximately 19,000 are children (US Department of State, 2023b). Those lacking birth certificates are especially vulnerable to modern slavery and other severe violations, particularly the inability to access education. These children face exposure to child labour, trafficking, sexual exploitation and recruitment into gangs. They also face the risk of being tried as adults due to the lack of documents for age assessment, as well as other potential miscarriages of justice. Children often experience post-traumatic stress disorder (PTSD) as a result of their harrowing experiences (UNICEF, 2018). While Kenya's Mental Health Act (2013) is designed to prevent mental illness and aid in the rehabilitation of populations, including children, the review highlights that its activities and services need enhancement to address concerns associated with undocumented persons.

A deeper exploration of the nuanced psychological impacts is imperative for a thorough understanding of the challenges faced by people who lack documentation. Such exploration holds the potential to uncover critical insights that can inform effective interventions to address these unique challenges (Hack-Polay et al., 2021).

# SECTION 6: STRATEGIES FOR ADDRESSING A LACK OF DOCUMENTATION AND MODERN SLAVERY RISKS

In this section, we outline the evidence from the literature review regarding policies and programs aimed at concurrently addressing documentation issues and preventing modern slavery. Additionally, we outline policies that have been identified in existing research as potentially exacerbating documentation challenges and hindering efforts to combat modern slavery. It is important to note that in most cases these strategies have not been subject to longitudinal evaluations, hindering our ability to comprehensively understand their impact on reducing the prevalence of modern slavery. Evaluating these approaches over time is imperative for a nuanced understanding of their efficacy.

Literature on this issue suggests that facilitating access to documentation serves a dual role as both a preventive and protective mechanism. By ensuring that both survivors and individuals at risk have the necessary documentation, this strategy not only lowers the risk of exploitation but also supports rehabilitation processes, thereby decreasing the likelihood of re-victimisation. It has been observed that current initiatives tend to prioritise prevention (for example, birth registration) over protection, often overlooking the critical role of documentation in the aftermath of exploitation (United Nations, 2020; Djoković, 2020).

Furthermore, documentation programs are not always developed with a clear anti-slavery focus, lacking a multidisciplinary approach that integrates insights from the anti-slavery movement to effectively combat this issue. To enhance the effectiveness of these efforts, it is essential to strike a balance and refine programs to adequately cover both the prevention of slavery and the protection of its survivors. This means designing initiatives with a targeted anti-slavery agenda, incorporating a comprehensive, multidisciplinary perspective that encompasses findings from anti-slavery research and practices aimed at eradication.

Evidence from the existing literature suggests that the hidden nature of populations lacking documentation, as well as their complex needs – ranging from social stigma and inability to access support services to ineligibility for legal protection – require a more targeted approach in anti-slavery policies and programming (ILO et al., 2022). It underscores the urgent need for comprehensive efforts to address and rectify the global issues of statelessness and lack of documentation, with a focus on vulnerable populations such as children in lower-income regions. The intersectionality of modern slavery risks among those lacking official documentation demands a holistic approach that addresses both the immediate challenges of legal invisibility and the broader socio-economic factors contributing to their vulnerability.

The possession of verifiable legal identity transcends bureaucratic necessity and has proved itself to be indispensable for equitable development and access to services in our increasingly digital world. As noted earlier in this report, SDG 16.9 articulates a global commitment to achieving legal identity for all by 2030. The World Bank, UN agencies and other organisations further emphasise the importance of universal coverage and accessibility of identification systems through the Principles on Identification for Sustainable Development. Recognising the link between modern slavery and the lack of official documentation is vital for developing effective policies that not only address legal identity but also work towards eliminating the conditions that perpetuate exploitation. Modern slavery, too, has been demonstrated to be a drag on development, reinforcing the urgency for a concerted effort to address the multifaceted challenges faced by those existing on the fringes of legal recognition (Cockayne, 2021).

