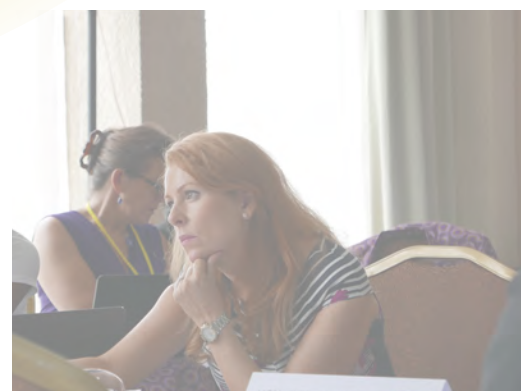




Legislating against
**Modern Slavery, Human Trafficking
and Forced Labour**



**For parliamentarians and clerks;
by parliamentarians and clerks.**



FOREWORD



Urmila Bhoola
UN Office of the High Commissioner for Human Rights
Special Rapporteur on Contemporary Forms of Slavery

I congratulate the Commonwealth Parliamentary Association UK on the publication of this wonderful and important e-Handbook. It is the most comprehensive, insightful and practical guide that exists in its field. Through its pages, dedicated Parliamentarians are provided with the tools to transform political intolerance of slavery into an effective legislative response capable of addressing it.

The various incarnations of modern slavery continually morph and evolve, as do the complex nuanced environments within which they exist. We must understand the particularities of modern slavery in order to determine and evolve appropriate responses to it.

We must also understand how to develop and secure support for appropriately responsive, proactive and exacting legislation that does as much to incapacitate the supply of slaves as it does to eliminate the demand for it. The e-Handbook is a key resource in its articulation of the many dynamic issues involved, and in developing powerful legislative provisions that are both preventative and curative in scope and effect.

The e-Handbook also acknowledges the centrality of collaboration, both within government and among the multiplicity of external stakeholders. Slavery is a multifaceted and enigmatic abomination requiring the collective will of national governments, multilateral agencies, non-government actors, the private sector, and consumers. We are all part of the wheel that turns slavery, and must therefore collaborate to build and apply the brake that stops it.

I look forward to seeing my brothers and sisters across the Commonwealth and beyond embrace this e-Handbook, and each other. And, I look forward to more and more nations enacting robust anti-slavery legislation. I also look forward to multi-stakeholder collaboration to share information, practices and delivery of the tools necessary to give effect to this legislation and to ensure its success.

When we collectively act to redress the various power imbalances and circumstances causing slavery with potent legislation as its guiding force, we can meaningfully travel the path towards human sustainability and global well-being.

The Commonwealth Parliamentary Association UK and this e-Handbook are important catalysts for this process, which I, and other abolitionists globally, will continue to galvanise behind.

ACKNOWLEDGEMENTS

Rt Hon. David Hanson MP
Member, UK House of Commons
Member, Public Bill Committee on the UK Modern Slavery Bill
Chair, CPA UK Modern Slavery Project



It is my sincere hope that this resource will prove informative, insightful and inspiring on the many paths to legislative change, critical in the global fight to combat modern slavery, human trafficking and forced labour atrocities.

This e-Handbook is an appropriate example of how collaboration across nations, fields, political divides, languages and cultures can culminate in an impassioned call to tackle human exploitation that is so prevalent globally.

This resource would simply not have been possible without the overwhelming support of the many individuals and organisations who graciously volunteered their time, commitment and expertise to enrich the e-Handbook so comprehensively. I sincerely thank:

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For their wonderful support of the e-Handbook and as Expert and Legal Advisers to the CPA UK Modern Slavery Project, I also wish to thank Parosha Chandran and R. Evon Idahosa.

Lastly, it falls to me to thank and congratulate the CPA UK Modern Slavery Project team for their tireless efforts supporting parliamentarians, clerks and drafters to drive legislative change internationally. Thank you to Adeline Dumoulin, Pawel Jarzembowski, Mark Scott, Jon Davies, Ann Hodkinson and an especial thanks to Morgan Flynn who has expertly managed the production of this excellent e-Handbook.



Parliaments and Governing Bodies

Parliament of Australia



Parliament of Malawi



Parliament of Nigeria



Parliament of Pakistan



Parliament of Uganda



Parliament of the United Kingdom



UK Government Home Office



United States of America -
Department of State



Legal advisors, Subject Experts, Civil Society,
Businesses and Non-Governmental Organisations

Amuka



Anti-Slavery International



Babson College - Initiative on Human
Trafficking and Modern Slavery



Bali Process - Government &
Business Forum



BT Group



The Co-op



ECPAT UK - Every Child Protected Against
Trafficking



WITH THANKS TO THE
FOLLOWING ORGANISATIONS

Free the Slaves



FLEX - Focus on Labour Exploitation



Hope for Justice



Human Trafficking Foundation



Independent Anti-Slavery Commissioner - UK



IJM - International Justice Mission



ILO - International Labour Organization



Lumos



Marshall's Plc



NSPCC - National Society for the Prevention
of Cruelty to Children



Pathfinders Justice Initiative, Inc.



Retrak



Slave Free Trade



TechUK



The Human Thread Foundation



The Voice of Domestic Workers



UN Global Compact



UN Office on Drugs and Crime




Walk Free Foundation



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EXECUTIVE SUMMARY

Modern slavery-related crimes encompass some of the worst abuses of humanity, by humanity.

Parliamentarians, clerks and legislative drafters have a critical role in combatting these abuses; **nationally, by ensuring effective legislation is in place, and internationally, by the setting and sharing of best practice laws and initiatives** to ensure a globally coordinated approach to eradicate these crimes.

'Human Trafficking' is a relatively well-known form of modern slavery that extends beyond trafficking for sexual exploitation to also include trafficking for labour and criminal exploitation, domestic servitude and instances of forced marriage. Emerging, and at present under-reported, forms of exploitation also include *'Virtual Trafficking'*, *'Orphanage Trafficking'* and *'Trafficking for Terrorism'*. Traffickers are utilising new forms of technology, financial aid that has traditionally been given to 'orphanages' and global situations of conflict that all make individuals more vulnerable to these emerging trends in human exploitation.

The most prevalent form of modern-slavery related crime is *'forced labour'* - involuntary situations of work where there is a menace of penalty or the denial of a freedom; indeed, **domestic work** is an industry particularly vulnerable to exploitation by virtue of its private setting and difficult legal protections. International good practice is increasingly looking to **supply chains** and the role of businesses in tackling worker exploitation. This *'transparent supply chain'* approach is likely to be a key transnational mechanism for future progress in combatting exploitative labour situations.

Understanding the nature of modern slavery-related crime provides the context for legislative reform. However, the impetus for and means of implementing change must come from the legislative detail as scrutinised and suggested by parliamentarians, clerks and legislative drafters.

To ensure the best possible framework for legislative reform, wide ranging, early support should be sought from cross-party, cross-house parliamentarians; relevant external stakeholders; and victims of modern slavery-related crimes. Media support and All Party Parliamentary Groups can help to galvanise the case for reform. National frameworks or national strategies should be in place to ensure any new legislation will work with existing or upcoming implementation and monitoring mechanisms.

Parliamentarians have a number of ways to feed into legislative agendas: discussing modern slavery-related issues in election speeches and in party manifesto debates, proposing Private Members Bills and scrutinising legislation at pre- and post- legislative committee stages. When looking to strengthen legislation, international standards and protocols can be particularly helpful in ensuring comprehensiveness; and consolidating relevant national laws can often lead to better consistency in the practical application of legislation with increased victim-reporting of crimes.

Where parliamentarians feel a reshaping of the national approach to modern slavery / human trafficking / forced labour is needed, public and parliamentary support for effective legislation in this field might be leveraged to call for reviews of existing legislation or inquiries into new legislation, giving extra impetus for crucial reform.

Key policies on modern slavery-related crime vary by specific issue, but broadly focus on: **multi-agency approaches; holistic victim support; statutory defences against the prosecution of victims; and comprehensive definitions of modern slavery-related crimes.** Analysis suggests that the provision for victim support is a common failing in modern slavery-related legislation, however, providing this support is key in breaking cycles of exploitation / re-trafficking and should be a priority for legislators.

In all stages of the legislative process, **implementation must be at the forefront of discussions and decision-making.** Individual parliamentarians can use various structures of parliament to scrutinise, monitor and lobby for better implementation of laws, while legislation around public procurement can be a powerful incentive for ethical business practices. Training law enforcement and the judiciary helps to embed new legislation into practice and anti-slavery commissioners can spearhead and monitor national efforts from an independent perspective.

Civil society often acts as a conduit between victims and state-level agencies - raising awareness of issues, providing long-term victim support and addressing root causes of vulnerabilities that create opportunities for exploitation. Civil society relationships are important to develop and, looking ahead, technology is likely to support a host of implementation efforts owing to the development of systems that identify and support victims, and technologies which monitor labour practices in complex supply chains.

Legislating is a fundamental step in combatting individual exploiters, international trafficking networks, complicit businesses, websites and societal structures which underpin modern slavery-related abuse. **Effective legislation must be holistic, with cross-party political backing, based on prevalent and emerging trends of exploitation, and with implementation mechanisms in place to ensure the best possible framework for the eradication of these inhumanities.**

Parliamentary clerks, legislative drafters and officials have a diverse range of tasks in supporting legislation as it becomes law, and juggling cross-party political realities while keeping legislation at the heart of discussions is key.

A note on definitions and views expressed:

CPA UK and expert contributors in this e-Handbook use the language of 'modern slavery' as an umbrella term for a range of criminal offences relating to human trafficking, forced labour and the holding of a person in slavery or servitude for the purposes of exploitation.

The UN defines these heinous crimes under the overarching language of human trafficking / forced labour / modern slavery. While preferred terminology may vary across the globe, this handbook seeks to arm legislators and officials with the key information and legislative good practice to effectively combat these crimes, irrespective of language used.

This document was produced by the Commonwealth Parliamentary Association UK branch to assist Parliamentarians in other Commonwealth countries in how to improve legislation and national responses to addressing modern slavery and human trafficking. Whilst much of the publication draws on the UK experience of developing the Modern Slavery Act 2015, the views expressed in the document are those of the contributors and do not necessarily represent the official views of the British Government.



**CHAPTER:
DEFINING MODERN SLAVERY -
RELATED CRIMES**

He is more than 50 years old and is enslaved weaving carpets to pay off a modest loan he took 12 years ago. He doesn't know if he'll ever be free to work for someone else.

Photo credit: Lisa Kristine photography / The Human Thread Foundation

SUMMARY

Where legislation has gaps or is weak in enforcement, often the causes can be traced to a less than holistic understanding of the issues and proposed policy solutions. Modern slavery-related crimes are particularly complex, interconnected and increasingly prevalent in our societies, utilising technology, competitive labour markets and exploiting the globalisation process for financial gain.

As such, prior to legislating against modern slavery / human trafficking / forced labour, it is critical to fully understand the causes, vulnerabilities and impact of these atrocities, particularly from the experiences of survivors.

The terms this resource will define and discuss have been categorised as: 'Human Trafficking', 'Virtual Trafficking', 'Orphanage Trafficking', 'Sexual Exploitation', 'Forced Labour', 'Debt Bondage', 'Domestic Servitude' and 'Supply Chain Exploitation'.

Broadly, modern slavery refers to situations of intended or actual criminal exploitation that a child is subjected to or that an adult cannot refuse or leave because of threats, coercion, deception or abuse of their position of vulnerability.

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HUMAN TRAFFICKING

Tamara Barnett
Project Leader
Human Trafficking Foundation



Definition

'Human trafficking' means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."¹



Anonymous story

A woman is escaping domestic violence and meets an older woman who says she can get her employment in a shop.

The older woman takes her to a house where she is made to undergo a traditional *juju* ceremony, believing that her child will die if she breaks the oath.

She is then taken to a brothel, raped and used as a prostitute. She is also forced to take drugs to ensure she has no control over her situation.

When police raid the brothel, she is scared to tell them she has been trafficked out of fear of breaking her oath and therefore fearing for her child. As a result, she is seen by police as a prostitute working to feed her drug habit.

Exploitation types that Human Trafficking can be used for

Exploitation types can include **sexual exploitation; forced, bonded and compulsory labour; domestic servitude; criminal exploitation, forced marriage; removal of organs;** and any form of slavery.

This definition of exploitation is not exclusive and individuals' consent to the crime does not necessarily mean that trafficking has not occurred.

Coercion does not need to include violence or the threat of violence. It can include *withholding documents; ritual oaths* or use of *fear-based belief systems;* control of the victim's *bank accounts; abduction; blackmail; debt bondage; deception; grooming* (such as via a 'boyfriend' system where the victim is befriended and then coerced); *restriction of movement; threats* or perceived threats to the victim's family; and / or **social stigma** (for example, using shame towards someone for working as a sex worker, or shaming them for failing to find suitable work).

Vulnerabilities to Human Trafficking

These can be **pre-existing factors** such as *poverty, debt, lack of economic opportunity, substance misuse, mental or physical illness, female genital mutilation or forced marriage, previous criminal convictions, domestic violence* or **gender**.

There are other **factors** which can also be created by the exploiter such as *immigration status, employment status* or **isolation**.

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Article 3 paragraph a).

VIRTUAL TRAFFICKING



Bharti Patel
CEO ECPAT UK
Every Child Protected Against Trafficking

Definition

Technology provides traffickers with unlimited access to children across the globe. Online social networking platforms (Facebook, WhatsApp, Youtube, Snapchat and Cyworld) are used by traffickers and child abusers to solicit and manipulate children into performing sexual acts in front of a webcam. Children’s images and videos are then transferred, harboured and received for the purposes of further exploitation and abuse. *This is called ‘virtual trafficking’ or ‘cybersex trafficking’.*

The **Palermo Protocol** is the internationally accepted definition of human trafficking. Even when the recruitment, transfer, harbouring and receipt of children for the purposes of exploitation is online, each act and subsequent viewing and sharing of acts involves the abuse of a real child. The victims are not virtual.

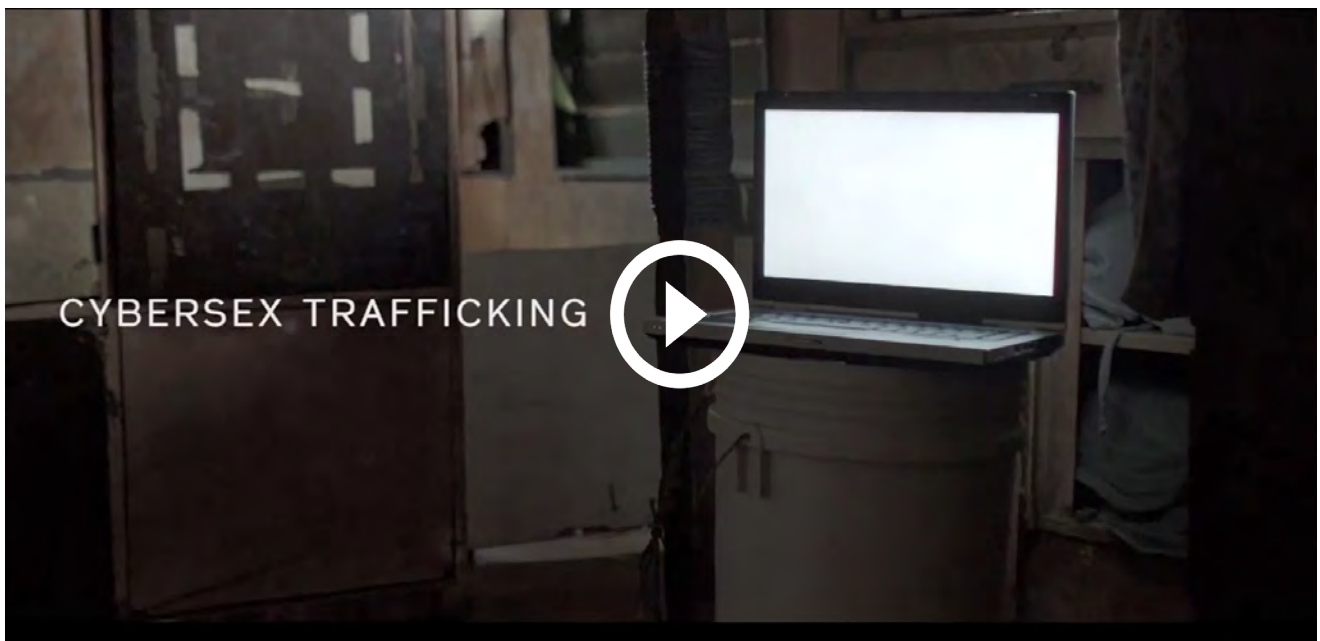


In focus: Swedish law against virtual trafficking

In Sweden, a 41-year-old man coerced vulnerable teenagers from the UK, US and Canada into sending him explicit images and performing sexual acts in front of webcams. The abuser never met his victims in person; all acts were carried out online.

Under Swedish law, rape doesn’t have to involve physical intercourse. Rather, it must be proven that abuse occurred because of threats or violence.

As a result of this law, the abuser was convicted and sentenced to ten years in prison for raping children.



Video credit: International Justice Mission (IJM) UK.

Warning: distressing scenes.

ORPHANAGE TRAFFICKING

Alex Christopoulos
Deputy Chief Executive
Lumos Foundation



Definition

'Orphanage trafficking' is the active recruitment of children into residential institutions for the purpose of exploitation.¹ Evidence across a number of countries highlights that children are removed from their families and placed in residential institutions (so-called 'orphanages') to attract funding and donations from foreign tourists, international charities and others. In many cases, parents are deceived or coerced by recruiters into placing their children in institutions on the promise of an education and a better life for them. Once in these institutions, children are often held in slavery-like conditions and / or subject to a range of exploitative behaviour and abuse – sexual, physical, psychological and forced labour / services.

Under international law this act qualifies as trafficking.

Anonymous story



At the orphanage, we were mistreated, because when the people [foreign volunteers] came and brought stuff for the kids, we couldn't enjoy it. They took all the stuff and sold it. The people [volunteers] would bring us sandals, and she would not give them to us – all the kids would walk around barefoot. If something valuable was sent to a kid by their sponsor, she would take it and use it for herself.

Even though my mum was searching for us, she did not know that we were still alive.

[When I was reunited with my parents] I was very happy because I hadn't seen my mum and dad for six years. What hurt me the most was the fact that I was not living with my parents. Your mum's and dad's love is stronger than anyone else's love.

Awareness Levels

Though this practice has been documented since the early 2000's, it has only more recently been recognised as a form of trafficking. In its 2017 Trafficking in Persons Report, the US Department of State recognised the practice of children being trafficked in orphanages: 'Under false promises of education and work opportunities, [...] parents give their children to brokers who instead take them to frequently unregistered children's homes in urban locations, where they are forced to pretend to be orphans to garner donations from tourists and volunteers; some of the children are also forced to beg on the street.'

Further recognition of this phenomenon is paramount to ensure that legislation and systems are put in place to prevent well-intended international resources fuelling a system that exploits children, and that legislators are able to put in place measures to transition from institutional systems of childcare to supporting families and communities to care for vulnerable children in their areas.

SEXUAL EXPLOITATION: ADULTS



Tamara Barnett
Project Leader
Human Trafficking Foundation

Definition

'Sexual Exploitation' is when a person is abused in a sexual manner. This can be through forced prostitution; forced marriage; rape; and forced pornography (including online through smartphones and webcams).

Prevalent Forms of Sexual Exploitation

Both women and men can be victims of sexual exploitation. Forms of sexual exploitation include **organised prostitution in brothels** or **on-street prostitution** and in more **informal networks** among the exploiter's friends, associates or family. Forms can include being exploited in **pornography** and **lap dancing** and, in some cases, **forced marriage** can lead to trafficking for sexual exploitation.

Terms of Exploitation

In terms of sexual exploitation within prostitution, many victims may have been forced, coerced or deceived into this work, for example they may have believed they were coming for another job. Others may have come willingly to work as sex workers but then have been deceived about the nature or conditions of work on their arrival, such as the pay, nature of services etc. Alongside little or no pay, they will often be deprived of their freedom of movement and kept subjugated through the use of physical and/or psychological coercion such as bullying, threats to them or family members, debt bondage and violence.

Sexual exploitation can also take place more informally – for example, by being passed around by a 'boyfriend' to friends or family.

Sexual Exploitation alongside other Modern Slavery-related Crimes

Sexual exploitation can also take place as part of other forms of exploitation and trafficking. For example, a person who is a victim of domestic servitude or forced labour may also experience sexual abuse as part of the exploitation or control. Due to the shame attached to sex and sexual abuse in almost all cultures, many victims will not disclose the full truth about this abuse or exploitation, particularly if they are male.

SEXUAL EXPLOITATION: CHILDREN



Bharti Patel
CEO, ECPAT UK
Every Child Protected Against Trafficking

Definition

There is no universal definition under international law for the term “sexual exploitation of children”. The term, however, is referred to in several national and international conventions, directives and protocols.

International Statutes and Directives on child sexual exploitation

Stockholm Declaration (1996) declares child sexual exploitation: ‘a fundamental violation of children’s rights. It comprises **sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object**’ .

International Labour Organization (ILO) : ‘an abhorrent violation of the human rights of children and adolescents and a form of economic exploitation similar to slavery and forced labour. It includes **the use of girls and boys in sexual activities remunerated in cash or in kind. It includes trafficking of girls and boys and adolescents for the sex trade, child sex tourism, production, promotion and distribution of pornography involving children and the use of children in sex shows**”.

Optional Protocol to the United Nations Convention on the Rights of the Child (UNCRC) on the sale of children, child prostitution and child pornography defines child prostitution as “**the use of a child in sexual activities for remuneration or any other form of consideration**”.

Governmental Definitions

UK Government: defined child sexual exploitation as “a form of child sexual abuse. It occurs where **an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity**:

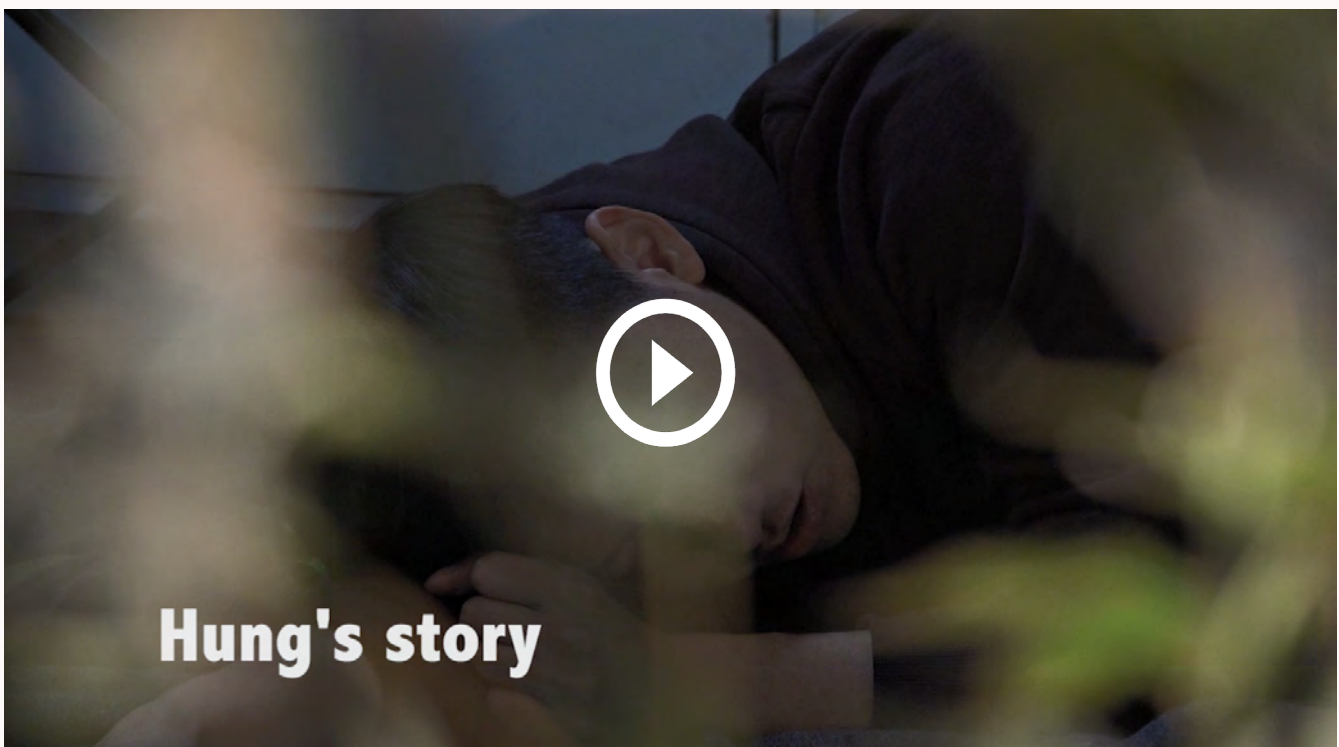
- (a) in exchange for something the victim needs or wants, and/or
- (b) for the financial advantage or increased status of the perpetrator or facilitator.

The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology” .

US State Department: “Child Sex Trafficking: When a minor is recruited, enticed, harbored, transported, provided, obtained, advertised, maintained, patronized, or solicited to engage in a commercial sex act, **proving force, fraud, or coercion is not required**’.

Child Sexual Exploitation is:

- a global threat against humanity that knows no national or virtual boundaries;
- a fundamental violation of children's rights;
- a failure of states in their duty to protect children, whether they are source, destination or transit countries, or those of supply and demand;
- a lucrative business which is a 'low risk - high profit' crime. Traffickers are exploiting the growing
- demand for the sexual exploitation of children;
- an indicator of weaknesses and deficits in countries' child protection and social welfare systems.



This video documents the experiences of two children who are victims of child sexual exploitation and forced labour. **Warning: distressing scenes.**

FORCED LABOUR

Klára Skrivánková
UK and Europe Programme Manager
Anti-Slavery International



Definition

'Forced labour' is a situation in which an individual involuntarily performs any type of work or service. The involuntary nature of the situation means that the person is required to work under some sort of threat. The threat can be real or implied, but has such an implication that the individual feels unable to refuse. The two key elements of forced labour are the **exercise of coercion** and the **denial of freedom**.

The International Labour Organization (Convention No. 29 of 1930) defines forced labour as 'all work or service which is not voluntary and is exacted under the menace of a penalty'.

Menace of penalty relates to the worker's freedom to leave the abusive work situation without repercussions and can include physical and psychological pressures or potential loss of rights or privileges.

The issue of voluntariness needs to be understood in the context of any consent that the worker may have initially given and consider:

- whether informed consent could have been given (e.g. did the worker possess accurate information about the nature and circumstances of the work at the time, and / or was any pressure involved)
- whether the worker was in a situation with true freedom of choice relating to the type and place of work they were undertaking.

ILO forced labour indicators provide guidance to better identify possible situations of forced labour. These include:

- Abuse of workers' vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical or sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive living and working conditions
- Excessive overtime

Each indicator alone might not constitute forced labour; however, where multiple indicators are present, this is usually a case of forced labour.

DEBT BONDAGE

Definition

'Debt bondage' is also known as 'bonded labour' or 'debt slavery'. It occurs when a person is required to perform work or services in order to pay off a debt. Most or all of the money they earn goes to pay off their loan. The value of their work becomes greater than the original size of the loan.

International Law

Debt bondage is one of the practices similar to slavery covered in Art. 1(a) of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery:

'Debt bondage is the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined'.

Forms of Debt Bondage

- A family member borrows a sum of money - for basic subsistence, to pay for medical expenses, for a dowry or a wedding - in return for the unpaid labour of themselves or their whole family to the lender. The value of the work often becomes greater than the original sum of money borrowed, because of the inflated interest and lack of control over the debt by the debtor. As a consequence, the debt can be passed down through generations and children can be held in debt bondage because of a loan their parents took decades ago.
- Debt bondage also occurs in the context of trafficking and forced labour. It often comes in the form of an advance that is used to pay for transport and additional costs associated with recruitment for a job abroad or in another region. Debt is also often associated with an extortionate fee for the provision and facilitation of a job (despite the fact that it is illegal in many jurisdictions to charge a job seeker a fee for finding a job). The fee is usually charged in a form of an advance that is to be repaid by the worker once they take up employment. As a consequence, the worker is then in debt bondage and must pay the debt before they are able to earn a salary and / or free to choose an alternative employment.

DOMESTIC SERVITUDE

Definition

Situations that are commonly described as '*domestic servitude*' refer to the forced labour of an individual (an adult or a child) that is performed in someone else's private home, where the individual may also be required to live in that home.

International Law

Several international law instruments refer to servitude: the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000), lists servitude as one of the forms of exploitation for which individuals can be trafficked. However, servitude is not defined in international law.

A rare definition of servitude was provided in the judgment of the European Court of Human Rights in *Siliadin v France*. In this instance the court interpreted servitude as a **particularly serious form of denial of freedom** including 'the obligation to perform certain services for others' and 'the obligation of the "serf" to live on another person's property and the impossibility of altering his condition'. Ms Siliadin's circumstances qualified as servitude because she was denied freedom of movement and was required to remain nearly always at the house where she worked, she had no resources of her own and she was required to perform forced labour.'

Forms of Domestic Servitude

While domestic servitude is usually associated only with childcare or domestic chores, other types of labour or services can fall under the scope of domestic servitude, including care for the elderly, disabled or ill; maintenance of the house or grounds (such as gardening) and other types of services.



'Caged in Manchester': domestic servitude in Oman and the UK

I made the decision to work abroad because I wanted a better life and future for my child. Although my husband was working we hardly ate 3 meals a day because of monthly bills we had to pay. It worried me a lot that if one day my child or a family member became ill we would not be able to afford any treatment.

I went to Oman where I worked for a family of 5. My heart was filled with sadness at being so far from my family. Working from 5 am till 1 am gave me no time to rest or even eat. When I finished my contract I didn't renew it and asked the agency to transfer me to another employer. There I worked for two families – my employer and their parents. This employer later took me to the UK.

In the UK, I was not allowed to go out and whenever my employer was outside, I was locked inside. They took my passport and didn't give me a salary. I decided to escape because I was so scared, I was aware the place was called Manchester but had no idea where I was exactly, how could I seek help or where to go. I spoke to someone through Facebook who happened to be a member of 'The Voice of Domestic Workers'. I talked to her about my situation. One day, I saw where my employer kept the key and I thought of my way out. I contacted again my friend and they alerted a coordinator at 'The Voice of Domestic Workers'. The organisation picked me up by car from my employers house in Manchester and arranged my travel to London. I was too frightened to look back. I am grateful to Terry and Jo of Leeds who helped out. They are local people who care about vulnerable migrants like me.

