

Modern Slavery

'It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime.

'I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name – modern slavery.'

— President Barack Obama, September 2012

If there can be a single aspect of modern slavery that stops all of us in our tracks, it is this: modern slavery, like any business, has been allowed to grow and develop in the UK because of demand. Together, we have allowed human beings to be bought and sold as commodities for profit.

For many of us, our crime is a failing of the imagination: a willingness to participate as consumers in this fast-paced, supply-chain-dependent society without demanding stringent transparency or accountability; without asking questions of the army of global corporations, labourers, domestic and hospitality workers and myriad others who service us. It's a failing which has, for too long, given freedom to the traffickers and slave drivers who curtail the freedom of so many others: dealing directly in the recruitment and movement of vulnerable people by means of violent force, fraud, coercion or deception with the aim of exploiting them.

Britain has long bathed in the afterglow of our proud abolitionist history, and it is this, perhaps, which for so long prevented us from believing in and giving voice to the reality of this appalling crime. But as the landmark 2013 report *It Happens Here* proved beyond a shadow of doubt, modern slavery happens on UK soil, affecting UK-born citizens as well as vulnerable people trafficked here from around the globe. It happens across Europe, empowered and legitimised by the free movement of people. It operates across borders. It manifests in a shockingly wide range of forms. It happens to adults and to children, to men and to women, exploited in the sex industry, through forced labour, domestic servitude in the home, and forced criminal activity. It breaks the lives of the vulnerable and voiceless, many of whom are living testament to the devastating effects of the five pathways to poverty: family breakdown, educational failure, economic dependency and worklessness, addiction, and serious personal debt.

It Happens Here — produced by the Centre for Social Justice (CSJ), and enabled by the tremendous work of over 180 charities and individuals across all sectors who have worked tirelessly for the anti-slavery cause, often without recognition — gathered

evidence on numerous cases of exploitation in factories, fields, construction sites, brothels and homes. It uncovered shocking systemic failures at every level that left victims vulnerable to indifference, incompetence, arrest, or recapture.

The report identified a leadership vacuum at the heart of Westminster; a messy legislative framework; frontline professionals — however well meaning and brilliant in some areas — forced to swim against a tide of apathy; official bodies failing in their duty of care, with little idea about the scale of the problem; UK-born children being trafficked and abused; a fragmented charitable sector struggling to work together; far too little support and care for survivors; and major supply chains within the business community devoid of basic transparency.

The report gave voice to girls like Mary, who was born and raised in Nigeria and trafficked to England under the guise of a well-paying job. Hours after her arrival, Mary was taken to a brothel. Before Mary even realised she had been deceived, she was trapped.

Mary, and so many more young people, like her and unlike her — some from broken families, some from secure family homes; some unable to find work; some struggling with debt and addiction; without education and with education — are victims of modern slavery within the UK. And yet the crime perpetrated against them has long evaded detection, hidden in plain sight.

Hidden in plain sight

The UN's International Labour Organization estimates that 21 million people are enslaved around the world, generating approximately \$150 billion a year in profits.ⁱ While the full extent of the UK's share of this figure remains unknown, the Home Office has estimated that there are up to 13,000 potential victims of modern slavery in the UK.ⁱⁱ *It Happens Here* showed that a large proportion of cases are never recognised or reported, and do not appear in any statistics or measures of the size of the problem. In 2014 just 2,340 potential victims were referred to the National Referral Mechanismⁱⁱⁱ — which has, since the 2008 Council of Europe Convention on Action against Human Trafficking, been the primary gateway to support services for victims. There has been no consistent grip on the numbers, and efforts to improve this have faltered at every attempt.

It Happens Here was a collective effort to breathe new life into the fight against modern slavery. It proposed a revitalisation of every aspect of our country's approach by injecting new and effective leadership to match the seriousness of the crime; by developing better information about the extent and pattern of modern slavery in the UK; by equipping those on the frontline to recognise modern slavery and act with competency and compassion; by ensuring that the business community plays its part to stamp out this crime; and by improving critical services to help survivors rebuild their lives.

