



**IRISH CENTRE  
FOR HUMAN RIGHTS**

## **Human Trafficking in a Pandemic Landscape: Implications for Children and Forced Migrants**

Digital Dialogue

by the

Refugee Law Project in partnership with the Irish Centre for Human Rights

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### **Moderator**

**Dr Chris Dolan** is Director of Refugee Law Project at the School of Law, Makerere University and Visiting Professor at Ulster University's INCORE & Transitional Justice Institute. He has worked extensively with refugees, ex-combatants and IDPs, and researches, writes and teaches on gender, conflict and humanitarianism in general, and conflict-related sexual violence in particular, with a focus on male survivors and enabling disclosure. He has led Refugee Law Project's work with refugee survivors, resulting in the first-ever support groups of male refugee survivors of conflict-related sexual violence, as well pioneering new approaches to the screening, referral, support and documentation of war-related harms, with a view to bridging current humanitarian/ accountability divisions.

### **Panellists**

**Rachel Bikhole** is the Assistant Director of Public Prosecutions - Head of the Anti-Trafficking in Persons Department at the Office of the Director of Public Prosecutions, Uganda. Rachel Bikhole is a seasoned advocate of the High Court. She has over 14 years experience prosecuting cases in Uganda and currently serves as the Assistant Director of Public Prosecutions, heads the Anti-Trafficking in Persons Department of the Office of the Director of Public Prosecutions and is the deputy head of the International Crimes Department of the ODPP. She is passionate about justice for victims of trafficking in persons and ensuring their rights are upheld as they navigate the criminal justice system.

**Eefje de Volder** (Ph.D., LL.M., M.Sc.) is the Co-Chief-Editor with the [\*Journal of Human Trafficking, Enslavement and Conflict-Related Sexual Violence\*](#) and co-founder and team member of IMPACT: Center against Human Trafficking and Sexual Violence in Conflict. Eefje's PhD thesis looks into the functioning of the collective security system of the African Union. She has conducted research for several regional and international institutions and organizations (EU, EUI, Council of Europe, OSCE) on human trafficking. She has acted as moderator of international dialogues on human trafficking, including the expert meeting of the EU-ACP Dialogue on Migration and Development. She has also developed and taught several courses at various levels, both in the Netherlands and abroad. She is a board member of La Strada International, a leading European network of NGOs providing support to trafficked victims. Eefje works partly for the NGO CoMensha, in which role she coordinates the assistance and support for victims of labour exploitation in the Netherlands.

**Prof Siobhán Mullally** is the incoming UN Special Rapporteur on trafficking in persons, especially women and children. Professor Mullally is an Established Professor of Human Rights Law and the Director of the Irish Centre for Human Rights. She was a member of the Council of Europe treaty monitoring body, the Group of Experts on Action against Trafficking in Human Beings (GRETA) from 2013-2019, serving as its President from 2017-2019. Professor Mullally is also a Commissioner with the Irish Human rights and Equality Commission and a member of the National Group of the Permanent Court of Arbitration.

**Dr Chris Dolan 00:07**

Good afternoon everybody. My name's Chris Dolan I'm the Director of Refugee Law Project. And we're here partnering with the Irish Centre for Human Rights. In a digital dialogue on the occasion of the World Day against Trafficking in Persons, 30th July. We were doing this as part of a larger project on trafficking, which is supported by the Irish Research Council. So this day on human trafficking rather let me begin there is defined by the United Nations Volunteer Trust Fund for Victims of Trafficking, as a global multi billion dollar enterprise with no country immune every year millions of children, women and men fall victim to traffickers, for the purposes of exploitation. This includes prostitution forced labour domestic servitude forced begging and even organ removal, a crime that shames us all human trafficking robs people of their dignity dreams and basic human rights. But what does that mean in a pandemic landscape. We just recently published a joint policy brief, in which it was highlighted that the measures adopted in response to COVID-19 have contributed to reducing the spread of the virus but they also carry negative consequences that have disproportionately affected the most vulnerable in our society, including victims and survivors of human trafficking and other exploited persons. Economic activity at global, regional local levels have been significantly affected resulting in widespread loss of livelihood income and these resulting effects of the pandemic, carry the risk of exacerbating the vulnerabilities of persons earlier risk. So we have that by way of background and linked to the COVID-19 background we have this year's focus, which is, I guess, coming from our new awareness of the importance of first responders. But the focus of this year is to figure out what does it mean for first responders as well. Those people who are working in different sectors, identifying supporting counselling and seeking justice for victims of trafficking and challenging the impunity of the traffickers. So you can see there's a lot to discuss. And we're very privileged today to have three panellists, all of whom are involved in tackling that impunity of traffickers, and each of them brings a very different experience and angles to bear on our discussion on human trafficking in a pandemic landscape implications for children and forced migrants, we're looking forward to a mixture of very context specific insights connected and situated to the broader patterns of trafficking and responses to trafficking, as well as looking at what are some of the policy asks, that should be highlighted on this international debt. So we have the three panellists I'd like to begin just by introducing the first panellist Rachel Bikhole, Rachel was the first in her family to study law she got her 1st degree from Makerere, and later on obtained an Irish Aid Fellowship and was able to pursue an LLM in International Criminal Law at the National University of Ireland, Galway. Some years ago, not 2012 to 2013. And then returned to the Director of Public Prosecutions to work on international crimes. So, our first speaker Rachel is currently an Assistant Director of Public Prosecutions and the Coordinator of the Anti-Trafficking in Persons in the office of the Director of Public Prosecutions. Uganda currently placed on tier 2 watch list grading on the recently released 2020 USA Trafficking in Persons report<sup>1</sup> that is the tier reserved for countries that do not meet the minimum standards of the

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<sup>1</sup> <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>

United States Trafficking Victims Protection Act but are making efforts to do so. As head of the Anti-Trafficking Persons in Persons Department. Can you please tell us how prevalent, is this issue of trafficking persons here in East Africa, particularly Uganda, of course, with the largest refugee population on the continent. And how would you say as the steps of first responders seeking to tackle such trafficking nationally and regionally and how will they be impacted, if at all by COVID-19?