## 6.1 NATIONAL LAWS

National laws play a pivotal role in shaping the lives of people who lack access to documentation. Gaps in national legislation can lead to serious repercussions, hindering access to vital services including healthcare and education, limiting employment prospects and compromising access to rights and justice. This deficiency also curtails freedom of movement, elevating the risk of detention or deportation. Voting rights, housing and social services are jeopardised, as is financial inclusion through banking and other services. The heightened vulnerability to exploitation and abuse is combined with a fear of reporting incidents. Educational and vocational opportunities are impeded and healthcare access is curtailed. Addressing these gaps necessitates comprehensive policies and reforms, involving collaboration between governments, NGOs and international bodies to establish pathways for individuals to obtain proper identification and legal status, thereby ensuring the inclusive protection of all within society.

The ratification of international conventions on human rights by states serves as a pivotal mechanism for upholding and safeguarding the fundamental dignity and freedoms of individuals. By harmonising national legal frameworks with universally recognised human rights standards, states actively contribute to fostering a just and equitable society. A substantial body of literature emphasises the imperative for states to embrace international measures ensuring the protection and facilitation of the right to documentation and guarding against modern slavery. As of 2023, 97 countries have become signatories to the 1954 Convention relating to the Status of Stateless Persons, while 79 have ratified the 1961 Convention on the Reduction of Statelessness (UNHCR, 2023d). Addressing statelessness requires comprehensive efforts to rectify legal gaps, prevent discriminatory practices and ensure that individuals can prove their links to a state through accessible citizenship processes (UNHCR, 2019).

In various countries, including **Nepal**, discriminatory nationality laws disproportionately affect women, impeding the equal transmission of nationality to their children. This imbalance can result in children lacking proper documentation, thereby increasing their susceptibility to modern slavery. The Nepalese literature review underscores the impact of discriminatory laws on documentation and exploitation, emphasising the pivotal role of advocacy in driving change. The Nepal Citizenship Act's historical evolution, from the establishment of a unitary citizenship system in 1964 to subsequent amendments in 2006 and 2007, reflects societal shifts catalysed by democratic and women's rights movements. The most recent 2023 Citizenship Act makes further progress, allowing women to confer citizenship to

their children, abandoning the patrilineal model and facilitating citizenship for non-resident Nepalis. However, the efficacy of these legislative advancements is presently in its nascent stage. Barriers include the absence of easily obtainable recommendation letters from local authorities and prevailing issues such as low birth registration and marriage registration rates (Forum for Women, Law and Development, 2014). As previously noted, numerous groups still find themselves without citizenship in Nepal despite these legislative changes. The imperative now lies in addressing these implementation challenges to fully realise the intended inclusivity and equitable distribution of citizenship benefits within the Nepalese population.

In **Kenya**, there have been efforts to address issues pertaining to documentation. One noteworthy initiative is the revised Children Act of 2022, which meticulously scrutinised the Registration of Births and Deaths to ensure the proper and accurate registration of children. This undertaking is particularly salient for intersex people who have encountered persistent challenges due to incorrect sex markers on administrative records (UNICEF, 2018), resulting in discrepancies between their birth certificate and other forms of ID. The revised Children Act further manifests a commitment to inclusivity by granting recognition to children categorised as special interest groups. This encompasses those with disabilities, orphans and children on the move. Notably, the legislation serves as a protective bulwark against child trafficking, emphasising the universal right to the registration of every child, a mandate expressly articulated in Section 6 of the Act.

Evidence from both **Kenya** and **Nepal** highlights the important role of CSOs in advocating for stateless persons and others lacking documentation. In Kenya, CSOs played a critical role in supporting the regularisation of the Makonde people and their subsequent access to cash transfer and employment programs (Songa, 2021). Similar strategies have also been followed with regard to the Shona and Pemba communities, who were granted citizenship status in 2020 and 2023 respectively. Understanding legislative changes is paramount when devising strategies to tackle a lack of documentation and associated modern slavery risks. An inclusive approach, taking into account historical context, gender policies and legislative transformations, is essential for crafting effective strategies that protect and empower individuals within society.