Filling the leadership vacuum

At the very highest levels, the report identified an urgent need to improve the UK's strategic leadership on modern slavery. There was nobody leading the fight in a cohesive and effective way, and responses fluctuated and stalled with changing governments and officials. Furthermore, responsibility in government lay with the Minister for Immigration, who wrongly turned modern slavery into an immigration issue, with severe implications for its victims. The report recommended that the remit for human trafficking and modern slavery be transferred to the Minister for Policing and Criminal Justice in order to reflect the serious criminality of this issue, and undo the harmful confusion with immigration.

Unsurprisingly, in light of this, the report also uncovered enormous legislative confusion around this crime. At the time of publication, legislation relating to human trafficking and modern slavery lay under three different Acts.^{iv} Confusion caused by this separation was compounded by the fact that offences of human trafficking for non-sexual exploitation fell under immigration law, further putting trafficking victims at real risk of arrest as illegal immigrants.

To this end, the report called for the introduction of an independent Anti-Slavery Commissioner: an individual free of political influence, and endowed with a powerful remit, to oversee an effective and consistent UK response to the problem. They would be the single point of contact for the modern slavery agenda, independently driving improvements in strategy, awareness, training and information gathering; giving voice to, and shaping policy with, the testimony of victims, ultimately enabling a proportionate, unwavering and effective response.

Lifting the fog: clear data and useful information

The nature of modern slavery is insidious and shadowed, and its extent remains difficult to accurately gauge. Compounding the problem was the fact that, in 2013, The National Referral Mechanism (NRM) was also the system through which the NRM Competent Authorities – the UK Human Trafficking Centre (UKHTC) or the UK Border Agency (UKBA) – decided on whether someone was a victim of trafficking, both confusing the data and the issues of modern slavery and immigration themselves.

The report called for reforms to enable a much more detailed picture of modern slavery to be developed, proposing a two-tier NRM that would better capture critical information. An anonymous 'first-tier' referral would receive information on cases of modern slavery, regardless of whether a victim consents to a named referral. A 'second-tier' referral would be for those who wished to formally access support through the NRM; this would be a named referral, as per the existing format.

Calls were also made for the UK Border Agency to be stripped of its Competent Authority status. This would ensure that the first decision made about a victim of

modern slavery would not relate to their immigration status, but would become a welfare decision based solely on their need for support. In too many cases, the CSJ had been told that UKBA involvement in the NRM process acted as a major barrier to victims in making a referral, further damaging the UK's grasp on the scale of the problem, and fundamentally denying victims' right to unbiased treatment. These calls for reform recognised that a single Competent Authority ruling on a person's trafficking status – regardless of their immigration status – was the only way to ensure that the UK's response was victim-centred, compassionate, and fair.

Lack of awareness

As shocking as the political confusion was the low awareness among professionals, and their inability to deal competently with modern slavery. The report highlighted unacceptable levels of ignorance and misidentification of victims among the police, social services, the UKBA, the judicial system and others whose responsibility was to identify victims and ensure their protection — gravely hindering the UK's response to the victims hidden within its communities and the traffickers who seek to exploit them.

'In any room of 30 to 40 social workers across the 70 local authorities we have trained, when asked if anyone knows what the NRM is no more than one or two will raise their hand'

— Children's charity representative, giving evidence to the CSJ

The testimonies gathered wove a picture of devastating ignorance. An appalling outcome of such failure on the frontline has been that numerous victims of modern slavery have been prosecuted for offences they have committed as a result of being trafficked. This may include immigration offences or, in cases where people — often minors — are trafficked into the UK to work in cannabis farms, drugs offences.

'One girl escaped from a brothel and went to a police station to tell them that she had been trafficked. She had no passport. Under these confusing circumstances, we chose to arrest her for being an illegal immigrant.'

— A Deputy Chief Constable, giving evidence to the CSJ

Whilst the report found some impressive examples of work by local police forces, it revealed that in many areas police were unaware of the issue, or treated it as a low strategic priority. The report recommended that the recently elected Police and Crime Commissioners (PCCs) were leveraged as a key way to ensure that modern slavery is kept on the agenda, and training was improved to ensure a strong understanding of modern slavery's myriad manifestations.

'Human trafficking is not a performance indicator for police. Until it is, there is more incentive to investigate a shed burglar...than there is a human trafficker.'