I feel better now emotionally and of course financially. I'm so blessed and I'm happy now with the help and support of 'The Voice of Domestic Workers' where I found family and many friends. I attend their Body and Wellness workshop and classes. I have applied to the National Referral Mechanism for trafficking victims. Now I am praying that I can get a positive result from this.

SUPPLY CHAIN EXPLOITATION



Helen Burrows
Senior Vice President & Co-Founder
Slave Free Trade

A supply chain represents the journey a product makes from being a raw material in a field, mine, farm or well to the shop it is sold in.

Each link in the chain represents a product's state change during manufacture and production, as well as its physical movement between stages of readiness for sale. Each link presents a risk for human exploitation.

Globalisation has enabled companies to access materials and production methods around the world, and with it, the workers necessary to complete each stage of the supply chain. Yet globalisation has also made it infinitely harder to trace and monitor these complex supply chains.

Some companies all over the world have a vast number of suppliers, sub-contractors and business partners. Complicated supply chains such as these have resulted in the end-user company not knowing all of the actors, and therefore, the workers involved in making the products they buy. If consumers do not know who the workers are, they cannot know the labour conditions they work within.

While a number of **United Nations initiatives** and laws seek to eliminate *slavery and exploitation in supply chains*, internationally agreed legal provisions governing supply chain transparency do not yet exist.

Several states have enacted legislation to ensure the monitoring of certain supply chains. However, most domestic legislation does not require the level of transparency necessary to eliminate risks and incidents of slavery and labour exploitation.



Levels of transparency required (to demonstrate that slavery and abusive labour conditions do not exist within a supply chain):

Level 1

A complete list of all **suppliers, sub-contractors** and **business partners** along a supply chain.

Level 2

Details of **labour conditions at each work site** along the supply chain.

Level 3

Details of the **remedies and remediation** of abuses of labour conditions along the supply chain.

In focus: the dangers of cobalt mining

Cobalt is a key mineral element in the lithium-ion batteries within mobile phones, tablets, laptops, jet engines, and electric cars, bikes and trains. Cobalt is also known to touch many enslaved and exploited hands along its supply chain.

After being dug from the mines: cobalt is sold to traders, given to smelters, passed on to refiners, sold to battery manufactures abroad, the batteries are then used in various electronics equipment and sold to brands, then consumers.

Many labour abuses reportedly take place along this supply chain.

Artisanal mines: As much as 20% of cobalt from the DR Congo is mined by hand in artisanal mines where children as young as seven are forced to dig by hand with no protective clothing. It is estimated that 40,000 children are employed in these mines working gruelling hours for little or no pay. Children are exposed to toxic dust, dangerously precarious mine shafts and are subjected to violence, extortion and intimidation.

Processors, smelters and refiners: are critical points in the supply chain and according to OECD Guidelines, should know how the cobalt that they buy is extracted, handled, transported and traded. They should be able to identify where it is mined, by whom and under what conditions. Many do not undertake the necessary due diligence to achieve this, and the link back to the source mine is therefore lost.

Manufacture / assembly: the biggest buyers of cobalt from the DR Congo are Chinese buyers who ship the refined product to local factories for manufacturing into batteries. Numerous anecdotal reports claim significant further labour abuses occur within these factories among a national, urban factory workforce of close to 30 million people. If these reports are to be believed, this is an example of multiple instances of exploitation within a single supply chain.

KEY POINTS FOR PARLIAMENTARIANS

- Individuals' **consent** to work or service **does not necessarily mean that they have not been exploited**.
- **Coercion is not limited to violence** but can manifest itself in other forms of control via belief systems, 'grooming' experiences, social stigma and other more opaque uses of force.
- **Vulnerability is the key root cause of exploitation** for slavery related abuse.
- **Technology is increasingly being used to aid traffickers**, who exploit and profit from this new virtual route for slavery-related abuse to take place. This is called '**virtual trafficking**' or '**cyber-sex trafficking**'.
- '**Orphanage trafficking**' is an emerging form of child exploitation where **children are taken from their families and placed in institutions** to attract donations to profit their exploiters.
- All genders can be victims of '**sexual exploitation**' and this can be a result of '**formal**' forms of **prostitution** or in more '**informal**' networks where the exploitation is with a traffickers' friends, family or in some instances of forced marriage.
- **Sexual exploitation** often takes place **alongside other forms of modern slavery-related crime**, as the individual is dually vulnerable at this stage.
- Where a **child** has been exploited, it is **not legally necessary to prove that they were coerced or forced**. By right of age, the child was unable to consent to the work or service undertaken.
- '**Forced labour**' means **situations of work which are not voluntary under the menace of penalty or the denial of freedom**.
- '**Debt bondage**' or '**bonded labour**' is when an individual has to **work to pay off a debt** and a majority of their wages go towards this debt, **without any likely indication of paying this loan off**. Often small loans are passed down through generations, ensuring a continuation of the servitude.
- '**Domestic servitude**' refers to the **labour of an individual in the home of another**, where there may be a **denial of freedom or other conditions of exploitation**.
- '**Supply chains**' represent the journey of products from raw ingredients to where they are sold. These supply chains are **increasingly global** which makes them more **vulnerable to instances of worker exploitation**. Legislation is now being used to 'clean up' supply chains by putting the **onus on business to only use ethical manufacturers**, which can tackle all manner of exploitation as discussed above.
- Legislation articulating collaborative approaches to ensuring transparent and slave-free supply chains **enables business to achieve their commercial objectives while doing no harm to people**. With increasing levels of consumer consciousness demanding slave-free goods and services, all businesses will be required to operate ethically.



CHAPTER: GATHERING SUPPORT FOR LEGISLATIVE REFORM

The hands of a father and his two sons enslaved dying silk in northern India. Most families become enslaved here by taking out a small emergency loan. The slaveholder charges illegal interest rates that the families can never repay. The debt is passed down to children when the parents die. Often families are enslaved for generations for as little as \$18.

Photo credit: Lisa Kristine photography / The Human Thread Foundation

SUMMARY

There can be many pre-existing barriers to legislative reform; governmental mandates; parliamentary and party priority issues; the support of the relevant Minister; and the lack of parliamentary time. To ensure the best possible context for legislative reform, wide-ranging, early support should be sought from cross-party, cross-house parliamentarians; relevant external stakeholders such as civil society, businesses and trade unions; and victims of modern slavery-related crimes. Media support and All Party Parliamentary Groups can help to galvanise this support, raising awareness and providing a more detailed understanding of the issues. All of these mechanisms can pressurise governmental support of - or reduce resistance to - proposed legislative reform.

Legislative change cannot be successful alone. To combat the 'low risk – high profit' business that is modern slavery-related crime, national frameworks or national strategies should be in place to ensure any new legislation will work with existing or upcoming implementation and monitoring mechanisms. National frameworks or strategies should have specific targets in place, with a view to tackling slavery issues and networks most prevalent regionally. A widely used modern slavery-related framework prioritises:

- **Pursuing** criminals;
- **Preventing** individual engagement with slavery networks;
- **Protecting** vulnerable individuals from exploitation;
- **Preparing** public sector instruments to support victims and prosecute criminals;
- **Partnership** can also be highlighted as a critical strategy to coordinate responses both within and among nations.

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Gathering Support for Legislative Reform:



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WHO TO GATHER SUPPORT FROM

Rt Hon. David Hanson MP
Member, UK House of Commons
Chair, CPA UK Modern Slavery Project Board
Member, Public Bill Committee on the UK Modern Slavery Bill



Businesses +
trade unions

In securing support for legislation, it is key that **wide-ranging support is sought and that a broad range of interested parties are behind any proposal**. This gives parliamentary credibility and the widespread external support from Parliament gives both information, but, crucially, pressure on Members of Parliament to act.



Charities +
voluntary
sector

Any legislator taking forward legislation should seek common ground with relevant **charities and voluntary sector bodies, trade unions** and/or **business**, Members of Parliament from opposing parties who share a **cross-party view** on the issue, **local or regional government** and any other interested party.



Early Ministerial
support

It is critical to get the **early support of Ministers and civil servants**, as Ministers will have the power to block potential legislation, and civil servants will advise Ministers accordingly.



Cross party
parliamentarians

A **campaign prior to any change** which highlights the issues, floats ideas and sketches out possible solutions is worth doing, prior to any formal introduction. In parliamentary terms this might mean **tabling an early day motion or statement** in your Parliament, and organising a **short debate**, working with an **All-Party Parliamentary Group** to pull together a report, or organising a **conference** to raise ideas.



Media support

In all of this getting support of a national or regional newspaper, television, news or radio is helpful in raising awareness. If individuals are able to point to how the new proposed policy impacts upon their lives, then the **use of media to highlight individual cases** is very powerful.



Parliamentary
campaign:
motions,
statements,
questions, debates

MPs also will be **asking questions of Ministers in the House**, and continuing to put pressure to promote the case and to **make it untenable for Government not to support it**.

ROLE OF AN ALL PARTY PARLIAMENTARY GROUP (APPG)



Professor Baroness Young of Hornsey OBE
Member, UK House of Lords
Vocal in scrutinising and amending the Draft UK Modern Slavery Bill

APPGs are a particularly **valuable mechanism for cross-party work**, in that they are obligated to have a mixture of members from across the political spectrum and from both chambers. In the UK Parliament, I have noticed over the years that **serious, evidence-based reports emerging from APPGs have had a real impact on policy**.

As such, you cannot underestimate the role of an APPG as both a **mechanism for legislative change** and a **tool for parliamentary awareness raising**.

I have been a founding member of two APPGs in the UK Parliament, both of which tackle issues relating to social and environmental justice and approach modern slavery-related issues from a more popular, culture-based perspective (looking at the fashion and sport industries). As a result, these APPGs provide opportunities for cross-party parliamentarians to gather and discuss their roles in combatting issues from cultural standpoints they are particularly passionate about.



In focus: APPG on Ethics and Sustainability in Fashion

Set up in 2011, the APPG for Ethics and Sustainability in Fashion (ESF) has been discussing and campaigning on the role of governments in mitigating exploitative situations in supply chains, in a cross-party, cross-House basis from the UK Parliament.

As awareness of exploitation in the fashion industry has risen, particularly after the Rana Plaza tragedy in Bangladesh in 2014, this APPG is leading the way on working with stakeholders on how to combat modern slavery-related crimes, in particular looking at supply chains.

As of 2018, the APPG was approached by a large fashion retailer to organise a series of roundtables which provided a forum for discussion on good practice supply chain statements (a reporting mechanism introduced by the UK government as a result of the 2015 Modern Slavery Act, which requires companies with a turnover of £36 million and above to report on what they are doing to monitor and combat situations of exploitation / slavery in their supply chains).

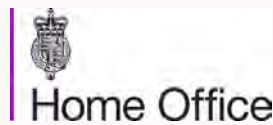
This work by the APPG will help to raise awareness about what is expected by the supply chain legislation - to move beyond only the letter of the law and 'bare minimum compliance'. The notion of this APPG being approached by a large fashion company to do these roundtables shows the increasing engagement of the sector with these issues, particularly compared to industry attitudes when the APPG first came into existence.

In my opinion, this is a **direct policy intervention by an APPG** and a report will be produced following this.

The Rana Plaza disaster woke up the fashion industry so that now enough people within the industry are paying attention to supply chain exploitation. We are approaching a tipping point where a majority of the best of fashion brands are engaged with tackling these issues in a meaningful way.

Building on from the work of the APPG for ESF, a second related APPG has been launched - on Sports, Modern Slavery and Human Rights - in conjunction with the Institute for Human Rights and Business and the UN Global Compact Network. This APPG will be focused on working with the sports sector and encouraging them to more fully engage with these issues on the same level as other industries, e.g. fashion.

NATIONAL STRATEGIES & ACTION PLANS



Modern Slavery Unit
UK Government Home Office



A national strategy to combat modern slavery-related crimes sets out a framework for action by all relevant organisations to tackle modern slavery. A national strategy generally includes activities wider than legislative reform. However, legislation may enable actions within the strategy to be implemented.

Developing a National Strategy

When developing a national modern slavery / human trafficking / forced labour strategy, it may be helpful to consider the following:

- **Evidence base** – what does the existing evidence suggest about the national scale and nature of modern slavery? What are agencies already doing to tackle the problem and is there any evidence of the effectiveness of their actions? As modern slavery is often a hidden crime, existing evidence may be limited, therefore improving the evidence base may be one objective of a strategy or action plan.
- **Scope** – is there a clear definition of the problem the strategy is trying to tackle? Will the strategy cover domestic and/or international action? What time period does the strategy cover?
- **Organisations involved in delivery** – what are the different organisations involved in delivering the strategy or action plan, what is their specific role and is there a designated lead organisation? As modern slavery is a complex crime that often crosses international borders, it is likely that a wide range of different organisations may encounter victims or offenders. It is also important to consider the role of Government departments, law enforcement, prosecution agencies, immigration agencies, businesses, non-governmental organisations and civil society groups. It may be helpful to set up a working group of representatives from these organisations, to help steer the content of the strategy.
- **Other strategies** – are there any other national strategies or action plans that may impact on a modern slavery strategy? Victims of modern slavery may have vulnerabilities that other strategies are already focused on addressing (such as homelessness) and capabilities used to tackle other types of offending (such as organised immigration crime) could be deployed to tackle modern slavery offenders.
- **Framework** – is there a simple, intuitive framework that could be used to organise the activities in the strategy or action plan?
- **Objectives** – what are the objectives of the strategy or action plan and how will these be measured and monitored? It may be helpful to generate a logic map setting out the outputs, outcomes and impact expected.

Monitoring and Delivering a National Strategy

To provide assurance about the delivery of the national strategy or action plan, there should be a mechanism or forum to hold those delivering the strategy to account. This could include governance boards at operational and strategic levels, and may include independent representation.

A performance framework could be used to monitor the delivery of the strategy. This could consider whether actions have been implemented, and the effectiveness of those actions. The indicators used in a performance framework should link to the objectives of the strategy or action plan, and could include measures such as outcomes for victims and criminal justice outcomes.

NATIONAL ACTION PLAN: UK

The UK Government's 2014 Modern Slavery Strategy ([click here to view](#)) organises activities to combat modern slavery-related crimes using the "4P's" framework:

- **Pursue:** prosecuting and disrupting individuals and groups responsible for modern slavery;
- **Prevent:** preventing people from engaging in modern slavery crime;
- **Protect:** strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness and resilience against this crime; and
- **Prepare:** reducing the harm caused by modern slavery through improved victim identification and enhanced support and protection.

NATIONAL ACTION PLAN: MALAWI



Tilly Sindile Likomwa
Assistant Clerk of Parliament, Legal Services
Parliament of Malawi



Malawi enacted the 'Trafficking in Persons Act' in 2015 in response to both international obligations and the growing number of cases of human trafficking and related offences.

The 2017-2022 Malawi National Action Plan against Trafficking in Persons was developed to operationalise the response to this new legislation.

The National Action Plan is therefore both a **mechanism for resource mobilisation** and a **tool for collaboration and partnerships**, with five key priorities:

1. Prevention of Trafficking in Persons;
2. Support and protection of victims;
3. Detection, investigation and prosecution of trafficking offences;
4. Partnership, coordination and sustainable financing; and
5. Research, monitoring, evaluation and reporting.

The Strategic goal for the Plan of Action is to **reduce** the volume of trafficking in persons in Malawi by **50% by 2022**.

To achieve this, the action plan has five main outcomes to deliver:

- | | |
|------------|--|
| Outcome 1. | Address the root causes of Trafficking in Persons (TIP); |
| Outcome 2. | Provide support and protection to victims, witnesses and other vulnerable service providers; |
| Outcome 3. | Effective investigation and prosecution of witnesses; |
| Outcome 4. | Improved management and coordination of the national response to TIP; and |
| Outcome 5. | Gathering of evidence and other related data. |

Progress on the implementation of the Action Plan has included the **training of law enforcement officers**, the establishment of a **National Database and Data Collection System**, and the **engagement of the private sector** in Trafficking in Persons management.

Top Tips: Malawi National Action Plan

Although the process of creating a National Action Plan is driven by the Executive branch of Government, Parliament is a critical stakeholder in this process, given both its legislative and scrutiny functions.

National Action Plans, amongst other mechanisms, help **identify gaps in the legislative framework** and, if required, detail on which legislation Parliament needs to enact or review.

Parliament also has oversight responsibilities (on using public resources effectively) which means that **Parliament needs to evaluate progress on the implementation of both legislation and National Action Plans**.

In this regard, **engagement between the Executive and Parliament on a continuous basis** is critical.

Involving both parliamentarians and parliamentary clerks in the **process of creating National Action Plans** helps to ensure the smooth transaction of parliamentary business and the effective combatting of modern slavery / human trafficking / forced labour crimes.

NATIONAL ACTION PLAN: GHANA



ACP Patience A. Quaye
Deputy Commandant
Ghana Police Academy



The Development of a Ghanaian National Action Plan

The Government of Ghana (GoG) with the assistance of the United Nations Children’s Fund (UNICEF) engaged a national consultant to develop a coordinated and comprehensive National Action Plan to effectively tackle human trafficking in Ghana. The development of this plan was based on a number of activities.

First was the review of an existing ‘Zero Draft’ NPA, which contained some fundamental information, facts and figures which were useful in laying the foundation for the development of this plan. However, this ‘Zero Draft’ remained incomplete and lacked sufficient details.

Second was the undertaking of extensive desk research garnered from the numerous studies conducted and reports written on human trafficking in Ghana over recent years, including a 2016 baseline study funded by the US government, on the Assessment of the Child Protection Compact (CPC) partnership agreement signed between the GoG and the USA.

Thirdly they met a cross-section of stakeholders to validate their work.

Key Points to Monitor Action Plans

Key to this process are the following:

- **Briefing / Inception meetings:** e.g team meetings before event to plan for the activity and debriefing shortly after the activity takes place should be recorded in writing and submitted for reporting purposes.
- **Regular team meetings:** meetings at short or monthly intervals with lead members of the NPA implementation team to review recent actions, outcomes and any key changes in the context. Team meetings should be action oriented.
- **Quarterly reviews:** usually review progress towards objectives every three months. There should be an assessment of whether the activities over the past quarter were effective and efficient. In this regard the NPA should be subjected to quarterly reviews to assess progress and challenges.

Key Points to Implement Action Plans

- Ensure an **integrated approach** in the delivery of the strategy and their related actions or projects
- Maintain **involvement of local stakeholders** and organising decision-making for delivery
- Set up **efficient indicators and monitoring systems** to measure performance
- Set up **Public Private Partnerships** for delivery
- Ensure adequate **funding** of policies

How to overcome key challenges

- **Complicated plans:** it is critical that stakeholders pay attention to changes in law, understand key priorities and the need to pursue targeted results.
 - » Increase public awareness of the issues and ensure action plans are written in simple language
- **Partial commitment:** those involved must be fully committed and fully understand how an action plan can combat trafficking, slavery and forced labour within their jurisdiction.
 - » Those involved must be fully trained (and regularly retrained) on the appropriate implementation of anti-trafficking laws e.g. prosecutors and judges.
- **Not having the right stakeholders involved:** those charged with executing and implementing the plan should be involved from the outset, ensuring they are committed to seeing it through execution.
 - » Eliminate push and pull factors by bringing in the right people on board.
- **Not implementing the plan:** this is as bad as not writing a plan at all. If a plan is to be an effective tool, it must be implemented and reviewed continually.
 - » Increase cooperation amongst regional and international actors in the fight against internal and cross-border trafficking.
- **Wrong people in top positions:** leaders of institutions must be willing to make the tough decisions to ensure the right individuals are in the right leadership positions.
 - » The right individuals include those who will advocate for and implement the plan and keep it on track to attain results.
- **Lack of financial support:** lack of funds available for awareness raising, prosecutions, and housing of victims can lead to rejection of the action plan from public officials involved.
 - » Financial support of the many institutions and agencies involved is key.

KEY POINTS FOR PARLIAMENTARIANS

- **Gathering wide support** gives **parliamentary credibility** to reform, ensures a **good evidence-base** for proposals and can **pressurise Parliament to act** on issues.
- Support should be garnered from **civil society and NGOs, trade unions, businesses, cross-party parliamentarians** and **relevant local or regional governments**.
- It is critical to have the **early support** and an **open channel of communication** with the relevant **Minister** and **civil servant(s)**.
- **Parliamentary campaigns** help to **raise awareness of issues** and **understanding of proposed solutions**. These might include **tabling Early Day Motions, statements or debates**; working with an **All Party Parliamentary Group** to produce a report; or organising **seminars** to discuss ideas and strategies.
- **External campaigns** give further awareness to issues and can help to **amplify the voice of individuals who might be affected by proposed policy**. Galvanising support from **national or regional media** is key.
- **Continued pressure on government** to enact reform is critical. Parliamentarians can **ask questions of relevant Ministers** in Parliament and use **parliamentary and external campaigns** to make it untenable for government to not support legislative reform.
- **All Party Parliamentary Groups (APPGs)** are an **effective mechanism for legislative change** as well as wider **parliamentary awareness raising**. APPG reports can also have a significant impact on policy change.
- **National strategies** should ideally have a **strong evidence base**; a **specific scope of action** and **timeframe for change**; **detail on the delivery organisations** who will implement reform; **work in tandem with pre-existing strategies** in related fields (e.g. immigration); and have **specific, measurable objectives** to achieve.
- **'4P' Framework: Pursuing criminals; Preventing individual engagement with slavery networks; Protecting vulnerable individuals from exploitation; and Preparing public sector instruments** to support victims and prosecute criminals.
- In National Action Plans and Strategies, legislative and scrutiny processes mean that **individual parliamentarians are critical stakeholders in identifying gaps in legislation, monitoring implementation and ensuring public resources are being used efficiently**. **Continual engagement between the Executive and Parliament** is critical in this respect.
- Key points for action plans are that they should be written in **simple language**; actors involved must be **fully trained and regularly retrained** on the appropriate implementation of anti-trafficking laws (e.g. prosecutors and judges); **relevant agencies should be financially supported**; there should be involvement of **local stakeholders** as well as a **multi-agency approach** to the issue; and **indicators and monitoring systems** should be in place to measure performance.

A close-up photograph of a young child with dark skin and short, textured hair. The child is wearing a purple, ribbed, off-the-shoulder shirt that has several small holes or tears in it. The child's expression is serious and direct, looking straight into the camera lens. The background is a blurred, light-colored surface, possibly water or a wall. On the left side of the image, there is a dark vertical bar, and the child's hand is visible, gripping it. The overall tone is somber and evocative.

**CHAPTER:
LEGISLATING ON
MODERN SLAVERY I**


SUMMARY

Generally, it is the executive that decides on and legislates for specific policy objectives, based on manifesto promises, party priority issues and broader political contexts. Parliamentarians can feed into this wider agenda (in governance or opposition) by discussing slavery-related issues in election speeches, having anti-slavery policies included in party manifestos and overall, committing their party to legislative change in this field.

The emerging, global nature of modern slavery-related crime means that international standards and protocols can be particularly helpful in drafting comprehensive legislation in this field – ensuring legislation is both effective and akin to international good practice. International organisations, such as the International Labour Organization, are especially willing to assist countries in drafting modern slavery-related legislation. This works towards fulfilling the Sustainable Development Goal 8.7 and the standardisation of global legislative action on this anti-slavery agenda.

The US State Department Office to Combat and Monitor Trafficking in Persons (US TIP Office) supports bilateral and regional projects worldwide to combat human trafficking. Prioritisation for assistance is based on governmental efforts to meet minimum standards for the elimination of trafficking- derived from and closely aligned with the Palermo Protocol and measured by a collation of information from governments, NGOs, media, international institutions, US embassies, public reports, academic studies and field trips.

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ENTRY POINTS INTO LEGISLATION

Rt Hon. David Hanson MP
Member, UK House of Commons
Chair, CPA UK Modern Slavery Project Board
Member, Public Bill Committee on the UK Modern Slavery Bill



Amending and introducing legislation is but one way to bring about change to the law. There are a wide variety of entry points for legislation for both elected representatives in government and opposition parties.

You do not have to wait for the legislature to be convened to put pressure on legislative change. One way to secure this is during the **election cycle**. It is clear to everyone that modern slavery is a blight on human rights and to economic prosperity. It is a **clear message that has great prevalence during an election campaign**.

By including such message into an election strategy you can ensure that the incumbent government may provide a response and change the cause of public discord.

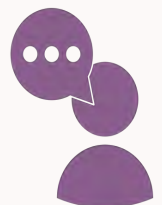
The **manifesto** on which your party stands is an important tool for securing progress. It allows prospective elected representatives to pinpoint to the electorate what they would do.

But it should not be forgotten that **manifestos are created following an internal party debate**. This is important as it allows **members of the political party to have ownership of policy production** and ensure that the **next generation of activists push for change** in law if not successful at the election where this manifesto was used.

Governments will often publish reports on the back of gathered evidence. It is important that **legislators provide feedback** on these matters. It ensures that you **have a greater voice in policy production before the introduction of a Bill**.

It allows you to demonstrate to your base that you are acting in the national interest by working on legislation before it is introduced – **proactive action on legislation** not the reactive behaviour of waiting for the Government to publish their Bills.

These are a few of the many entry points for parliamentarians to influence policy.



INTERNATIONAL STANDARDS



Helen Burrows
Senior Vice President & Co-Founder
Slave Free Trade

The international standards proposed first by the ILO (1930, **Forced Labour Convention**), then the UN (1948 **Universal Declaration of Human rights**, 1956 **Supplementary Convention on Slavery**, 2000 **Palermo Protocol**) combine to provide a **comprehensive set of provisions to include in domestic legislation**. Read in conjunction with the **UN's Guiding Principles on Business and Human Rights** and the **Sustainable Development Goals, particularly 8.7**, legislation should include behaviours to be fostered, prevented and / or remedied, along with the targets against which domestic improvements can be evaluated and measured over time.



If developing an anti-slavery law for the first time, it is important to ensure that it includes a **sufficiently broad definition of slavery and exploitation** to include its **current and future incarnations**. It must also detail the responsibilities of all stakeholders to proactively prevent, investigate, prosecute and penalise harm, and to support adequately, all survivors. If amending existing legislation, it is important to ensure that the aforementioned **law and guidance are reviewed in tandem**, enabling inclusion of a comprehensive suite of amendments.

For both new and existing legislation, it is important to include provisions mandating transparency along business supply chains, and the elimination of slavery and exploitation from within them. There is not yet a provision for this in international human rights law, and no domestic law adequately ensures this level of rigour by business. Given the difficulties associated with the opacity of supply chains, new levels of collaboration between the business community and governments are required in order to develop and implement the mechanisms that can positively impact the number of people trapped in slavery.

In focus: US State Department Trafficking in Persons Office



Amy O'Neill Richard
Senior Advisor to the Director
Office to Monitor and Combat Trafficking in Persons
U.S. Department of State



Mark Carlson
Foreign Affairs Officer
Office to Monitor and Combat Trafficking in Persons
U.S. Department of State

Responsibilities of the Trafficking in Persons Office

The State Department's Office to Monitor and Combat Trafficking in Persons (TIP Office) was established in accordance with the U.S. Trafficking Victims Protection Act (TVPA) of 2000 to lead U.S. global engagement on human trafficking and support the coordination of anti-trafficking efforts across the U.S. government. The United States works with international partners using the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) framework of prosecution, protection, and prevention, which has guided governments and organizations around the world over the last 18 years.

The TIP Office is responsible for bilateral and multilateral diplomacy, targeted foreign assistance, and public engagement on trafficking in persons. To achieve these goals, the TIP Office collaborates with foreign governments, international organizations, civil society, the private sector, and survivors of human trafficking to develop and implement effective strategies to confront modern slavery.

The TIP Office works with other federal agencies and supports the Secretary of State as Chair of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, a Cabinet-level entity to coordinate U.S. government-wide efforts to combat human trafficking. The TIP Office also facilitates the work of the U.S. Advisory Council on Human Trafficking, comprised of survivor leaders who bring their expertise and experience to advise and provide recommendations to the President's Interagency Task Force to improve federal anti-trafficking policies.

Funding and prioritization in the Trafficking in Persons Office

Since 2001, the TIP Office has managed more than \$300 million in foreign assistance funding to support more than 960 anti-trafficking projects worldwide. This programming has supported bilateral and regional projects, training and technical assistance, emergency victim assistance, research and innovation, and child protection partnerships with other governments.

Programming is prioritized according to the trends and recommendations identified in the annual Trafficking in Persons (TIP) Report, which is the U.S. government's principal diplomatic and diagnostic tool used to guide engagement with foreign governments on human trafficking.

Through the TIP Report, the State Department assesses all countries, including the United States, based on their governments' efforts to meet the "minimum standards for the elimination of trafficking" in section 108 of the TVPA. **The minimum standards are derived from and closely aligned with the Palermo Protocol.** The assessments draw on **information from U.S. embassies, government officials, NGOs, international organizations, published reports, media, academic studies, and research trips.** A country's tier ranking is based on the government's efforts to combat trafficking as measured against the TVPA minimum standards and compared to its own efforts in the preceding year.

The importance of effective legislation

Laws prohibiting human trafficking and providing criminal penalties for trafficking offenses are central to meeting or surpassing the minimum standards. These minimum standards emphasize strong law enforcement integrated with a victim-centered approach.

Such a law gives authority to law enforcement initiatives and provides clarity to justice sector officials for the investigation and prosecution of suspected trafficking crimes.

'The primary tool for effective prosecutions is a comprehensive anti-trafficking law that defines the crime consistent with international law - specifying the acts, means, and ends.'

Such a law also signals governments' commitment to combat human trafficking, and gives prosecutors the tools to secure convictions and justice for survivors.

Key provisions of anti-trafficking laws / policies / regulations:

- **Definition.** A clear and comprehensive definition of human trafficking that **describes the acts, means, and ends, as distinct from related crimes.**
- **Prosecution.** The criminalization of both sex and labor trafficking **consistent with victim-centered law enforcement.**
- **Penalties.** Penalties of imprisonment for the commission of trafficking crimes that are **commensurate with those for other serious crimes**, such as rape or kidnapping, and are **severe enough to act as a deterrent.**
- **Coordination.** A mandate setting forth **clear roles and responsibilities** for relevant government agencies or ministries, including with respect to **inter-Ministerial coordination** of anti-trafficking policies.
- **Protection.** Proactive victim identification measures, government funding and partnerships with NGOs to provide **comprehensive trauma-informed victim protection and assistance**, including shelter without detention; support for physical, psychological, and social recovery of victims (with provisions for child victims); ensuring victims' **understanding of legal rights**; securing **restitution**; and considerations for **privacy and safety.**
- **Residency.** Protecting the **right of victims to remain in the country**, temporarily or permanently, and providing **legal alternatives to removal to countries** in which victims would face retribution or hardship.
- **Prevention.** **Curbing practices known to facilitate sex trafficking and forced labor**, including efforts to reduce the demand for commercial sex acts and international sex tourism, conducting public awareness campaigns, prohibiting worker-paid recruitment fees and passport retention by employers, and strengthening worker protections within global supply chains, including within government procurement.