*Image: Raju Ram Vool, Former Chairman of Mukta Haliya Samaj Federation, signs a validation of strategy in Kathmandu, Nepal. © Niranjana Shrestha/The Freedom Fund/ Mukta Haliya Samaj Federation*

## 6.2 BIRTH REGISTRATION

Birth registration emerges as a central preventive strategy in the anti-slavery literature, aligning with SDG 16 and playing a vital role in achieving various SDGs related to education, health, gender equality and poverty reduction. International organisations, including the OHCHR and the ILO, emphasise its role in deterring human trafficking and child labour, reducing vulnerabilities and establishing legal identity and age.

The nexus between birth registration and the prevention of modern slavery is increasingly evident, as it serves as a powerful tool in providing legal identity, age verification and access to education and social services. This comprehensive approach not only safeguards individual rights but also contributes to collective efforts against human trafficking. The multifaceted benefits of birth registration extend to proof of identity, access to education and services, data-driven policy interventions and empowerment of vulnerable groups (UNICEF, 2020).

The literature on birth registration offers a range of interventions applicable to vital events and adult identity documentation, with a focus on expanding coverage and reducing gender disparities. Key strategies encompass increasing women's awareness of registration benefits, eliminating cost barriers, providing financial incentives, offering mobile registration services in remote areas, integrating registration with health and education services, utilising information and communication technology (ICT) and addressing country-specific practices (Knowles and Koolwal, 2019; AbouZahr, 2019). Despite free birth registration in many countries, hidden costs persist. There is evidence that financial incentives in particular can significantly boost registration rates.

Advocating for international collaboration and foreign aid is critically important, particularly in regions where children are at a higher risk of exploitation. Initiatives by organisations like UNICEF, supported by government organisations such as the UK's Foreign, Commonwealth and Development Office, showcase ongoing efforts in digital birth registration and projects focused on children at risk of slavery, notably in Pakistan, Ethiopia, Somalia and Sudan (Arnegaard and Davis, 2019). Digitisation initiatives, with a focus on digital ID, are highlighted in the literature as with examples from Norway, Pakistan and Tanzania. Some advocates have proposed legislative measures, such as amending the US Trafficking Victims Protection Act (TVPA), to incentivise foreign aid and strengthen international cooperation to increase registration.

According to UNICEF's Innocenti Research Centre, war and high rates of poverty are predominant factors in countries where children's birth registration is lower than 40 percent. Conflict-torn nations often experience weak civil registration systems, leaving caregivers uninformed and contributing to low registration rates. For instance, in Afghanistan, fewer than 10 percent of mothers with unregistered children know how to register births, while in the Democratic Republic of the Congo it is fewer than 20 percent.

Children in the global south often fail to obtain birth certificates due to factors that include ethnicity, race, gender and age. In Iraq, Yazidi religious leaders, working together with the UN and NGOs, have welcomed back into their community Yazidi women and girls who were abducted and forced into sexual slavery by the Islamic State (Wanless, 2018). The government of Iraq has also been working with the UN to break the cycle of marginalisation and discrimination of survivors of conflict-related sexual violence. Children born as a result of rape are particularly vulnerable, as they are often marginalised and lack birth registration and therefore risk being targeted for future radicalisation and recruitment (Johnstone, 2019).

In **Kenya**, there is evidence of a correlation between the lack of birth certification and heightened vulnerability to human trafficking, stemming from marginalisation and limited access to essential services, opportunities and education (IOM, 2008). To address low registration rates, the Kenyan government initiated mobile registration campaigns in counties with incomplete data, with the stated goal of boosting registration and decreasing children's exposure to modern slavery. While theoretically free of charge, the associated costs of obtaining a birth certificate can pose hardships, necessitating efforts to reduce financial barriers (UNICEF, n.d). Kenyan children, both born within the country and abroad, are entitled to registration upon application.

More widely, providing documentation to vulnerable citizens and migrants serves as a vital measure to grant access to government services, education and employment, and to protect them from human traffickers. In **Brazil**, the judiciary has established and sustains a program known as *Justiça Itinerante* (“Itinerant Justice”), with the objective of facilitating access to judicial services for people living in social vulnerability. In addition to ensuring the population’s access to the judiciary, the program also seeks to address the issue of under-documentation in Brazil by assisting individuals in obtaining essential documents such as birth certificates and identity cards. In Brazil, the documentation process operates in a sequential manner, with the birth certificate being foundational to the issuance of all other essential documents (Bioni et al., 2022).