— Anonymous former law enforcement officer, in evidence to the CSJ

In addition, there was often a failure of ownership over investigations, with smaller area units often unaware of the evidence requirements and heeded by the complex, international nature of the crime. The report recommended a simple and clear protocol for each force, underpinned by a national strategy, to enable forces to bring a consistent and effective investigative approach, and support victims through the NRM.

The Government had previously stated that each police force had identified a responsible senior police officer for human trafficking — a Single Point of Contact (SPOC).^v However, the report found that only half of the 33 forces which responded were able to give any information about their SPOC^{vi} — a state of affairs that was in clear need of urgent reform.

Social work training was also shown to be deeply inadequate. To this end, the report called for trainee social workers to be taught about the risks of child trafficking in the UK as part of their qualification, and existing social workers trained effectively through an agreed programme as part of their continued professional development.

The disappeared: British children in modern slavery

One of the most disturbing and unanticipated aspects of the report was the evidence of British children being trafficked within the UK for sexual exploitation.^{vii} In 2011, 42 per cent of the UK citizens who were trafficked were girls trafficked for sexual exploitation. Worse, many of these children were viewed by authority figures as being complicit in their exploitation — a grotesque state of affairs that powerfully demonstrates the deep lack of understanding surrounding modern slavery among those charged with protecting its victims.

The power of psychological enslavement — in situations where issues of control are highly complex, and dependencies built and exploited over long periods of time — is often a far more effective shackle than physical threats. It remains a core challenge of modern slavery, complicating questions of agency and often obscuring blame, to the horrifying detriment of victims and our integrity as a nation.

'Control of the mind is more effective than a pair of handcuffs.'

— Nick Kinsella, founder and former head of the UK Human Trafficking Centre and board member, United Nations, Voluntary Trust Fund for Victims of Human Trafficking

The report highlighted the variety of methods used to control trafficked children, including sexual or other forms of violence, physical or emotional abuse, threats of violence against family members or threats of public shaming – perhaps by the publication of humiliating photographs of the abuse that has taken place. In the midst of such abuse, one perpetrator will play 'good cop', becoming the victim's main controller through a misplaced loyalty or the semblance of a relationship. In this way the victim is beholden to the perpetrator's demands, however abusive, demeaning or illegal. It is crucial that practitioners are able to adequately identify and respond to this horrific commodification of children.

'The controls I have seen exerted on British children who have been trafficked for sexual exploitation are virtually the same as those I see on adult victims who are trafficked to the UK from abroad for sexual exploitation.'

— Mike Hand, Former Tactical Adviser at the UKHTC, in evidence to the CSJ

Rebuilding the lives of adult survivors

In addition to the inadequacy of the mechanisms to identify and extract victims from their enslavement, a severe dearth of specialist aftercare support for victims was also uncovered. Survivors need help to recover from their experiences and — in light of the advanced psychological bonds that often remain — to ensure that they do not fall back into exploitation. Whilst some support services existed, there remained a pressing need to rethink the approach to reintegration and resettlement for survivors of modern slavery, and develop standardised, effective long-term provision to enable survivors to rebuild their lives.

Similarly, survivors who returned to their home country were found to be in dire need of better protection from re-trafficking. Shamefully, there was no guaranteed assistance for those from outside the EU who are returning home through the UKBA returns programme, and no returns assistance at all for EU nationals who wished to go home.

'These are some of the most faceless, voiceless, helpless people that we have in the country.'

— Chief Superintendent John Sutherland, Metropolitan Police, in evidence to the CSJ

The report recommended that all trafficked EU and Non-EU victims be offered the support of a return and reintegration scheme when returning home. It further recommended that the Anti-Slavery Commissioner should work with Government to ring-fence international assistance with financial conditions and sanctions for countries which are persistently the top sources for victims of modern slavery in the UK — marking a key development in the UK's recognition of the international nature of this human rights abuse.