**Rachel Bikhole** 04:45

Thank you, Chris, thanks for that kind introduction. Good afternoon, everyone. So today, you Uganda joins the rest of the world. To commemorate the World day Against Trafficking in Persons, and the Office of the DPP is among the first responders key responders and is also a member of the National Task Force committee for prevention of trafficking in persons. And we are extremely glad today that in addition to commemorating World Day against Trafficking in Persons. We have also launched the Use the "Insert Citation" button to add citations to this document.

. So, the National Action Plan sets out the strategic activities of each institution in combating trafficking, over the next five years. While the National referral guidelines help, are supposed to help us in streamlining the referral of victims of trafficking. Right from the time of their rescue throughout the system throughout the process when they go through the justice system. Chris has already given a brief on what trafficking is, but currently in Uganda, I will focus my, my discussion on the Ugandan perspective, the principle legislation in Uganda that governs Trafficking in Persons is the Prevention of Trafficking in Persons Act <sup>2</sup>that was enacted in 2009. It's been 11 years now since this Act came into existence. So, and TIP in Uganda is governed by the four P's that is Prevention, Protection, Partnership and Prosecution. So the Office of the DPP being among the first respondents is the lead agency for prosecution and as search we have embarked on a number of activities, aimed at combating Trafficking in Persons but also to ensure that we come out from the downgraded list of tier two watch list is back to the watch list. Some of the few that will revert back to tier two, and probably tier 1. So we have, embarked on a few activities that include the creation of the Office of the Coordinator for Trafficking in Persons in the Office of the DPP to foresee all cases of trafficking in persons in the country. And in addition, we have began on robust training. Capacity Building through conducting regional trainings in all the field stations. And in each of the field stations we are appointing a focal person to be in charge of trafficking. This is because we also want to conduct a case census on Trafficking in Persons cases under prosecution and those under investigation. The reason why we're downgraded to tier 2 was that we registered less cases of investigation, and also less cases of prosecution. Simply because our statistics are not very accurate, so it is something that we are embarking on robustly. So we, so far we have registered over 300 cases, under investigation. Only during the during this COVID-19 pandemic period. And this is a very great effort compared to the 120 cases that registered in the whole of 2019 and 286 cases that registered in 2018. Of course, this demonstrates that we have being aggressive in ensuring work towards achieving more

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<sup>2</sup> <https://www.mia.go.ug/sites/default/files/download/Prevention-Trafficking-Persons-Act-2009.compressed.pdf>

investigations and prosecutions. And then also to ensure that the victims of trafficking sickness get the necessary justice, support, and protection. And then also so we're also ensuring that really need to leave the tier 2 watchlist. Yeah. So, we have also embraced prosecution that investigations in all Trafficking in Persons cases. And of course with prosecution led investigations we ensure that the quality of investigations is up to standard, ensure accurate collection of admissible evidence and maintaining the integrity of this evidence we believe that when we embark on prosecution led investigations less time is lost by files moving back and forth the Office of the DPP and the Police. So that's one of the ways of handling our work more effectively and also efficiently. And as a result of prosecution led investigations which have successfully prosecuted cases from Magistrates Court to High Court, and among the cases we have successfully prosecuted in the High Court is the case of Uganda vs Umutoni Annet, and then also Uganda vs Natukunda Faith. And these are cases of transnational trafficking, that were the victims in these cases were all sexually exploited that Umutoni Annet had children were sexually exploited. And then Natukunda Faith, so these cases were concluded in the High Court, and they were all sentenced to eight years of imprisonment each, and Natukunda Faith paid. In addition to imprisonment, she had to compensate the victims of trafficking. So, these are some of the fruits of the prosecution led investigations that we are registering. Then we have also had increased coordination among the government. Among the government agencies various ministries like Ministry of Gender labour Social Development, Minister of Internal Affairs, Foreign Affairs several civil society organisations that have also been actually key in the implementing of the National Action Plan, and the National Referral Guidelines are together with international organisations that focus on trafficking persons, and as a result of this increased coordination, the ODPP has had an expert on tracking persons from the Human Trafficking Institute that is resident in our office, and that helps us in our, in our daily work of combating Trafficking in Persons. So I would believe that these efforts are really made to help us combat trafficking and also ensure that we come out of the tier 2 watchlist. So when you look at the implications of human trafficking in a pandemic landscape, or rather how COVID-19 has impacted on human trafficking in Uganda, we find that the key contributing factors to trafficking in Uganda, have been aggravated by the COVID-19 pandemic. Particularly we have registered, there's increased levels of poverty and unemployment in the country. Many youths are unemployed and looking for options to escape their poverty, only for them to end up in the hands of human traffickers. So we find that also sexual and gender based violence has actually skyrocketed, especially among refugees among children. Victims of forced prostitution. Forced marriages and childbirth these are some of the issues that we see that have been escalated by the epidemic. So, as a result of the pandemic, the borders in Uganda, just like maybe elsewhere. Borders and airports have been closed. So we are not seeing the same trend of transnational trafficking in persons, because it's more difficult to detect now, because they're using other methods. However, much as there's a decrease in transnational cases of trafficking reported. We realise that most of our victims who are in a trafficking situation are actually stuck with their traffickers. And what does this mean for them it means they're continuing to be in a situation of exploitation. So, this is the challenge that we have much has registered less numbers of transnational trafficking. We believe that

the victims, there are still being exploited, those who can't move because of the movement restrictions. Domestically, we have registered an increase of cases of domestic trafficking. I had earlier mentioned that we have so far registered 300 cases under investigation during this COVID-19 period. So, some of the factors that have led to the increase in domestic cases really is probably now we are giving domestic cases more attention. Since there's a decrease in transnational of cases. And then secondly children are not in school, students at Trinity school. So therefore, exploitation is easier with access to vulnerable populations. Then we've seen child marriage is on the increase. Just this week Daily Monitor reported that at least 128 school girls have been married through a forced or arranged marriage during the lockdown. So, this is a form of exploitation that we see that is really the increase. And yet according to our law when we talk about a aggravated child trafficking, some forms of exploitation include child marriages and at forced marriages. And this is a grave, grave offence and once someone is found guilty they are liable labour to suffer death, but it's something that has been contributed to by the poverty increasing levels of poverty in the country because parents are seeking dowry as a source of revenue. And then also have cultural practices aimed at eliminating poverty, for instance, we've seen a lot of practicing witchcraft. Harmful rituals, and then of course this come along with human sacrifice, which is a form of exploitation only unique to Uganda as a country, then we see increased child labour exploitation. Through cheap labour, unpaid labour those working in agriculture and everything, because people/traffickers are taking advantage of the fact that children are at home and not in school in school to exploit them. And then the government's

