

World Day Against Trafficking in Persons 30 July 2018

Summary

World Day Against Trafficking in Persons takes place on 30 July each year. It was established by the adoption of United Nations General Assembly Resolution A/RES/68/192—Improving the Coordination of Efforts Against Trafficking—on 18 December 2013.¹ The Resolution stated that the day was necessary to raise awareness of the situation of victims of human trafficking and for the promotion and protection of their rights.²

The focus of the 2018 day is “act to protect and assist trafficked persons”. The United Nations Office on Drugs and Crime (UNODC) has said the topic highlights one of the most pressing issues of our time—“the large mixed migration movements of refugees and migrants”.³ Further explaining this year’s focus, UNODC stated:

The theme puts the spotlight on the significant impact of conflict and natural disasters, as well as the resultant, multiple risks of human trafficking that many people face. It addresses the key issue concerning trafficking responses: that most people are never identified as trafficking victims and therefore cannot access most of the assistance or protection provided.⁴

Policy Background

International Policy

The United Nations (UN) Convention Against Transnational Organised Crime was adopted by the UN General Assembly in November 2000 (Resolution A/RES/55/25) and entered into force in September 2003. The Convention was “the main international instrument in the fight against transnational organised crime” and was supplemented by three protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. This Protocol—which is also known as the Palermo Protocol—represented “a milestone” in international efforts to address human trafficking.⁵ It entered into force on 25 December 2003 and was the first global legally binding instrument to contain an agreed definition of trafficking in persons (article 3):

“Trafficking in persons” shall mean 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁶

In 2010, the UN General Assembly adopted the *Global Plan of Action to Combat Trafficking in Persons*, which urged governments to take coordinated and consistent measures in relation to trafficking.⁷ The plan also called for the fight against human trafficking to be integrated into the UN's broader programme to "boost development and strengthen security worldwide".⁸ In addition, it established a UN voluntary fund for victims of trafficking which facilitates on-the-ground assistance and protection through grants to specialised non-governmental organisations (NGOs).⁹ In 2013, the General Assembly held a high-level meeting to appraise the plan. It was during this meeting that the resolution which designated 30 July as World Day Against Trafficking in Persons was adopted.¹⁰

Support for the 2010 plan was reaffirmed by the UN General Assembly in 2017, with the Secretary-General of the United Nations, Antonio Guterres, touching on the theme for the 2018 day by highlighting concerns regarding increases in migration.¹¹ He stated that in recent years, conflict, insecurity and economic uncertainty had brought new tests, "with millions of people spilling out of their countries towards safety".¹² Commenting further, he said that while thousands died at sea, in deserts and detention centres, many others found themselves "at the mercy of merciless people".

Statistics published by the UN state that the number of international migrants worldwide has "continued to grow rapidly in recent years, reaching 258 million in 2017, up from 220 million in 2010 and 173 million in 2000".¹³ The recent New York Declaration for Refugees and Migrants—which was unanimously adopted by the UN General Assembly in September 2016—is a response to the increased flows of migrants and the issues highlighted by Mr Guterres. The Declaration "reaffirms the importance of the international refugee regime and contains a wide range of commitments by member states to strengthen and enhance mechanisms to protect people on the move".¹⁴ Several of these commitments focus specifically on human trafficking and its victims. For example, under "commitments that apply to both refugees and migrants", the Declaration states:

We recognise that refugees and migrants in large movements are at greater risk of being trafficked and of being subjected to forced labour. We will, with full respect for our obligations under international law, vigorously combat human trafficking and migrant smuggling with a view to their elimination, including through targeted measures to identify victims of human trafficking or those at risk of trafficking. We will provide support for the victims of human trafficking. We will work to prevent human trafficking among those affected by displacement.¹⁵

Separate from these instruments, in September 2015 the UN set out the 2030 Agenda for Sustainable Development (Resolution A/RES/70/1).¹⁶ This new agenda aims "to build on the Millennium Development Goals and complete what they did not achieve", with the goals and targets included in the agenda viewed as "of critical importance for humanity and the planet".¹⁷ Some of the targets included in the agenda focus on human trafficking and call for its eradication.¹⁸

UK Domestic Policy

The term 'modern slavery' is defined by the Government as "an umbrella term" covering the offences of human trafficking, slavery, servitude and forced or compulsory labour.¹⁹ As a member of the Council of Europe, the UK is subject to obligations in regards to modern slavery as a signatory of the Council of Europe Convention on Action Against Trafficking in Human Beings. In addition, the European Union directive on preventing and combating trafficking in human beings and protecting its victims also sets out obligations in regards to the provision of support for victims of modern slavery.²⁰

The Coalition Government published a *Modern Slavery Strategy* in November 2014 which set out a “cross-government approach to fighting modern slavery”.²¹ Following this, the Modern Slavery Act 2015, which was enacted across all UK jurisdictions, but applies mainly to England and Wales, consolidated and clarified the existing offences of slavery and human trafficking and increased the maximum penalties attached to these offences.²² The Act also: created two new civil preventative orders; established new maritime enforcement powers to enable police to pursue traffickers on ships; and set up the office of the Independent Anti-Slavery Commissioner. In addition, measures to protect and support victims, including a criminal defence for victims and special measures for witnesses in criminal proceedings were included, as was the requirement for certain businesses to disclose what they are doing to eliminate slavery and trafficking from their businesses.