Rebuilding the future for children

One of the most scandalous aspects of the report was the discovery of the shocking number of trafficked children who go missing from local authority care. It is estimated that 60 per cent of trafficked children in local authority care go missing.^{viii} Between 1 April and 31 August 2011, for example, 25 potentially trafficked children went missing from care in one local authority alone – five children per month in that time.^{ix}

The psychological bonds of modern slavery mean that trafficked children who go missing are highly likely to return to exploitation: those working on the frontline have time and time again encountered children who are so terrified and 'brainwashed' by

their trafficker that they will leave at the first possible opportunity and return to their abuser. In one case described to the CSJ, a boy who had been trafficked into the UK disappeared on a visit to the dentist: he had climbed out of the window in a desperate attempt to return to his abuser.^x

'If they're still with you in two weeks then you've achieved something.'

— Children's Services Manager, in evidence to the CSJ

A serious barrier for professionals in the children's services, the police, and NGOs, was the complete lack of appropriate accommodation for children who have been trafficked. Secure accommodation, for the most serious cases, can go some way to ensuring the safety of a trafficked child in the first instance. In cases where absconding or re-trafficking are a serious risk, a welfare placement in a secure children's home may be in the best interests of the child whilst a long-term protection plan is formulated — and yet the report found that empty beds were common in secure children's homes (even those which were solely for welfare placements, and not for young offenders), because many social workers viewed these homes as punitive.

This unhelpful perception must be dispelled, and secure accommodation must be more widely considered as an option for keeping a child victim of modern slavery safe in the immediate and short term. To this end, the report identified excellent practice in the Barnardo's Safe Accommodation Project, which uses trained and specialist foster carers to look after children who have been trafficked, and recommended that this model be replicated in the UK, with more specialist foster placements made available.

But the needs of trafficked children go beyond physical security. For children desperate to return to their abusers, physical security can never be assured until a child victim's psychological trauma has been addressed — and yet therapeutic services were shamefully scarce. Specialist foster carers spoke of their exasperation at the lack of available and appropriate support for trafficked children. One foster carer spoke of taking it upon herself to chase up appointments and find a counsellor, eventually deciding to pay for a private counsellor with her own money rather than wait any longer. The availability of quality therapeutic care, tailored to the needs of trafficked children, was rightly emphasised by the report as a key area that must be prioritised in order to break the psychological bonds of abuse and allow the healing process to begin.

The Modern Slavery Act

In light of its shocking findings, the report — harnessing the extraordinary efforts of so many who have fought this battle on the frontline for many years — called for the introduction of the Modern Slavery Act: simplifying all human trafficking and slavery offences under one act; powerfully declaiming the criminality of human trafficking and any form of exploitation; and making provisions to ensure that victims of human

trafficking are not prosecuted for crimes they may have committed as a direct consequence of their trafficking situation.

Modern Slavery Act: The battle, not the war

On March 26th 2015, the call was met, and The Modern Slavery Act was introduced — one of the last Bills to receive royal assent before Parliament was dissolved ahead of the General Election. The first of its kind in Europe, it represents a major step forward in beginning the work that must be done to fight slavery, and once again puts Britain at the forefront of the global battle against it.

The Act consolidates and simplifies existing offences into a single Act, empowering officials to act with clarity and focus. It ensures that perpetrators can receive suitably severe punishments for these appalling crimes – including life sentences. It strengthens the court's ability to restrict individuals where necessary to protect people from the harm caused by modern slavery offences.

Crucially, it has led to the appointment of the first Independent Anti-Slavery Commissioner (IASC), Kevin Hyland OBE, to improve the response to modern slavery. It has placed a duty on the secretary of state to produce statutory guidance on victim identification and victim services, and strengthens regulation in these areas.

The Act makes provision for independent child trafficking advocates, and introduces a new reparation order to encourage the courts to compensate victims where assets are confiscated from perpetrators. It closes gaps in the law to enable law enforcement to stop boats where slaves are suspected of being held or trafficked.

Significantly, the Act also supports supply chain transparency by requiring any UK business turning over more than £36m — not limited to UK incorporated or registered companies — to disclose their annual actions to ensure there is no modern slavery in their business or supply chains, and to publish this, according to the IASC, 'in a prominent place' on their website.