**Dr Chris Dolan** 14:52

Rachel I am gonna have to stop you there, if I may

**Rachel Bikhole** 14:57

~~I just have one or two points~~, because the government encouraged a lot of internet use during the lockdown. So as a result of this increased e-learning we've seen more access to the internet by youth and children. And this has increased their vulnerability to online exploitation, especially online child sexual exploitation. And our capacity to investigate this is rather limited. And of course the NGOs had difficulties, especially in accessing victims during trafficking, the judicial system of late was slowed down, because of the fear of movement in the country so that also curtailed our efforts a little bit, but then again we see the government intervention of allowing refugees on humanitarian grounds to come into the country. Of course, with the increase in the number of vulnerable population like refugees in the country, it means that there's an increased risk of exploitation. And as of today, the government also repatriated over 70 of victims of trafficking in persons from the Gulf countries. So we are glad that even during this pandemic measures have been put in place to on humanitarian grounds to ensure that there is assistance and support to victims of trafficking. Thank you.

**Dr Chris Dolan** 16:09

Thank you so much Rachel. And I know we had a question from a participant about can we take the focus off of just talking about migrants going to Europe. And I think that your presentation has really helped us to understand what does trafficking look like domestically as well. And how is that also being impacted by the pandemic partly they made changes in patterns of trafficking, partly their changes in how what which cases we're able to attend to. So I think your your presentation has really set the stage for, for our next two panellists. Thank you again very much for that. I'd like to turn now to our, our second panellist. Dr. Eefje de Volder. Who is speaking from the Netherlands. And she's a co founder and team member of an organisation called IMPACT, the Centre Against Human Trafficking and Sexual Violence in Conflict. Eefje's doctorate looked at the functioning of collective security system of the African Union. She's also conducted research for a number of regional and international institutions and organisations on human trafficking. Has moderated many international dialogues on the same and taught at many levels, both in the Netherlands and abroad. On the issue of trafficking. She's also a board member of a leading European network of NGOs providing support to trafficking victims and working directly with victims of labour exploitation in the Netherlands. So, Eefje you're most welcome. And I know you wear both a legal and an anthropological hat. And I hadn't even mentioned, but you also bring those to bear on co-editing a journal that explores the nexus between human trafficking and slavery and conflict related sexual violence. So with all of that background under someone deeply involved in training of first responders. Today is about first responders. First responders in trafficking situations. What do you see as some of the gaps and opportunities in initiatives to prevent and respond to trafficking in persons, particularly if they're already refugees. And have those gaps. I mean have those opportunities changed or do they need to change as a result of the pandemic

**Dr Eefje de Volder 18:37**

Yes, thank you very much for this kind introduction and for organising this timely event and also welcome very much as the attendees and the opportunity to exchange thoughts. So, to your question, I think that actually the, the outbreak of the COVID-19 pandemic has acted somehow as a contrast fluid in our societies actually highlighting the situation of the most vulnerable circumstances which under normal conditions would be somehow more below the surface are just largely overlooked or even ignored. And in some contexts, we have seen that the COVID-19 pandemic and the national health concerns and risks have had positive effects on dealing with circumstances that enable exploitative practices. So for example, in some European countries outbreaks of COVID-19 on workplaces where migrant workers are working mainly have led to reviews of the circumstances that make them vulnerable to exploitation. But overall, we can say that the pandemic has put the most vulnerable, even more at risk of trafficking and exploitation. And so there are options to actually cushion the effects of the pandemic are already limited from the starts and COVID-19 and the resulting measures to probe it has actually heighten the risk. Even more people falling into extreme poverty and making them also less resilient to traffickers. So particularly refugees and including children, I think, experienced disproportionately the consequences of COVID-19, and in many states their access to support and services has already been constrained due

to insufficient resources to address their ever-increasing needs of the growing population that is on the move worldwide. And so in the context of Uganda the brief <sup>3</sup>of actually the Refugee Law Project and the speech of our former speaker has already clearly highlighted the consequences of the COVID-19 pandemic for the vast population of refugees that actually Uganda hosts. So mentioned was made of the strength shrinking labour markets and rising unemployment and poverty levels that actually forced refugees to compete for scarce resources and jobs, even with the host communities that's even put them more at risk. And also refugees are confined to settlements and there have been cuts in their, in their income by in their rations and also their food durations, which actually leads to a situation where you have poverty they've even hunger, no means to supplement income and this actually makes them more vulnerable to trafficking and traffickers on the other heads, make use of this climate of impunity. And the despair of vulnerable people that is actually exacerbated by COVID-19. So indeed COVID-19 has had a disproportional impact on the refugee population. But I think that we must keep in mind that in general in humanitarian situations, even without a health crisis, such as the COVID-19 pandemic, the trafficking of persons and other forms of exploitation, despite it being serious crimes and involving grave human rights violations remain largely overlooked in humanitarian response both by government and non-governmental actors. So why is it, why is this, particularly the case, why is trafficking overlooked in these situations. So if you look in humanitarian settings, the focus of the overall protection approach is really on immediate lifesaving efforts and counter trafficking efforts have not necessarily been understood in this way. So, the humanitarian community has a time to consider human trafficking as something that should be dealt with more or is more of a concern of development actors actually and further and very important is that we have no clear definition of exploitation for human trafficking, we don't have it at the international level it's left, left to the national jurisdictions. So we have many different manifestations of exploitative practices in humanitarian settings that can be assessed differently. So, this is also one of the reasons why we started the journal on trafficking enslavement and conflict related sexual violence, because we see that there are a lot of similarities between these crimes that we should consider, but at the same time, we should also not overlook the differences. So what you see now is that forms of trafficking in persons might be filed as under sexual or gender based violence or conflict related sexual violence, while other forms of trafficking might fall completely between the cracks. And that means that the situation is not assessed how it should be assessed, leading to victims or people at risk not being identified as such, and also not being offered the right support. And what is even more important is the lack of legislation actually to reduce vulnerability to trafficking, and to protect the needs of at-risk populations. So you see that anti trafficking legislation focuses still mostly on a criminal justice response and far less on the protection of victims and prevention and addressing root causes. And this impacts actually the response in humanitarian situations. And this, in fact is a consequence of the focus of the