KEY POINTS FOR PARLIAMENTARIANS

- Entry points into legislative change may take the form of:
 - **Inclusion of anti-slavery messaging into election campaigns and manifestos.** This also allows for ownership of policy production by party members.
 - **Submission of evidence to pre-legislative reports commissioned by government.** This allows all Members a voice in policy production whilst demonstrating commitment to the national interest to a political base.
- **International standards proposed by the UN** can be used as a **comprehensive set of provisions for inclusion in domestic law.**
- Legislation should aspire to include **behavioural standards and measurable targets, aiming to combat both current and future iterations of modern slavery-related crime and allocate stakeholders with a specific set of responsibilities.**
- **Different legislative outlooks must be assumed** depending on whether anti-slavery laws are being developed for the first time or amended.
- A challenging, but critical, element of developing legislation is ensuring there are **mechanisms to monitor and combat supply chain exploitation.** Close collaboration between government and the business community is essential in this regard.
- The US Trafficking in Persons (TIP) Office leads on US global engagement on human trafficking. It collaborates with foreign governments, international organizations, civil society, the private sector, and survivors of human trafficking to develop and implement effective strategies.
- The TIP Office has managed more than \$300 million in foreign assistance funding supporting over 960 anti-trafficking projects. **Allocation of this funding is prioritised according to the annual TIP report which assesses every country based on a range of factors, and against a set of minimum standards.**
- Laws prohibiting human trafficking and providing criminal penalties for trafficking offenses are central to meeting or surpassing the minimum standards included in the TIP report. Good practice policies include:
 - **defining crimes as distinct, standalone offences**
 - **ensuring victim-centred law enforcement responses and prosecutions with commensurate penalties**
 - **coordinating relevant bodies / agencies**
 - **providing holistic victim support and compensation**
 - **proactively combatting practices known to facilitate these crimes.**

A photograph of a person sitting on a wooden chair, wearing a purple dress with intricate floral embroidery and sequins. Their hands are clasped together in their lap. The background is slightly blurred, showing the wooden structure of the chair and a patterned rug.

**CHAPTER:
LEGISLATING ON
MODERN SLAVERY II**

SUMMARY

Although government support is a major asset in passing legislation, individual parliamentarians can play a significant role in creating new legislation. Private Members' Bills can be a particularly effective tool to introduce legislation or raise awareness in parliament of pertinent issues and the need to legislate appropriately. Similarly, the committee scrutiny function at pre- or post-legislative stages can be another valuable mechanism, where individual parliamentarians can input into legislative detail itself. Good practice relating to scrutiny focuses on evidence-based negotiation, parliamentary and public support and keeping implementation at the heart of reform discussions.

When considering legislative amendments or reform, cross-party support is critical. Particularly relating to modern slavery-related crimes, widespread political support would be expected and if this is lacking it might point to an issue of party-political bias affecting legislation. Parliamentarians might use public support of the issue to call for political unity or pressurise a reticent government. Likewise, the support for effective modern slavery-related legislation might be leveraged to call for reviews of existing legislation or inquiries into new legislation - to ensure the drafting and enactment of specific, nationally relevant legislation. Reviews on existing laws and inquiries into new legislation should prioritise information from victims, law enforcement and prosecutors; as well as taking into account emerging trends of trafficking networks and successful policy initiatives from other legislatures.

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LEGISLATIVE PLAYERS OVERVIEW



Julian Schon
Home Office, UK Government
Bill Manager for Modern Slavery Act 2015

Influential players in legislative change will likely include:



Government

If the Government leads or supports modern slavery and human trafficking legislation, the chances of success are greatly increased.



Parliamentarians across political parties

If cross-party support can be secured, legislation is more likely to be passed and a focus on successful implementation is more likely to be maintained.



Civil society groups / Non-Governmental Organisations

The quality of legislation will be improved if groups who work with (and include) victims of modern slavery and human trafficking have an opportunity to influence the legislative process.



Business

Engagement with business can help build support for measures to tackle modern slavery in supply chains in particular.

Key documents to develop will likely include:

- The draft legislation, potentially reflecting **global experience about what works**.
- A **plainly written explanation of the draft legislation** to help scrutiny.
- A **policy document** explaining how the draft legislation will support the fight against modern slavery and human trafficking, potentially alongside non-legislative steps.



CREATING NEW LEGISLATION

The legislative journey

The detail of legislative stages will vary in different Commonwealth jurisdictions. However, the UK experience offers some lessons which may have wider value:

- Governments do not have a monopoly on wisdom or expertise. An **open legislative process**, which gives parliamentarians and civil society / NGOs a full opportunity to influence the development of the draft legislation, can strengthen the final Act.
- Implementation is crucial. Government Ministers, officials and parliamentarians need to focus on ensuring that the **bodies responsible** for tackling modern slavery and human trafficking **have the skills and knowledge to use the new powers** to make a difference.



LOBBYING FOR LEGISLATIVE REFORM



Sen. Linda Reynolds CSC
Member, Senate of Australia
Chair of Foreign Affairs, Defence and Trade Legislation Committee



Fighting modern slavery is a matter for everyone – NGOs, businesses, governments, schools and civil society. However, parliamentarians as both elected representatives and community leaders have a particular responsibility to bring to light serious community issues such as this and seek solutions. Often this requires a **combination of legislative and community actions**. Thus, politicians play an important role in **seeking information about forms of modern slavery** and then **raising public and parliamentary awareness to seek action**.

The way Australia has addressed the issue of ‘orphanage tourism’ is an example of how this process can work.

I first learned about orphanage tourism during a field visit to Cambodia with Save the Children in January 2016. The exploitation of these children and well-meaning Australians who were unwittingly playing a role in it horrified me and I came to believe it was a form of trafficking and modern slavery.

As an Australian Senator, I returned home and **learnt more about this issue, raised public awareness, then lobbied my colleagues and worked with a range of NGOs to build a case for Australia to take action**. As a result of my advocacy, I was able to have it included for examination as part of the Parliamentary Inquiry into Establishing a Modern Slavery Act in Australia. This has led to decisive action from the Australian Government and discussion of the issue during the 2018 Commonwealth Heads of Government Meetings.

The Australian Parliament was the first nation to formally recognise orphanage tourism as trafficking and a form of modern slavery-related crime. However, for Australia’s legislation to be truly effective, **taking steps against orphanage tourism must be an international endeavour**.

Some of the steps the Australian Parliament has taken to combat *‘orphanage trafficking’*:

- The Department of Foreign Affairs and Trade have agreed to **produce and publish detailed information to the Australian public about ‘orphanage tourism’**.
- The Australian government has committed to **working with state and territory governments, and universities to ensure school groups and students are not unwittingly visiting or volunteering in programs that exploit children**.
- The Australian Parliament have made further recommendations to encourage and support institutions and charities to **transition their models from residential-based care to community and family-based care**.

Parliamentarians have a unique capacity to explore, acknowledge and raise awareness of critical issues, given their existing public profiles, and their ability to introduce legislative change.

PRIVATE MEMBERS BILLS (PMBs)

Adam Mellows-Facer
Clerk, Joint Committee on the Draft Modern Slavery Bill
UK Parliament



In the UK system, it is very rare for a Bill to succeed without Government support. The majority of Bills that end up becoming law are introduced by the Government. The UK Modern Slavery Act was a Government Bill, though it followed an unusual process of an evidence review, plus a pre-legislative draft Bill stage prior to formal introduction.

A Bill introduced by an individual member of parliament is known as a Private Member's Bill (PMB). Most PMBs that end up as law have been drafted by the Government (these are known as "hand-out Bills" in the UK system).

Other PMBs may win Government support as they progress and individual PMBs can also be an important device in campaigning and bringing an issue to parliamentary and wider attention.

Individual backbenchers (ie. those MPs who are not shadow Ministers, Ministers, government or cabinet members) can introduce legislation in the form of a Private Members' Bill.

In the House of Commons, there are three ways of doing this:

1. A presentation Bill introduced following success in the Private Members' Bill ballot;
2. A presentation Bill introduced at any other time;
3. A Bill introduced off the back of a Ten Minute Rule Motion;

Michael Connarty MP introduced the Transparency in UK Company Supply Chains (Eradication of Slavery) Bill in 2012. A related provision was part of the UK Modern Slavery Act of 2015.

In the House of Lords, Peers can introduce a Bill if they are successful in the House of Lords ballot, which takes place on the day of State Opening.

In 2017 Baroness Young of Hornsey OBE introduced the Modern Slavery (Transparency in Supply Chains) Bill.



Professor Baroness Young of Hornsey OBE
Member, UK House of Lords
Vocal in scrutinising and amending the Draft UK Modern Slavery Bill

Private Members Bills follow the same legislative process as other bills in the UK. However, they are a particularly **effective mechanism for 'backbench' members to express concerns** around a particular subject and **promote legislative reform** in this area.

In the UK system, most members are aware that the likelihood of their legislation becoming law is very small (an average of one or two bills a year out of 60 become legislation), but the act of the Private Members Bill process can draw critical attention to an issue.

At the beginning of the PMB process, it is important to have discussions with legislative drafters as well as relevant stakeholders to explain the rationale behind the PMB and also be aware that if the PMB is accepted it would have to be re-drafted by the relevant parliamentary counsel (at least in the UK system).

'Top tips' on introducing PMBs

- **Evidence-based negotiation** - use lots of relevant data, know about upcoming reports: persuasive arguments based on fact is key.
- **Strategy** - treat it like a 'big amendment': be in a position to negotiate with relevant officials and Ministers, persuade **cross-party colleagues** to back it at second reading, collaborate with NGOs and with those **people most affected by the legislation**.
- **Length** - keep it as short as possible.
- **Support and publicity** - start a **campaign, which in the experience of UK parliamentarians helped to form an alliance of stakeholders** who wanted provisions in the Modern Slavery Act improved and who backed parliamentarians' Private Members Bills as a result.



*In focus: PMB to amend the UK 2015 Modern Slavery Act
Modern Slavery (Transparency in Supply Chains) Bill
Proposed by Professor Baroness Young of Hornsey OBE*

I was quite involved in the UK Modern Slavery Bill when it came through the House of Lords, with a particular interest in the Transparency in Supply Chains section (following my work in fashion on ethics and sustainability). Our primary concern was making progress on this issue, two years after the Rana Plaza factory collapse in Bangladesh that killed 1021 people, mostly female garment workers.

I talked with fellow members on the APPG for Ethics and Sustainability in Fashion, colleagues in the fashion industry and had briefings about the subject which enabled me to contribute to this section in the Modern Slavery bill. The difficult context of the bill was that a general election was approaching so although there were several members who wanted to push amendments, many did not do so as the priority was to have a bill passed, even with some recognised weaknesses.

A year down the line – colleagues were asking about the potential improvements to the now Modern Slavery Act. I did an initial PMB and although this failed I was resolved to continue pushing for these amendments. The Bill in question is this second PMB attempt (which includes provisions for public bodies to scrutinise their supply chains as well as considering other issues such 'comply or explain' language for businesses and strengthening wording of other provisions in the Act).

It is my belief that the proposed amendments are common-sense, relatively 'easy wins' for the government but of course most governments would prefer to introduce their own bills so this remains an uphill struggle. Persistence is key.



Professor the Lord McColl of Dulwich CBE
 Member, UK House of Lords
 Member, Draft UK Modern Slavery Bill Committee
 Involved in drafting of modern slavery-related legislation since 2011

Although one might think of legislation on an issue such as modern day slavery to be something reserved for governments, individual parliamentarians can make a significant contribution to the development of excellent legislation by bringing forward their own proposals as Private Members Bills.

Benefits of a Private Members Bill

A Private Members Bill is legislation brought forward by an individual member of parliament and therefore it benefits from a degree of freedom and flexibility that a government may not have. Whether or not a Private Members Bill is able to pass through all the stages required to become law can be dependent on the particular situation of each legislature, but the positive impact of a Private Members Bill can stretch far beyond its chances of reaching the statute book. In my experience, even where they do not become law, Private Members Bills can draw attention to the issue of modern slavery and offer practical solutions, often prompting governments to action and acting as a template for future legislation.

For example, my first Private Members Bill adopted aspects of the EU Directive on preventing and combatting trafficking in human beings and protecting its victims - which at the time the UK Government had decided not to opt into. I, however, felt there were many key provisions in the Directive that were not replicated elsewhere in our system and brought forward a Private Members Bill to put those provisions into our domestic legislation. Shortly after I published my Bill, I was pleased that the Government announced its intention to opt into the Directive. The subsequent debate on my Bill provided an excellent opportunity to discuss those elements that I felt needed improving in practice.

Support for Private Members Bills

Bringing forward a Bill as an individual parliamentarian without the support of a government department is certainly a challenge. It requires **significant research to understand the context and background** to ensure the **legislation will meet with international obligations** as well as **addressing the needs on the ground**.

I have found collaboration with NGOs and other groups such as businesses and community representatives to be a great benefit in bringing forward Private Members Bills: providing assistance with research, offering expert knowledge and helping me to hear the voice of victims and those who work on the frontline addressing this crime. I have found that it can often be easier for me to build relationships with these grassroots groups as an individual parliamentarian, than it might be for government departments. In this way **one role of the Private Members Bill can be to bring to light views and experiences that might otherwise not be heard**.

It can also sometimes be easier for an individual parliamentarian to **gather support from across the political spectrum** in a way that government legislation may not do. Human trafficking and modern slavery is one of those issues that people from all different political viewpoints want to address and it can be especially powerful to work together in this way.

Time Pressures for Legislation

Time is always the most pressing challenge for any piece of legislation and may mean it is not be possible for a Private Members Bill to pass into law. This should not be seen as a barrier to making effective change.

'An individual parliamentarian cannot change the law alone but taking the initiative by introducing a Private Members Bill can be the spark that leads to change.'

In some legislatures, Private Members Bills can and do become law – in Northern Ireland the Human Trafficking and Exploitation Act 2015 was a Private Members Bill brought forward by Lord Morrow MLA who then worked collaboratively with Ministers to see it become law. These origins are, I am sure, why this is the most comprehensive of all the trafficking and modern slavery laws introduced across the UK in 2015.

However, even where legislative time is scarce, in my experience a Private Members Bill provides a platform to pursue these issues with the government and can lead to government action to address these terrible crimes.

VICTIM SUPPORT

There is, first and foremost, a moral imperative to offer protection, care and assistance to people who have suffered exploitation, especially when that exploitation has taken place within our own communities. However, supporting victims is also key to preventing future trafficking by making sure victims are placed on a road to recovery, **breaking a cycle of continued exploitation**. It can also help **bring criminals to justice** where supporting victims can enable them to engage with police investigations and even to give evidence in court (if they are provided with special protections during proceedings). Although victim support has many other benefits it should never be conditional on a victim agreeing to give evidence in court.

What to Include in Victim Support

Support for victims should include confidence-building and it might be that this is delivered by funding charities or other non-governmental groups rather than state agencies.

At its very basic level victims need somewhere safe to live, with food to eat and money for necessities, but the Palermo Protocol on human trafficking speaks of measures to promote victims' **"physical, psychological and social recovery."** Governments should look at how well the support they offer prepares a victim for their future. If victims are given emergency support only without putting in place clear plans for what will happen to them afterwards then **they will only become vulnerable again** – at risk of homelessness, without a basic source of income, perhaps without continued access to medical treatment. It is not simply enough to expect victims to return to their home country without taking steps to connect them with support there, otherwise as International Organisation for Migration data has shown, **victims return to the same vulnerable situation they were in when they were first trafficked**.

There is always more that we can learn about how best to meet victims' needs. We would do well to **regularly review our victim support structures** and to **find ways to monitor what happens to victims in the months and years after they pass through those schemes**.

We must never forget – the most important voice that must always be heard is that of the victims themselves. Unless our support structures serve their needs then we have failed.

LEGISLATING AT COMMITTEE SCRUTINY STAGE

Baroness Sally Hamwee
Member, UK House of Lords
Vocal in scrutinising and amending the UK Modern Slavery Bill, 2015



With any legislation, the starting point is with real people, not with politicians. The Government will have its ideas, which come from experience and from working with stakeholders, but the legislators need to satisfy themselves that the proposed legislation will work in practice.

The UK Parliament set up a special committee to examine a draft of a Modern Slavery Bill prepared by the Government – it comprised members of both Houses of Parliament and politicians of all parties. It put out a “call for evidence”, as most committees do, and received written evidence from 102 individuals and organisations. Its first hearing - to listen to oral evidence from five people from organisations working with slavery and trafficking victims - set out the scope and breadth of the issues; there were 12 sessions in all when the committee heard comments from and questioned witnesses, including academics, lawyers, prosecutors, judges, the police, international representatives, others working in the field and the Government Minister responsible for the proposals.

The committee did not just comment on the Government’s draft Bill, but as it was so concerned that the Government had not covered all the ground, it wrote its own Bill and published a long report of its findings.

It is very unusual for a committee to publish a draft Bill. Indeed, though there is widespread support for “pre-legislative scrutiny” (a committee of Parliament considering in advance what a Government Bill should cover) it doesn’t happen that often. There are obvious advantages: issues can be considered constructively and in a co-operative way rather than aggressively. A disadvantage of course is that all this takes a lot of extra time and resources. The Committee’s draft Bill was not adopted by the Government but it fed into the process for the legislation that eventually reached the statute book.

I might add that post-legislative scrutiny is particularly useful: considering how well a piece of legislation works in practice, using the same sort of committee structure and procedure to assess it, with the work being undertaken in public by parliamentarians, not privately by the Government.

None of this replaced scrutiny by the two Houses of Parliament. They have slightly different procedures, but each is designed to flush out both major concerns (and points of agreement, of course) as well as small matters of detail which can often make a difference in practice. As the Bill progresses these are refined down; the government is able to satisfy some concerns and with others reconsiders its initial position.

I have always found briefings and lobbying by people who frankly know far more about the issues than I ever can very useful indeed. During the passage of the UK Modern Slavery Bill, I met with many of those who wrote to me with their views. Often a small group of parliamentarians, cross-party, met people together; there was quite a lot of cross-party work altogether. There were also periodic meetings with relevant Ministers, in order to explain concerns and have conversations which were a bit more frank than normally happens across the floor of parliament.

For instance, one of the issues which was not covered adequately by the Bill was the position of Overseas Domestic Workers. We met an organisation which was made up of several very impressive women who had been enslaved, had succeeded in becoming free and were working to help others in a similar situation. We used the stories of these women in discussions with the Minister, and after several rounds of proposals and talks the Government put forward some new proposals. (I wish I could say that the problems were solved – they have not yet been, but some progress was made).

This is the work that underlies scrutiny. The technical work which does involve reading a Bill very carefully – clause by clause, line by line, word by word – has to be based on this, as well as looking to see if there are contradictions, or of course provisions you do not agree with. It means understanding the subject as thoroughly as possible and applying that understanding. Legislation is not much use unless it helps the people affected by the issue at hand.

IMPORTANCE OF CROSS-PARTY SUPPORT



Professor Baroness Young of Hornsey OBE
Member, UK House of Lords
Vocal in scrutinising and amending the Draft UK Modern Slavery Bill

Cross-party support is critical because if this is lacking, any reforms can be seen as politically partisan; if there is no support from government benches then this would look quite poor for the reforms themselves.

Particularly on the subject of modern slavery / forced labour / human trafficking, if you cannot get fellow members to say that 'exploitative and abusive labour systems should be eradicated: they are criminal and inhumane' then we are on a bad path more widely...

Most people will support this idea in one way or another so it is about **garnering and focusing that support on the specifics that you want to address.**

REVIEWING EXISTING OR PROPOSED LEGISLATION



Caroline Haughey
Barrister, Furnival Chambers
Author, UK Modern Slavery Act Review



Benefits of a Review: UK Review of the 2015 UK Modern Slavery Act

The law is a living instrument, and as society evolves so too does the way in which people perpetrate crimes. As new law is passed and “beds in”, those who are involved in its implementation need to adapt and review its success and failings. No law is perfect and the benefits of a review of the law are manifold. Often when a law is drafted there is little practitioner involvement - although this was not the case in the MSA – but nonetheless those involved in its application from both sides of the Criminal Justice process were keen to ensure that the act achieved its purpose without detriment to the core principles of fair and open justice.

The purpose of any review should be set out in advance and in clear terms. The benefit of the Modern Slavery Review was that its focus was on the criminal justice and policing elements of the Act enabling targeted recommendations to be made. Benefits included:

- Practitioners being able to reflect on what had worked and what had failed, making pragmatic suggestions on how to improve the law’s implementation - in the MSA review this took the form of training but other changes could include an enhancement of legislative definition. Practitioners from all tiers of the system from judiciary, advocates, investigative officers and NGOs were spoken to and their views on the roles and responsibilities of all tiers of the process were canvassed. As a result the Act was considered from both ends of the telescope - victim through to defendant.
- Legislators will be able to use lessons learned from this Act in their future drafting – it is of note that the MSA is exemplar and not prescriptive which was a welcome feature.
- Where training and or education is needed funding can be appropriately directed and courses or programs created – both at investigative and at public consciousness levels.
- Identification of changing trends (in this case types of criminality) have ensured that investigative budgets are appropriately directed.
- Domestic and International government policy can be crafted with the benefit of knowledge and understanding of the specific issues.
- Unexpected weaknesses in the investigative process and intelligence picture have been identified and remedied and a greater focus on collaborative policing has been initiated.
- Those involved in the criminal justice process have felt that their concerns have been listened to and efforts made to address them.
- A significant increase in public and media awareness has highlighted the Act, its intentions and its powers, there has also been an increase in non-victim reporting.

This review in particular, showed an understanding of the complexity and challenges to be faced in this “new” field of offending and enabled pragmatic solutions to be offered with implemented often at little cost financially but at real costs in the context of disrupted Organised Crime Groups (OCGs) and emancipated victims.



Parliament of Australia
Joint Standing Committee on Foreign Affairs, Defence and Trade



Benefits of an Inquiry: Inquiry into establishing a Modern Slavery Act in Australia

In November 2016, the Foreign Affairs and Aid Sub-Committee of the Australian Parliament’s Joint Standing Committee on Foreign Affairs, Defence and Trade (Committee) sought to undertake an inquiry into measures to better combat modern slavery in Australia and around the world. On 15 February 2017, the then Attorney-General, Senator the Hon George Brandis QC, referred the inquiry to the Committee to undertake. The Committee tabled an interim report on 17 August 2017, and tabled its final report on 7 December 2017.

The Committee consisted of Members of the House of Representatives and Senators from the government, opposition and minor parties. The inquiry was undertaken by the Foreign Affairs and Aid Sub-Committee, chaired by a government member, Mr Chris Crewther MP. The inquiry was supported by all Committee members with a bipartisan approach and received strong support and encouragement from the Australian business community.

The inquiry sought to build on the Committee’s 2013 report into this issue and examine recent international best practice initiatives to combat modern slavery. The inquiry’s terms of reference asked the Committee to assess the effectiveness of the United Kingdom’s Modern Slavery Act 2015 (UK Act) and whether similar or improved measures could be introduced in Australia. The Committee was also asked to examine the prevalence of modern slavery in Australia and around the world and best practice measures to address modern slavery in global supply chains.

To gain a better understanding of the UK Act and initiatives to combat modern slavery in the region, a delegation from the Committee travelled to London in April 2017 to attend the CPA UK’s Modern Slavery Project Asia Pacific Regional Workshop. While in London the delegation met with UK government officials, businesses and charities supporting victims of modern slavery to discuss the development and implementation of the UK Act.

The Committee wrote to over 200 individuals and organisations in Australia and overseas, as well as foreign governments and United Nations bodies, seeking written submissions to the inquiry. The Committee received 225 submissions from a range of individuals, businesses and organisations, including business leaders, legal experts, charities and anti-slavery advocates. The Committee then held 10 public hearings around Australia, including Canberra, Melbourne, Sydney and the regional town of Mildura. At these hearings the Committee took evidence from key witnesses, including victims of modern slavery.

The Committee heard strong support for key elements of the UK Act, particularly the introduction of global supply chain reporting requirements and the establishment of the Independent Anti-Slavery Commissioner. Evidence gathered by the Committee indicated that the Australian Government has already implemented a number of effective anti-slavery measures but that more could be done to combat these crimes and to better support victims.

The Committee recommended establishing a mandatory global supply chain reporting requirement for certain entities operating in Australia that would require entities to take responsibility to ensure that they are not profiting, or gaining a competitive advantage, from modern slavery in their global supply chains. The Committee heard strong support for this measure from the Australian business community, including the Business Council of Australia and some of Australia's largest businesses. The Committee also recommended the establishment of an Australian Modern Slavery Act, including an Independent Anti-Slavery Commissioner to lead and coordinate Australia's response to combatting modern slavery.

The Committee found that there are still gaps in the way victims are identified and supported, and the way Australia's criminal justice agencies cooperate to bring perpetrators to justice. The Committee recommended changes to the way Australia's victim support programs operate, including by introducing a national compensation scheme. The Committee also made a series of recommendations to improve coordination and training for Australia's law enforcement and criminal justice agencies.

A number of submitters raised particular concerns about the practice of orphanage trafficking and the exploitation of children in overseas residential institutions. The Committee recommended a series of measures to ensure Australian donations and volunteers do not inadvertently perpetuate these exploitative practices overseas.

The Committee was also concerned by allegations of exploitation and slavery-like practices domestically in Australia, particularly for migrant workers and backpackers in regional areas. The Committee recommended that these workers be better protected through changes to Australia's visa framework and by introducing a national labour hire licensing scheme.

Prior to the release of the Committee's interim report, the Australian Government announced its support for introducing legislation to establish a supply chain reporting requirement and released a discussion paper for public consultation.

Further details on the Committee's inquiry, including the final report, submissions and transcripts of evidence, are available from the inquiry website: www.aph.gov.au/modernslavery.

AMENDING LEGISLATION



Professor Baroness Young of Hornsey OBE
Member, UK House of Lords
Vocal in scrutinising and amending the Draft UK Modern Slavery Bill

Overview of scrutiny process by parliamentarians

Parliamentary scrutiny processes (involving bill readings, committee and report stages) are well-known and once a draft bill is agreed, this process is largely straightforward. However, as with most bills that come into the UK House of Lords having begun in the UK government, there is a lot of discussion and many potential amendments. **How controversial or complex the bill is tends to define the volume of amendments to it.**

Some bills (the UK Modern Slavery Act being one) will have such strong parliamentary will to have it passed that broad principles tend to be agreed upon. This then means that a lot of **scrutiny discussions can take place in between readings and stages of bill passage**, conversations looking to make consensus one way or another on a proposed amendment.

If a compromise or consensus cannot be reached and there is an **impasse**, the member may put the amendment down and call for a vote. However, this would imply that the member both **feels strongly about the specific issue and is relatively sure of success in the vote**, having canvassed colleagues' opinions. A member might also let the Minister in question know that they plan to call for a vote (and are optimistic about its success) to pressurise negotiations in this way.

More negotiation happens than I might have imagined - a particularly valuable process because this means **consensus or compromise can be reached without going into all of the detail in the parliamentary chamber itself**. If this is the case, however, it is important to have a record or reference to these negotiations on the official parliamentary record. A member might say 'amendment not moved', or 'after several discussions with the Minister and speaking with colleagues, the Minister will take this issue back to government' or the member will give a rationale for no longer moving the proposed amendment.

Parliamentary scrutiny is both complicated and simple at the same time but key to the process is **negotiation, persistence and canvassing support for proposed amendments**.

Working with or around the inherent politics in the scrutiny process

Every government will have its slate of legislation that they have pledged to deliver. You will be aware of their ideology and political stance on certain issues and also whether the government are in position of strength or otherwise.

If a government is in a position of strength, with a substantial majority for example, it may be a difficult process to amend legislation. In this case it will be important to canvas support from not only opposition members but also to be in discussions with members of the government benches. At this point a tactic might be to point out where it could make the government look bad unless they concede a certain amendment. In the instance of modern slavery-related legislation - a government concern might be the perception of tackling social justice issues, or not being seen to do so effectively.

Even strong governments want to preserve their reputation for upcoming elections.

Another priority must be persistence. Give the government notice that you will not let issues lie - if your amendment does not succeed in this instance, you will keep lobbying for this legislative change.

Every time an amendment is proposed and the government has to reject this and / or vote on the issue, more publicity is given to the issue in the press and public awareness is increased.

'Top tips' to parliamentarians going through the scrutiny process

- When in scrutiny mode, **get as many opinions from other people as you can** (especially **non-parliamentary lawyers**), use **NGOs** and speak to **experienced parliamentarians** about moving an amendment.
- **Opening up negotiations** is critical and you should have a **strategy in your mind on how to discuss the issue with the Minister**. If appropriate, bring someone with an expert opinion who has particular credibility on the subject area. No-one expects you to be an expert on every subject so you are entitled to have a team around you.
- Gather **opposition support** for your amendment. Give fair, non-threatening **warnings that you are willing to call for a vote** on the issue and that you have support from opposition in this regard.
- **Be strategic** - have your **arguments lined up** in preparation for discussions on amendments.
- If appropriate, you may want to **let the media know** that you are moving this amendment, or have the media produce a short report on radio/television saying that this amendment is being proposed and whether the government is resisting. Governments do not like to appear even slightly embarrassed so this may strengthen your negotiating hand or help the government to reconsider their stance.

Understanding the key issues and gathering information to amend legislation



Chris Crewther MP
Chair, Foreign Affairs and Aid Sub-Committee,
Joint Standing Committee on Foreign Affairs, Defence and Trade
Australian Parliament



In 2017 I chaired an inquiry by the Australian Parliament's Joint Standing Committee of Foreign Affairs, Defence and Trade into establishing a Modern Slavery Act in Australia. A key focus for our Inquiry was to examine whether certain measures in the UK's Modern Slavery Act 2015 could assist Australia to better combat modern slavery, and to investigate areas where Australia could improve upon the UK approach and experience.

Modern Slavery is also a problem that I previously encountered personally, not only as an international lawyer, but also in my former role as CEO of Mildura Development Corporation in north-west Victoria. Being involved with economic development in the region, I encountered several reports of problems on some farms and in backpacker hostels. The difficulties I saw with these issues being appropriately tackled by the relevant authorities was one of the motivating factors in my personal interest in tackling modern slavery.