### 6.3 DIGITAL REGISTRATION

Digital registration systems play a critical role in enhancing people’s access to ID, fostering efficiency, inclusivity and security in the process. By transitioning from traditional paper-based methods to digital platforms, governments and organisations can streamline registration processes, resulting in benefits for individuals and society as a whole. However, there is a scarcity of literature on its role in preventing modern slavery.

One key advantage of digital registration is to reduce bureaucratic hurdles. Automated systems facilitate faster and more accurate data capture, minimising errors and expediting the overall registration process. This efficiency is particularly beneficial for marginalised communities or those in remote areas whose members may face challenges in accessing traditional registration centres.

Moreover, digital registration enhances inclusivity by reaching a broader demographic. Mobile registration units and online platforms can extend services to people who might be geographically isolated, ensuring that everyone, regardless of their location, has the opportunity to obtain vital identity documents. This inclusivity is essential for vulnerable populations, such as people in conflict zones and refugee camps, who may be unable to travel to conventional registration facilities.

Digital registration systems centralise the storage of sensitive personal information. On the one hand this can offer a higher level of security and prevent against accidental loss, but this also creates a single point for unauthorised access. The importance of data protection is exemplified in **Kenya**, where the government’s latest campaign to issue a digital “Maisha Namba” ID to every citizen was halted due to data security concerns. The system was designed to serve as a digital, centralised storage for a citizen’s official documentation throughout their lifetime, including their Kenya Revenue Authority pin number, National Social Security Fund number, and birth and death certificate details (Danflow, 2023).

Digital registration also supports the efficient management of large-scale initiatives. Governments can leverage data analytics to gain insights into population trends, plan resource allocation and respond promptly to emerging needs. This data-driven approach enhances the effectiveness of public policies and services, ultimately benefiting individuals and communities. However, it is imperative to recognise and proactively address potential challenges associated with its implementation. The World Bank (2023) underscores these difficulties in low- and middle-income countries (LMICs), emphasising the complexities involved in establishing a robust ID scheme. The World Economic Forum (2023) draws attention to the “risks of exclusion, marginalisation and oppression” that may accompany the adoption of digital ID systems.

Concrete examples shed light on the potential downsides of digital registration systems. In Pakistan, instances have been reported where the Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI+) community faced exclusion from obtaining proper identification documents, highlighting a troubling aspect of the digital registration process (The News, 2023). In Uganda, technical glitches within the digital ID system led to citizens being denied public services (Aparo, 2023). Allegations have surfaced in India regarding the misuse of data from its digital ID system for tracking dissidents, prompting legitimate concerns about surveillance (Al Jazeera, 2023b).

In summary, while digital registrations offer substantial benefits, delivering an effective system requires foreseeing and addressing myriad challenges. It is vital to ensure that these systems are not only efficient and advantageous but also equitable and secure, and that they protect the rights of all people.



A comprehensive and cautious approach is essential to reap the benefits of digital registration while safeguarding against potential pitfalls.

## 6.4 IDENTIFICATION AND CIVIL REGISTRATION CONTEXTS OF FORCED DISPLACEMENT

A number of initiatives to strengthen legal identity and civil registration processes have emerged in response to the complex challenges faced by persons who are forcibly displaced. Acknowledging the fundamental link between legal identity and access to rights and services, these initiatives aim to create comprehensive solutions for displaced populations.

One notable initiative in Cameroon exemplifies an integrated approach where identification and civil registration are seamlessly woven into health and nutrition assistance programs. This holistic strategy not only ensures that individuals are included in national systems but also lays the groundwork for addressing displacement-related issues more effectively in the future. The success of such initiatives emphasises the importance of considering the interconnected nature of various services in forced displacement contexts. In Ethiopia, the World Bank has been actively involved in initiatives such as the Refugee Proclamation of the Government, which aligns employment and livelihood opportunities with access to documentation. By connecting these aspects, such programs employ a comprehensive approach that recognises legal identity as a crucial factor in empowering displaced individuals to rebuild their lives. These initiatives serve as valuable models that can be scaled and replicated in other regions grappling with similar challenges (Medina-Rosales, 2021).