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<sup>3</sup> [https://www.refugeelawproject.org/files/working\\_papers/2007Policy-Brief---Impact-of-COVID-19-on-Human-Trafficking-in-Uganda.pdf](https://www.refugeelawproject.org/files/working_papers/2007Policy-Brief---Impact-of-COVID-19-on-Human-Trafficking-in-Uganda.pdf)



Palermo Protocol<sup>4</sup>, the International document that criminalises Trafficking in Persons and lays down the obligations of states. Having a primarily criminal justice focus rather than a focus on the respect of trafficking, trafficked person's human rights. And so the protocol does it include as its main purpose to protect and assist victims of sex trafficking with full respect of their human rights, but the provisions that are actually related to victims are non-binding, including assistance and protective protection measures. So, trafficking should actually be addressed as a human rights and social justice issue. But the focus is much more on repression of transboundary crime rather than on the systematic nature of exploitation. In the context of trafficking and addressing social economic root causes. So while there have been efforts and regionally and internationally to promote the human rights issue, or to the human rights based approach to trafficking, and particularly in Europe, leading to binding obligations, actually, the overall approach by national authorities worldwide remains strongly rooted in the original approach by the Palermo Protocol, with little attention to human rights dimension and but 2020 is not only momentous because of COVID-19, 2020 marks the 20 years of the Palermo Protocol, which has offered us time to reflect and determine the best way forward. And we did this as civil society along with the outgoing UN Special Rapporteur on Trafficking in Persons Mari Grazia. And we have actually supported her trafficking manifesto, with recommendations to move forwards which focused very much on these continuous efforts to put human rights of trafficked persons at the centre of all efforts to prevent a combat trafficking and protect and assist victims, because COVID-19 actually has emphasised the socio economic circumstances that are at the root of trafficking and exploitation and need urgent, addressing if we want to combat trafficking effectively particularly among refugees and forced migrants. And similarly the Human Rights based approach would result in identification and support of trafficked persons disconnected from criminal proceedings. In fact, most of the trafficked cases particularly involving refugees, or forced migrants, will not even make it to court. So, and nowadays you see that they even lack access to support. So me and also other civil society actors are extremely happy with the appointment of the new UN Special Rapporteur on Trafficking in Persons. And we hope that she will use her mandate to really put the human rights of trafficked persons at the core of anti-trafficking efforts, resulting in better protection and addressing the social economic root causes of trafficking, which I think will also be to the benefit of refugees, forced migrants including children.

**Dr Chris Dolan** 27:41

Thank you very much Eefje. I think you're putting the cat among the pigeons to a certain extent. So we've heard a lot about what steps are being taken in Uganda, on the, on the prosecution side. And our first speaker Rachel Bikhole. Now you've come and said we need less persecution or maybe not less persecution but a more social justice more human rights of victims, we need to really look at what do we mean by a victim centred approach. We need to think about the how fit for purpose is the Palermo

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<sup>4</sup> <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

Protocol 20 years after it was established. So thank you very much for that, what I think are sometimes called those provocations, we need them. We need to be helped to think outside the existing boxes, and I think you also began the process of introducing our third speaker so thank you for that. I'm particularly delighted now to to move to us, third speaker, Professor Siobhán Mullally, who is an established Professor of Human Rights Law and the Director of the Irish Centre for Human Rights which is partnering, and most importantly, for the purposes of this discussion is the incoming Special Rapporteur UN Special Rapporteur on Trafficking in Persons, especially women and children. Prior to that, she was a member of the Council of Europe treaty monitoring body, the Group of Experts on Action against Trafficking in Human beings in 2013 to 19 and served as president from 2017 to 2019, Professor Mullally is also a commissioner with the Irish Human Rights and Equality Commission and a member of the National Group of the Permanent Court of Arbitration. So professor. You're most welcome and allow me to also congratulate you in public on your appointment it's really fantastic news. And we also very much looking forward to continuing the collaboration with you on the COALESCE project, out of which this particular dialogue has sprung. I think we've already heard from the previous speakers that COVID-19 has quite possibly almost certainly created new vulnerabilities and aggravated already serious vulnerabilities and related patterns of trafficking in persons. What are some of the issues that you hope to pursue as the incoming Special Rapporteur and could you comment specifically on the importance of skilling up humanitarian first responders in the identification of human trafficking dynamics within humanitarian settings, I think we heard from our previous speaker that maybe there's a bit of a gap there. The floor is yours. Thank you.

**Prof Siobhán Mullally 30:31**

Thank you very much, and delighted to be joining the webinar today, I think it's very timely and I'm delighted to have this opportunity to continue the cooperation also with the Refugee Law Project. Given the work that the Refugee Law Project does on the ground in the field, and the contact with communities most affected by force displacement, and, including human trafficking, also to pick up on the question but also on on some of the comments that were just made. And it's interesting that today on the World Day against Trafficking the outgoing Special Rapporteur has taken the opportunity to issue a statement calling for a new approach to responses to human trafficking. And specifically, highlighting the need to move beyond the limits of the Palermo Protocol which does focus primarily on the criminal justice response. And she has called for and emphasized the importance of a human rights-based approach that is easy language to use, and I think we really need to unpack. What does that mean and what does that mean in the context of force displacement? What does it mean for humanitarian actors? And what does it mean specifically in Uganda, which is one of the largest refugee hosting countries, and one of the largest populations of refugees in the world is in Uganda. So, what are the links between these situations of forced displacement of refugee settlements and human trafficking and how can we strengthen our responses and ensure that they are human rights based. And what is the significance of the current situation of COVID-19 pandemic. We've already heard about the specific impacts of COVID-19 on victims