Our Inquiry provided an important public forum to discuss a range of measures to better combat modern slavery in Australia. We invited written submissions from Australia, the UK and around the world and travelled around the country to hear from a range of individuals and groups including businesses, legal experts and organisations committed to eradicating modern slavery. The suggestions and arguments made by these witnesses helped to inform our considerations and formed the basis of our final report and recommendations.

Our Inquiry noted that we are fortunate Australia already has strong and robust legislative and policy frameworks for combatting modern slavery. Over many years, successive Australian Governments have committed to national action plans to better identify and prosecute domestic cases of slavery, and have supported efforts to address slavery in our region and around the world, particularly through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.

That said, our Inquiry also recognised many gaps within Australia's approach to tackling modern slavery, and areas that could be improved. For example, we heard that the UK Modern Slavery Act introduced two key measures that we don't yet have in Australia: a mandatory supply chain reporting requirement for large businesses and an Independent Anti-Slavery Commissioner. We heard strong support for the introduction of these measures from across the community, particularly from businesses.

We found that an Independent Commissioner could play an important role in leading and coordinating Australia's efforts to combat modern slavery. We also found that a reporting requirement, similar to but improving upon the UK model, would ensure that large entities operating in Australia better identify and address any instances of modern slavery in their global supply chains.

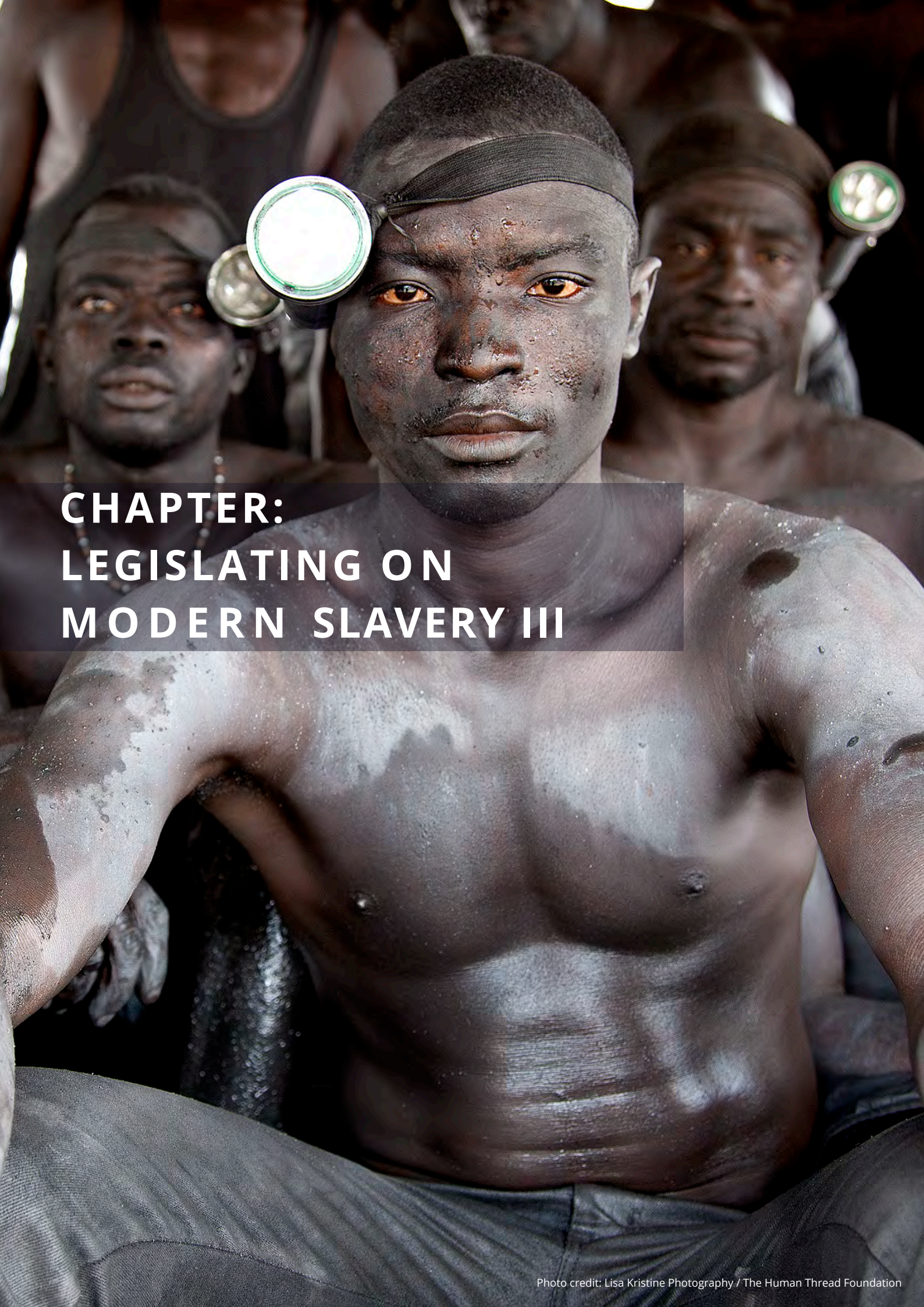
Our Inquiry recommended that the Australian Government introduce its own Modern Slavery Act, including these two measures with some improvements to suit the Australian context. The Committee made a total of 49 recommendations to ensure that in Australia cases of modern slavery are identified and prosecuted, and that victims are properly supported.

As a result of the Committee's report, the Australian Government considered its recommendations and committed to introduce modern slavery legislation, including a supply chain reporting requirement recommended in both the committee's interim and final reports.



KEY POINTS FOR PARLIAMENTARIANS

- Influential players in legislative change will likely include: **governmental members, cross-party support, NGO/ civil society** input and **business** engagement (particularly helpful in tackling supply chain exploitation).
- Ensure **relevant bodies have the knowledge and resources to implement any new legislation**. Otherwise, this leaves the legislation and parliamentarians open to criticism.
- Strengthen legislation by having an **open legislative process** - with opportunities for cross-party parliamentarian, civil society and private sector input.
- Use **Private Members Bills (PMBs)** as an effective mechanism for **non-governmental parliamentarians to express concern and promote specific legislative reform**.
- Introduce PMBs effectively by: using **evidence-based negotiation, strategising effectively** and with **those affected by legislation in mind**, to ensure legislation fits with **international obligations**, to keep the bill as **succinct** as possible, and to **gather support and publicity** for proposed reform and why it is needed.
- PMBs need not eventually end up on the statute book as law, they can also **draw attention to pertinent issues, offer practical solutions and act as templates for future legislation**.
- Victim support is not only a moral imperative, but **helps to break cycles of exploitation / re-trafficking** and to bring **criminals to justice as a result of victim testimonies**.
- Victim support must look beyond immediate 'crisis' support, to also **include aspects of long-term recovery based on physical, psychological and social recovery** (as the Palermo Protocol details).
- **Pre-legislative scrutiny** has great advantages in giving **opportunities for cross-party constructive feedback** on reforms, working with **civil society** and having more **open conversations with Ministers** than might happen on the floor of Parliament.
- Given the nature of modern slavery-related crime, cross-party support would be expected so it is crucial to **gather, leverage and focus this support** on what **specific policies and issues** you see as priorities.
- The key benefits of **reviewing existing legislation** are that **practitioners are able to reflect on their experiences** of implementation and make suggestions for improvements; **changing crime trends can ensure resources are redirected appropriately**; **funding for training** can be appropriated; and reviewing legislation **increases public awareness** of the issues and **victim-reporting** of crimes.
- Main points for an **inquiry into new legislation** are the **consideration of international good practices** on the issue; **gathering knowledge on particular national trends of exploitation and areas of legislative weakness**; and the **publishing of** (parliamentary and public) **reports for consultation**.
- Critical to the **scrutiny process** is **opening up effective negotiations with the relevant Minister**; being **persistent** and **canvassing cross-party support for proposed amendments**; working with **expert non-parliamentary stakeholders** and having **strategic arguments prepared** in advance of debates.



**CHAPTER:
LEGISLATING ON
MODERN SLAVERY III**

SUMMARY

It can require a lot of parliamentary effort and time to consolidate legislation, however, consolidation also offers some key benefits. If previously legislation against modern slavery / human trafficking / forced labour had developed in separate pieces of law, bringing together and strengthening existing legislation gives greater clarity to practitioners, visibility to the crimes and overall can lead to better consistency in the practical application of the law.

Key policies to implement vary by crime but broadly focus on: multi-agency approaches; holistic victim support and statutory defences against the prosecution of victims; strong legislation around related rights' based issues; information-sharing and law enforcement understanding of the crimes.

Good practice policy creation by parliamentarians centres around understanding the policy objectives before devising solutions, being prepared for disagreement and having fact-based evidence lined up, sharing the policy in draft form so it can be strengthened, compromising on amendments and continuing to review and amend legislation even after it has become law.

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CONSOLIDATING LEGISLATION

LEGISLATIVE ORIGINS OF THE UK MODERN SLAVERY ACT, 2015

Rt Hon. Baroness Butler-Sloss GBE
Member, UK House of Lords
Member, Evidence Review Panel and Draft Modern Slavery Bill Joint Committee
Co-Chair, All Party Parliamentary Group on Human Trafficking and Modern Slavery



Prior to the passing of the Modern Slavery Act, the UK's legislative framework had been subject to considerable criticism, owing largely to the fact that there was **no single statute dedicated to human trafficking**. Rather, the criminal law had evolved in a piecemeal fashion, with human trafficking offences found in the Sexual Offences Act 2003, the Asylum and Immigration (Treatment of Claimant etc.) Act 2004 and the Coroners and Justice Act 2009. The situation is further complicated by devolution and with Scotland and Northern Ireland operating separate criminal justice systems from that of England and Wales.

UK legislation to review and consolidate

Sexual Offences Act 2003

The Sexual Offences Act criminalised the trafficking for sexual exploitation, with a maximum sentence of 14 years imprisonment. The definition of sexual exploitation encompassed approximately 50 offences, including rape, sexual assault, and causing or controlling prostitution for personal gain. The intention to exploit an individual was criminalised, regardless of whether that exploitation actually took place.

There were a number of limitations to this provision. For example, the Council of Europe's Group of Experts for monitoring the implementation of the Convention against trafficking (GRETA), highlighted that 'all the means under the Convention are inherent in trafficking without being articulated in the legislation'. This risked a critical misunderstanding of the nature of trafficking, for example by a prosecutor or jury. Furthermore, drawing a distinction between sexual exploitation and all other forms of exploitation was considered unhelpful.

Asylum and Immigration (Treatment of Claimant etc.) Act 2004

The Asylum and Immigration Act criminalised trafficking for exploitation, primarily of a non-sexual nature, once again with a maximum sentence of 14 years imprisonment. The definition of exploitation incorporates Article 4 of the European Convention on Human Rights (ECHR) principles of freedom from slavery, servitude and forced labour. It also included coercing an individual to commit an offence under the Human Organs Transplant Act 1989; to provide services of any kind; or exploiting a vulnerability, such as psychological or physical disability.

The use of immigration legislation to criminalise human trafficking was widely criticised. The European Commission criticised anti-trafficking approaches which focus primarily upon immigration, rather than exploitation, as being 'in their nature flawed and limited'.

Coroners and Justice Act 2009

The Coroners and Justice Act 2009 criminalised slavery, servitude and forced labour, in an attempt to bring the law in England and Wales in line with the European Court of Human Rights' (ECtHR) judgment in Siliadin. This provision was useful primarily in cases in which it was not possible to prove human trafficking, but where there is evidence that the victim was held in conditions which contravene Article 4 ECHR.

Modern Slavery Act 2015

The UK government was initially hesitant to consolidate these human trafficking offences in a Modern Slavery Act. A Home Office report from 2012 stated that although such legislation would be ‘administratively neater,’ it would not be ‘necessary or proportionate to effectively bring to justice those who seek to exploit others’. The government instead argued that members of the judiciary simply required more training, in order to guarantee that the current legislation is properly utilised.

However, the **impact and effectiveness of the existing legislation was hindered by the confusion caused by its piecemeal formation**. A Modern Slavery Act, together with complimentary legislation in Scotland and Northern Ireland, was necessary to address existing flaws within the legislation.

Key points in creating a political landscape for reform

Rt Hon. Frank Field MP
Member, UK House of Commons
Chair, Joint Committee on the Draft Modern Slavery Bill 2014



Political agendas can be reshaped in a number of ways, inside or outside of parliament. In the UK context, one such impetus for a rethink of modern slavery policy was a report in 2013 by the Centre for Social Justice, titled “It Happens Here: equipping the United Kingdom to fight modern slavery”.

It was the findings contained within this momentous report that sparked conversations I had with key government members and parliamentary advisors around the reality of modern slavery prevalence in the UK and the need to legislate appropriately.

Following a series of meetings with fellow members, advisors and key governmental departments, the Home Office made the decision to hold an inquiry into a new modern slavery bill to continue the work the Centre for Social Justice had sparked such legislative interest in.

In August of this same year, Theresa May unveiled a new bill aiming to tighten laws on human trafficking in the UK, which later succeeded in making its way through both the Commons and Lords.

Legislation can always be strengthened, and indeed members are currently looking to enshrine higher standards of protection in this UK law, further solidifying the tough UK stance against the horrors of modern slavery.

When looking to spark interest in legislative reform on this issue, it is key to remember the power of data and reports and to have collaborative conversations with political advisors, ministers and governmental departments to galvanise and channel the parliamentary support that can lead to legislative change.

COMMITTEE SCRUTINY

Rt Hon. Baroness Butler-Sloss GBE
Member, UK House of Lords
Member, Evidence Review Panel and Draft Modern Slavery Bill Joint Committee
Co-Chair, All Party Parliamentary Group on Human Trafficking and Modern Slavery



Committee scrutiny stage of the Modern Slavery Bill

There were eleven Committee Stage debates on the Bill in the House of Commons and four in the House of Lords in order to scrutinise and debate the many amendments to the Bill.

There was significant engagement in the Bill, from Government, parliamentarians and the anti- trafficking NGO sector. This provided an opportunity to amend the Bill to make it as effective as possible but this opportunity needed to be balanced with the relatively short timeframe during which the Bill needed to pass through and be agreed by Parliament if it were to receive Royal Assent before the General Election.

Criticism of the Bill included a focus on law enforcement rather than on victim protection. The compromise reached was that victim protection and victim care and support would be dealt with in sections 49 and 50 of the Act in the form of regulations and statutory guidance. Disappointingly, these sections are yet to be implemented, and guidance is yet to be drafted. It has been necessary for Parliamentarians to keep pressure on government to implement these provisions and in October 2017 the Government re-stated its commitment to introduce guidance and regulations on victim support.

Amendments to the Bill included areas such as Transparency in Supply Chains, on which a clause was added to the Bill; on prostitution, which was dropped from the Bill; and on the immigration rights of Overseas Domestic Workers, which was brought forward in the House of Lords but rejected in the House of Commons.

Some would have preferred to see these clauses go further, for example the Supply Chains requires very little in law. Instead the Act very much relies on companies voluntarily complying in a meaningful manner rather than sticking to the letter of the Act and hopes that good practice will result in a 'race to the top'.

The feeling at the time was that more onerous obligations may have led to the Bill failing to pass and that this was a compromise worth making.

OUTCOMES OF THE UK MODERN SLAVERY ACT 2015

The Act creates two offences:

1. Slavery servitude and forced labour: an offence is committed if
 - a. the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or
 - b. the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.
2. Human Trafficking: A person commits an offence if the person arranges or facilitates the travel of another person ("V") with a view to V being exploited.

The Act increases the maximum penalty for these offences from 14 years to life imprisonment.

It remains too early to fully assess the impact of the Modern Slavery Act, and the effectiveness of the new consolidated offences, but it is hoped that this legislation ought to bring greater clarity for practitioners and therefore greater consistency in the practical implementation of the law.

In addition to consolidating offences, the Modern Slavery Act created the role of Independent Anti-Slavery Commissioner to promote best practice in law enforcement and victim support, and requires large companies to make a statement as to what steps they are taking to identify and tackle exploitation in their supply chains. The Act also provides a defence for victims of trafficking who have been forced to commit offences as part of their exploitation.

Finally, the Act creates 'Slavery and trafficking prevention orders' which can be imposed on those convicted of trafficking and slavery offences to limit their movements and actions. 'Slavery and Trafficking Risk Orders' similarly can be imposed where a court is satisfied there is a risk that the individual will commit an offence, and has not yet been convicted, and can impose the order to protect potential victims.

WHEN TO UPDATE OR CONSOLIDATE LEGISLATION

Baroness Sally Hamwee
Member, UK House of Lords
Vocal in scrutinising and amending the UK Modern Slavery Bill, 2015



Slavery, human trafficking and exploitation are not static activities. One of the most fundamental tasks of the legislator is to make sure that legislation actually works, both immediately and as far ahead as it is reasonably practicable to see. Or in other words: to future-proof. There are changes over time in who is enslaved and who is trafficked, reflecting how the 'market' changes. The techniques used may also change. Slavery is not new, but technology develops fast – 30 years ago I doubt many of us would have thought that the worldwide web might be a tool for traffickers; 10 years ago social media might not have been an obvious means of recruitment.

These crimes are no different from other crimes, where the motivation is money. The law and law enforcement must stay on top of how money is laundered and transferred around the world. Recent UK legislation has anticipated the use of virtual currencies (such as bitcoin).

One of the ways criminals evade conviction is by finding holes in the charge when they are prosecuted. This is not to complain about a defendant taking technical points – the judicial system must allow for this. But steps must be taken to make it difficult for the defendant to “play the system”, as distinct from defending himself against a charge. No-one wants to see someone who has exploited and harmed victims get away with it on a technicality.

If a piece of existing legislation is working well, then – a personal view - it is better not to rewrite it. That would risk leaving gaps and creating confusion. (The Modern Slavery Act deals with a number of already existing offences, for instance by increasing penalties, but does not “consolidate” as would be understood traditionally. It sets out the meaning of “exploitation”, partly by reference to offences which are the subject of other legislation – I think it might have extended more widely, but that is another issue.)

There is an international context to all this. Legislation must be consistent with relevant international treaties, conventions and practice.

All of this means ensuring that:

- legislation is very clear
- and not leave gaps which allow for challenge

That may mean consolidating existing legislation, with or without changes to bring the totality up to date. My own view (not an expert one) is to stand back and assess what is needed in your own jurisdiction. If something is working well, there needs to be a very good reason to tinker with it.

KEY POLICIES

When developing national legislation, it can be helpful to consider specific policies that address the crimes most prevalent in your jurisdiction, even if these are to be consolidated into one overarching law. Policies to consider developing by crime are as follows:

HUMAN TRAFFICKING

Tamara Barnett,
Project Leader
Human Trafficking Foundation



A **statutory defence for any offences** that a child or adult victim of human trafficking has **committed as part of their exploitation**, (e.g. immigration offences or offences for selling drugs, fraud, or pickpocketing etc. if they were exploited for criminal activity).



The **adequate funding and provision of safe houses** for victims: with minimum care standards, case workers or advocates, safe and secure accommodation including washing and cooking facilities and appropriate clothing. Outreach services must also be trained and appropriately supervised and supported in this effort.



Ensure that trafficking victims are **linked up with health services, counselling, legal advice;** and that their **support has a long-term approach** such as having provisions around future employment, education and housing. This is key to preventing re-trafficking of victims.



Include **legislation around worker's rights and minimum wages** to ensure that exploitation can be clearly labelled and prosecuted. Similarly, strong legislation around domestic violence, forced marriage, Female Genital Mutilation, corruption and children's rights must be in place to ensure government can tackle the **drivers of human trafficking** as well as the effects.



Maximise victims' access to justice by ensuring **proper support in working with the authorities** e.g. police to secure prosecutions; as well as giving victims the **support and legal help needed to claim compensation**, either from the trafficker or the state.



Recommend a **multi-agency approach**: including statutory duties to identify and prevent trafficking across all agencies and to provide support to victims (in the form of healthcare or by referrals to the relevant authority etc).



Unite work by **statutory services with NGOs**: to coordinate efforts to rescue or identify trafficking victims and support individuals once they have been identified.



Prioritise aid and other funding for **family preservation and community-based initiatives** that **enable children to remain in, or return to, their own families**, under kinship care and/or under foster care, where safe and appropriate to prevent **'orphanage trafficking'**.

SEXUAL EXPLOITATION OF ADULTS



R. Evon Idahosa
 Founder & Executive Director
 Pathfinders Justice Initiative, Inc
 Expert and Legal Adviser to the CPA UK Modern Slavery Project



Establish a **legal framework** to criminalize all forms of human trafficking via the commercial sexual exploitation of adults and ensure the **effective prosecution of all offenders** (including aiders, abettors, those who knowingly purchase sex from commercially trafficked persons and those with “government complicity” who have violated their responsibilities to protect victims in their custodial care).



Generate a **broad legal definition** of human trafficking and commercial sexual exploitation that is **in line with relevant international conventions** (particularly the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children), the UNODC Model Law and which **extends to profitable crimes committed virtually/online** by traffickers or by knowing purchases of those who have been sexually exploited online.

WWW

Enact **legislation** which ensures that **websites** which **knowingly allow, promote or facilitate** the commercial sexual exploitation of children and adults are **held criminally and civilly liable**.



Impose **severe and consistent sentences** that are commensurate with the nature of the crimes.



Generate policies which ensure that victims are positioned to report crimes **without fear of incrimination** and are provided with the **requisite witness protection**.



Ensure protection of victims by generating a **statutory defense** for **all crimes and/or criminal activity** committed as a **result of a victim’s commercial sexual exploitation**.



Generate **policies that mandate compensation and restitution for victims** as part of the **sentencing** of convicted traffickers and ensure these are paid in a timely fashion. Establish a **state funded Trust Fund** from which victims can apply for **humanitarian, legal or financial aid**.



Increase **financial investigations** and **expedite asset seizure of traffickers** so that said assets are used to ensure compensation for trafficked persons. Establish funding for the **holistic, victim centered, human rights based and trauma informed support of victims** that include health, counselling and legal services, housing, education scholarships, vocational skills training and job placement, start-up capital for small businesses, etc.



Ensure that **mechanisms and funding** are in place to enhance coordination and **cooperation among key state and non-state actors**, such as a cohesive **national referral system** that coordinates law enforcement, investigators, NGOs, lawyers, and other service providers.



Allocate adequate **funding for mandatory codified training** of law enforcement, the judiciary, officials in foreign embassies, immigration and customs officers, etc. on victim identification, rights of victims, available services, compensation, and other activities that protect and assist victims.

SEXUAL EXPLOITATION OF CHILDREN



Bharti Patel,
CEO, ECPAT UK
Every Child Protected Against Trafficking



Criminalise the offences of child trafficking and child sexual exploitation including child sexual abuse, grooming and online abuse (taking, distributing abusive images and videos/footage).



Develop and promote **effective reporting systems** that allow children and citizens to report incidents of CSEC (Commercial Sexual Exploitation of Children) to authorities without fear.



Impose severe sentences for CSEC offences whether they are committed locally or overseas.

Strengthen child protection and social welfare systems:



- a. Ensure the availability of accessible, regulated, child-sensitive services in education, health, housing and justice provided and implemented by well-trained staff with adequate resources
- b. Ratify and Implement in full the international child rights instruments:
 - i. United Nations Convention on the Rights of the Child (UNCRC), enshrining over 40 substantive rights for children, including governments' responsibility to protect children from all forms of sexual exploitation and abuse.
 - ii. The Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography provides detailed requirements to end the sexual exploitation and abuse of children, stressing the importance of international cooperation and public education as a means of combatting these often transnational activities.
 - iii. A "child" is defined as any person under eighteen years of age (UNCRC).

Strengthen law enforcement and international cooperation:



- a. Ensure law enforcement agencies have the skills and resources to identify, investigate and respond to child abuse; that they possess child-friendly methods when dealing with child victims and witnesses, and that enforcement is not undermined by corruption or social tolerance of CSEC.
- b. Increase law enforcement agencies' sharing of information about offenders across national and international jurisdictions to enhance investigations and increase prosecutions.

Deterrence and criminal punishment is important, but any efforts to end the sexual exploitation of children must also **recognise the need to challenge and condemn behaviours, beliefs and attitudes that support and sustain such abuses.**

FORCED LABOUR & DEBT BONDAGE

Helen Burrows
Senior Vice President & Co-Founder
Slave Free Trade



The *1930 ILO Forced Labour Convention* provides guidance about a number of mechanisms that can be legislated on which will better protect workers from slavery and related labour exploitations. These include:



Contracts: must exist; contain a recitation of the work, rights and responsibilities compliant with law, a copy of identity documentation, worker/employer contact details; signed by both parties before the work commences and made available to multiple parties (to prevent alteration).



Identity documents: must always be accessible to workers.



Recruitment fees: must not be paid by workers.



Debts: owed by a worker to their employer, must not prevent them leaving after legal notice.



Wages: must not be withheld without legal basis and clear explanation.

Collaborating with business to support the mechanisms to implement and monitor these provisions is critical. The deeper within the supply chain workers reside; the less leverage individual businesses have over labour conditions.

Also critical is mandating safe, direct contact with workers to periodically check their labour conditions, and to provide a proactive capability enabling workers to alert authorities to mistreatment.

DOMESTIC SERVITUDE

Helen Burrows
Senior Vice President & Co-Founder
Slave Free Trade



The *ILO Domestic Workers Convention* sets out a series of protective mechanisms that can be included in domestic legislation. These include alignment with domestic law relative to:



Clear and legally compliant employment terms and conditions documented and agreed prior to commencement;



Regular payment of a minimum wage and paid annual leave;



Freedom of movement;



Access to personal identity and travel documents; and



A mechanism for complaints about working conditions to be safely lodged and investigated.

Domestic law must, at a minimum, provide the same protections as international law.

In addition, it is important to ensure that **contract inclusions suggested above** to ameliorate forced and bonded labour, **are included in domestic service contracts.**

Given the isolated nature of domestic service, it is also critical that their contracts are available to multiple parties - preventing unilateral alteration, and that tools are deployed to safely contact workers - facilitating ongoing knowledge about and assessment of working conditions.

TRANSPARENT SUPPLY CHAINS

Helen Burrows
Senior Vice President & Co-Founder
Slave Free Trade



Create support across government:



Broad and bipartisan support is critical to the passage and success of legislation. Support must be sufficient to **withstand opposition from the business community** and to draft **sufficiently comprehensive requirements** to acknowledge that most businesses will not go beyond the minimum compliance requirements. In order to generate the required level of support it is important to:

Understand the opposition

As has been the case in other countries, many among the business community will likely oppose the legislation. Their opposition is based on several factors:

Concern	Response
Human and financial cost and logistical difficulty of mapping, and remedying labour exploitation in supply chains	The inevitable costs are less than the cost of disruption to business if labour exploitation is found independently. There are entities who can undertake this process in partnership with business.
Disruption to business caused by the investigation / remediation process	If working in partnership with capable entities, these processes can occur with little or no disruption.
Reputational harm of finding and reporting abuses of labour rights in their supply chain and resultant loss of revenue caused by it	There is a heightened risk of reputational harm and consequent financial losses if exploitation is found independently. Research demonstrates that consumers will reward efforts to rectify incidents of exploitation.
Exploitation-free products and services will cost more, and therefore negatively impact sales margin, revenue and their customer base	Redistributing revenue along the supply chain and the cessation of exploitative suppliers can yield greater returns, enabling product prices to remain competitive and businesses to continue to generate profit.

Emphasise the economic benefits of transparent supply chains

Labour exploitation in supply chains damages the economy. Productivity among those exploited in the labour force diminishes revenue circulating in the economy. Those who are exploited and exploit; who operate in the cash-based, informal economy also deprive the government of significant taxes. And, the oft shorter lifespans of people who are exploited, particularly those working in hazardous conditions, deprives the national workforce of human and economic potential. When labour conditions are protected, these economic realities are reversed which generates financial dividends for the local economy and government.

Maximise the benefit of Parliamentary debate

Discourse on the weaknesses of other supply chain transparency laws to achieve their objective, provides the basis for questions that should be raised during Parliamentary debate before the bill is drafted. Raising questions about how the legislation can be structured to ameliorate those weaknesses, offers the opportunity to garner support while also finding solutions to difficult challenges. If unanswered, the government will need to face and answer these questions while the bill is being debated.

Draft comprehensive legislation on supply chain exploitation:



Based on analysis of the capacity and effectiveness of existing supply chain transparency legislation to eliminate labour exploitation, there are a number of fundamental provisions it must include:

- **Applicability** to all businesses with their headquarters, or any part of their operations taking place domestically.
- No, or a low **turnover threshold** for businesses to be required to comply with the legislation.
- A **central repository** for the publication of **reports**.
- Clear, comprehensive and mandatory **due diligence and reporting requirements** which include all three levels of transparency as outlined in the Chapter on Modern Slavery Crimes.
- The establishment of an **independent commissioner** with powers to support businesses to comply with the spirit and substance of the law, and to monitor compliance over time.
- The availability of **scaled subsidies** enabling smaller businesses to manage the financial and human capital requirements of supply chain investigation and remediation of labour exploitation.
- **Application of the law to governments** and, therefore, public procurement.
- Appropriate civil **penalties for non-compliance** and criminal penalties for businesses that do not remediate incidents of labour exploitation found in their supply chains.

Create support amongst external stakeholders:



Consulting, engaging and securing partnership among external stakeholders will assist in creating support for the legislation. Their respective interests create the foundation for **mutually reinforcing support and partnership**. It also ensures that the range of provisions it is necessary to include in the legislation are included and discussed ahead of the legislative drafting process.

Business: addressing the concerns of business (see above) creates opportunity for support and partnership. Business must comply with the legislation, and while penalties should be put in place to incentivise compliance, a more favourable environment is one where business is a willing partner in progressing towards transparent supply chains.

Workers: insofar as transparent supply chains shine a light on labour conditions as they exist along supply chains, workers are its primary beneficiaries. Trade unions, other collectives of workers, or individuals, are important constituents to engage to ensure that existing labour conditions are understood and their related concerns incorporated into the scope of the legislation.

Consumers: are often unaware of the labour conditions prevalent among those who make the things they buy. Creating that awareness is important to secure their support. This can be achieved through consultation with consumer groups and media coverage of issues related to abusive supply chain labour conditions. The ascendancy of ethically conscious consumers globally demonstrates that consumers will vote with their wallets and veto brands that do not demonstrate their supply chains to be free of exploitation.

Investors: particularly those within the growing group of socially aware investors do not want to invest in companies that do harm. Not only is this an ethical imperative, but there is a financial risk associated with investing in a business when its supply chain labour conditions are unknown. The reputational risks of findings labour exploitation have in most cases globally negatively impacted share value based on loss of revenue based on customer veto.