Recognising the hurdles faced by asylum seekers and refugees in **Kenya**, particularly in regions like Dadaab, there are calls for expanding registration service points in larger counties such as Garissa (Nyathria, 2023). Alongside this expansion, public awareness campaigns are being recommended to counter negative attitudes rooted in cultural or religious practices that may hinder effective registration. This dual-focused approach aims to enhance the accessibility and acceptance of registration services, ensuring that displaced persons are not left undocumented and vulnerable. In response to concerns raised by stateless persons, specifically the Nubians, a significant directive from the African Committee of Experts on the Rights and Welfare of the Child in 2021 urged the establishment of a direct link between birth registration and citizenship. This directive aims to alleviate the challenges faced by Nubian children and those in other communities who face a similar struggle to prove their nationality upon reaching adulthood. By addressing this issue, the initiative seeks to facilitate access to essential documents and reduce the risk of statelessness.

These initiatives underscore the importance of a multifaceted approach, combining legal identity and civil registration efforts with broader services, and also addressing cultural and administrative barriers to acquiring documentation that is fundamental to the well-being of displaced populations.

## 6.5 SUPPORT SERVICES TO THOSE AFFECTED BY MODERN SLAVERY

Initiatives dedicated to assisting survivors of modern slavery in obtaining essential documents play a pivotal role in enabling them to rebuild their lives after enduring exploitation. These programs focus primarily on providing practical assistance, legal support and personal empowerment in navigating bureaucratic challenges. Despite the critical nature of these programs, there is a significant dearth of literature assessing them, particularly with a focus on documentation.

Legal aid and advocacy programs facilitate access to legal representation and advocacy services for people affected by modern slavery. Professionals in these programs assist individuals in obtaining necessary documents such as identity cards, work permits and visas. Beyond document acquisition, legal aid initiatives address legal barriers, challenge unjust practices and guide survivors through complex legal processes to secure essential documentation.

Some governments implement specific initiatives and policies aimed at assisting survivors in obtaining necessary documents. In Brazil, compensation could not be paid to trafficked migrant workers because

they were unable to open bank accounts. In response, the local government is considering allowing labour inspectors to issue provisional identity documents, and an industry association for Brazilian banks is also working with its members to remove obstacles for survivors to open an account. However, these efforts are in their early stages (Teixeira, 2021). Other efforts include the establishment of special visa programs, witness protection measures and streamlined processes tailored for those who were affected by certain crimes. Government-led initiatives aim to create a protective and supportive environment for survivors, recognising their unique needs and challenges.

While it is not specifically targeting survivors of modern slavery, the law in **Brazil** does safeguard the rights of rescued undocumented immigrants by entitling them to obtain a residence permit in the country, thereby acknowledging the inherent risks faced by this vulnerable group (Conselho Nacional do Ministério Público, 2020).

Incentive-based programming in Brazil prioritises documentation to access government-provided social benefits, with the *Bolsa Família* program serving as a vital income transfer effort for vulnerable individuals (Escóssia, 2019). Enrolling children in school is a requirement for assistance, aiming to combat child labour and reduce the risk of future slavery vulnerability. While immigrants, including Bolivians, Haitians and Venezuelans, are eligible for *Bolsa Família*, possessing proper documentation is necessary. Despite legal frameworks facilitating documentation, challenges may arise, as noted by civil society and researchers (Araújo, 2022 and Sampaio and Santos, 2020).

Numerous NGOs and humanitarian entities operate programs specifically designed to support survivors in accessing essential documents. These programs offer a diverse range of services, including legal assistance, shelter and vocational training. NGOs often adopt a holistic approach, addressing not only immediate document-related needs but also focusing on long-term recovery and empowerment. For instance, FAST's Survivor Inclusion Initiative collaborates with banks and regulatory/supervisory authorities to simplify Know Your Customer due diligence processes for survivors, ensuring their access to basic banking services (FAST and INURED, 2023).

