

IASC Lecture: “Half of the world’s victims of slavery live in the Commonwealth: What can be done about it?”

Delivered by Dame Sara Thornton, Independent Anti-Slavery Commissioner, at the Annual Commonwealth Day Westminster Seminar (9 March 2020)

Scale of the issue and role of the Commonwealth

Modern slavery and human trafficking is a global challenge affecting every country in the world. According to the Global Slavery Index, there were an estimated 40.3 million people living in modern slavery on any given day in 2016. The report also identifies a series of interrelated factors which create vulnerability and opportunity for slavery – governance issues, lack of basic needs, conflict, inequality and I will add climate change.

Vulnerability is then exploited by those motivated by greed or economic opportunism. It is estimated that human trafficking is a business worth \$150 billion annually.

In the UK alone, estimates of modern slavery vary. In 2013 the Home Office estimated this to be between 10,000 and 13,000 people who were either modern-day slaves or who had been trafficked. But the Global Slavery Index would put this nearer to 136,000. In my Strategic Plan for 2019 to 2021, I have highlighted the challenge of assessing prevalence. I am absolutely certain that 13,000 is an underestimate and I fear this is only the tip of the iceberg.

That’s just the UK. The Commonwealth is a diverse body of 54 countries with a population of 2.4 billion people. Of the 40.3 million victims of modern slavery globally, almost half of those live in the Commonwealth. Members of the Commonwealth have a shared vision to promote prosperity, democracy and peace. A key supporter of the Modern Slavery Act, Lord McColl, once said that “slavery undermines democracy ... as slaves have no voice”. It is clear that there is no room for modern slavery in the Commonwealth.

The Commonwealth Human Rights Initiative argued that the Commonwealth has a historical, political and moral responsibility to act and that given the long standing cultural, political, historic and economic ties the Commonwealth is uniquely positioned to drive swift, co-ordinated and impactful action¹.

There is an opportunity here for the Commonwealth to lead on driving efforts to combat modern slavery, and this must be embedded within members states’ commitments to improve the lives of millions globally through legislation, law enforcement and the protection of human rights. It is essential that the UK continues to engage meaningfully with the Commonwealth, a key ally in a time of global uncertainty and our changing role on the world stage.

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<https://www.humanrightsinitiative.org/download/The%20Commonwealth%20Road%20Map%20SDG%208%206%20Dec%202018.pdf>

Historical context and challenges

In the UK, “slavery” is used as an umbrella term for activities involved when one person obtains or holds another person in compelled service. Human trafficking is the movement of people, by means such as force, fraud, coercion or deception – which the aim of exploiting them. This could be through sexual exploitation, forced labour, slavery or servitude or the removal of organs.

It is right to acknowledge the challenge of the terminology of “modern slavery”. Many academics have disputed that this is neither “modern”, nor indeed “slavery” as it was commonly understood before the Act came into force. The exploitation we see across the globe is not new, although awareness and understanding of it is growing. Exploitation as rooted in inequality and the relationships between the global south and north is part of the historical legacy of the devastating trans-Atlantic slave trade and the long-term repercussions this has had on trading relationships, development, industrialisation and power structures.

Between 1640 and 1807, Great Britain was the largest supplier of slaves in the New World, responsible for transporting over three million Africans to colonies in the Caribbean and the Americas. Many of these human beings died on the way and those who survived the journey were forced to work in conditions so inhumane that death rates due to illness and abuse soared.

When the abolitionist William Wilberforce spoke against the wickedness of slavery in his 1789 speech to the House of Commons, he challenged his fellow parliamentarians with the famous phrase: “You may choose to look the other way, but you can never again say you did not know”.

The UK played a leading role in this shameful period of our history. I understand why some feel uncomfortable about our promoting this terminology and why history matters. But this cannot prevent us from taking action.

The human dimension of exploitation today

Having said this, what exactly is the nature of slavery or exploitation today? There is no one type of exploitation and no definitive experience of slavery or servitude. Around the world, countries have adopted various terminologies in their own legislation (where this has been passed) and it is important to recognise this reflects a multitude of experiences.