Insurers: also have an ethical and financial incentive to become advocates for supply chain transparency in cost to them of paying claims for disruption to and loss of business when exploitation is found in supply chains.

Lenders: have a similar opportunity to offer support in the risk of non-repayment of loans when there are disruptions to supply chains and therefore the business, based on incidents of exploitations.

NGOs: are a rich source of research and contemporary knowledge about local labour conditions. NGOs concerned with human rights will be strong supporters of legislation, will share knowledge with consumers and other stakeholders, and can become useful allies to support the implementation of the legislation.

Media: can publicise information about labour conditions in local supply chains as well as links in the supply chains of products available locally. They can also then garner support by demonstrating who is, and is not supportive of supply chain transparency requirements.



In focus: Brazil good practice example of monitoring supply chain exploitation

In 2004 a Ministerial Ordinance established an independent monitoring agency to receive and investigate complaints about business employing forced labour internally or in their supply chains. We included the company's details in a list made available to the public. The agency's decisions were reviewable administratively and by the courts. In addition to appearing in the list, the business could also be penalised through both criminal and commercial sanctions including: freezing its assets, denial of government subsidies, ineligibility to tender for government projects and inability to access credit through public and private financial institutions.

When listed, a business was then watched by the monitoring agency for two years. Until fines were paid and labour conditions rectified, the name of the business was not removed from the list.

The list was an enormous success. The business community accepted it and even ceased working with, or extending credit to listed businesses. Consumers also got behind it, boycotting listed businesses along with any other businesses seen to be transacting with them.

Influencing a business' operations this way remains the most progressive and impactful supply chain transparency and remediation strategy globally.

Since 1995, more than 50,000 people have been liberated from slavery and slavery-like conditions in Brazil.

TOP TIPS ON POLICY CREATION



Rt Hon. David Hanson MP
Member, UK House of Commons
Member, Public Bill Committee on the UK Modern Slavery Bill
Chair, CPA UK Modern Slavery Project



Rt Hon. Frank Field MP
Member, UK House of Commons
Chair, Joint Committee on the Draft UK Modern Slavery Bill

- **Understand the problem and have clear policy objectives to achieve.**
Whilst that sounds simple it is absolutely vital to have clarity about what the challenge you are trying deal with is and how the policy solution impacts upon it. In doing this any parliamentarian will be helped by three key sources: their **own political conviction** and that of their **party**; **pressure from their constituents**; or the **impact of outside interested parties** – such as lobbyists, charities or business. A government Minister may have a fourth source: namely wise and sensible suggestions put to them as policy from the full time administration of the Government. Either way the key is clarity, conviction and confidence.
- **Gather wide support.**
In gathering widespread support for the provisions, it is critical to **know the strength of the argument**, but also to be aware of **where the attacks will come for the policy proposal**. The narrative that the politician gives will help frame the argument. Any good legislator needs to be **aware of the arguments** that those who oppose the idea and/or want to make it stronger will make.
- **Ensure you have evidence-based arguments.**
Facts highlight why the legislation is needed. The strongest arguments will be using information supplied from outside the legislature. Especially those who are **impacted by** the legislation.
- **Inform the media.**
Legislators should remember that what happens inside the legislature should be reflected outside in the media. This is because the media will influence how your legislation is perceived.
- **Produce policy in draft form.**
Distribute proposed policy either as a draft Bill or as a draft policy statement (i.e. white paper or green paper). This gives an opportunity for comments to be made that either can be incorporated into the final legislation or have concerns outlined.
- **Keep implementation in mind.**
Don't forget that passing legislation also involves implementing legislation. This requires the ability to **convince other legislators** that there is a **delivering plan, funding, or mechanism in place** to make it happen.
- **Consider compromises** as a means to an end.
With the Modern Slavery Act, it was imperative to get at least some provisions written into law, with the Act being amendable for later, stronger legislation.
- **Work alongside the usual channels.**
Having discussions with individuals on the progress of the Bill. This will make sure that any legislation travels smoothly through Parliament.
- **Continue working to amend legislation** once it has been made into law.

KEY POINTS FOR PARLIAMENTARIANS

- Consolidating legislation into one Act takes resources and parliamentary time that might otherwise be directed elsewhere. However, **consolidation** is also an **opportunity for new policies, wider and better practitioner understanding of powers and increased public awareness of modern slavery-related issues**.
- **Committee scrutiny** allows for **wide-ranging input on the proposed legislation** from both internal parliamentary and external stakeholders alike, but this must be **balanced with the pressures of a parliamentary schedule** particularly if there is a pending General Election. In this instance, **prioritisation and compromise** is key to ensure a Bill is passed.
- **Legislation should aim to ‘future proof’** for anticipated, new forms of criminal working and trafficking networks given the significant role of **technology** in exploitation (from social media and the internet to virtual currencies).
- **Key policies** to implement on modern slavery-related crime include:
 - a cohesive **national referral system** that coordinates law enforcement, investigators, NGOs, lawyers, and other service providers
 - **statutory defences for crimes committed as part of a victim’s exploitation**
 - **holistic victim support provision** including **access to justice** and **financial compensation**
 - **multi-agency approaches** to protecting victims and prosecuting criminals
 - legislation in line with **international protocols** to enhance regional resistance to trafficking and slavery related crime
 - knowledge and skills based **training of law enforcement and the judiciary**
 - **legally compliant contracts including minimum wages, worker control of identity documents and mechanisms to safely report exploitative working situations**
 - **prohibiting restrictions** on workers’ freedom of movements and the payment of recruitment fees by jobseekers.



THE LEGISLATIVE JOURNEY: ROLE OF CLERKS, OFFICIALS & LEGISLATIVE DRAFTERS

These boys have already been working for 12 hours. They are shivering. It is impossible to know whether it's the cool breeze or fear of empty nets that is making them shake.

Photo credit: Lisa Kristine photography / The Human Thread Foundation

SUMMARY

Parliamentary clerks and officials have a diverse range of tasks in supporting legislation as it becomes law. This can range from advising parliamentarians on the best route for bill introductions; drafting bills; advising on the wording of amendments; briefing relevant parliamentary committees and submitting final scrutiny reports on proposed legislation.

Such is the scope of responsibilities that good practice is equally varied and exhaustive. This can cover issues of the true aim of a bill - is it for awareness raising or to become law? How controversial is the bill and how many amendments can be expected as a result? What is the scope of any legislative scrutiny body and how can this be married with the wider governmental agenda or cross-party consensus? What does collaborative working look like in the context of the bill - how can information sharing lead to better legislation with wider political support? Overall, the role of the parliamentary clerk / official is to juggle these difficult concerns while keeping legislation at the heart of discussions - to produce as relevant and in-depth a bill as is feasible and politically passable.

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The Legislative Journey: Role of Clerks, Officials and Legislative Drafters



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LEGISLATIVE OVERVIEW AND VARYING ROLES OF CLERKS



Adam Mellows-Facer
Clerk, Joint Committee on the Draft Modern Slavery Bill
UK Parliament

The following is based on the UK 'Westminster' system so this will vary by legislature but the below may provide some insight into opportunities for and responsibilities of clerk involvement in the legislative process.

Clerks offer impartial advice to Members on all types of Bills and stages in the legislative process. Dependent on the circumstances, the nature of that advice can vary. For example:



Private Members' Bill



The Clerk of Private Members' Bills will be closely involved in:

- Advising on the **best route for introduction**; and
- Assisting with the **drafting of Bill titles** and of **the Bill itself**, if requested by the Member in charge.



Government Bill



The Clerk of Legislation will be involved in checking the pre-introduction criteria of Government Bills. Otherwise, Clerks will have no involvement in their preparation or introduction.

At the stages when Members seek to amend a Government Bill, Clerks will likely:

- advise on whether **proposed amendments are in order**
- assist with the **drafting of amendments**.



Legislative Scrutiny
by a
Select Committee



The Clerk of the Committee will be closely involved in this process. In particular:

- **briefing the committee**
- **drafting a final report.**

CREATING LEGISLATION

When advising Members on *introducing legislation*, Clerks will give particular consideration to the following points:

- Whether **introducing legislation is the most appropriate course of action** based on the Members' intentions. For example, it might be more effective to table an amendment to a Bill already before the House.
- What the **most appropriate method of introduction** is.
i.e. a presentation bill or Ten Minute Rule Motion. In the UK Parliament, a presentation bill can be done on any sitting day, whilst ten minute rule motions are only available on certain days and slots can be hard to come by.

The first option might therefore be more appropriate if the Member wants a quick introduction, for example to be timed with an external campaign, whilst the second might be better suited to a Member who is not concerned about timing but who would like to make a speech about the Bill.

- The **prospects of success** and whether this is a **true concern to the Member**. Few Private Members' Bills become Acts, however, this might be of little concern to a Member whose primary motivation is to raise awareness of, or demonstrate action on, a particular issue.

AMENDING LEGISLATION

When advising Members on *amending legislation*, Clerks will give particular consideration to the following points:

- Whether a proposed amendment is in order, particularly whether it is **within the scope of the Bill**, and therefore likely to be selected for debate.
- Whether the Members' objectives are best achieved via an **amendment to the existing Bill text** or as a **new clause**.
- What the **desired end result** is. For example, a Member seeking genuine change to legislation will require a more accurately drafted, legally sound amendment, compared to a Member wishing to use the amendment as a hook for debate.
- Whether **any earlier debate** on the subject of the amendment should **influence its content**. For example, in order to attract cross-party support or to avoid immediate objections from Government.

CONSOLIDATING LEGISLATION

Modern slavery-related crime is an issue that has implications across Government. Our experience drafting a more extensive draft Bill for the pre-legislative scrutiny Joint Committee was of seeking advice on a vast range of issues, from criminal justice and human rights to social security and company law. This necessitates drawing on a wide range of expert legal support.

Expert advice is invaluable in identifying current legislation, weaknesses or incoherence which may benefit from consolidation or clarification. It is also, important, however, in identifying parallels in areas where similar problems have been resolved. The Committee's draft Modern Slavery Bill included provisions based on existing mechanisms for company reporting (adapted for supply chains) and existing measures for asset seizure (adapted for the proceeds of slavery).

In seeking such advice, the clerk must be aware of the relative merits of in-house advice and formal oral or written evidence. A law based on consolidating existing law or adopting established precedents, domestic or international, may be more politically credible than a Bill that appears to start from scratch.

Legislation is also not always the answer to a problem. Just because there is a modern slavery / human trafficking / forced labour bill does not mean that it has to encompass every aspect of modern slavery. Some concerns may be best addressed through non-legislative policy change, or simply better deploying or resourcing, existing law and institutions.



PRE-LEGISLATIVE SCRUTINY

A key decision of a pre-legislative committee is **defining its objectives**. Does it want to suggest technical improvements to a Bill, or does it want to return to first principles and, potentially, suggest a radically different approach?

Many factors affect this decision. Among these the **politics** of the situation (how genuinely consultative the Government intends to be), the potential for **cross-party consensus**, the nature of the draft Bill, and the **motivation** and **expertise** of the Committee.

In the case of the UK draft Modern Slavery Bill, all factors pointed to extensive and ambitious pre-legislative scrutiny. A group of dedicated and expert parliamentarians devoted an enormous amount of time to pursuing a broader and more ambitious Bill on a cross-party basis. But that will not always be feasible.

The Clerk's role is to understand the circumstances and **adapt the approach of the secretariat accordingly**. The UK pre-legislative scrutiny team supported a very extensive evidence programme and drafted a report, including an alternative draft Bill, which proposed substantial additions to the Government's proposals in areas such as victim support. This was ultimately successful.

In other circumstances, however, this could have been counter-productive. Where legislation has less momentum for change and there is less cross-party consensus, a **focus on securing government support for incremental improvements to proposals** can be a more effective approach.

POST-LEGISLATIVE SCRUTINY

A few years after new legislation has come into effect, post legislative scrutiny gives the opportunity to review whether legislation is achieving its objectives.

Despite this, post-legislative parliamentary scrutiny is still to take off in the UK. This is partly because **political priorities move on**. The parliamentarians who were instrumental in achieving the initial change may be in other jobs or feel they had achieved their objectives in getting the law passed. A different Government which does not feel a sense of ownership of the legislation, may be in power. It can also be difficult to firmly establish whether the law is having its intended affect. This might be due to problems of measuring success or establishing a counter-factual.

As with any select committee work, important factors in success are determining the scope of work, gathering and marshalling evidence effectively and focusing on objectives. The **effects of legislation can be difficult to distinguish from those of policy or resourcing**.

A key starting point is **establishing the expectations of government monitoring**, and **what information they should collect and provide** to support scrutiny. As ever, establishing a **constructive relationship with government**, with **both sides committed to assessing** and, potentially, **improving** legislation or its implementation, is paramount.

WORKING COLLABORATIVELY

Select committees in the UK Parliament have an established culture of collaboration and consensus. This is in stark contrast to the very adversarial nature of the House of Commons chamber or, often, legislative committees.

Along with the evidence-based inquiry process, this is the great strength of the select committee system. It is a lot harder for the Government to ignore a unanimous cross-party report than one written from a single party perspective. This is especially the case if a report has cross-party and cross-House support from the upper and lower chambers.

Finding common ground does not need to be establishing the lowest common denominators: politicians with very different ideological perspectives can agree on technical or administrative matters, or convinced by the same persuasive evidence. Members can also trade priorities, or find positions of compromise.

A parliamentary committee's relationship with government is of fundamental importance. Committees do not exist in isolation – they seek to influence, and primarily influence government. Change is far harder to achieve without government support. Whether that support is secured through collaborative working or pressure, communication with the government is crucial.

At staff level, the Bill team will have extraordinary knowledge of their legislation. They may well have considered problems or possible solutions that arise during an inquiry. While a scrutiny relationship should not be cosy, information exchange and mutual understanding can result in better legislation with a broader base of political support.

ROLE OF A LEGISLATIVE DRAFTER OR PARLIAMENTARY COUNSEL



Esther Freda Apolat
Legislative Drafter
Parliament of Uganda



- **Analyse proposed legislation:** Parliamentary Counsel can examine legislative proposals and guide Members of Parliament through their analysis to assist their understanding of the proposals and where they might want to direct their attention.
- **Prepare legal research:** where Members of Parliament require deeper understanding on specific areas of law, parliamentary counsel can provide this in depth research, perhaps including reviews of other relevant legislation nationally and internationally.
- **Draft effective and appropriate legislation:** parliamentary counsel can ensure proposed legislation is in line with constitutional requirements, existing domestic legislation including common and customary law, and in line with international standards. Counsel can also ensure bills are intelligible, precise and free from ambiguity and / or vagueness.
- **Brief parliamentarians on relevant points of the legislation:** during consideration of any Bill, Members of Parliament may hold meetings and conferences with a range of stakeholders. Parliamentary counsel can provide insight on the legislation to parliamentarians in advance of these meetings and ensure the interests and wishes of the people are considered at all points.

KEY POINTS FOR CLERKS OR LEGISLATIVE DRAFTERS

- In the process of creating new legislation, it might be pertinent to consider whether **legislation is the best course of action** for the desired effect, i.e. would an amendment tabled in the House, a presentation Bill or a relevant motion be of more use? This might be the case if the Member wishes to raise awareness of an issue rather than immediately legislate.
- Clerks or drafters should also consider **any earlier debate** on a prospective amendment/piece of legislative change and incorporate these views as appropriate, particularly where they may attract cross-party support or avoid immediate objections from the Government.
- **Expert advice** can be invaluable in identifying weaknesses or incoherence in existing legislation, and where best to direct energies relating to consolidating or strengthening this legislation. Expert advice can prove useful in drawing pertinent **solutions from parallel legislative situations** where similar problems were resolved, either nationally or internationally.
- For said advice, clerks, officials and legislative drafters should be aware of the relative **merits of in-house legal counsel** as well as **formal or oral evidence**. Proposed legislation based on precedent might be more politically passable than a bill which appears to create policy from scratch.
- For pre-legislative scrutiny, it is critical to understand the **politics of the legislative context** (in particular, cross-party support, the expertise and motivation of Members and how willing the Government are to be truly consultative) and adapt the approach of the legislating stakeholders' accordingly.
- In post-legislative scrutiny processes, a key starting point can be to **establish the expectations of government monitoring** and **which information needs to be collected** to support scrutiny. In these situations, establishing constructive relationships cross-party and with Government is paramount to assessing and, if needed, improving legislation or implementation mechanisms.
- Select committees producing cross-party reports on an issue are politically much harder for Governments to ignore than any one party or Member advocating change. As such, it is key in parliamentary committees that Members find positions of compromise, whether by collaborative working or pressure exerted. The ultimate aim of **parliamentary committees** are to influence Government, so **continued, effective communication at all stages with Government** is also crucial.
- Within the legislative bill team, there will be significant in-depth knowledge of the issue and the legislation; so **information exchange** and **mutual understanding** can result in better legislation with a broader base of political support.
- Parliamentary counsel can provide critical support in **not only drafting legislation but briefing parliamentarians** on key policy points and **ensuring that the interests of the public and other stakeholders are considered**.

A woman with dark hair pulled back, wearing a red cardigan over a patterned orange and black dress, sits on a patterned rug. She is looking directly at the camera with a neutral expression. The room has a textured, light-colored wall and a wooden door in the background. The rug she is sitting on has a repeating floral pattern in shades of orange, yellow, and white. A red mat is partially visible under the rug.

IMPLEMENTING LEGISLATION EFFECTIVELY

Sex slavery is rampant at cabin restaurants in Kathmandu. Poor young people flock to the city, desperate for jobs, and end up in small restaurants with tiny, private rooms. One cabin worker described it this way, "Nice people eat and go. But those that are not nice, they try to abuse us." Priya was enslaved in a restaurant for three years before being rescued by activists who helped her start a small business.

Photo credit: Lisa Kristine photography / The Human Thread Foundation

SUMMARY

In all stages of the legislative process, implementation must be at the forefront of discussions and decision-making. Ensuring legislation has the desired effect when it is passed while providing space for prospective amendments means engaging with relevant actors and agencies, incorporating monitoring mechanisms and taking into account regional and international best practice.

Particular consideration could be paid to the role of a parliamentarian in raising awareness in constituency and nationally; the roles of civil society, law enforcement, judiciary, an anti-slavery commissioner, technology, the media, and businesses as agents of implementation.

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ROLE OF PARLIAMENTARIANS IN IMPLEMENTATION

Vernon Coaker MP
Member, UK House of Commons
Co-Chair, All Party Parliamentary Group on Human Trafficking and Modern Slavery



APPGs



NGO support



Parliamentary
Questions



Legislative
Amendments

Individual Parliamentarians have played a significant role in raising the profile of Modern Slavery in the UK and creating legislation to address the issue. I currently chair the All Party Parliamentary Group on Human Trafficking and Modern Slavery – we play a crucial role in the tackling of this heinous crime. Our objective is to scrutinise, review and strengthen legislation whilst raising awareness of the issue, in our effort to combat Modern Slavery and Human Trafficking once and for all. The All Party Parliamentary Group (APPG) has a cross-party membership of MPs and Peers, meeting bi-monthly to provide a forum for evidence-based discussion as to the nature and scale of modern slavery and to seek the means to eradicate it.

The APPG played a significant part in the passing of the Modern Slavery Act and now looks to make sure the legislation is effectively implemented, meeting regularly to discuss issues relating to the protection and support of victims and prosecution of their traffickers. The APPG is supported by a specialist NGO, the Human Trafficking Foundation, who provide the secretariat to support the group and of which I am also a Trustee.

A large part of encouraging engagement is to place the issue of Modern Slavery on the Parliamentary agenda.

Structures through which **Parliamentarians can engage on the issue** include **attending APPG's, holding inquiries on related issues, tabling written questions, asking oral questions, applying for backbench debates, through Private Members Bills or tabling amendments to bills.** These methods can be hugely effective.

For example, I called for a backbench business debate, which requires wide cross-party parliamentary support, on the 'Implementation of the Modern Slavery Act' in October 2017. My backbench debate prompted the then Minister to announce some important reforms to some aspects of Modern Slavery Act.

As parliamentarians we were able to hold government to account and trigger a response in the form of commitments to reforms.

Rt Hon. David Hanson MP
Member, Public Bill Committee on the UK Modern Slavery Bill
Chair, CPA UK Modern Slavery Project



If you have **built broad support for change outside of the legislature** and ensured that public opinion is supportive you will have secured one of the most important steps in implementing legislation. Having a public support ensures **pressure can be put on the Government, or if in government, applied on the leadership.**

Legislative change is never a quick process and that is why patience is needed to ensure the evidence is visible for all involved. Once the evidence is collated it can be used through debate and this will ensure that you have better prospects at influencing key individuals. Remember it is **not only the executive** that needs to be convinced of your arguments but the **civil service, other party leaders and external actors.**



Kevin Hyland OBE
UK Independent Anti-Slavery Commissioner



In focus: government procurement

Governments spend, on average, billions annually in buying goods and services at national and local levels. Companies are keen to win, and retain, government contracts; this makes public procurement a powerful tool for encouraging good business practices. Additionally, if parliamentarians wish for businesses to address modern slavery and human trafficking within their own operations and supply chains, it is logically consistent for them to address the same thought to their own activities.

This can be included within legislation in a variety of ways, depending on the national appetite for complexity and resource intensity.

For example, legislation could mandate that government undertakes auditing and other due diligence processes to ensure that any companies which supply it are free from forced labour. This would mirror the work undertaken by the best private sector companies which are scrutinising and inspecting their suppliers.

Or if parliamentarians wish for legislation to require fewer resources from government, new modern slavery laws can include a **requirement for public procurement teams to ask how companies are addressing the potential risks** of forced labour and human trafficking within their operations and supply chains.

If legislation includes a requirement for 'transparency in supply chain' statements from businesses, it can ask whether companies comply with this and request a copy of that statement. Examination of the answers received should feed into decision-making when choosing which companies should be awarded contracts, but such questions are also useful because they prompt company thought around this issue.

Legislation should therefore take public procurement into account for two reasons: firstly, because it **helps to ensure government is not complicit in forced labour** by using products or services which have used it; and secondly, because by doing this, **government can spur corporate action to address this crime.**

ROLE AND TRAINING OF THE JUDICIARY



Caroline Haughey
Barrister, Furnival Chambers
Author, UK Modern Slavery Act Review

Any new piece of legislation requires judicial education and understanding in order to achieve successful implantation, but of course balanced within the pillars of the state: executive, legislature and judiciary.

The **judiciary were involved in acknowledging and working with the law as it was prior to the introduction of the UK Modern Slavery Act**. Indeed, during the evidence gathering and committee stages of the Act, members of the judiciary provided evidence. Furthermore, a senior committee member was a retired Court of Appeal Judge, which reflected the collaborative approach adopted in order to ensure the creation of an Act that was fit for purpose.

The Modern Slavery Act brought about changes in definition, approach and formalisation of the modern slavery defence, all of which have impacted on the judicial approach in such cases. It should be noted however that the Common Law in this jurisdiction has to all intents and purposes run in parallel with the development of the statute. In practice this meant the following changes:

- Practice directions had been out in place ensuring that only appropriate judges could hear the cases;
- Court of Appeal case law required advocates and judiciary alike to ensure that vulnerable witnesses had appropriate cross examination;
- The Sentencing Advisory Council added notes on the extended sentencing powers conferred under the Act;
- The Court of Appeal in line with the changes in sentencing powers set guidance through case law;
- The Court of Appeal have considered the definition of modern slavery and indeed such case law played a fundamental role in the drafting of the Modern Slavery Act.

Perhaps most effective was the national training rolled out post the Modern Slavery Review, a document crafted jointly between judiciary and practitioners which ensured that ALL members of the Circuit Court Judiciary were trained on the relevant elements of the Act.

Collaboration between the Circuit Court Judges, the Bar Council and the Inns of Court together with the Crown Prosecution Service has ensured that vulnerable witness training is a requisite.

The judiciary sought to ensure that at both Circuit Court level and Appellate level that **the Act fulfilled its intention**, through **establishing good practice, elaborating on definitions and providing a formalised sentencing matrix**.

The Modern Slavery Act, having come into force in August 2015, changed the landscape of Modern Slavery cases before the Court. There was a significant **increase in the number of prosecutions that were taking place** and an **increased need for a greater number of the judiciary to be trained in how to deal with such vulnerable witnesses**.

There was also a growing awareness that section 45 had formalised the “slavery and exploitation” defence that had been acknowledged in case law and such cases could, due to the nature of the criminality that was involved, end up in front of any judge from Magistrate’s Court to Crown Court.

Prior to the Modern Slavery Act review, a practice direction had been implemented requiring **all trafficking / exploitation cases to be heard by specifically trained judges**. During the review, however, it was acknowledged that training had not gone far enough and that in light of the increase in cases and the implementation of section 45 **all judges required training**.

A **training manual was crafted jointly by practitioners and judiciary** in order to consider all ambits of the criminal justice elements of the Act and their effect. Providing a go-to manual for all members of the judiciary ensures they have a constant resource. Judges have also undertaken a vulnerable witness course and **this has been transformative in their understanding of the complexities of such a trial without effecting the overall fairness of proceedings**.

As a result of this training resource, in the UK, within eight weeks of the completion of the review, every judge had the material available to enable them to properly preside over such cases. However, the best training is experience.

TOP TIPS FROM PROSECUTORS

- Look at who your complainant and who they have been **allowed to communicate with**. Who can they talk to in their family and in what circumstances?
- Look at the means you can use to **enhance their ability to give evidence**. Can they do a pre-recorded interview, give evidence behind a screen or remotely from a different location? How can you best help your complainant give best evidence?
- **The absence of evidence can be as strong as the presence of evidence**. If there is no record of the existence of someone or a sudden absence from receiving education, work, benefits, medical treatment etc. ask why – is because they have been under the control of someone and deprived of this access?
- **No victim does not mean no trial**. Look at your surrounding evidence, can you independently verify the exploitation through eye witness accounts or other sources such as employment records?
- **Forms of communication**. Look at not just calls but where those calls take place and for how long and to whom. Look at other forms of communication e.g. WhatsApp – if your defendants have all of this why doesn't your victim if they are leading a normal existence?
- Look at your **accused's finances**. Do they have a legitimate source of income to support their lifestyle? Look at any money they are transferring abroad and why and to whom? Do they live a cash rich existence and if so why?
- Often these cases and or investigations have an international element. Are there **means by which you can obtain evidence from foreign jurisdictions and / or can work with them?**
- Consider how you are presenting your case to the court. Can you make it pictorial and credible? Remember **you are telling a human story**.
- Think outside of the box, if you don't have a modern slavery act, what **alternative pieces of legislation or common law can you use** (kidnap, false imprisonment, child cruelty etc.)? Break down what has happened to the complainant and consider prosecuting each element of that criminality.



Pam Bowen CBE
Senior Policy Advisor
Crown Prosecution Service (CPS)



Parosha Chandran
Leading UK Anti-Slavery Lawyer
Expert and Legal Adviser to the CPA UK Modern Slavery Project

- Work with Government policy makers and legislators to ensure you have the **right framework of laws, tools and powers to enable effective international cooperation**; extradition; Mutual Legal Assistance; powers for evidence to be obtained and exchanged; overseas freezing orders for asset recovery.
- **Enable witnesses to give evidence from overseas** through live TV/phone link.
- Have the right **organisational approach**: use resources effectively and ensure you have **prosecutors with appropriate legal expertise, skills, and experience**, working in specialist prosecutorial teams that deal with complex international organised crime casework, extradition and proceeds of crime.
- **Build networks and relationships with prosecutors and officials overseas** to improve the delivery of investigations, prosecutions or the recovery of assets.
- **Establish a Joint Investigation Team (JIT)**, which is an international cooperation tool based on an agreement between the authorities of two or more States – both judicial and law enforcement – to carry out criminal investigations in one or more of the involved States.
- Make a **financial investigation strategy an integral part of each overseas investigative approach**, backed by asset-sharing agreements with the overseas parties and collaborate to improve the understanding of money flows across borders.
- Work with other countries to help **identify tailored and culturally sensitive packages of support for victims**.
- **In-country information should be collated to assist in how evidence is provided**, e.g. cultural, gender issues, but also to assist the court in understanding how / why victims are recruited and trafficked.
- **Ensure effective measures are in place for victims' care protection and support** and ensure their **immigration status is regularised to secure their cooperation**.
- Use **proactive methods of investigation and intelligence-led investigations to reach higher up an organised crime group**. This will reduce the burden of proving a case from the victim and ensure strong case-building from before the arrest to remand in custody and charge.
- **Debrief, learn and share lessons** at the conclusion of cases, whatever the outcome – share this with investigators and prosecutors from all jurisdictions involved.
- **Be prepared to travel overseas** to obtain the necessary evidence / co-operation.
- Consider **placing prosecutors in countries overseas which present greatest threats**, to improve cross-border cooperation, share expertise and build contact network.
- **Develop bilateral agreements or Memorandum of Understandings (MoUs) with priority countries to deepen co-operation**.
- **Ensure media publicity of successful prosecutions in all countries involved to improve public awareness in all source, transit and destination States**.

LAW ENFORCEMENT GOOD PRACTICE



Eleanor Bird Lenawarungu MBA. BA. FRSA
Senior Technical Advisor. Gender, Peace and Security
Retired Police Officer

We can easily define the role of law enforcement in tackling modern slavery-related crimes if we agree that modern slavery legislation is about three critical things;

- To protect those who are vulnerable to exploitation
- To define moral values and expectations
- To define fair and humane consequences for those who exploit others

Law enforcement has a critical role to play in establishing trust and confidence with its communities; creating platforms for gathering and analysing intelligence, assessing risk and developing timely and effective interventions to prevent crimes.

Intelligence allows us to identify opportunities to commit crimes, potential victims as well as perpetrators. Trusting relationships ensure law enforcement has timely access to accurate information. Integrity and professionalism in operations secures convictions, reaffirms our values, disrupts networks of criminality and protects others from harm.

Understanding the complexity of the environments within which so many victims originate, enables law enforcement to present the most effective means of intervention. Raising awareness and mentoring might be sufficient to minimise risk and prevent crime, on the other hand formal implementation of protection measures in accordance with legislation might be necessary for those deemed most at risk.

Operating within the true spirit of legislation; and its purpose, with professionalism and integrity is an effective means by which we define the moral values and expectations of society.

'Law enforcement is an integral part of the moral compass of our societies; to act without fear or favour, to protect those in greatest need.'

'Failure to do so is to be complicit in these crimes.'



ACP Patience A. Quaye
Deputy Commandant
Ghana Police Academy



Good practice is a **proactive** rather than reactive **investigation**:

Reactive investigations will involve complaints being made, a risk assessment in respect to the safety and welfare of the victim and other potential victims being identified in this instance. However, if this case is taken to court, officers must rely on the victim's testimony to obtain a conviction; suspect(s) are identified but there may be no solid evidence upon which to prosecute them.