## 6.6 POLICIES THAT EXACERBATE DOCUMENTATION CHALLENGES AND GAPS IN PROGRAMMING

Measures that compound the obstacles related to obtaining essential legal documentation, such as visas or work permits, can result in a vulnerable population that is at an elevated risk of exploitation. In the absence of proper documentation, individuals may refrain from reporting abuses or seeking assistance due to the precariousness of their immigration status. Additionally, impediments to accessing birth registration services, especially for marginalised or vulnerable communities, contribute to a pervasive lack of legal identity, resulting in greater susceptibility to exploitation by traffickers, who often target those without legal recognition.

The enforcement of discriminatory documentation requirements based on factors such as gender or ethnicity can exacerbate these challenges. For instance, requirements disproportionately affecting women or specific ethnic groups may hinder their ability to secure necessary documentation. Insufficient policy safeguards for informal or undocumented labour create environments conducive to the proliferation of modern slavery, as workers in the informal sector may lack legal recourse or protection, thus increasing their vulnerability to exploitation. Moreover, restrictions on access to education, particularly for specific demographic groups, contribute to a general lack of awareness about the significance of documentation. This educational deficit perpetuates vulnerabilities and undermines initiatives aimed at combating modern slavery. The bottom line is that effectively addressing all of the multifaceted challenges associated with documentation in various sectors will require a comprehensive approach to policymaking.

In **Kenya**, inadequate service points, registration materials and equipment due to a limited budget allocation to Kenya Civil Registration services have been identified as exacerbating low registration levels (WHO, 2021). Additionally, in certain communities and particularly among nomadic groups, discouragement rooted in social, cultural and religious beliefs diminishes the perceived importance of births and deaths registration, resulting in insufficient services in hard-to-reach areas and further

marginalisation. The limited public dissemination of the Kenya Vital Statistics Report impedes informed public awareness, targeted research and evidence-based planning and policymaking (UNICEF, 2018). There is a notable delay in revising antiquated laws to address emerging issues like insecurity, technology and the facilitation of easier access to registration services. This delay hampers the adaptation of the legal framework to contemporary challenges, hindering the effectiveness and efficiency of the registration process. Addressing these issues is critical to fostering a more inclusive and accessible system that meets the evolving needs of the population.



# SECTION 7: EMERGING CONCLUSIONS AND NEXT STEPS

The right to documentation and a legal identity is enshrined in the Sustainable Development Goals (SDG 16.9). The Global Compact on Migration encourages states to provide all migrants with proof of legal identity and adequate documentation (Objective 4). Yet millions of people struggle to secure documentation to prove their identity and secure access to the rights and services. Recognising and understanding the nexus between modern slavery and the absence of official documentation becomes pivotal in shaping effective policies that not only address legal identity but also strive to eradicate the conditions fostering exploitation.

This review underscores the pressing need for comprehensive efforts to tackle the pervasive issue of documentation gaps. It sheds light on the heightened vulnerability of specific populations, especially children in lower-income regions. To pave the way for informed interventions and effective programs, it is essential to bridge gaps in empirical research and international policy frameworks. Developing a nuanced understanding of the intricate links between official documentation and susceptibility to modern slavery will lead to more targeted, comprehensive and effective strategies.

This research project's aim is to increase understanding of the modern slavery risks faced by people who lack official documentation, as well as their specific vulnerabilities to human trafficking, and to identify practical solutions for policymakers, civil society organisations and donors, in the focus countries and globally, that are informed by the lived experiences of survivors of modern slavery. Anticipated in late 2024, the findings of this research, based on fieldwork with communities and survivors in Brazil, Kenya and Nepal, will provide actionable insights for governments, civil society organisations and donors.