of trafficking and survivors of trafficking and here again I think that's important in terms of thinking about the human rights based approach and it's something that the Refugee Law Project has always emphasised in its work that the community's most affected should be taking a lead in determining the responses and then deciding on prevention measures and effective responses so we do need a focus on survivor led responses and ensuring that those most affected are involved in decision making. And I know the National Action Plan on trafficking is being launched this morning. Earlier today, in Uganda and guidelines are the national referral mechanism. So that's very good to see that happening. But what I would ask is, to what extent are humanitarian actors involved here. We know that most of the concerns that are raised with regard to victims of trafficking, the vulnerabilities and risks. These relate to existing situations of extreme poverty, gender inequality, sexual and gender-based violence, a lack of fair and decent work and monitoring of labour recruitment processes. All of these are heightened and exacerbated in the context of the pandemic. And we have seen as Rachel said difficulties in terms of access to services. Deployment elsewhere with law enforcement forces, loss of livelihood with increased risk of poverty and the potential for people to be forced into more exploitative work situations. And the Special Rapporteur on trafficking has issued a guidance note on COVID-19, and the links with human trafficking. The World Bank has highlighted the increasing numbers of people being pushed into extreme poverty, and particularly the risks for people in the informal sector, who lack access to basic social protections, and who are forced into risky and exploitative employment, and that is a particular concern in the Ugandan context. Also, of concern is the situation of migrant domestic workers and domestic workers at home, who are at heightened risk of exploitation and abuse, maybe more isolated from support, and protection services, and have no access often to legal protections. And that again increases risks of trafficking for the purpose of domestic servitude. In the context of the lockdown. Specifically, with regard to the response of a UN agencies such as UNHCR and UNHCR has issued a number of guidance notes on sexual and gender-based violence encountered by women and girls in particular, in the context of COVID-19. They've highlighted the particular gendered impacts. The fact that the COVID-19 pandemic can affect people differently depending on age, gender, disability, or other diversity characteristics. And forcibly displaced women and girls are especially at risk. During the pandemic of sexual and gender-based violence, very little attention has been given specifically to human trafficking, but it tends to be incorporated as was already said, and by Eefje within the context of looking at sexual and gender-based violence responses, and protection measures. But we also know that refugee and internally displaced women are more likely to hold precarious jobs in the informal sector, they're more likely to face disruptions in their livelihoods and income generating activities because of the pandemic. And going back to what Rachel said also those disruptions with regard to schooling and participation in schooling. We know that forcibly displaced adolescent girls face particular risks of disruption in terms of attending schooling and education and school dropouts, and also extra caregiving responsibilities during the pandemic. And Rachel has already mentioned concerns around increase. In early, forced marriages, being documented in the Ugandan context. During the current period and I think that is a very serious concern in the context of looking at the country's response to human trafficking. And so also the

movement restrictions which have been mentioned again that can lead to heightened risks of gender based violence and intimate partner violence, as well as risks of sexual exploitation and abuse, and that is often linked, then, to human trafficking for the purpose of sexual exploitation, but also labour exploitation. And in the context of the lockdown. When we see more people moving online, and the risks that that brings in particular, in terms of child protection, we often see difficulties in terms of accessing information. And for those most at risk in the African context in greater isolation also. We know that UNHCR in Uganda, has been working with you UNFPA in terms of documenting sexual and gender based violence, and has documented significant increases in incidences of sexual and gender based violence in refugee settlements, and in Kampala, with a number of areas particularly affected Kyangwali and Bidi Bidi in particular, reporting the highest rates. Now again, there isn't specific information given with regard to human trafficking, either for sexual exploitation or labour exploitation so we don't know precisely what is happening here and what might be the links to the risks faced by people who are internally displaced, or refugee communities and again I think that much more information needs to be coming through on this. There have been various protection responses the use of hotlines for example, not only in Uganda, but also in Rwanda and Kenya, and use of community radio to sensitise communities on prevention and responses to sexual and gender-based violence. And again, we need to know whether that is also highlighting risks relating to human trafficking. For a range of purposes. And so again, a difficulty in terms of accessing that information and knowing precisely what has happened. And UNHCR does have a range of tools available specifically focused on trying to identify as early as possible those at risk of trafficking and to ensure early referrals for protection. There are risk vulnerability tools, screening tools. There are some learnings and good practices that we know from other countries where these tools have been integrated into responses to force displacement. So I think we need to know a lot more about what is happening in the Ugandan context, how these are being put in place and whether there is effective access to protection. And how is the pandemic impacting on access to those kinds of protection services. The other difficulty in terms of what we know about sexual and gender based violence and this is something that has been highlighted in the work of the Refugee Law Project is that this tends to focus on women and girls who are particularly at risk, but it does sometimes mean that we have a blind spot or a gap in terms of knowing what is happening with regards to trafficking concerning men and boys, including them who are internally displaced and in refugee communities. What's happening with regard to sexual exploitation and labour exploitation, in the agricultural sector perhaps in the hospitality sector. What's the role of the transport sector in perhaps facilitating or assisting trafficking networks, but also the important role that they can play in prevention, and reporting. And so there needs to be much more work in terms of partnerships with civil society with humanitarian actors, and with the private sector to ensure that we have early timely and effective responses that are human rights, thanks.

**Dr Chris Dolan** 41:16

Thank you very much indeed Siobhán for giving us that insight. And again, emphasising the multiple ways in which the vulnerabilities have been increased, and also for highlighting the existence of a number of

guidelines screening tools and the like. I suppose the question must be and I, maybe I can push this one back to Rachel, as we wait for people to write their questions and answers in the question and answer function. But, beginning with Rachel, how do you connect with the humanitarian sector as DPP, do you connect and if so how is it through the Office of the Prime Minister or what is the way in which you get into those field, settings, and those refugee settlements, the largest one is Bidi Bidi then we have Nakivale we have Kyangwali, we have a whole number of them. And I'm wondering, what are the specific mechanisms, you have to get information about human trafficking. Within those settlement areas which are, which was the vast majority of refugees in Uganda, Rachel.

**Rachel Bikhole** 42:34

Thank you, Chris. I must say that the Office of the DPP and enjoys great coordination with other government agencies, and then also civil society organisations, which we do closely with the Office of the Prime Minister. And in case of issues of exploitation or trafficking among the refugees. We get first-hand information from them. But even then, we do work together with police. And because we embraced prosecution led investigation as, as a mode of being effective in our work. Usually when reports are made by the refugees, of any form of exploitation, whether pertaining to human trafficking or SGBV reports made to police, usually police brings us on board at the earliest. So through a presentation that investigations then we get to the various camps or wherever the victim of trafficking is, and we make the necessary assessments and where possible if there's any referral. We advise on the referrals on the referral pathways to be taken. But that's how we get to the point we don't wait. In the past we used to wait in our office and wait for police files to be compiled evidence compiled and brought to us, but we do now go on to the ground, we go to the victims we go to police, you know, we reach out to various civil society organisations and the public can easily access us, so we also have a complaint desk, that receives complaints from all over from anyone from the victims, or whoever detects takes crime. So when they get to us they mean, that's how we, we, we access the various victims of trafficking, or any other offence.