In India, the recruitment and payment structures of workers at brick kilns underpins a cycle of exploitation and servitude. A report by Anti-Slavery International² surveying workers at brick kilns across Punjab, India, found that the recruitment and payment systems trap seasonal migrant workers in a cycle of slavery and bonded labour year after year. Brick kiln workers are provided with a loan before they begin work, immediately entering debt bondage which is then exacerbated by withheld wages and late payments. The system of payment encourages child labour as families are forced to enlist their children to help make enough bricks for them to get paid. With workers not earning enough wages in the season before, they end up taking out a loan again the next season and the cycle begins again.

In 2013, poor working conditions in fashion supply chains hit the headlines with the collapse of the Rana Plaza factory in Bangladesh. The building housed five garment factories and at least 1,138 people were killed and another 2,500 were injured³. The disaster woke up the world to poor labour

² <https://www.antislavery.org/report-slavery-india-brick-kilns/>

³ https://www.ilo.org/global/topics/geip/WCMS_614394/lang--en/index.htm

conditions faced by millions of people, mostly girls and women, who are paid some of the lowest wages in the world. A race to the bottom driven by fast fashion and consumerism has perpetuated this system. Since the Rana Plaza disaster over 100 accidents have occurred in Bangladesh, including at least 35 textile factory incidents in which 491 workers were injured and 27 lost their lives.

On Ghana's Lake Volta, thousands of children work in the fishing industry. According to the International Justice Mission, children as young as three are enslaved in this industry, forced into the most dangerous labour conditions. An assessment in 2013 found children are forced to rise before dawn to go out onto the lake until dark, working long hours and missing the opportunity to go to school. One boy encountered by International Justice Mission had been forced to continue hauling nets even after breaking his wrist⁴.

And in the UK many are the victims of sexual exploitation, labour exploitation, domestic servitude and criminal exploitation. The UK and other better off Commonwealth countries also need to acknowledge their responsibility in perpetuating exploitation through demands for cheap labour in supply chains.

Terminology aside, this exploitation is clearly a human rights issue. Modern slavery, servitude and human trafficking are brutal crimes, with our fellow human beings being treated as a commodity to be traded, violating their freedom and basic human dignity. It is truly man's inhumanity to man and is simply unacceptable.

Platforms of the IASC and envoy

The role of the Independent Anti-Slavery Commissioner was created as part of the UK's Modern Slavery Act, which came into force in 2015. Parliamentarians from all parties and both Houses pushed for the original bill to become law, underlining the growing awareness of this as a significant issue requiring specific legislation.

My role is to identify good practice in investigating and prosecuting offences of modern slavery and human trafficking, and to ensure that we identify good practice in looking after victims and identifying them. Since I took up the role of Independent Anti-Slavery Commissioner last May, I have spent a lot of time meeting and listening to victims and survivors and learning about their experiences and journeys towards recovery and freedom. Given my police background I have also worked with investigators and prosecutors to improve the effectiveness of the law enforcement response.

However, protecting victims and prosecuting traffickers is not enough. We need to do much more to tackle the global systems and structures that allow the devastating crime of modern slavery to thrive. This is not an historic issue that ended over a century ago. It is still happening right across our country and in the world today in 2020, and it is essential that we work in partnership to stop this from happening in the first place.

Last year, the government appointed an international modern slavery and migration envoy, Jennifer Townson, to bolster the response to slavery as a global issue. The extent of the work of the Foreign and Commonwealth Office and the Department for International Development is considerable, and this vital role provides increased accountability within the government and will support future cooperation with partners such as the Commonwealth.

⁴ <https://www.ijm.org/ghana>

Role of the Commissioner

As Commissioner, I have a statutory duty to publish a strategic plan outlining my priorities, and annual reports which set out how far I have met objectives attached to these priorities. I launched my first strategic plan for the period 2019 to 2021 on anti-slavery day – 18 October – last year. As required by the Modern Slavery Act, this was first laid in Parliament by the Secretary of State (in this case, the Home Secretary).

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children⁵ 2000, also called the Palermo Protocol, sets out a “3P” paradigm which serves as a framework for global efforts to combat trafficking. These “3Ps” are prosecution, protection and prevention. I have built on these for my own strategy and added another dimension on the need to improve the evidence base on modern slavery.