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# ANNEX 1: LITERATURE REVIEW SEARCH PROTOCOL

To meet inclusion criteria sources will:

- a) Be relevant to the specific themes under consideration. This includes:
  - a. Research exploring reasons for lacking documentation.
  - b. Studies on global sub-groups with a lack of documentation, covering their characteristics and population size.
  - c. Research linking lack of documentation to modern slavery risks, providing insights into this connection.
  - d. Studies discussing legal and regulatory barriers affecting documentation status, variations in immigration policies.
  - e. Primary research in focus countries, identifying sub-groups at risk of modern slavery and/or processes creating vulnerability to modern slavery.
  - f. Research exploring socio-economic and cultural factors contributing to lacking official documentation, with variations across communities.
  - g. Research discussing policies and programs to reduce the population without essential documentation, evaluating their effectiveness.
- b) Materials published in academic journals; AND/OR  
Grey literature that are publicly available; AND/OR  
Grey literature shared through recommendations from UNU, FF and key informants.
- c) Materials in English; AND/OR  
Materials in Portuguese if the material is related to Brazil; AND/OR  
Materials in Nepali if the material is related to Nepal. Records will be excluded if they fail to meet these criteria or if they were published prior to 01 January 2010.

## Search sources

- JSTOR <https://www.jstor.org/>
- GoogleScholar
- Google (specifically for grey literature)

## Search words/terms

<b>Initial search term</b>	Term harvesting
<b>Modern slavery</b>	<p>slavery; antislavery; modern slavery; contemporary slavery; contemporary forms of slavery</p> <p>servitude; involuntary servitude; exploitation; forced labour; compulsory labour; forced work; coerced labour; institutions and practices similar to slavery; practices similar to slavery; slavery-like practices; serfdom; debt bondage; bonded labour; unfree labour; peonage; exploitative adoption</p> <p>human trafficking; trafficking in persons; trafficking in human beings; trafficking in people; child labour; child exploitation; worst forms of child labour; child trafficking; labour trafficking; migrant trafficking;</p> <p>sex trafficking; sexual exploitation;</p> <p>forced marriage; servile marriage; bride trafficking;</p> <p>forced conscription; child soldier.</p>
<b>Lack of documentation</b>	<p>undocumented population; undocumented citizens; undocumented workers; irregular population; informal status; undocumented immigrants; stateless people; stateless children; statelessness; people without ID/identity/identification/ documents; birth certificates; marginalized populations; reasons for lack of documentation; undocumented individuals; documentation barriers; barriers to ID/identity/identification/ documents; documentation challenges; choosing to remain undocumented; documentation eligibility; resource constraints; employer withholding documents; document withholding; passport withholding.</p>
<b>Legal and regulatory barriers</b>	<p>legal barriers to documentation; immigration policies; documentation eligibility criteria; documentation regulations; legal obstacles to documentation; immigration laws and undocumented populations; documentation status and legal issues; legally invisible.</p>
<b>Socio-economic and cultural factors</b>	<p>gender and documentation status; ethnic minorities and documentation status; age and documentation status; community norms and documentation; economic barriers to documentation; cultural beliefs and documentation; documentation status and marginalized communities.</p>
<b>Policies and programs</b>	<p>documentation; documentation policies; government programs for undocumented; human rights programs' advocacy for undocumented individuals; documentation assistance; global initiatives for documentation; reducing undocumented populations; increasing birth certificates; documentation for stateless people; immigration reform.</p>



# VISION

Our vision is a world  
free of slavery.

# MISSION

Our mission is to mobilise the  
knowledge, capital and will  
needed to end slavery.

## **The Freedom Fund (UK)**

Lower Ground  
Caledonia House  
223 Pentonville Rd  
London, N1 9NG  
+44 20 3777 2200

## **The Freedom Fund (US)**


315 Flatbush Avenue  
#406  
Brooklyn, NY 11217  
USA  
+1 929 224 2448

## **United Nations University Centre for Policy Research**

767 Third Avenue 35B  
New York, NY 10017  
United States  
+1-646-905-5225

 [www.freedomfund.org](http://www.freedomfund.org)

 [info@freedomfund.org](mailto:info@freedomfund.org)

 [@Freedom\\_Fund](https://twitter.com/Freedom_Fund)

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