**Dr Chris Dolan** 44:27

Would you know the exact figure perhaps but do you have a sense, many of the 300 cases that you mentioned that are under investigation. Currently, many of those relate to refugee populations.

**Rachel Bikhole** 44:43

What I can say that of the 300 cases under investigation. Most of them pertain to sexual exploitation about 210 are for exploitation. And then the others fall into the various forms of exploitation like we have human sacrifice that has been so rampant. We have registered an increase in child marriages and forced marriages as well. So, we have so far registered only 2 cases as per June pertaining to refugees. Yes.

**Dr Chris Dolan** 45:25

Thank you very much. Maybe the first question from the audience but I think we should start with you. If I may, what measures have been put in place for victims of trafficking and forced labour migration returning to Uganda, from the Middle East, during the pandemic. You mentioned that there have been repatriation flights. Is there anything you can add to that?

**Rachel Bikhole** 45:53

Yes, they besides the government trick or treating some of the victims of trafficking. The Uganda Police Force has a centre, particularly to address issues of human trafficking at the International Airport. And, and the procedure now is that when victims are reported after the 14. I think it's the 14 mandatory quarantine days. Then, after getting their clearance from the Ministry of Health, they get in touch with a law enforcement officers. Ofcourse the challenge now is that the various organisations are not taking in victims of of trafficking that need shelter, because of the fear of contamination. So that is the, the current challenge now, but if they are cleared. Police contacts the various civil society organisations, or we make referrals to whatever organisation is available to taken in victims of trafficking depending on them and their immediate needs. And then, that is how the process begins, that is when police begins their investigations and that is when they need for their support so whether it be psychosocial support or counselling, or maybe shelter they're urgent need that is when it is addressed that's when they need to be addressed. But at the moment they have to first finish the 14 days quarantine period, get their certificate, and then get in touch with the law enforcement officers that are based at the airport to take information to take to open up police files. So it is after the police has opened up police files that we also going to come on board and see what other intervening measures, other intervening measures that we can come up with.

**Dr Chris Dolan** 47:33

Thank you very much. I see another interesting question coming in which may be Eefje you would like to have a stab at, which is around the role of civil society in having a fresh look at the Palermo Protocol and the introduction of new approaches. So I think the Professor Siobhan one has mentioned that the outgoing Special Rapporteur has called for some new approaches. How do we get civil society involved, properly in that discussion, in your view?

**Dr Eefje de Volder** 48:05

I think we have had a very good opportunity to actually engage with the former outgoing. Special Rapporteur to discuss what is needed. So there were a few webinars actually that were accessible to to the wider public that actually led to the recommendations that she made and also that I mentioned today. And I think for the further process we should actually look at our new special rapporteur because actually now it is also up to, to, to her and her mandate to see whether she's taking this process on. And hopefully, with the same engagement with civil societies that we had before, but I'm...

**Dr Chris Dolan** 48:54

Maybe I can ask. Siobhan to take over the baton from you on that. Because there are a couple of questions here which I think also speak to your mandate, one is about. In a way it's a restatement of my question about your priorities. What will you be focusing on as a special rapporteur. And how would that. How will you take the pandemic itself, and trafficking in the context of the pandemic into account. The other question was a broader question about how do we sensitise the public about trafficking because we all. I'm sure are aware of traffickers who persuade people with all sorts of stories and end up trafficking them. What mechanisms, do you see as or processes, do you see as important for sensitising the public? Siobhan.

**Prof Siobhán Mullally** 49:55

Thank you very much. I'll maybe start with, with one in terms of sensitising the public I think that's a key importance to to raise awareness and to reach out to wider groups, you know beyond the kind of usual suspects if you like. So there's a whole range of media and social media online but also depending on the context depending on their location community radio can be very effective for example, other kinds of communication so I think really using whatever kinds of communications that are appropriate to the local context. And also going beyond the usual stereotypes. So we tend to have a very particular stereotypical view of who might be a victim of trafficking and who's at risk. And it needs to be broadened out much more so that we can recognise that men and boys, and may be at risk that that isn't something always identified that we link in with humanitarian actors and refugee settlements also that they're not, it's not overlooked. And that we look at the labour context as well as the sexual context so to move beyond the kind of easier stereotypes and look more closely. I think one thing I would like to mention in response to the question about people returning to Uganda, or elsewhere who have been identified who've been referred for protection. We know that that's not the end of the story that they're, they're very serious risks of re trafficking. So, unless you have longer term, not just investigations and prosecutions but social protection measures. And you have supports in place in terms of access to employment and protection from those networks that are still there. We know from listening to civil society from listening to NGOs that after a few months often those who have been returned, who have been identified as victims of trafficking, are again re trafficked because they don't find meaningful employment, because they're into situations of extreme poverty, that they don't have long term protection measures in place in terms of safe accommodation, or alternative so NGOs civil society have very limited resources. we know that the shelter is available, have limited space. They can often only work on short term basis, so we really need to be looking at longer term social protection measures and meaningful supports on return so it doesn't become this kind of vicious cycle, also concerned that it's often local communities or families that may have been involved. So, what protection measures are in place in relation to those risks that remain. In relation to the priorities, and for the mandate for my mandate, a special rapporteur be engaging in consultation on those with civil society. There has already

been a significant kind of mapping or sorting out of gaps in terms of where we are in responding to human trafficking and a lot of work has been done, reflecting on the 20th anniversary of the Palermo Protocol. And I think, I think the key thing has to be to ensure that we don't end up with the kind of fatigue of talking about the same things. And that we really do integrate with human trafficking into wider discussions around human rights, including social justice, and socio-economic inequalities and really looking at those in a meaningful way combating labour exploitation, what does that really mean in terms of decent work cooperation with those organisations working in that field. What does it mean in terms of effective prevention mechanisms and packing those but really integrating it, into the wider Human Rights based response will be an immediate priority that COVID-19 pandemic make orders the rare most and there are immediate heightened risks, I think there have already been mentioned, but also much of what is happening is really exacerbating existing inequalities around the informal economy gaps and social protection. Limited resourcing of child protections versus and more effective responses both law enforcement but also in terms of decent work, access to schooling gender equality so those were existing problem areas, and they're heightened relations in if you channel them in the context of the pandemic. And we need to ensure that we're ready to respond in a meaningful way to the risks of human trafficking.