My strategy therefore comprises four priority areas:

- Improving victim care and support
- Supporting law enforcement and prosecutions
- Focusing on prevention
- Getting value from research and innovation

We are seeing ever increasing rates of referral for both adult and child victims of modern slavery into the National Referral Mechanism. This is creating huge pressure on the system, especially for those support providers protecting victims in their long and often circular routes to recovery. The Home Office, which runs the NRM, has promised to reform this system and I am monitoring the impact of these reforms to ensure they result in the improvements desperately need by victims and survivors.

I have met too many victims living in safe houses who have been waiting two or three years for a decision about their trafficking status. People have told me about their lives being put on hold and living in limbo. This compounds the trauma that these vulnerable people are already facing – with severe effects on mental and physical health, and their self-esteem. I am calling for swifter decision-making; but also routes for those in the system to become more sustainably independent including having the right to work if they feel able to. Equipping victims and survivors to become more resilient will greatly reduce the risk that they will be re-trafficked and end up back in exploitation in the long term.

I am also deeply concerned that the system is not working to support child victims of trafficking. When children are entered into the NRM, it essentially indicates a failure to protect. The numbers of children being referred in to the NRM is soaring – with significant numbers of British children caught up in devastating county lines exploitation – and I am calling for greater local decision-making and support including the full rollout of promised Independent Child Trafficking Guardians.

On the law enforcement side, there has been a marked increase in the recording of slavery offences by police across the UK. However, prosecution rates have not kept pace with this uplift in operational activity. Modern slavery is a complex crime which requires expert investigation and police engagement with the Crown Prosecution Service (CPS) at an early stage of the investigation for advice and guidance.

⁵ <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

The Modern Slavery Act established a statutory defence to protect victims who have committed criminal offences as a direct result of their exploitation. This is a very important protection for victims of modern slavery and relies on the international principle of non-punishment. However, there are cases where victims have not used this defence and been imprisoned; and there are cases where criminals have attempted to abuse this defence. I recently ran a call for evidence to better understand what is happening on the ground in respect of this defence and this will inform future work from my office.

Rescuing victims and prosecuting traffickers need to be matched by a determined focus on preventing slavery and trafficking. The Modern Slavery Act's Section 54 requires eligible companies with a turnover of more than £36m to report on the action they are taking to tackle modern slavery in their supply chains, however recent reports have suggested that compliance remains a significant issue.

I want to encourage an approach that goes beyond compliance and beyond audit – a statement is necessary but not sufficient. One lengthy labour exploitation case in the West Midlands saw an organised criminal gang infiltrate a recruitment agency, leading to the exploitation of hundreds of vulnerable men and women working long hours in fields and factories supplying all the major supermarkets. I have written to the CEOs of these businesses and met with many of them. My office will publish a report on the private sector response to this case and why this is illustrative of the need for businesses to better understand how trafficking and modern slavery can take place in their supply chains, even in the UK.

The public sector is not included in the Modern Slavery Act's reporting requirements on supply chains. However, the government committed to publishing a voluntary modern slavery statement in 2019 setting out the steps it is taking to identify and prevent modern slavery in central government supply chains. The government also announced that from 2020/21 individual ministerial departments will be responsible for publishing their own statements. The Cabinet Office has designed a number of tools and guidance documents for public sector buyers and there is also good work being led by local authorities on this. I will be scrutinising the policy response and the implementation of any new arrangements in this area.

Raising public awareness of modern slavery is still needed to improve understanding of this complex crime which is hidden in plain sight. There are opportunities to leverage consumer concern and public pressure about the wider social costs of business. I would urge us all to become more conscious as consumers – sustainability is about people as well as the planet. We are all much closer to modern slavery and human trafficking than we think. If a product or service is a “steal”, we should be asking ourselves: who is paying the real cost?

Finally, I believe that policy and practice must be informed by data and evidence. There is considerable research on modern slavery taking place across higher education, NGOs, charities and other parts of civil society. It is not clear what the impact of this research is on policy and practice. I am working in partnership with academics and researchers to promote learning and innovation, to improve the evidence base on modern slavery, and to better connect the knowledge creators with policy makers and practitioners.

International fora and platforms

At the 2017 UN General Assembly, Prime Minister Theresa May launched a “Call to action to end forced labour, modern slavery and trafficking”. This was a commitment to ending forced labour, modern slavery, human trafficking and the worst forms of child labour in the world by 2030 – the ambition set out in Sustainable Development Goal 8.7.