By contrast, a **proactive** approach would involve a successful **investigation not solely reliant on the victim's** cooperation and testimony; an **intelligence led investigation**; the investigation being time intensive and resourced adequately.

The role of **joint investigations**:

Human trafficking has no boundaries; joint investigations allow for the **collection of evidence in each of the jurisdictions** involved in the crime.

Joint investigations are the **most effective** and **resource efficient** option, facilitating **inter-agency information exchange** and allowing members of the investigation team to **build expertise** in tackling these crimes.

Key priorities for parliamentarians and clerks working with law enforcement

- Parliamentarians should **prioritise the issue** of modern slavery and human trafficking **with law enforcement agencies**.
- Where necessary, **appropriate laws should be enacted** to enable law enforcement to combat these crimes and relevant laws relating should be **easily made available** to law enforcement agencies and communicated effectively.
- The **necessary funds** should be allocated to tackle these crimes (facilitating the rescue, rehabilitation and reintegration of victims and prosecution of criminals).
- A **parliamentary body** could be set-up and tasked with **monitoring, follow up** and **evaluating the implementation** of law enforcement activities in this field.
- An **international platform for law enforcement** would be beneficial: to share experiences, common challenges and to raise awareness. This could share information within jurisdictions and also facilitate broader international collaboration amongst law enforcement.

ROLE OF AN INDEPENDENT ANTI-SLAVERY COMMISSIONER



Kevin Hyland OBE
UK Independent Anti-Slavery Commissioner

States should consider establishing an Independent Anti-Slavery Commissioner when developing national legislation on modern slavery. The role of an Independent Anti-Slavery Commissioner is to spearhead national efforts to tackle modern slavery and related forms of exploitation. To be fully effective it is important that the Commissioner is independent, in name and practice, from the Government and has the necessary powers to request information from relevant statutory authorities and hold them to account. His/her office must be adequately resourced to undertake the work necessary.

The Commissioner must be able to look across all areas of the 4-Ps framework – Prevention, Protection, Prosecution and Partnerships. The Commissioner should be mandated to undertake a range of activities to fulfil his/her role, such as undertaking or supporting (financially or otherwise) the carrying out of research; providing information, education or training; making recommendations to any public authority about the exercise of its functions; co-operating with or working jointly with public authorities, voluntary organisations and other persons, nationally or internationally.

To help direct his/her work, and inform others of his/her intentions, the Commissioner should publish a Strategic Plan and report annually to Parliament on the activities undertaken. To provide the best of independence this should also feed into a cross-party committee where such arrangements exist. Ideally, the Commissioner should have a communications strategy and website to share these and other key documents, and provide contact details through which members of the public can get in touch with the office.

UK Independent Anti-Slavery Commissioner's strategy:

This strategy is focussed on five areas which are closely linked with the 4-P's framework of the UK Organised Crime Strategy and the four pillar approach developed by the Council of Europe Convention on Action against Trafficking in Human Beings in 2005: preventing trafficking, prosecuting offenders, protecting victims and forming partnerships to fight trafficking.

- **Victim identification and care:** Improving efforts to identify potential victims is essential. Professionals need to be adequately trained to identify modern slavery and deliver a victim-focused approach and support services must be adequately resourced to ensure they can provide consistent, high-quality care.
- **Law enforcement and criminal justice:** An improved law enforcement and criminal justice response is necessary to address human trafficking as the serious and organised crime that it is. Traffickers should be relentlessly pursued through proactive policing as well as capacity building to disrupt and dismantle criminal networks.
- **Partnerships:** Coordination needs to be strengthened to ensure a holistic and strategic response. This means promoting and facilitating best practice in partnership working, and encouraging improved data sharing and high quality research into key issues.
- **Private sector engagement:** The risks of slavery in supply chains across the world have become much greater. Engaging with the private sector is essential to promote policies to ensure that supply chains are free from slavery and to encourage effectual transparency reporting.
- **International collaboration:** Truly effective prevention must start in countries of origin to prevent vulnerable people from being exploited in the first place. There must then be enhanced collaboration with partner governments, agencies and civil society organisations, with a focus on community engagement and awareness, and the development of economic opportunities.

WORKING WITH CIVIL SOCIETY TO EMPOWER COMMUNITIES

Sir Peter Fahy QPM
Chief Executive Officer
Retrak



The fight against modern slavery and trafficking depends on creating civil society networks at national, regional and local levels bringing together not only statutory agencies but crucially, business, community and faith groups, NGOs and local people.

The broader the network, the more likely it is that information will be gathered and shared, negative cultural attitudes can be challenged and that civil society as a whole can identify those individuals and businesses using slave labour.

Many victims are too scared to approach state agencies and so NGOs and faith groups can often act as a **conduit for victims**, create safe places and offer long term support. Local community groups can **identify buildings in their neighbourhoods** which are being used to house trafficking victims or places where victims are trapped in illegal sex work and other forms of forced labour.

Civil society organisations can work together to **agree and tackle the drivers of trafficking and slavery** to strengthen families and communities, to **raise awareness** of the dangers and the grave risks faced by those who use people smugglers or false offers of employment in foreign countries which turn out to be slave labour.



Phillipa Roberts
Director of Legal Policy (Solicitor)
Hope For Justice

Parliamentarians can work with victims, civil society organisations and communities in a range of ways. Solutions that create a hostile environment for exploiters can include:

- **Listening to the voice of victims** - they are the experts and bring understanding of the issues and solutions;
- **Raising awareness in parliament and asking for legislative/policy changes required;**
- **Region-specific awareness campaigns** engaging all members of society on the issue;
- **Developing or repairing of fractured systems** e.g. child protection and / or criminal justice systems;
- **Identifying training needs** in agencies;
- **Developing specialist projects to address specific implementation issues** e.g. front line training, victim advocacy services, long term care.

From this, key actions to take are to **determine what success looks like in your country and how can this be measured and improved upon.**

COMMUNITY AWARENESS - RAISING



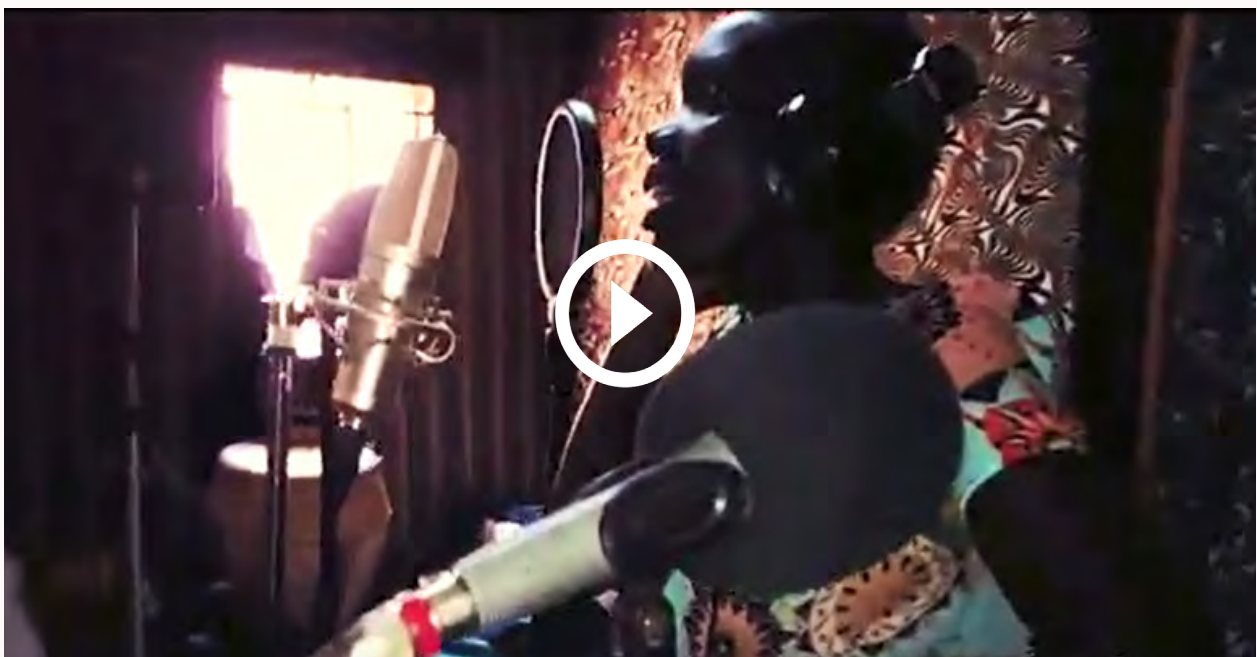
Agnes Igoye
Aspen New Voices Fellow
Deputy Chair, National Prevention of Trafficking in Persons Office, Uganda



In 2014 I launched a project with a group of artists to diminish the supply and demand of child trafficking through the creative arts. Code named the **#EndChildTraffickingUG campaign**, it was borne of the partnership between three local civil society organizations- Pallisa Community Based Initiative, FOURSUM Uganda and Wrist House Uganda. It was with the award received from Vital Voices for my counter trafficking work that I founded and launched this campaign. Reaching 11, 142 people in local communities, the campaign incorporated and utilized networks of the three organizations.

With support from community theatre artists, each community, survivor group and school worked to create and perform an hour-long performance. The material that was created, **reflected forms of child trafficking in their communities**, including child marriage, sexual exploitation, child labor, use of children in armed conflict and child sacrifice.

Performances were staged in the street, the market place during community market days, and at schools. The campaign theme song was created by child survivors of human trafficking:



As a result of these e community performances, trafficking victims like Lamuno (a 15 year old victim of commercial sexual exploitation who was exploited by her step-father) came forward to share their experiences. You can listen to Lamuno's story at: https://www.youtube.com/watch?v=JahQxjTn_DU&t=36s.

BEYOND POVERTY: ADDRESSING RISKS TO EXPLOITATION

Maurice I Middleberg
Executive Director
Free the Slaves



Effective anti-slavery policy must include reducing the supply of vulnerable workers who can be exploited. Given that so many of the goods and services produced by slavery are for domestic consumption and that traffickers and slaveholders systematically prey on impoverished, marginalised and stigmatized areas, protecting these communities means addressing root causes.

Poverty doesn't explain slavery; 700 million people are in extreme poverty but there are 40 million slaves. **Slavery occurs when poverty is compounded by specific risks.** Understanding, targeting and reducing those risks is therefore essential to effective policy.

The Community Liberation Model offers a comprehensive approach, based on evidence and field testing, to protect communities against risks and, as a result, vulnerability to slavery. A Harvard University evaluation of the model's implementation in India showed reduced debt bondage, the predominant form of slavery in the region studied.

The model also yields a 'freedom dividend'. As communities emerge from slavery, well-being improves. Gains include: improved school attendance; increased health care; greater household assets; higher food security; reduced household debt; better attitudes toward gender violence and child labour; heightened participation in government programs; and, more civic participation.

Key points of the community liberation model:

- **Educating and mobilising vulnerable communities** using participatory approaches that yield **new, protective behaviours**. This is accompanied by **developing anti-slavery committees** that organise the community, monitor risks, advise community members and serve as the community's advocate.
- **Enhancing the rule of law** through advocacy for better laws and law enforcement; training police and other officials; educating journalists to publish stories on government anti-slavery programs; and linking at-risk communities to government authorities.
- Ensuring **access to basic social and economic services**, including schooling, health, credit and income generation.
- **Liberation, care and reintegration of survivors** through community resistance, rescues, and access to the services that allow survivors to live in freedom and dignity. Resistance at the community level prevents the frequent syndrome where freed slaves are replaced by new victims of trafficking or the re-trafficking of survivors.

Download the community liberation toolkit here: <https://www.freetheslaves.net/our-model-for-freedom/community-liberation-initiative/>

ROLE OF BUSINESSES



Paul Gerrard
Director of Policy & Campaigns
The Co-op

In focus: Project Bright Future by The Co-op

A key element of the Co-op approach is **campaigning and advocacy on support for victims**. This is something our members and colleagues also feel very strongly about – voting overwhelmingly in support of a motion at our AGM in May 2017 committing us to campaign for victims of Modern Slavery.

'Bright Future' is a pathway to permanent employment for survivors of modern slavery. It is an initiative created by the Co-op to offer paid work placements leading to a non-competitive job interview. It is open to survivors of modern slavery who are identified as suitable by charity partners who work on the programme with the Co-op and who continue to offer regular support to those on placements. Bright Future was launched by the Co-op in March 2017 with a stated aim to provide 30 placements within one year.



Moira Oliver
Chief Counsel and Head of Policy
BT Group

BT are committed to the principles of ethical behaviour and respecting human rights. Applying these principles helps us do business responsibly as we extend our impact through our value chain.

In focus: BT example of monitoring supply chains

We check our potential suppliers before we enter a contract with them. We start by sending an ethical standards questionnaire to all potential new suppliers of higher and medium risk products and services. To decide if a product or service is high or medium risk we consider the country we are sourcing from, and the skill level of the labour force the supplier might use.

Once we get responses back, we analyse them and generate a risk score – high, medium or low. This score determines what we do next; it could be as simple as a phone interview to clarify minor concerns or any issues we identified. Or we might arrange a more detailed on-site assessment with one of our procurement team.

As well as assessments, our assessors play a vital role in building close working relationships with our suppliers around the world, working with them to improve their products and services on an ongoing basis, and checking they stick to our standards.

We have also been working in collaboration with a number of external organisations: to set up the UK Modern Slavery Helpline and Resource Centre with the charity Unseen; and hold a multi-stakeholder event with Unseen and law enforcement about the role of technology in tackling modern slavery.

We also committed to working with parliamentarians to ensure best practice with support from the UK Government's **Business Against Slavery Forum** chaired by the UK Home Secretary.



Chris Harrop
Group Marketing Director, Responsibility for Sustainability
Marshalls Plc

We are working hard to make Marshalls' business operations and supply chains worldwide as toxic as possible to the organised criminals who seek to exploit vulnerable individuals and corporations. This is not just a question of risk mitigation; victims of modern slavery are firmly at the centre of our strategy. This victim-centred response means that we work with our anti-slavery partner, Hope for Justice, its overseas operations and global network of partner agencies, to put in place an appropriate and effective response in terms of identification, rescue and remediation. This differs greatly depending on where the supply chain is; our processes and responses are significantly different in the UK compared to our work in India and Vietnam for example.

A clear victim-focused perspective, detailed modern slavery risk analysis and country profiling together with specific, measurable modern slavery key performance indicators have provided the foundation for our activity and continue to guide our efforts.

Key points for parliamentarians:

- Legislate to ensure businesses report widely and transparently.
- Demand clear evidence of risk analysis, strategy and implementation on the ground.
- Ensure that those organisations working to eradicate modern slavery derive a competitive advantage and those who do not lose out.
- Where organisations 'find and fix' - celebrate success.

Christina Bain
Director, Initiative on Human Trafficking and Modern Slavery
Babson College



Working with Business to Implement Legislation – Beyond Reporting

Critical to implementation is the ensuring of a **pro-active space for open dialogue and promising practice sharing**.

Engaging other stakeholders from civil society including anti-trafficking organisations and academia creates a strong and effective **coalition of support** to ensure successful results.

Government can provide more incentives for public-private partnerships and current public-private partnerships need to be further supported.

Hosting **regular forums for promising cross-sector** and even multi-sector anti-trafficking practices to highlight, share, and inspire would provide a **basis to further improve on existing laws** and **engage new and emerging parliamentarians focused on the issue**, as well as **new actors within the private sector**.

UTILISING TECHNOLOGY



Craig Melson
Programme Manager
Tech UK

Identifying exploitation situations and revolutionising prevention mechanisms

Internet technologies including smartphones and social media have revolutionised how we live in so many ways. However, like other forms of organised crime, technology is being exploited by those criminals engaging in modern slavery, labour exploitation and human trafficking.

Whether it is recruitment and false advertising, posing as legitimate employers, booking travel arrangements or faking documents, technology is enabling human trafficking and forced labour crimes.

However, technology also has a critical, recognised role in combatting these crimes: with a track record of assisting prevention methods, victim support, the identification of perpetrators and disrupting trafficking networks. As such, legislators and industry need to work to ensure the positive impacts of technological advances outweigh the potential threats for their exploitation.

Key challenges for legislators

From discussions with industry, NGOs and governments the following key challenges were identified for rolling out technologies in combatting modern slavery:

- **Underfunded budgets and poor procurement practices.** Law enforcement agencies and civil society organisations often have insufficient budgets, limiting the use of technology solutions which could provide a step change in their response to modern slavery. Furthermore solutions may not be available from major western Information and Communication Technology (ICT) manufacturers.
- **Poor connectivity.** Across the Commonwealth the level of fixed and mobile broadband, smartphone adoption and technical literacy varies. Poor internet access in origin/transit countries of origin or transit mean communities will have fewer options to engage.
- **Low capacity and capability.** Equally varied is the ability of law enforcement and NGOs to use ICT. Legislating for increasing procurement budgets and designing support needs to happen alongside frontline capacity building so ICT solutions are used to full effect.
- **Data sharing.** Legislators need to work with local, state, and neighbouring national Governments to have a legal framework in place for law enforcement co-operation, risk/intelligence sharing and interoperable systems that smoothly enables this sharing.
- **Balancing privacy and security.** Legislator and public confidence around data usage is fragile, with wariness around how data can be collected and used. Therefore strong data protection laws and transparency about data usage is vital for laws relating to data and law enforcement.

What technology can make the biggest difference?

The following solutions offer a way to view the 'chain' of slavery, where it can be challenged, what legislation is needed and where and what technology can be deployed.



Smartphone Apps. Can be used along the 'chain' of modern slavery for translation, checking the veracity of new employment opportunities, document storage and access to information and networks. Some legislation can be helpful in regards to rolling out mobile broadband infrastructure and market development.



NGO ICT Resources. Open platforms, case management, databases and basic laptops and mobile phones can make a revolutionary difference to smaller NGOs working within vulnerable communities. No legislation required.



National Helplines. Looking at the US and UK, national helplines often help victims get out of a modern slavery or trafficking situation by phoning a trusted central resource. Additionally, the information gained in this way can often feed into national expertise on these crimes. Some legislation/regulatory action and funding would be required



Data Management. Being able to trace population flows, offence profiles and access information/communications by perpetrators or between networks can disrupt crimes and coordinate international efforts using data analysis and easily sharable data sets. Legislation and international agreements are vital.



Identity Management. Strengthening identity checks at borders, workplaces and accessing services provides a deterrent to agents placing people in legitimate industry and disrupts cross-border trafficking. Technologies are well advanced and easily purchasable but legislation is needed to exploit the data, protect the information gathered and empower those required to check identities.



Supply Chain Transparency. Blockchain technologies can trace the flow of people, money, resources and ensure that there is compliance with laws and requirements. This is particularly useful for agriculture, mining and resource or supply chain flows. Not being able to forge documents or licences acts as a deterrent. Minimal legislation is needed to adopt this solution.

In focus: Blockchain technology used in fishing and agriculture industries

UK based start up Provenance is a company using technology called blockchain to build confidence in consumer supply chains. They do this by improving understanding of where goods have come from and how they have been sourced, to help consumers, retailers and businesses know their products have been produced free of slavery-related labour.

Looking at the journeys of food for example, all stages of the 'field to plate' supply chain are logged on an online ledger. This details information on how raw ingredients were produced through the entire supply chain to facts on the labour necessary for the final dish.

This ledger is kept online and a copy is used by every individual in the chain, meaning that everyone must keep the same records. In this case, supply chain exploitation can be identified. If records do not match (for example if the fish catch records are not the same, or audits are not carried out), an alert will then be generated and this supply chain will not be authorised.

This technology is critical as it mandates the creation of a labour log which not only de-incentivises supply chain exploitation, but also builds consumer confidence that the goods they are purchasing have been made within ethical labour practices. If over time, labour manufacturers have to comply with this technology then the futility of exploiting workers becomes more and more apparent.

Blockchain has the potential to revolutionise how supply chains function and this technology can be applied to labour practices, human rights violations, the mining of conflict minerals and any number of sustainability challenges.

In focus: Intel Artificial Intelligence technology identifying human trafficking

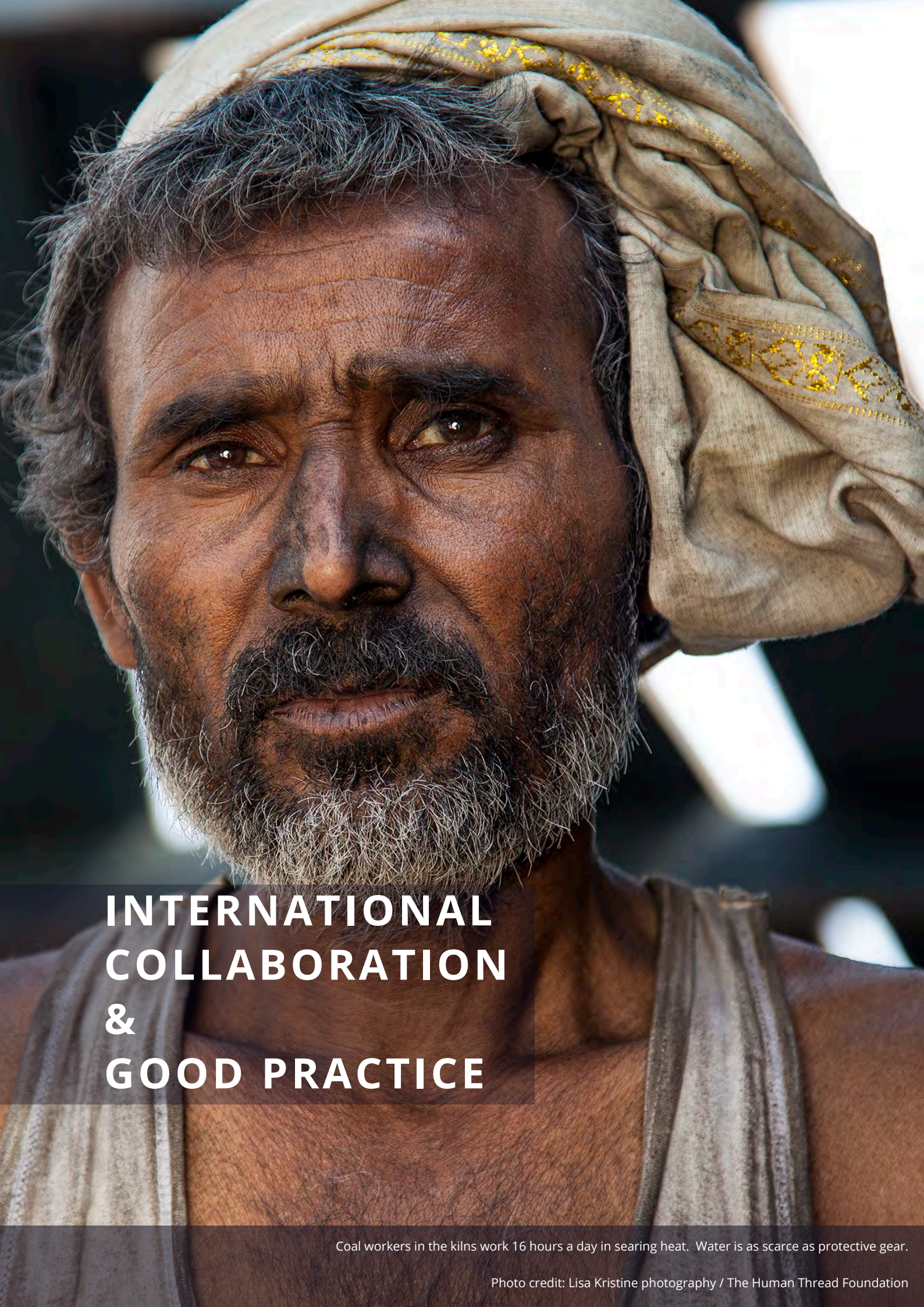
The US based technology company Intel set up an initiative looking at how its data analytics capabilities and Artificial Intelligence (AI) platforms could disrupt child sex trafficking networks. For this they collaborated with the National Center for Missing & Exploited Children (NCMEC) in the USA.

AI technology has been developed to analyse child sexual abuse content available online, in conjunction with reports of abuse made by phone calls or online. From these sources, the AI technology can recognise common items in the backgrounds of images and group together computer IP addresses. This leads to patterns of information created which can identify connections between victims and exploiters, to expose the identity or location of trafficking networks.

As the volume of reports made to NCMEC increases, this technology is becoming more and more vital. The technology is now making connections about abuse content and patterns of information faster than individuals, enabling these to be analysed by NCMEC staff, identify victims to be rescued and trafficking networks to be identified and disrupted.

KEY POINTS FOR PARLIAMENTARIANS

- Individual parliamentarians can use various structures of parliament to scrutinise, monitor and lobby for better implementation of legislation, such as with **All Party Parliamentary Groups (APPGs)**; **inquiries** on related issues; **tabling written questions**; asking **oral questions**; applying for **backbench debates**; legislating with **Private Members Bills**; or **tabling amendments** to bills.
- **Public procurement** is a powerful incentive for ethical business practices, owing to the large and lucrative contracts awarded by governments. Legislation can include auditing or other due diligence processes to **ensure that any companies bidding for government contracts are free from exploitation**.
- Such legislation can **spur similar corporate action** on ensuring supply chains are free from exploitation, as well as **avoid allegations of governmental hypocrisy** (by ensuring all government supply chains are similarly free from exploitation).
- Any **new legislation requires judicial understanding** of the **context** and **legislative detail** to ensure appropriate judgements in relevant cases. This might involve providing established good practice, a formalised sentencing matrix and definitional detail to ensure judges have the relevant material and knowledge to preside over cases appropriately.
- **Law enforcement** has a critical role to play in establishing trust and confidence within its communities; **creating platforms for gathering and analysing intelligence**, **assessing risk** and developing timely and **effective interventions** to prevent modern slavery-related crime.
- **Proactive investigations** into these crimes involve **intelligence-led investigations**, **not solely reliant on victim testimony**, **resourced appropriately** and **time-intensive**.
- **Anti-Slavery Commissioners** can be **effective agents of implementation**- spearheading and monitoring national efforts to combat modern-slavery related crime from an independent perspective and with the adequate resources to do so. This can involve **providing research, education or training**, **recommendations to public authorities**, **working with civil society**, **national or international organisations** and **reporting to parliament**.
- Key ways for **parliamentarians to engage with civil society** include **mapping specialist organisations and front line agencies** working with victims and understanding their roles; and **developing specialist community, regional or national frameworks and strategies**- with victim expertise at the forefront of these actions.
- **Business good practice** in tackling these crimes includes **close monitoring of supply chains and support to suppliers** who are identified as at risk of exploitative practices; **providing employment opportunities for victims**; **having key performance indicators to identify exploitation** in supply chains; and **working with civil society and governments** to share information and good practice.
- Following on from 'virtual trafficking' covered previously, **technology** has an increasing role in both **assisting human exploitation** and in **helping to disrupt these networks**. Technology that can be useful in identifying and supporting victims are **smartphone apps**; **national helplines**, **identity data management systems** and **technology that looks at labour supply chains**.



**INTERNATIONAL
COLLABORATION
&
GOOD PRACTICE**

Coal workers in the kilns work 16 hours a day in searing heat. Water is as scarce as protective gear.

Photo credit: Lisa Kristine photography / The Human Thread Foundation

SUMMARY

The transnational nature of modern slavery-related crimes means that good practice necessitates comprehensive cross-border collaboration. International cooperation is strengthened, however, from existing national multi-disciplinary approaches; where the sharing of intelligence, experience, resources and consolidated strategic planning means that all relevant stakeholders are empowered to tackle these crimes in the most holistic, efficient method possible.

International organisations monitoring global trends of modern slavery-related crimes have much to share in terms of government responses to the issue; from crime specific information per country to policy recommendations based on analyses of government action on the issue.

Methods of national and transnational collaboration can include the creation of taskforces, holding fora for regional leaders, working with international organisations and advisory groups, ratifying protocols and conventions and the sharing of intelligence and data.

Some agents of collaboration to bear in mind are businesses and the private sector, victim support organisations, border agents and law enforcement, civil society and relevant government departments.

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NATIONAL & INTERNATIONAL COLLABORATION

Kevin Hyland OBE
UK Independent Anti-Slavery Commissioner



Tackling modern slavery requires a comprehensive and multidisciplinary response from government departments, law enforcement agencies, civil society and the private sector. In the UK, the creation of a Prime Minister's Taskforce provides coordination at the national level. The Taskforce brings together the heads of intelligence and law enforcement agencies, relevant government Ministers, and the heads of Interpol and Europol. It is driving a more coordinated response to modern slavery in the UK.

Modern slavery is a global issue that requires a global response. No single country can overcome modern slavery on its own. Only through international coordination as well as national coordination can modern slavery truly be addressed. Coordinated national responses will drive forward a more coordinated international response.

The adoption of the UN Sustainable Development Goal 8.7, which calls for effective measures to end forced labour, modern slavery, human trafficking and child labour in all its forms, has been instrumental in instigating international coordination. It was my office that championed negotiations and coordination to have this target added to the final draft of the SDGs. The subsequent coordination group Alliance 8.7, led by the International Labour Organisation, aims at increasing coordination at the global level. It established thematic actions groups to coordinate research on various areas, including rule of law, supply chains, migration and humanitarian emergencies.

COLLATING & SHARING INFORMATION



Katharine Bryant
Research Manager and European Representative
Walk Free Foundation

The Global Slavery Index and the Global Estimates of Modern Slavery-related Crime

The Global Slavery Index, authored by the Walk Free Foundation, aims to answer three key questions for 167 countries:

- 1) *How many people are in modern slavery?*
- 2) *What factors make populations vulnerable?*
- 3) *What are governments doing to respond?*

The combined answers to these three questions **provide policy makers with the tools to understand the types of modern slavery in their country** and the responses necessary to address and prevent the harm associated with modern slavery.

Global government responses to modern slavery-related crimes

The Index found that countries taking the most action to respond to modern slavery are characterised by **strong political will, sufficient resources**, and an active **civil society**.

Important gaps remain. It is apparent that few governments globally take steps to **learn from survivors' experiences** in their responses to modern slavery.

More can be done to strengthen existing legislation by **ensuring all forms of modern slavery are criminalised** and that **penalties are sufficiently stringent**.

Where legislation does exist, it is important to ensure its effective implementation by **working with vulnerable populations to raise awareness of their rights** and through more **systematic training for police, prosecutors and judges**. More information on the Global Slavery Index can be found at www.globalslaveryindex.org.

The importance of data and cooperation

Data is essential to combat and prevent modern slavery - put simply, **you cannot eradicate something you cannot measure**.