The duty of business

It is impossible to over-emphasise the role of business in leading the war on modern slavery. It is essential that businesses combat the dangers of the supply-and-demand mentality by ensuring that supply and product chains, as well as business practices are slave-free, with the highest levels of rigour and accountability. It is no longer enough to be satisfied with the barest standards of 'ethical' packaging — the terrible ironies of which were captured in 2013 by *The Sunday Times* journalist George Arbuthnott's investigation into the British food industry:

'The authorities had gathered evidence that the workers had been trafficked to Britain and forced to work for a gangmaster on chicken farms run by Britain's largest egg-producing company.... From those farms, premium free-range eggs were sent on...

The GLA said the workers were suffering from exploitation “so extreme”, they had to immediately revoke the gangmaster’s licence.^{xii}

‘Legitimate food-producing companies employ the victims, unaware their pay and freedom is being seized by a trafficker operating in the shadows. This makes it very difficult for stores to guarantee the food on their shelves is not the product of slave labour — whatever they say about their ethical practices.’^{xiii}

The reporting requirements of the Modern Slavery Act have been modelled on successful legislation passed in the state of California, where companies such as Walmart and ExxonMobil have engaged with this new transparency agenda.

82 per cent of the individuals polled by the report supported the Government requirement for large companies to report on their efforts to battle modern slavery.^{xiii} With the implementation of the Act, forward thinking businesses are recognising the mutual benefit of committing to such standards of transparency, which allow consumers and investors to make informed decisions, give space for companies already doing good work to showcase their efforts, and enable all businesses to proactively manage and improve their public reputation.

The tide of public demand means that businesses resisting these changes are fighting a losing battle. As the UK Government acknowledges, ‘commercial competition will make doing nothing an unattractive and potentially more expensive option’. These changes have the potential to revolutionise the commercial landscape of Britain, lending powerful support to the Good Business movement which has, for some time, been led by B-Corp — first in the US, and now through its UK branch, which launched in January 2015 and which I now support as Chairman.

For this revolution to be a success, it is vital that transparency be embraced in the spirit of opportunity, not regulation; not a forcing of hands, but a chance to address problems and share best practice — ultimately increasing the positive social impact of business in general.

Continuing the fight

Great steps have been taken in the fight against slavery, but they are just the beginning. Legislation is only part of the answer. Slavery may be centuries old, but modern slavery is a distinctly modern phenomenon. Enabled by modern technology, and modern means of travel, it is now a global industry, managed by organised criminal gangs across borders with the efficiency of any modern corporation.

These highly sophisticated illegal businesses show a detailed understanding of how to avoid detection and prosecution by Europe’s law enforcement agencies when moving men, women and children across international and national borders. Criminals will exploit victims in the most profitable of ways and by the easiest of means and, as

technology evolves and methods change, much work must still be done to fully understand the extent of these groups and their business models.

Modern Slavery is a truly cross-border crime, and — as Britain becomes a more hostile environment to traffickers and criminal gangs shift their base — there will need to be a concerted and co-ordinated action from law enforcement in different countries, working together in a spirit of open collaboration.

'It is absolutely critical that we recognise and respond to the need for ongoing support and that we get it right so we do not fail yet another generation.'

— Sheila Taylor, Director, National Working Group for Sexually Exploited Children, in evidence to the CSJ

To this end, the latest report from the CSJ, *A Modern Response to Modern Slavery*, authored by Fiona Cunningham, lays out the next steps that must be taken by Europe — working as a united entity — to sustain the fight. As we focus on urgent Europe-wide issues of free movement, mass immigration and Union membership, stability in the Eurozone and widespread youth unemployment — all themselves partially tied to modern slavery — we must not forget to ensure action is taken to end the injustice and ongoing failures revealed in its pages.

With the Modern Slavery Act, we in Britain have chosen to look into the face of modern slavery: we have named this crime, and recognised its reality, and this time, for the last time, we will never again be able to say that we did not know. For too long we have been guilty of a culture of complacency — as leaders, as businesses, as professionals, as individuals — and we must not return to it. *It Happens Here* is proof of the change that can happen when the collective pulls together to challenge the status quo and rattle the bars of resignation, and we must move forward in this spirit if we are to succeed in the long road ahead. A society is judged on the basis of how it treats its weakest members, especially its hidden and its voiceless. Slavery has not been banished to the past. It is here today, now, in our midst. It is not inevitable. And its eradication must be the work of all of us.

Mark Florman

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