**Dr Chris Dolan** 55:07

Thank you very much, professor. I think the issue of some studies in the public is not just about the people who are at risk of being trafficked but also their, their families and so on and the people receiving trafficked persons who get sent back. I think I was reading just the other day about people who've been trafficked from West Africa and then they get back and their families stigmatise them for having failed to make it in Europe. So I think there are there are many dimensions to them, the awareness raising as well.

**Dr Eefje de Volder** 55:39

And even the traffickers. I mean, we also have stereotypes, as to those who recruit or those who are involved in the trafficking cycle which also creates situations where you simply trust, an elderly couple who will promise you work abroad, while they are part of because you feel that they are trustworthy. And so, we also have some typical stereotypes about how traffickers look like and how you are approached

**Dr Chris Dolan** 56:10

Okay, seeing many questions coming in now. As an interesting one here which speaks to the, I think, in this debate we tend to get caught between the socio-economic factors the push and the pull that migration experts talk about. And the more that the legal responses. And here is a question about, you know, despite all the socio-economic issues. What about well capacitated law enforcement doesn't that need to be part of the response. The question was how do the panellists and I would like this question



to go to Rachel, if I may. See the capacity of the Police in Uganda, but also generally to identify investigate and charge perpetrators of human trafficking. And additionally, in particular, what is the capacity for cyber investigations, given that a lot of work is trafficking work is done and coordinated online. So Rachel I think I've heard it said that, Uganda, sometime has been like a supermarket for passports. So they are they are, suggesting that there are so many issues within the systems as well. Could you speak a bit to the to this question about the law enforcement? Thank you.

**Rachel Bikhole** 57:30

Thank you very much. So, I'm currently we work hand in hand with a Uganda Police first in investigating cases of trafficking. The lead investigating agency will only come on board to support them. During the prosecution led investigations. However, I must say that we continue to build the capacity of not only police officers, but also prosecutors and the judges who are in the criminal justice system, we we've embarked on various training specialised trainings with police to build their capacity, especially in investigating trafficking, given that it's a very unique offences trans it's an organised crime, as you all know, and in addition to the trainings, we've come up with a prosecution led its a prosecution led Trafficking in Persons investigations manual to assist the police and prosecutors in the course of their investigations. And we also came up with an offence charging manual to help in accurate drafting of charges with the Uganda police. So, our capacity to investigate online. Human Trafficking or given most especially manifests in online child sexual exploitation is rather limited, but I know some police officers have been trained to investigate. In the cyber area. We even have a department in the Uganda Police force that is dedicated to conducting those investigations. But I must say that building capacity is something that you have to do continuously. Because police officers and prosecutors work in the public service. Always transferable. So that means we have to take the path of training or training all, and then specialising in such that, even if some offices are transferred, we don't leave a gap in the area. And then on the second issue of Uganda being a supermarket of passports. Thats the bit. Yeah, well I must say that in the past. Some traffickers have been using false documentation to traffic, you know, Ugandan girls and boys. But what the passport office has done with immigration Ministry under Ministry of Internal Affairs, is that they introduced the, the E-passports. So, E-passports are meant to do away with the various forgeries that have been done in the past and beginning January, 2021, the whole country is going to be using e-passport so they're phasing out the old passports that were easy. You know that were easy to forge. But again, what we know is that our traffic is not only use first documentation. They use various forms of by various means of either deception, they groom, the victims. You know coercion and whatever forms, they can tell what the victims into a trafficking situation. So it is something that still has to go ahead with raising awareness a professor Siobhan said, we have to keep on raising awareness let people know what trafficking is, and this also includes also popularising our Trafficking in Persons Act. It's been in existance for 10 years but not all stakeholders know about this Act, you know, so it's mostly to raise awareness and for people to know the dangers of trafficking and also know that trafficking is real, such that it's not about only maybe using false documentation or deception or coercion. But for

them to be well informed of course in addition to other, you know, issues that like having a social security protection for people to get them employment to get what to do at home to address the they push factors.

**Dr Chris Dolan** 1:01:42

Maybe, thank you very much Rachel maybe Siobhan you could speak a bit to the current labour recruitment agencies and where did they sit in this nexus between, you know the justified search for employment and then getting tricked into fake employment, which turns out to be a trafficking situation. Could you speak a bit to that. We even had one one participant talking about saying arguing that most of the labour exporting companies are owned by the state officials, or close associates. So, is there another bit of the jigsaw puzzle that you will need to be looking at as special rapporteur there in terms of relationship between state actors and labour agencies that can sometimes be maybe a cover for trafficking operations.

**Prof Siobhán Mullally** 1:02:34

And, yes, this is hugely important labour recruitment agencies are our key actors in particularly in countries such as Uganda where you have externalisation policies and labour externalisation policies. Promotion employment opportunities abroad at the state level. Here, licensing and monitoring of recruitment agencies is absolutely critical to ensure that the data are working, and by decent work that they are providing contracts of employment, that there is protection for workers on arrival, that these are meaningful job opportunities. And that these recruitment pathways are not covered for trafficking networks. So, how recruitment agencies are licensed and monitored is absolutely to critical and. And also, there should be accountability, in terms of where I've been incidents of trafficking or other forms of labour exploitation and the ILO and IOM have been doing quite a bit of work in this area. You have the international recruitment integrity system, the iris standard, which links in human rights instruments and labour standards, including UN guiding principles on business and human rights. The Dakar Principles for Migration with Dignity<sup>5</sup>, and various examples of best practices and there's an iris certification scheme that has been developed, also. So, absolutely the role of recruitment agencies is critical, but also how they're licensed how they're monitored. Aren't they genuinely certified and recognised. If there are links with state officials that it's something that needs to be looked at any kind of involvement of state officials or government officials in a trafficking come next of course is an aggravated form of trafficking and to attract higher sanctions. But overall, they can have licencing monitoring the practices of recruitment agencies, these are critical. There are model contracts in place I know there has to be bilateral agreements entered into between Uganda, and a number of countries. And again, how are those enforced what is the oversight. What provisions are in place to ensure that the contracts in being

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<sup>5</sup> <https://www.ihrb.org/dhaka-principles>

offered are genuine provide decent work provide protection for workers and teaching in sectors such as domestic work and construction which are very much high risk but also hospitality sectors. So yes, this is a critical question to be looked at.