The 2018 Commonwealth Heads of Government Meeting (CHOGM) focused on the theme “towards a common future”. A firm commitment was made to achieve SDG 8.7. Theresa May urged Commonwealth nations to sign up to the Call to Action, to fulfil the Commonwealth’s potential and shape a safer, prosperous and more sustainable world for us all⁶. Leaders were encouraged to endorse the Call⁷ and this ambition was included in the post-summit communiqué⁸. However, only 11 countries in the Commonwealth to date have signed up to this crucial commitment and this is truly a missed opportunity.

Ahead of the summit, the Commonwealth Secretariat had likewise spoken out against modern slavery, with Secretary-General Lady Scotland noting that “combined action is needed ... to tackle the issue of modern slavery and promote equality of opportunity”⁹. The Guardian even reported that Her Majesty the Queen supported the sharing of best practice in tackling modern slavery across Commonwealth including the UK’s development of the Modern Slavery Act¹⁰.

Organisations such as the Commonwealth 8.7 Network work across civil society organisations to share best practice and provides a mechanism for members to prepare effective anti-slavery strategies ahead of the next Commonwealth Heads of Government Meeting in Rwanda this June. We need to build on these initiatives and encourage more Commonwealth members to endorse the Call to Action and take tangible action to meet SDG 8.7.

UK work internationally

The UK has funded multiple projects to end modern slavery globally through its aid programmes, including an extra £5.5million for projects across the Commonwealth announced ahead of CHOGM 2018. The package of measures included funds to boost police and prosecutors’ resources and to support new legislation to increase convictions for trafficking¹¹. Funding from the Department for International Development, the Home Office and the Foreign and Commonwealth Office are targeting local causes of modern slavery across the world and in the Commonwealth, such as in Nigeria – where an extensive capacity-building programme with the Nigeria anti-trafficking agency has supported an improved response to protect victims of slavery. Another programme supports the integration of returning victims of modern slavery, ensuring that communities build resilience and understanding of the brutal reality of modern slavery.

⁶ <https://www.gov.uk/government/speeches/pm-speaks-at-the-commonwealth-joint-forum-plenary-17-april-2018>

⁷ <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/LLN-2018-0052>

⁸ <https://www.chogm2018.org.uk/sites/default/files/CHOGM%202018%20Communique.pdf>

⁹ <https://thecommonwealth.org/media/news/combined-action-needed-tackle-modern-slavery-says-secretary-general>

¹⁰ <https://www.theguardian.com/global-development/2017/oct/11/queen-calls-for-modern-slavery-act-to-be-replicated-in-commonwealth-nations>

¹¹ <https://www.independent.co.uk/news/uk/politics/modern-slavery-commonwealth-uk-funding-stop-human-trafficking-forced-labour-penny-mordaunt-amber-a8310076.html>

The Commonwealth Parliamentary Association UK has been running a four-year multilateral project funded by the government to provide practical advice and support to Commonwealth legislatures in the pursuit of tackling modern slavery, human trafficking and forced labour. The project has been instrumental in sharing good legislative practice and has effected real change with parliamentarians across the Commonwealth developing and strengthening modern slavery-related legislation.

Their work has included supporting the development of legislation in Australia, with workshops in the UK and Australia feeding in to the drafting of an Australian Modern Slavery Act, which was introduced in 2018 and built on lessons learned from the passing of the UK Act – including specific legislation on trafficking in supply chains, echoing the world-leading provision in the UK Act. Meanwhile, legislative drafting seminars with parliamentarians across the Commonwealth have informed and influenced forthcoming legislation in Uganda and Nigeria among other countries. It is crucial that we maintain momentum and continue to support Commonwealth parliamentarians in this vein with continued funding for such vital initiatives.

The UK's role on the world stage is changing. The time is now to lean in to established and successful multilateral platforms like the Commonwealth, where our strength is in our shared values, norms and history and our hope for a better future where inclusivity, peace and prosperity shape our societies. With opportunities to share experiences of developing modern slavery-based legislation and the UK's work to support countries around the world to tackle this global issue, the Commonwealth is well-placed to take leadership on this issue, to change the lives of millions of men, women and children held in unacceptable servitude or slavery across the world.

And to finish with the words of William Wilberforce, "You may choose to look the other way, but you can never again say you did not know".