Prevalence data is in itself not enough to tackle modern slavery. Without an **understanding of existing responses and gaps**, in conjunction with **national-level estimates**, it is not possible to truly understand the nature of modern slavery within a country. The assessment of government responses as part of the Global Slavery Index provides this much needed policy information for 167 countries and **turns any gaps in existing responses into concrete policy recommendations**. The data is housed in a freely accessible database at www.globalslaveryindex.org/data/ and is the result of collaboration between the Walk Free Foundation, policy makers, civil society and academics from around the world.

INTERNATIONAL BUSINESS COOPERATION



Steve Kenzie
Executive Director
UN Global Compact Network UK

In focus: the UN and corporate sustainability

The UN Global Compact is the UN's corporate sustainability initiative and with 9500+ companies participating around the world, it is the largest such initiative. Its aim is to mobilize a global movement of sustainable companies and stakeholders to create the world we want.

The UN Global Compact provides opportunities for Parliamentarians to engage both globally and locally.

There are UN Global Compact Local Networks in 70 countries offering diverse opportunities for engagement through their unique programmes of activity designed to advance the UNGC's agenda. For example, the Global Compact Network UK provides the Secretariat for a recently launched All-Party Parliamentary Group on Sport, Modern Slavery and Human Rights, as well as a Modern Slavery Working Group.

REGIONAL INTERNATIONAL COOPERATION



Shaeron Yapp
Manager Strategic Policy and Business
Walk Free Foundation

The **Bali Process Government and Business Forum** provides a **strategic platform for collaboration**. It brings together **influential business leaders and senior ministers** from 45 countries and three UN organisations to **develop regional strategies** to combat the crimes of modern slavery, in the form of human trafficking, forced labour and worst forms of child labour within the Indo-Pacific region.

The inaugural Forum was launched in August 2017 in Perth, Western Australia, as a government and business track of the wider Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (established in 2002).

At the Perth Forum, key discussion themes included the **need for greater education, strengthened regulation in the region, incentivisation for business and continued innovation** to address the complex crimes of modern slavery-related crimes.

In close consultation with business and leading civil society experts, the Business Co-Chairs delivered a draft Work Plan which outlines key initiatives and a forward program of work. This Work Plan guides the development of practical and innovative recommendations to be presented to Ministers at the next Bali Process Government and Business Forum.

Ongoing regional working groups are convened regularly for business and government. Consultations have focused on how to implement the Work Plan to address the top issues in the region including the **ethical recruitment of migrant workers, transparency in supply chains and ensuring there are effective safeguards and grievance mechanisms for workers.**

The Work Plan, together with further resources and updates about the Bali Process Government and Business Forum can be found here at: www.baliprocessbusiness.org. More information on the wider Bali Process can be found here: <http://www.baliprocess.net/>.



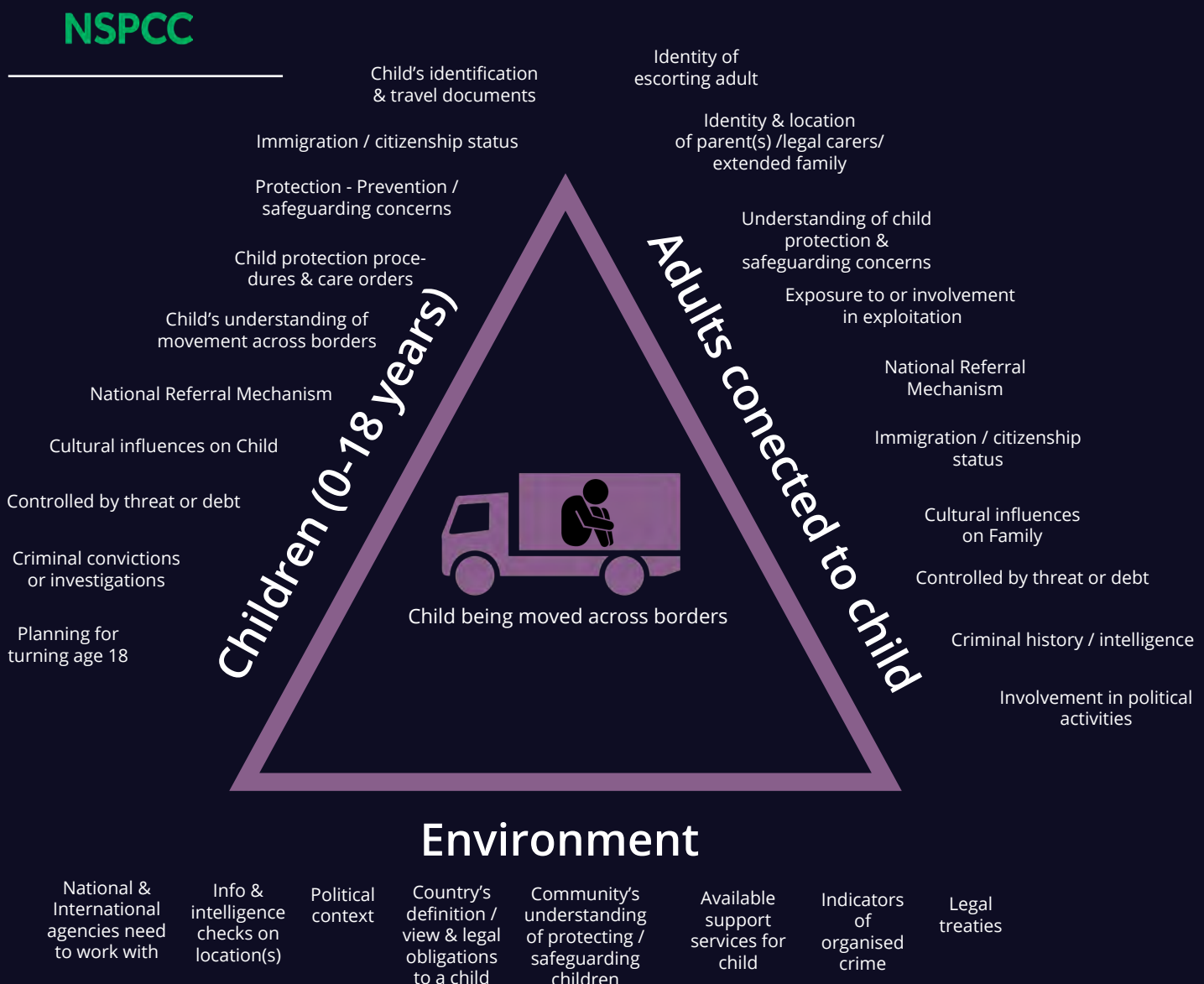
INTER-AGENCY COOPERATION

Mandy Jean-Baptiste
Service Head for Child Trafficking Advice Centre (CTAC)
National Society for the Prevention of Cruelty to Children (NSPCC)



Working together with agencies within and across borders is crucial in identifying and responding appropriately to children where there is a concern for child trafficking. By working together; **welfare agencies are able to assess children’s needs and investigating agencies are able to pursue the adults who are involved in moving and exploiting the child.**

The Child Trafficking Advice Centre at the National Society for the Prevention of Cruelty to Children (NSPCC) developed the **International Multi-Agency Assessment Framework (IMAAF)** as a tool to guide professionals (featured below). It is a prompt to remind professionals of the various agencies they can work with as well as details on obtaining more information once a child is safe.





Michael Aniekan
Senior Legislative Aide
Parliament of Nigeria

In focus: Nigerian inter-agency framework NAPTIP

The **National Agency for the Prohibition of Trafficking in Persons (NAPTIP)** was established by the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2003, and is now governed by the 2015 replacement Act. NAPTIP has a **multi-stakeholder Governing Board** made up of **civil society, experts, and representatives from a range of public bodies** including the Federal Ministry of Justice; Ministry of Women Affairs; Ministry of Labour and Productivity; the Police; the National Intelligence Agency; the Immigration Service; and the National Planning Commission.

The Agency is tasked with **coordinating the Nigerian Government's response to human trafficking**, including **administering the Act and adopting measures for the prevention of human trafficking and protection of victims**. The Agency also has powers to investigate human trafficking offences, including searching and seizing premises and arresting suspects, and operates nine NAPTIP shelters specifically for trafficking victims, with a total capacity of 313 victims.

Moving forward, the collaboration of enforcement agencies (such as Customs & Immigration, Department of State Services, Nigeria Police Force and Interpol) with other Nigerian stakeholders (including victims, the media, activists and researchers) will be critical. Such collaboration might precipitate town hall meetings, strategy sessions and skills building to further equip these stakeholders in combatting trafficking in Nigeria, working in tandem with enforcement agencies.

Leticia Ishibashi
Project and Operations Assistant
Focus on Labour Exploitation (FLEX)



In focus: Labour Exploitation Advisory Group- collaborating to tackle labour exploitation

Focus on Labour Exploitation (FLEX) works to prevent labour abuses, protect the rights of trafficked persons and promote best practice responses to labour exploitation by undertaking research, advocacy and by building awareness in this field. FLEX has a distinctive approach to anti-trafficking, focusing on the strong link between labour abuses, workplace discrimination and severe labour exploitation.

This approach demonstrated the need to create a coalition of organisations that are not traditionally involved in human trafficking responses but that **encounter cases of labour abuse and exploitation**. This coalition would **facilitate information-sharing and the development of joint strategies** to improve the effectiveness of human trafficking responses for vulnerable and exploited workers in the UK.

In 2015 FLEX established the Labour Exploitation Advisory Group (LEAG), connecting experts from organisations working with with potential and actual victims of human trafficking for labour exploitation.

By presenting relevant case studies and providing joint recommendations to different stakeholders, LEAG has established its members as credible experts on labour exploitation. LEAG also hosts thematic discussion forums where selected experts from academia, trade unions and charities discuss drivers of labour exploitation, share useful contacts and opportunities for collective engagement further expanding our networks.

KEY POINTS FOR PARLIAMENTARIANS

- **Prime Ministerial or Presidential taskforces** can gather heads of intelligence and law enforcement agencies, relevant government ministers and regional security and intelligence leads to drive a **coordinated national response from the heart of the executive**.
- **Joined-up national responses** to these crimes will **drive forward better partnerships internationally** - to exchange global good practice learning and experiences.
- National and international partnerships can and must share **information, intelligence and experience** while **leveraging resources** and allowing for **coordinated strategic planning** on issues of modern slavery - related crime, which is so transnational in nature.
- Based on the Sustainable Development Goal 8.7 (around modern slavery - related crime), the ILO coordination group '**Alliance 8.7**' is **leading the global response** to these crimes by establishing thematic action groups on key areas for response.
- The **UN Global Compact** is the UN's corporate sustainability initiative; focusing on business ethics, labour and environmental standards and human rights. There are local UN Global Compact networks in **70 countries** which **parliamentarians can engage with**.
- **Prevalence data** is key to understand the nature of modern slavery / human trafficking / forced labour in specific regions and nations. Alongside this, an understanding of **existing legislative responses** and where its **weaknesses** lie, in legislation or implementation, are key to inform concrete future policy recommendations. The Global Slavery Index might be a starting point to gather this information.
- Regional partnerships of business and government can help business leaders commit to and drive forward legislative reform. The **Bali Process** (working with leaders across the Indo-Pacific region) outlined how **businesses want to work with governments** to develop blueprints for legislative reform; to ensure labour laws 'level the playing field' for manufacturers; and establish a framework for ethical business conduct.
- **Inter-agency cooperation** (nationally or internationally) can increase efficiency in identifying and caring for victims; prosecuting and convicting criminals; and sharing information across agencies and borders helps to inform data on the most prevalent crimes and networks by jurisdiction.



CALL TO ACTION

Abeiku and his friends have been rescued and are in a shelter. Most are making remarkable recoveries fueled by three big meals a day, medical care, counseling and kindness. They are learning to read. Many survivors are remarkably resilient. But some of them, like Abeiku, have visible scars on their heads where their master hit them with a paddle. They have even deeper hidden scars. Their journey to health will be longer.

Photo credit: Lisa Kristine Photography / The Human Thread Foundation

A Call to Action to End Forced Labour, Modern Slavery and Human Trafficking

On the 19th September 2017 during the 72nd Meeting of the UN General Assembly, Rt Hon. Theresa May MP, UK Prime Minister launched the following Call To Action:

We, the Leaders (and their representatives) of a diverse group of Member States and Observer States to the United Nations, united in our commitment to end forced labour, modern slavery, human trafficking, and the worst forms of child labour in our world by 2030;

***Stand together** in our commitment to combating the exploitation of human beings for the purposes of compelled labour or commercial sex through the use of force or other forms of coercion, or fraud, whether we describe this compelled service as human trafficking, modern slavery, or forced labour.*

***Recognise** that these crimes respect neither borders nor jurisdictions, and recognise neither the dignity nor worth of human beings. Such exploitation destroys the lives of individuals, erodes security in communities, and undermines the prosperity of nations.*

***Reaffirm** our resolve to bring to justice those who perpetrate these crimes and exploit other human beings, often at the most vulnerable points in their lives, for personal or commercial gain.*

***Register** with grave concern the scale of the problem and emphasise that we need to accelerate action at both national and international levels to eliminate it.*

***Recognise** that progress has been made in countering this issue worldwide; but that significant challenges remain across the globe.*

***Welcome** the forthcoming review of the Global Plan of Action to Combat Trafficking in Persons and the ongoing efforts of institutions, organisations, and coalitions engaged in the fight against forced labour, modern slavery, and human trafficking, and the worst forms of child labour; and reaffirm our support for their activities.*

***Commit to leading the way** in the fight against all these forms of exploitation by stepping up complementary action in our own countries, in close collaboration and cooperation with each other and other international partners, so that together we can end these abhorrent crimes once and for all.*



We therefore:

1. **Agree that**, consistent with our national and international obligations, and in order to achieve the relevant Sustainable Development Goals (SDG), particularly Target 8.7, by 2030, and with appropriate support, we will endeavour to:
 - (i) **Ratify and ensure the effective implementation of relevant international conventions, protocols, and frameworks** including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime, as well as by developing and accelerating effective implementation of our own domestic legislation; to ensure that forced labour, modern slavery, human trafficking and the worst forms of child labour are never tolerated in our societies.
 - (ii) **Develop and publish national strategies that:**
 - Set out a comprehensive approach across the four key elements of prosecution, protection, prevention and partnerships; focusing on the root causes as well as the response;
 - Take steps to measure, monitor and share data on prevalence and response to all such forms of exploitation, as appropriate to national circumstances;
 - Promote cooperation amongst the full range of stakeholders needed for effective prevention and response; including private sector, civil society, and law enforcement and other frontline agencies;
 - Raise awareness and improve understanding of the issues amongst the general public and amongst communities vulnerable to exploitation.
 - (iii) **Strengthen law enforcement and criminal justice responses** in order to rapidly enhance capacity to identify, investigate, and disrupt criminal activity; strengthen international legal cooperation, including through mutual legal assistance and extradition; and bring perpetrators to justice by applying sufficiently stringent penalties consistent with our legal obligations.
 - (iv) **Put victims first**, including by putting effective mechanisms in place to help ensure that all victims are identified, are protected, have access to justice and appropriate support; and are not unreasonably penalised for unlawful activities where they have been compelled to commit crimes as a direct consequence of their exploitation.
 - (v) **Eradicate forced labour, modern slavery, human trafficking, and the worst forms of child labour from our economies** (both formal and informal) by developing regulatory or policy frameworks, as appropriate, and working with business to eliminate such practices from global supply chains; whilst addressing government procurement practices, and building a culture of consumer awareness which supports such action and promotes decent work.

- (vi) **Strengthen cooperation regionally and internationally** including, as appropriate: facilitating better data-sharing; supporting international legal cooperation during investigations and prosecutions; preventing safe havens for criminals; exchanging best practices; collaborating on victim identification, protection, reintegration and repatriation; and providing appropriate technical and financial support to partners.
2. **Call for enhanced international cooperation** to tackle forced labour, modern slavery, human trafficking, and the worst forms of child labour, and in particular:
- (i) **The United Nations to make this issue a priority across its three pillars of security, human rights, and development**, drawing in particular on its role as Secretariat for the relevant Conventions and Protocols, and for the Secretary General to take a leading role in improving the coherence of the response.
 - (ii) Greater emphasis on the need to **build the evidence base** and to promote greater transparency and sharing of data between institutions and organisations.
 - (iii) Donors and International Financial Institutions (IFIs) to enhance cooperation and **address the resourcing gap**, and build capacity for an effective response; including by leveraging resources from the Private Sector.
 - (iv) **Enhanced international cooperation on law enforcement** responses to end the impunity of criminal groups, including transnational criminal organizations, individuals, and complicit government officials.
 - (v) Increased focus and cooperation on the measures that can be taken to **reduce the drivers of forced labour, modern slavery, human trafficking, and the worst forms of child labour and to protect the most vulnerable**; including those affected by conflict and humanitarian situations, people on the move, marginalised groups, and women and children.
 - (vi) **Ensure that victims can access the restorative support they need**, including through better victim safeguarding coordination to connect victims to appropriate support and reintegration services to reduce the risk of re-exploitation.
3. **Commit to** assess our progress towards the achievement of these aims in a transparent manner; including by publishing our national strategies or relevant progress reports annually, and by reporting on progress towards achieving SDG Target 8.7 as part of the wider follow-up and review process for achieving Agenda 2030.

END

To view endorseees of the Call to Action please see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/708506/Call-to-Action-May-2018.pdf

A young child is shown from the chest up, carrying a large stack of red bricks on their head and shoulders. The child is wearing a brown, worn shirt and a head covering made of burlap and a patterned cloth. Their mouth is open in a cry or shout, and their eyes are closed. The background shows a brick wall and a clear blue sky. The word "RESOURCES" is overlaid in white text on a dark grey rectangular background in the upper right quadrant.

RESOURCES

Each brick weighs about four pounds. Temperatures in the brickyards range from 90 degrees to 120 degrees Fahrenheit dependent on location.

Photo credit: Lisa Kristine Photography / The Human Thread Foundation

EDUCATIONAL MATERIALS

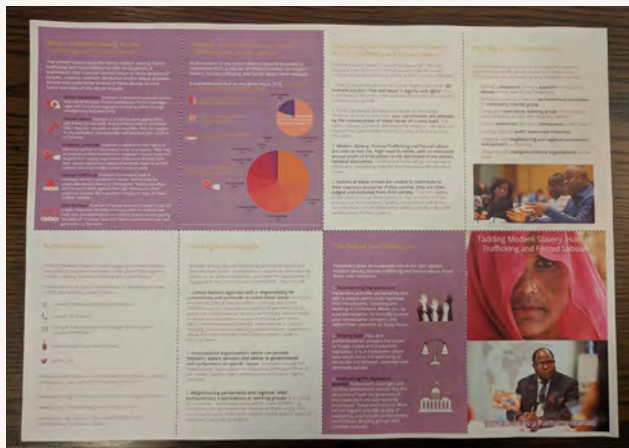
There are three “educational materials” included in the following sections, which have been designed to inform audiences on how they can tackle modern slavery, human trafficking and forced labour:

1. A double-sided leaflet/poster designed to inform **parliamentarians** about their role in tackling these issues
2. A double-sided leaflet/poster designed to inform **constituents** about their role in tackling these issues, and how they can work effectively with their local member of parliament
3. A poster for **parliamentarians** which summarises the “top tips” featured in this e-Handbook on how to legislate effectively on these issues

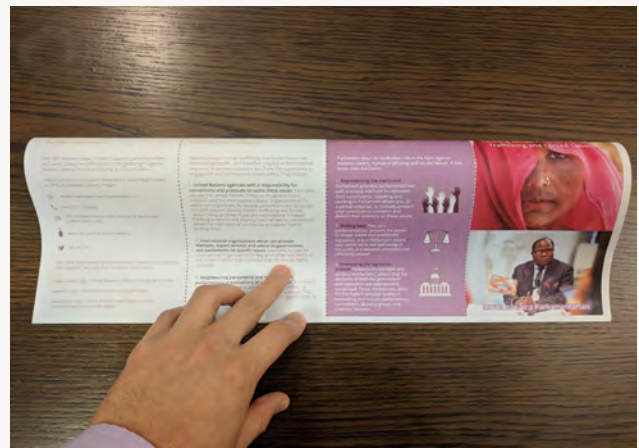
All materials are designed to be printed off as size A3 - but can be printed in different formats if necessary. Materials 1 and 2 can either be hung up as posters, or can be folded and distributed as leaflets. Below is a guide on how to fold them into leaflets.

How to Make Guide

Step 1



Step 2



Step 3



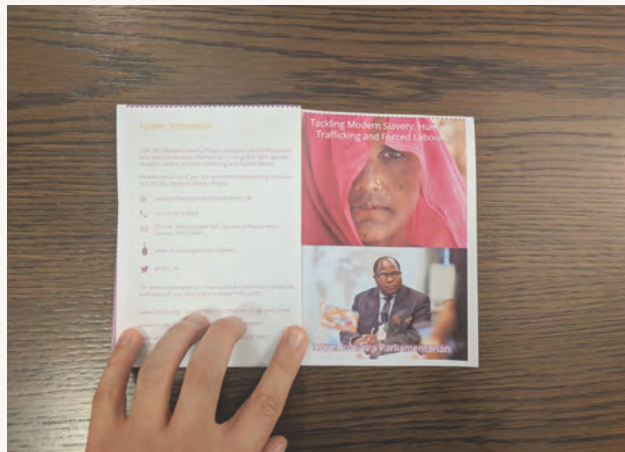
Step 4



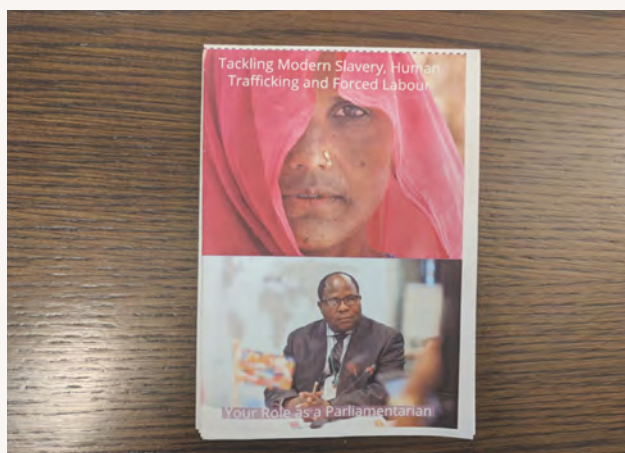
Step 5



Step 6



Step 7



What is Modern Slavery, Human Trafficking and Forced Labour?

The United Nations uses the terms modern slavery, human trafficking and forced labour to refer to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception and/or abuse of power. Victims may experience several of these abuses at once. Some examples of this abuse include:



Sexual Exploitation: A person is abused in a sexual manner. This can be through forced prostitution; forced marriage; rape; and forced pornography (including online through smartphones and webcams).



Forced Labour: A person is forced to work against their will. If they do not work, they are threatened or punished. Often they are not paid, or paid very little. This can happen in any workplace, but especially with physical jobs - such as in factories.



Domestic Servitude: A person is abused in their role as a domestic worker in someone's house or property. They may be prevented from leaving their employer's house; may not be paid their wages; experience violence or threats; have their identity documents taken from them; have no or little contact with their family; and/or forced to work.



Human Trafficking: A person is recruited, kept or transported into a situation of abuse. Victims may be physically abused, lied to or threatened. Victims are often also forced to work against their will. Victims are often promised a better life in another country or state for them or their children.



Debt Bondage: A person is forced to work in order to pay off a debt. They work for little or no pay, with no control over their debt and with little to no realistic chance of ever paying the debt off. In some cases this debt is transferred from one generation to the next.

Statistics on Modern Slavery, Human Trafficking and Forced Labour

At the session of the United Nations General Assembly in September 2017, a new set of Global Estimates on modern slavery, human trafficking and forced labour were released.

It was estimated that on any given day in 2016, **40.3 million people were victims of modern slavery.**



Women and girls accounted for 71% of modern slavery victims.



One in four victims of modern slavery were children.



50% of all victims were affected by debt bondage.

Sex Exploitation
19%

24.9 million people were victims of forced labour and sexual exploitation.

Forced Labour
81%

Domestic Work
24%

Construction
18%

Manufacturing
15%

Farming, Fishing
11%

Hotels, Catering
10%

Wholesale, Trade
9%

Personal Service
7%

Mining
4%

Begging
1%

Almost a quarter of forced labour victims came from the domestic work sector.

Information compiled by the International Labour Organization, International Organization for Migration and the Walk Free Foundation.

Further Information

CPA UK's Modern Slavery Project supports parliamentarians who want to become champions in the global fight against modern slavery, human trafficking and forced labour.

Please contact us if you are interested in becoming involved in CPA UK's Modern Slavery Project.

@ modernslaveryproject@parliament.uk

+44 (0) 7219 8666

CPA UK, Westminster Hall, Houses of Parliament
London SW1A 0AA

www.uk-cpa.org/modernslavery

@CPA_UK

For more information on international conventions, protocols and support, you may find the below links useful.

www.unodc.org - United Nations Office on Drugs and Crime

www.ilo.org - International Labour Organization

www.ohchr.org - Office of the United Nations High Commissioner on Human Rights

Working Internationally

Modern slavery, human trafficking and forced labour are international issues - and therefore require an international response. As parliamentarians, you have the opportunity to engage with key international stakeholders. They include:

- 1. United Nations agencies with a responsibility for conventions and protocols to tackle these issues.** Examples include the United Nations Office on Drugs and Crime (UNODC) and the International Labour Organization (ILO), which are responsible for several conventions and protocols to tackle modern slavery, human trafficking and forced labour. Many of these issues are transnational in nature. Ratifying protocols and aligning national laws to conventions allows the international community to support itself in tackling them.
- 2. International organisations which can provide thematic, expert services and advice to governments and parliaments on specific issues.** Examples include the International Organization for Migration (IOM) and Office of the United Nations High Commissioner for Human Rights (OHCHR).
- 3. Neighbouring parliaments and regional, inter-parliamentary organisations or working groups.** It is critical for countries - particularly ones which share borders - to collaborate on approaches to combating these issues. This can be particularly effective in regions where specific types of abuse are especially prevalent.

Why Should We Combat Modern Slavery, Human Trafficking and Forced Labour?

There are many reasons - ethical and practical - why we should do our utmost to combat modern slavery, human trafficking and forced labour. Some of them are the following:

1. The Universal Declaration of Human Rights states that **“All humans are born free and equal in dignity and rights”**. This is a standard which the international community has formally committed to uphold.
2. Parliamentarians are representatives of the people. Whether directly or indirectly, **your constituents are affected by the consequences of these issues on a daily basis**. You have a unique, powerful and impactful position - one that can support and save people not only in your area, but around the world.
3. **Modern Slavery, Human Trafficking and Forced Labour are seen as low risk, high reward crimes, with an estimated annual profit of \$150 billion to the detriment of the world's national economies**. Tackling this issue will go a long way to effectively combatting national and transnational organised crime.
4. **Victims of these crimes are unable to contribute to their country's economy. If they survive, they are often judged and excluded from their society**. They are robbed of the chance to use their talents to their country in a fair and secure environment. Tackling these issues will allow for individuals to fulfil themselves whilst contributing to the development of their country.

Your Role as a Parliamentarian

As a parliamentarian, you are in a unique and powerful position to tackle this global menace. You have many effective tools and strategies at your disposal, including:

- Making a **statement**, asking a **question** or launching a **debate** on the floor of the Parliament
- Joining or creating a relevant **parliamentary committee** or **cross-party interest group**
- Creating a **cross-sector working group** - for example with the public, private and voluntary sectors
- Raising **awareness** with your **constituents** on the issue
- Leading national **public awareness initiatives**
- Engaging with **neighbouring and regional parliaments and partners** on the issue
- Engaging with **intergovernmental organisations** on the issue



The Role of Your Parliament

Parliament plays an invaluable role in the fight against modern slavery, human trafficking and forced labour. It has three main functions:

1. **Representing the electorate.** Parliament provides parliamentarians with a unique platform to represent their constituents. Speaking and working in Parliament allows you, as a parliamentarian, to formally present your constituents' concerns and defend their interests on these issues.



2. **Making laws.** You, as a parliamentarian, possess the power to shape, create and implement legislation. It is in Parliament where laws which serve the well-being of the public are debated, amended and ultimately passed.



3. **Overseeing the legislative process.** Parliament's oversight and scrutiny mechanisms ensure that the decisions of both the government and opposition are appropriately scrutinised. These mechanisms allow for the highest possible quality of lawmaking and include parliamentary committees, all-party groups and chamber debates.



Tackling Modern Slavery, Human Trafficking and Forced Labour



Your Role as a Parliamentarian

Tackling Modern Slavery, Human Trafficking Your Role as a



Speak on the floor of your Parliament in order to raise awareness and engage the Government and your fellow parliamentarians on tackling these issues.



Spread awareness of the issue amongst your constituents. This knowledge will allow them to better protect themselves from this menace.



Launch a public awareness campaign. Educating the wider public will result in greater support for your work. The awareness will also make it harder for criminals to work effectively.

On Trafficking and Forced Labour: Parliamentarian

Create cross-party and cross-sector working groups. You will be able to tackle these issues more effectively together with NGOs, civil society and business - and without party politics.



Create or join a parliamentary committee which can launch an inquiry into tackling these issues, as well as scrutinise and ensure the quality of relevant legislation.



Engage with regional parliaments and partners. This is a transnational issue - to be successful, you must secure transnational support and cooperation.



Work with international organisations. They can draw upon their experience of tackling similar problems to support you and the international community.

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Further Information

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www.unodc.org - United Nations Office on Drugs and Crime

www.ohchr.org - Office of the United Nations High Commissioner on Human Rights

www.ilo.org - International Labour Organization

www.un.org/en/universal-declaration-human-rights - Universal Declaration of Human Rights

CPA UK's Modern Slavery Project supports parliamentarians who want to become champions in the global fight against modern slavery, human trafficking and forced labour. Please encourage your member of parliament to contact us if they would like to become more involved in the project.

@ modernslaveryproject@parliament.uk

+44 (0) 7219 8666

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London SW1A 0AA

www.uk-cpa.org/modernslavery

@CPA_UK

Working with Your Member of Parliament

Your Member of Parliament's job is to represent you and your community. By working together to fight these abuses, you can improve the lives of many people. You can do this by:

- **Asking your Member of Parliament to discuss the issue in Parliament.** This will encourage other politicians to act and fight against these abuses
- **Requesting your Member of Parliament to talk to your community.** As a leader, they will be respected and listened to on the issue
- **Informing your Member of Parliament of any local victims or incidents.** They can help to solve the issue and gather more support from other politicians and organisations
- **Setting up an interest group with your Member of Parliament.** This group can include charities, businesses, other politicians and members of your community. Together you can discuss how to best protect the community



How Does Modern Slavery, Human Trafficking and Forced Labour Affect You?