**Dr Chris Dolan** 1:05:34

Right. Can I just ask you there to comment a bit as a Special Rapporteur I believe you...the idea is that you make two trips per year to two different specific country contexts where, where in your travels to the regional bloc's fit. So, when do you look at the East African Community or SDAC? And so, as I say, we're a bilateral arrangement for monitoring of labour externalisation, but what how did the regional bloc's go about it. And is that. Do you have a space in those blocks or is it a, is that a different conversation and another silo?

**Prof Siobhán Mullally** 1:06:17

I think that's something that, that means to be looked at the country visits are pretty much country specific. That's how they have been undertaken to date. And there's a quite a process of negotiation. To get an invitation to arrange the visit and not all countries want to be subjected to a monitoring process. But I think it will be critically important to engage with regional bodies because they have a key role to play in terms of ensuring decent migration pathways, as free movement expands in the African context. Also, ensuring that that can be used as a way to ensure access to decent work but also protection against exploitation. The outgoing Special Rapporteur Maria Grazia did engage in a number of regional consultations. And as part of her work and I think they the regional human rights organisations, the regional economic entities, these are key partners, really. And I think they, there's a lot more work that could be done here to strengthen the effectiveness of the Rapporteur's mandate, particularly in the context of migration and trafficking. There is a special representative on migration within the African Union. Each of the regional bloc's also have particular instruments on human trafficking and free movements. And these will be important to engage with I think because these are their cross-border issues but they are also internal issues and it's important not to lose sight of both elements.

**Dr Chris Dolan** 1:07:57

Thank you very much, professor. There's a question here about reparations. Maybe we could send that one to Eefje to pick up on that question. What reparations are available if you've been a victim. You've told us we should be victim centred, we should take a human rights-based approach, where is the reparations for being trafficked into that, what steps are in place, you know.

**Dr Eefje de Volder** 1:08:23

So when we think of reparations you see that they're mostly within the context of criminal proceedings. So, the problem is is that there, because many cases do not make it to court at all, and victims do not come forward. They do not have access to reparations at all. And there have been countries where there

are state funds where you can get compensation, even if you are not within criminal proceedings. But this is still a fairly limited work. There have been some international funds also established to offer some reparations. But actually, and this is, I think, again, a bit more of the consequences of the criminal justice approach is that you really have to go through this criminal justice proceedings before you will get recognition and also recognition in compensation actually for what has happened to you. And this is quite problematic because also in many cases where you do have compensation awarded. You see that there are compensation orders, but you have to go after around the perpetrator has to pay these, and in many instances you may have a new way of the court order, but it doesn't actually result in the compensation being paid, actually. So, you have certain countries where you do have possibilities that the state actually pays for the compensation and goes after the perpetrator. You see it in the Netherlands, for example, but in most cases victims even when they have. When come when they have successfully when there's a successful trafficking case and the perpetrator has been convicted, and there is a compensation order that in the end, they do not have access to, to it. So this is really something and if you look at the feeling of justice being done, then it's for victims it's mostly about recognition and having some sort of some form of reparation be it in Monetary Funds or support. So it's a very important area that we are trying to push for.

**Dr Chris Dolan** 1:10:33

Thank you very much for that. So, that's a I think an important insight and an important component of the whole conversation. Rachel one very fast last word from you before you go I know you're rushing to your next appointment on NBS.

**Rachel Bikhole** 1:10:47

Thank you, Chris, thank you to the Irish Centre for putting all this together. We believe through having many of these dialogues we can sensitise many people about human trafficking and let them know that human trafficking is real, and it's affecting Uganda just like it is affecting the world globally, we are who we are dedicated to we as the Office of the DPP are dedicated to fighting human trafficking because we believe we are among the first responders. And we believe we've also taken on the victim centred approach to ensure that we combat human trafficking through prosecuting the offenders, but also ensuring that the victims of trafficking and the survivors of trafficking also get necessary protection and supports that we can accord them. Thank you.

**Dr Chris Dolan** 1:11:29

Thank you so much, Rachel it has been really fantastic having you with us today. Thank you so much, please. Eefje a quick last word.

**Dr Eefje de Volder** 1:11:37

Well I also want to thank all the attendees I think there are still many questions that are left unanswered so hopefully there is a way of actually continuing the debate and making this answer short because this is the way in how we get, how we actually move the trafficking field forward. And so, yeah, I'm very pleased with this opportunity and I wish, particularly our new UN Special Rapporteur Good luck with the heavy task that is on her shoulders because we expect a lot. So, yeah.

**Dr Chris Dolan** 1:12:12

Well thank you very much. It's been fantastic having you with us as well as you say there are so many dimensions for the Special Rapporteur to be tackling I don't know how you're going to capture it or during your mandate. But perhaps you'd like to just for those people who submitted questions that were not addressed. Our apologies for that the time is quite limited, and we wanted to keep to our time, but we do have your emails so we should be sending out any answers with any questions that are not addressed. We should ask our panellists if they have any thoughts and then we shall email those out. So with that said, Siobhan, do you like to give us a closing remark.

**Prof Siobhán Mullally** 1:12:50

It just to say thank you very much to Refugee Law Project, thank you very much to co panellists to Eefje and to Rachel in particular, and to all the participants I can see the, the questions coming in. I think they're really important points being highlighted in the discussion, and I think it's critical that we do engage with organisations on the ground in the field with regional blocks as Chris mentioned also trying to ensure that human rights responses are integrated into the discussions on human trafficking. To ensure effective prevention mechanisms and effective access to protection. That will be critical that we hear different voices that we hear voices of those on the ground, and that we hear from survivors and those communities most affected, so that we're not all operating inside of that the range of risks of exploitation and also the responsibilities on a range of different actors are recognised so in the course of my mandate, I hope to continue working with you and with other organisations on the ground and in the fields to strengthen the impact of that human rights response.

**Dr Chris Dolan** 1:14:06

Thank you very much Siobhan. And thank you once again to the whole panel. I think we are all feeling very fortunate to be able to work with you, Professor, and we should do whatever we can to support you in your mandate, and that commitment to work with many different stakeholders in this very complex issue. So with that, I want to thank you once again, all of you and all the more than 60 participants. We really appreciate your engagement today. So continue the conversation by email.