There are many ways in which modern slavery, human trafficking and forced labour can affect you.

- For victims of these crimes, the negative effects are life-changing. Victims can suffer **permanent physical and emotional damage**, from which they may never fully heal. For them, it can be a great struggle to return to normal life. It is very important for you and the community to comfort, care and support them and their family.
- For every victim lost to these crimes, **your community and your country have a person taken from them** who could otherwise have a bright future and support the community with their work and talents.
- Every time a person is abused through these crimes, **it is a signal to the criminal that they can continue**. These crimes must be fought - otherwise the next victim could be you or your family.



**Criminals
Not Welcome**

How to Spot the Signs of Modern Slavery, Human Trafficking and Forced Labour

There are a number of ways in which you can spot that someone is a victim of modern slavery, human trafficking and forced labour. Victims may:

- Look underfed; unclean; nervous; or appear withdrawn
- Always wear the same clothes, which may not be suitable for their work
- Have untreated injuries
- Act as though they need permission from someone to do anything at all. Someone may be keeping their identity documents (e.g. passport) from them
- Appear frightened and be unwilling to talk to strangers - this may be because they don't know who to trust
- Be unfamiliar with the local area
- Live in a dirty, cramped and/or overcrowded place. They may be living and working at the same address
- Believe that they must work against their will
- Travel to and from work at unusual times - perhaps very early or very late at night and via taxi or a private car
- Depend on their employer for work, transport and accommodation without any choice
- Feel as though they can never leave

What You Can Do to Fight Modern Slavery, Human Trafficking and Forced Labour

There are a number of ways in which you can help in the fight against modern slavery, human trafficking and forced labour:

- **Learn to spot the signs of these issues.** If you suspect that someone may be a victim, alert the authorities
- **Educate your local community about this issue and how it can affect them.** Knowledge is power - if people are aware, they can better protect themselves. You can do this by speaking to your family and friends, or by organising a larger meeting for your whole community
- **Engage your local faith, business and political leaders on the issue.** Talk about what has already been done to tackle this problem and what further steps should be taken. You will be stronger if you work together
- **Engage with charities on the issue.** They often have the skills and expertise needed to tackle the problem directly
- **Make sure that you and your community welcome back and support people who have been victims.** If they were forced to do illegal and immoral work, you must remember that this was not their fault. Their freedom was taken from them and they did everything they could just to survive
- **Set up a group of community representatives on this issue.** Your group could meet regularly to monitor the well-being of the community, as well as represent the community by working with charities, politicians and other relevant groups or individuals

Modern Slavery, Human Trafficking and Forced Labour



**What You Can Do
to Tackle This Crime**

Tackling Modern Slavery, Human Trafficking Your Role in Your Community



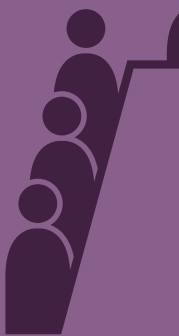
Use your local Member of Parliament (MP).

Their job is to represent you. If you tell them about your problems, they can raise awareness about them in Parliament - and even pass laws to try and solve them.



Learn more about the issues and spread awareness amongst your family and friends.

This knowledge will help your family and friends protect themselves against this menace.

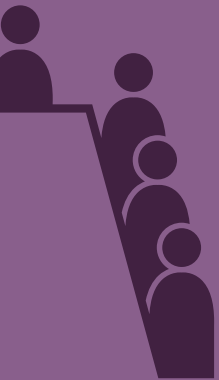


Create a community group.
The group can include local organisations, local people and charities. People will trust a group with everyone - so it can help local people and pass their local concerns to their MP.

Human Trafficking and Forced Labour: Our Community



Encourage your MPs to raise awareness on these issues. They can speak at community meetings and give talks at schools and workplaces.

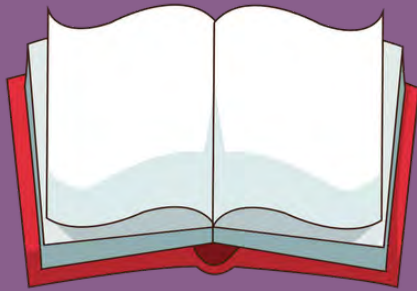


Community awareness group. Include members of faith, local leaders, business owners. The community group which truly represents your area can be used to educate your local MP on their problems on to your local MP.



Volunteer with a local charity. These organisations do good work and often depend on the help of volunteers. You can help them tackle these issues yourself.

Tackling Modern Slavery, Human Trafficking and Forced Labour: Top Tips for



Define Crimes

Understand the relationship between separate crimes - they have individual definitions but ultimately all rely on threatening and deceiving victims. Victims are often exploited because they are vulnerable. Individuals who consent to work or service are still subject to exploitation. Victims often suffer from multiple types of exploitation - e.g. trafficking prior to sexual exploitation.



Gather Support

Garner support from unions; business; governments. Utilise the expertise of subject experts from the relevant sectors. Engage parliamentarians from the relevant sectors to raise awareness. Produce written reports. Engage in a coordinated plan or strategy.



Understand Your Legislation

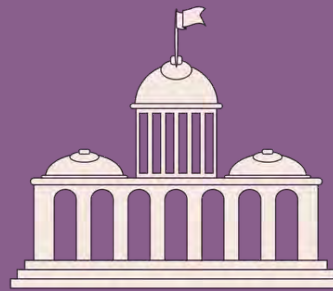
Understand your policy objectives before devising solutions and drafting legislation. Ensure that your legislation is supported by fact-based evidence. Consider how it will be implemented from the very beginning. Consider whether the best step is to introduce an entirely new law or amend existing laws. Consider whether you want to consolidate all of your legislation - whilst it takes a lot of parliamentary time, this can bring clarity to practitioners and make it easier to implement.

Human Trafficking and Forced Labour for Parliamentarians



Gain Support

Gain support from civil society; NGOs; and local and regional MPs. Utilise the knowledge of local MPs. Gain early support from Ministers. Work with Ministers from all political parties through debates and ensure that any national legislation has a strong evidence base.



Utilise Parliament

Consider drafting a Private Members Bill on these issues. At the very least this will raise awareness of the issue in Parliament and encourage both government and opposition parliamentarians to act. Use scrutiny mechanisms, such as select committees, at both pre- and post-legislative stages to ensure that draft legislation is as strong as possible.



Consider International Standards

International standards proposed by the UN can be used as a comprehensive set of provisions for inclusion in domestic law. Setting legislation against these standards allows for regional and international uniformity. This would make it much more difficult for criminals to relocate their operations or target victims in countries with less effective legislation.

OVERVIEW OF LEGAL INSTRUMENTS

Selected Human Trafficking Treaties

UN System:

- “UN Palermo Protocol 2000”

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000

https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18&lang=en

Council of Europe regional system:

- Council of Europe Convention on Action against Trafficking in Human Beings 2005

<https://rm.coe.int/168008371d>

- Explanatory Report to the Council of Europe Trafficking Convention:

<https://rm.coe.int/16800d3812>

European Union regional system:

- EU Trafficking Directive 2011/36/EU

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011L0036>

- Summary of the EU Trafficking Directive:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ajl0058>

Human Trafficking – Selected International Legal Guidance

Office of the UN High Commissioner for Human Rights:

- Office of the UN High Commissioner for Human Rights “Recommended Principles and Guidelines on Human Rights and Human Trafficking”, 2002:

<http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

United Nations Office on Drugs and Crime (UNODC):

- UNODC Guidance Note on the legal meaning of “Abuse of a Position of Vulnerability”, 2012 (APOV)

https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Guidance_Note_-_Abuse_of_a_Position_of_Vulnerability_E.pdf

- UNODC Case Law Digest on Evidential Issues in Trafficking in Persons Cases, 2017

The Case Digest has analysed 135 cases from 31 jurisdictions. Whilst its primary aim is to assist criminal justice practitioners it is valuable to a range of other stakeholders, including policymakers and legislators, researchers, students and lecturers, service providers, labour inspectors and law enforcers from a variety of sectors, as well as other actors that are relevant to a comprehensive response to trafficking in persons.

https://www.unodc.org/documents/human-trafficking/2017/Case_Digest_Evidential_Issues_in_Trafficking.pdf

Organization for Security and Co-Operation in Europe (OSCE):

- OSCE Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, 2013 (“OSCE non-punishment recommendations”)

<https://www.osce.org/secretariat/101002?download=true>

Council of Europe:

- Council of Europe – HELP Project detailed e-learning course for legal professionals including the judiciary on Combatting Human Trafficking, 2017

Available to register here: <https://www.coe.int/en/web/help/-/now-available-free-online-help-course-on-combating-trafficking-in-human-beings>



VICTIM TESTIMONIES

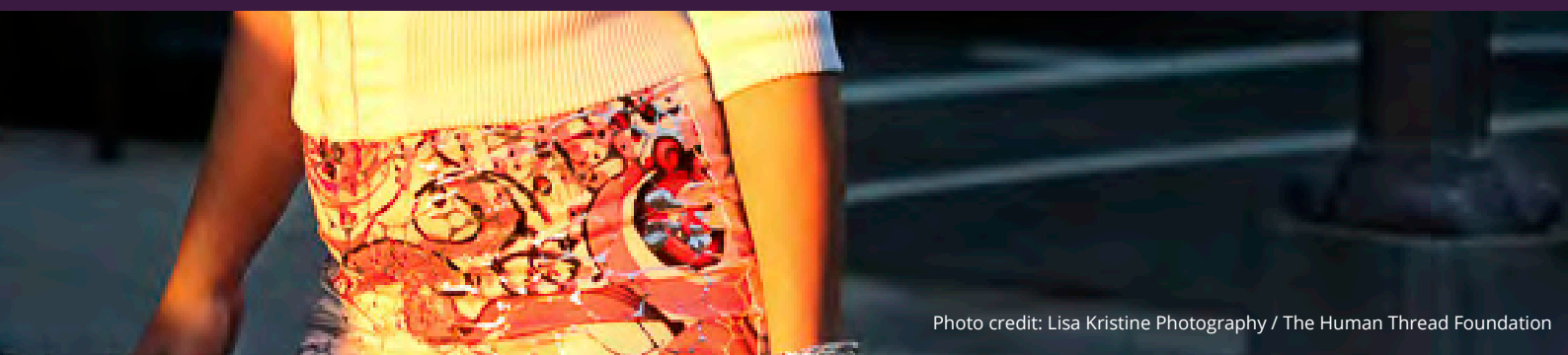
‘My madam brought me to London to work 24 hour days’ - Testimony 1



‘I sleep in the hospital’ - Testimony 2



‘I don’t have food, I don’t have an allowance’ - Testimony 3



LEGAL GUIDANCE AND CASE STUDIES ON THE NON- PUNISHMENT PRINCIPLE

Parosha Chandran
Leading UK Anti-Slavery Lawyer
Expert and Legal Adviser to the CPA UK Modern Slavery Project



The Non-Punishment Principle: A Protective Principle

The Non-Punishment Principle (NPP) is a protective principle which should be incorporated into domestic law so as to protect a person from being convicted or sentenced for actions they committed as a direct consequence of their trafficking. In other words, a trafficking victim should not be held liable for offences (criminal, civil or administrative offences) which their trafficker, or their trafficking, directly caused them to commit. The principle was first officially declared by the UN High Commissioner for Human Rights in 2002.

Office of the UN High Commissioner for Human Rights “Recommended Principles and Guidelines on Human Rights and Human Trafficking”, 2002.

Principle no. 7 provides:

“Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.”

Whilst in trafficked adults’ cases it will usually be necessary to show what was the direct link (be it physical or psychological, for example) that caused them to commit the crime in order to obtain the NPP protection, in a trafficked child’s case it will be enough to show that the criminal offence they committed was ‘related’ to their trafficking. This is because a child is vulnerable to being trafficked and exploited by virtue of their young age alone. It is recalled it is never legally necessary to establish coercion in the case of a trafficked child.

Over time it has become clear that the NPP should be included in domestic laws on trafficking and modern slavery to strengthen a State’s response to combatting those crimes. A NPP is expressly included in the Council of Europe Convention on Action against Trafficking in Human Beings 2005 under Article 26. Another NPP was also expressly included under Article 8 of the EU Trafficking Directive in 2011.

Always bear in mind the Traffickers’ Strategies:

“...It is often a deliberate strategy of the traffickers to expose victims to the risk of criminalization and to manipulate and exploit them for criminal activities. It is therefore not uncommon that victims of trafficking commit criminal offences or other violations of the law directly connected with, or arising out of, their trafficking situation. In these situations they often come to the attention of the authorities primarily as offenders and they may not be easily recognized as actual victims of a serious crime. Therefore, States should be fully aware of these developments in order to enable accurate victim identification and effective investigation of the trafficking crime, as well as to ensure effective protection of victims’ rights, including non-punishment of victims for offences caused or directly linked with their being trafficked.”

Source: OSCE Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking”, April 2013, at paragraph 1.

Where a person is, or was, convicted of a crime in breach of the NPP they should be entitled to appeal the conviction so as to have it quashed and their criminal record cleared of the offence.

Guidance

Guidance on the non-punishment principle and how it should apply can be found in the following international materials:

Office of the UN High Commissioner for Human Rights

- Office of the UN High Commissioner for Human Rights “Recommended Principles and Guidelines on Human Rights and Human Trafficking”, 2002.
- Statements on the Non-Punishment Principle in adults and child cases can be found in Recommended Principle no. 7 and Guidelines 2:5, 4:5 and 8:3 (on children), for example.

<http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

Organization for Security and Co-Operation in Europe (OSCE):

- OSCE Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, 2013 (“OSCE non-punishment recommendations”).
- This provides detailed guidance on the application and scope of the NPP and provides a multitude of relevant case studies that span a number of the 57 Participating States of the OSCE region.

<https://www.osce.org/secretariat/101002?download=true>

Council of Europe:

- The following free e-learning course on human trafficking was recently produced by the Council of Europe. There is a detailed section on the application of the NPP.
- See: Council of Europe, HELP Project detailed e-learning course for legal professionals including the judiciary on Combatting Human Trafficking, 2017

Available to register here: <https://www.coe.int/en/web/help/-/now-available-free-online-help-course-on-combating-trafficking-in-human-beings>

Case Study 1:

The following real-life cases are good examples of the application of the non-punishment principle in practice.

It should be noted however that in each of the following two cases the wrongful convictions had to be overturned on appeal by lawyers for the trafficking victims.

If applied correctly, the NPP should be applied early and properly by the police, defence lawyers, prosecutors and judges so as to prevent any unlawful convictions of trafficking occurring in the first place. This requires good training on the NPP for all professionals whose work involves cases of human trafficking.

R v O: Girl using false identity document to flee abroad from her trafficker

A 16-year-old Nigerian girl, known as O, agreed to be taken to the UK to avoid an arranged marriage in her home country with a 63 year-old man. Upon arrival she was threatened, raped and forced into prostitution to a debt of EUR 60,000 for her travel that had been arranged for her. After some time she managed to escape and tried to flee to France where she believed an uncle lived. She was caught with a false identity card by police on board a coach in the English coastal town of Dover, that was headed for France. She was charged with a false documents offence and was prosecuted. Her lawyers (who disregarded whether she met the human trafficking definition) advised her to plead guilty to an offence of possessing a false identity card with the intention of using it as her own. Her history of fleeing the forced marriage in Nigeria and being held in sexual exploitation in the UK was given by her lawyers as mitigation for sentencing purposes and the Crown Court judge accepted that O should receive a lesser sentence on account of what had caused her to commit the documents offence. The judge sentenced her (as an adult) to 8 months' imprisonment rather than 12 months.

Her conviction was appealed to the Court of Appeal by new lawyers on novel legal arguments. The UK had signed the Council of Europe Convention on Action against Trafficking in Human Beings 2005 in 2007 ("the Trafficking Convention") but when O's appeal was brought in 2008 the UK had not yet ratified it (it was ratified by the UK in December 2008). Nonetheless, O's new lawyers relied on Article 18 of the Vienna Convention on the Law of Treaties 1969 to argue that since the UK had signed the Trafficking Convention, which was significantly premised on the protection of trafficking victims, including a non-punishment provision under Art 26, the UK was therefore obliged not to act in a manner that defeated the objects and purposes of the Trafficking Convention. The Court of Appeal agreed.

In its judgment the Court of Criminal Appeal drew attention to the obligations to protect trafficking victims under the Council of Europe Convention on Action against Trafficking in Human Beings, and to fair trial requirements of the European Convention on Human Rights (Art. 6).

In the appeal proceedings it emerged that the girl was a child of only 16 or 17 years old; in addition, that social workers of the Poppy Project who had recently assessed her to be a credible victim of trafficking for sexual exploitation, had earlier asked the girl's defence lawyers for the original trial to be adjourned so they could properly assess her yet, this request had been ignored and the case had continued without any further investigation by her lawyers into the possibility that she might have been a victim of trafficking. The Court of Appeal further found that the prosecutor had not addressed the question of whether it was in the public interest to prosecute her, that the defence lawyers had not considered whether she might have had a defence of duress, that nobody had considered the State's duty to protect her as a child and indeed even the Judge had given no thought to her age despite the fact that as a child (i.e., under 18 years of age), she should not have been dealt with in the Crown Court at all.

The Court of Appeal found that the circumstances of her conviction were “shameful” and quashed the conviction on the basis that she should have been protected, not prosecuted or convicted and that a fair trial had not taken place.

Case of Regina v O [2008] EWCA Crim 2835.

England and Wales Court of Appeal case.

Available at <http://www.bailii.org/ew/cases/EWCA/Crim/2008/2835.html>.

Case Study 2:

R v L and Others: Vietnamese trafficked boys used by traffickers for cannabis cultivation

In the landmark criminal appeal of L and others in 2013 the Court of Appeal of England and Wales quashed the criminal convictions of three Vietnamese young men who had been convicted, when children aged under 18, of cannabis cultivation offences, and sentenced to terms of imprisonment.

Having considered the evidence of trafficking the Court of Appeal accepted that their criminal conduct had occurred whilst they were child victims of human trafficking under the control of their traffickers, who were exploiting them for the purpose of criminal activities, i.e. drugs production. The Court held that the Vietnamese boys’ crimes had arisen as a “manifestation of their exploitation or trafficking” and they had had no choice but to comply with the dominant will of their traffickers.

As such, they were entitled to have their convictions overturned upon the application of the relevant Non-Punishment Provision.

The Lord Chief Justice of England and Wales, who heard and allowed the appeals, found:

“13...The reasoning [for the non-prosecution of victims of trafficking] is not always spelled out, and perhaps we should do so now. The criminality, or putting it another way, the culpability, of any victim of trafficking may be significantly diminished, and in some cases effectively extinguished, not merely because of age (always a relevant factor in the case of a child defendant) but because no realistic alternative was available to the exploited victim but to comply with the dominant force of another individual, or group of individuals.”

See Regina v L and Others [2013] EWCA Crim 991

England and Wales Court of Appeal case. Available at: <http://www.bailii.org/ew/cases/EWCA/Crim/2013/991.html>

MODERN SLAVERY CASE STUDY ON FORCED LABOUR



Parosha Chandran
Leading UK Anti-Slavery Lawyer
Expert and Legal Adviser to the CPA UK Modern Slavery Project



The following case summary and legal analysis of relevant evidential issues is taken from the extremely helpful United Nations Office on Drugs and Crime (UNODC) Case Law Digest on Evidential Issues in Trafficking in Persons Cases, 2017 and is included here with permission.

R v. Connors (United Kingdom)¹ :

The kinds of evidence in this case included victim testimony with inconsistent statements and evidence gathered from police investigations including “real evidence” such as photographs.

Summary of Evidential Issues:

The mosaic of evidence included violence, threats of violence, verbal abuse, deception, vulnerabilities (homeless, friendless, addicted to alcohol, mental health difficulties), restrictions of freedom (including telling them they could never leave), the victims having nowhere to go and confiscation of personal documents, isolation, low pay or absence of pay on occasion, difficult work conditions, poor living conditions, lack of access to medical care, and humiliation of victims. Weaknesses in this case included the behaviour of victims who acted as overseers of other victims and the failure to escape.

The defendants were convicted of holding another person in slavery or servitude or requiring them to perform forced or compulsory labour. The case was appealed on sentencing issues, and the convictions were affirmed on appeal.

Facts of the case—mosaic of evidence

The five defendants were all members of the same family. The family owned a caravan park and recruited vulnerable individuals by means of false promises of paid work, food and a home. The victims were recruited because of their vulnerabilities; most were homeless, friendless and addicted to alcohol. Some victims suffered from mental health difficulties. All had been vulnerable in some way. The defendants forced the victims to work for the family business as labourers. The court described the victims' situation thus:

¹ R. v. Connors and others [2013], EWCA Crim. 324, Court of Appeal, Criminal Division, 26 March 2013

“...these men were usually paid something like £10 per day, for a day’s work, and sometimes £5 or occasionally £20 per day, but on other days they were not paid at all. They worked very long hours, sometimes seven days a week. They would be expected to work in very poor conditions without proper equipment or clothing. The accommodation provided for them was of a very poor standard indeed, sometimes without heating or even running water. On occasion they were subjected to violence or the threat of violence as well as verbal abuse. If they did not understand instructions, or failed to complete their work properly, a number were slapped and punched, and subjected to physical abuse if they were considered to be disobedient or became drunk. Some were told that they could never leave, and were threatened with physical reprisals if they did so. Several “absconded”, some never to return, but some were found by members of the family and brought back to work. Many of these who gave evidence at trial felt that they should not leave, sometimes because of the threat of violence, but sometimes also because if they did leave, the life that lay ahead of them would very often be one of homelessness and destitution. Some of their State Bene t documentation taken from them and kept by the family. Nevertheless benefits were collected on their behalf, but seldom passed to them. This provided substantial funding for the conspirators, to be added to the profits made from work, performed by a cheap, degraded, vulnerable, intimidated and sometimes physically assaulted workforce. One manifestation of this level of control was that many of those exploited were effectively deprived of the will to leave, and others were too demoralised to seek to leave, and yet others believed that the world outside had nothing better to offer them.”

[2013] EWCA Crim. 1165, Court of Appeal, Criminal Division at para. 12.

The victims were socially isolated, had to shave their heads and were denied access to medical care when they were injured. One of the victims fell through a garage roof and the defendants would not let him go to a hospital or a doctor. Eventually the victim could not walk and was taken to the hospital. The defendants told the victim to hurry up and he was forced to discharge himself early. The victim was forced back to work within three days.

One of the victims changed his story significantly after his initial statement to police. During his initial statement he described the defendants as carefully nurturing him to help him beat his addiction to alcohol. He called them his “best friends” and his “surrogate parents”.⁶⁶³ He stated that the defendants kept him in line but that he was treated fairly and that there was no violence beyond a playful slap. When describing this interview, the court noted that this victim was “plainly intimidated” by two of the defendants.⁶⁶⁴ When interviewed a second time, this victim provided evidence of violence, isolation, lack of access to medical care, no pay and forced labour that was consistent with the evidence provided by other victims. The court did not question the victim’s credibility despite his inconsistent statements; the first statement was seemingly viewed as one taken under intimidation and was not believed.

The defendants would force some of the victims to recruit new victims and keep them in line. One victim was “expected to lie to any new workers who were recruited and when they became disillusioned and to reassure them that they would eventually be paid. His mission was to keep them ‘sweet’”.⁶⁶⁵ A second victim described it thus, “[g]radually, as you were on the site longer and longer, you became appreciated in the sense that you became responsible for watching other workers, reporting on them, pulling them back. But if you did not comply, you yourself received a crack [a back-handed slap].”⁶⁶⁶ The victim felt guilty about slapping other victims but knew if he did not do it he would be subjected to worse violence.

Court ruling:

The appeals court described the information provided by the victims as a “detailed account of persistent ill-treatment and humiliation, and clear evidence of servitude and forced labour”.⁶⁶⁷ The trial court judge found that based on the evidence provided, “over very many years hundreds of workers were recruited from the streets and very many will have received violent and degrading treatment ... there were only a small number who were so degraded that their self-esteem and courage to take matters into their own hands were wholly undermined. They lost the independence of will required to leave.”⁶⁶⁸ By understanding the failure of some victims to escape within the context of being degraded by the defendants the court was able to overcome this potential weakness in the mosaic of evidence. All of the defendants were convicted of holding another person in slavery or servitude or requiring them to perform forced or compulsory labour.

Core issues addressed:

1. Failure to flee explained by a combination of factors: The court did not impugn the victims’ credibility because some failed to flee. The ruling referred to a combination of factors and even saw it, in part, as a function of the control exerted by the defendants thus: “One manifestation of this level of control was that many of those exploited were effectively deprived of the will to leave, and others were too demoralised to seek to leave, and yet others believed that the world outside had nothing better to offer them”. Thus, the victims’ vulnerabilities played a role in their failure to flee, as well as other factors.
2. Inconsistent statements not deemed to render the victim non-credible: One victim in the case contradicted himself; his first statement did not criminalize the defendants, whereas his second did. However, the court did not impugn his credibility due to this, but rather saw the first statement as a product of intimidation.
3. Victims as accomplices to the crime: The facts of the case show that some victims were employed by the defendants in assisting in the recruitment of others and keeping them in line in order to avoid being punished by the defendants. There is no explicit discussion of this facet of the case in terms of its impact on victim credibility or criminalization of these victims.
4. Victims as individuals with individual reactions: When reviewing the facts of the case, it is clear that not all victims reacted in the same way to the same set of circumstances. Thus, some fled and some did not, having lost the will to do so. While the court did not express this insight explicitly, it arises from the facts and provides some guidance for practitioners that there is no one reaction pattern which applies to all victims, but rather there can be a variety of individual reactions to exploitation according to the “different shapes and sizes of each victim”.

THE CPA UK MODERN SLAVERY PROJECT

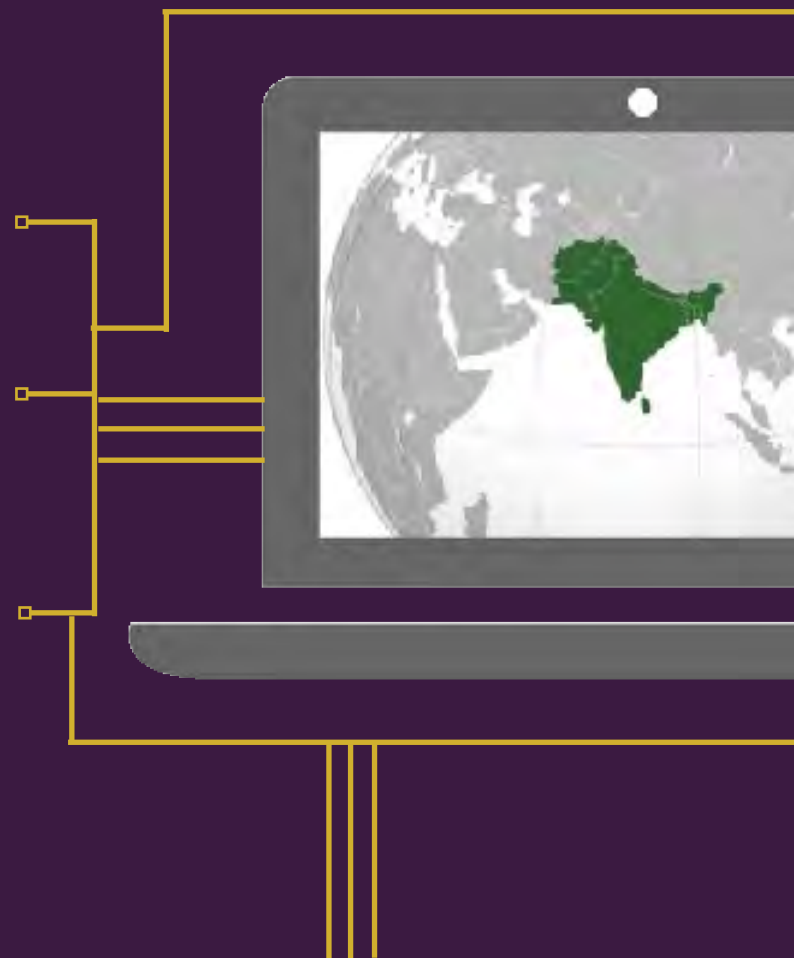


CPA UK ONLINE PORTAL

The online portal is a secure platform for Commonwealth parliamentarians to share good practice & exchange ideas on combatting modern slavery & human trafficking, promoting communication between parliamentary counterparts.

The portal includes an 'expert database', a global legislative overview and resources tailored for parliamentarians.

Join the community at msproject-portal.com



GLOSSARY

4P Framework- Pursue, Prevent, Protect, Prepare

AI- Artificial Intelligence

APPG- All Party Parliamentary Group

CPA UK- Commonwealth Parliamentary Association UK Branch

CPC- Child Protection Compact

DR Congo- Democratic Republic of Congo

ECHR- European Convention on Human Rights

ECtHR- European Court of Human Rights

ECPAT- Every Child Protected Against Trafficking

ESF- Ethics and Sustainability in Fashion

FGM- Female Genital Mutilation

ICT- Information and Communication Technology

OECD- Organisation for Economic Co-operation and Development

PMB- Private Members Bill

FGM- Female Genital Mutilation

GRETA- Group of Experts on Action against Trafficking in Human Beings

GLAA- Gangmasters & Labour Abuse Authority

GoG- Government of Ghana

ICT- Information and Communication Technology

IJM- International Justice Mission

ILO- International Labour Organization

MSA- Modern Slavery Act

NCMEC- National Center for Missing & Exploited Children, US.

NGO- Non-Governmental Organisation

NPA- National Plan of Action

NRM- National Referral Mechanism

OCG- Organised Crime Group

TiP-Trafficking in Persons

TIP Office- US State Department Office to Monitor and Combat Trafficking in Persons

TVPA- U.S. Trafficking Victims Protection Act, 2000

UK- United Kingdom

UNCRC- United Nations Convention on the Rights of a Child

UNICEF- United Nations Children's Fund

UNODC - United Nations Office on Drugs and Crime

USA- United States of America

Front cover image:

A former slave in the garment industry, she is now free and lives in a village filled with other free slaves where the residents all do intricate beadwork.

Back page image:

Each day, children make several trips down the mountain, delivering stones from higher up in the Himalayas. They use makeshift harnesses out of ropes and sticks, strapping the stones to their heads and backs. Many of them come from families where everyone is trapped in debt bondage slavery. One of the mothers describes what it was like to be in slavery, "Neither can we die, nor can we survive."

Photo credit: Lisa Kristine Photography / Human Thread Foundation

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