In 2016, the Conservative Government commissioned barrister Caroline Haughey to conduct an independent review of the Act. The review found that the Act had set an international benchmark for other jurisdictions to aspire to and that law enforcement agencies were using the powers in the Act to increase the number of prosecutions and to support more victims. However, it also found that there was more to do to deliver greater consistency in how law enforcement and criminal justice agencies dealt with victims and perpetrators. The review recommended better training, better intelligence and a more structured approach to identifying, investigating, prosecuting and preventing slavery.²³

Following the review, in September 2016 the Prime Minister, Theresa May, set up a taskforce on modern slavery to bring together heads of the three intelligence agencies—MI5, MI6 and GCHQ—along with the Metropolitan Police Commissioner, the head of Europol, the Secretary General of Interpol, the head of the Gangmasters Licensing Authority, relevant senior police officers and key practitioners.²⁴ The taskforce aims “to do more to bring perpetrators to justice and to support victims both domestically and overseas”. The taskforce has since announced new measures to support victims, including reforming the National Referral Mechanism (NRM), the system by which victims of modern slavery are identified and provided with support.²⁵

In the 2017 Queen’s Speech, the Government included a commitment to:

Lead efforts to reform the international system to improve the United Kingdom’s ability to tackle mass migration, alleviate poverty, and end modern slavery.²⁶

In December 2017, the National Audit Office (NAO) examined government activity in regards to modern slavery and found that “the *Modern Slavery Strategy* does not set out clear activities for the Home Office or a means of monitoring progress”.²⁷ Amongst other issues highlighted by the NAO were: the Home Office did not know how much is spent on tackling modern slavery or how effective that expenditure was; accountability for delivering the strategy was unclear; and the Home Office did not monitor compliance in regards to businesses reporting what they do to prevent human trafficking.

Similar concerns were raised in May 2018 by the House of Commons Public Accounts Committee in its report *Reducing Modern Slavery*. The Committee found that despite the introduction of an “ambitious” *Modern Slavery Strategy* in 2014, the Government had taken too long to “learn what works in the system, to understand the complexities of the crime and to turn the strategy and the Modern Slavery Act into an effective and coordinated approach across government”.²⁸ Amongst others issues, the Committee argued that the Government did not yet have the data or systems to understand the crime and that it did not know how much money it spent tackling modern slavery or what this looked like. The result, the Committee claimed, was that the Government could not establish whether its strategy was working, could not prioritise actions and was unaware of whether victims were receiving adequate care.

Commenting, the chair of the Committee, Meg Hillier, stated:

Victims of modern slavery can face unimaginable horrors but the Government's good intentions have yet to result in coherent action to help them. Government cannot hope to target resources in an effective manner until it properly understands the scale and nature of the challenge. This crime is complex and a piecemeal approach will not cut it. Government must get a grip on what works and what doesn't; when things change, it must be sufficiently informed and agile to respond.

There are flaws to address in the action it has taken thus far. Compliance with supply chains legislation is dismal and long waits in the referrals system are compounding the distress of potential victims. Monitoring of victim support services is poor and there are worrying variations in the response of local police forces. Brexit may complicate the picture further and it is critical that Government acts swiftly on the concerns set out in our report.²⁹

Responding to the report, the Government agreed with the Committee's recommendations and provided information about what it had already done to address the issues, what actions it would take going forward and when the actions would be achieved.³⁰

Also in May 2018, Kevin Hyland, the UK's first Anti-Slavery Commissioner, resigned stating, "at times independence has felt somewhat discretionary from the Home Office, rather than legally bestowed".³¹ Commenting on Mr Hyland's resignation, Victoria Atkins, Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability, described the UK's response to modern slavery as "world-leading" and said that Mr Hyland had "played a pivotal role".³²

In regards to victims, in April 2017, the House of Commons Work and Pensions Committee conducted an inquiry looking at victims of modern slavery.³³ Publishing its findings, the Committee praised the Government for exceeding its treaty obligations in regards to potential victims of modern slavery and described the Modern Slavery Act as a "pioneering piece of legislation". However, it also stated that although the Act had "established new protections for recognised victims", it did not create "a pathway for their recovery".³⁴ Responding to the report the Government replied to the individual recommendations featured in the report and set out the actions it would take going forward.³⁵

Statistics

Due to the hidden nature of modern slavery, estimating the number of victims is complex. This issue was addressed in January 2017 by Sarah Newton, the then Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability, who told the House of Commons Work and Pensions Committee that there was a "big gap" between the estimated prevalence of modern slavery and the number of people officially identified as victims.³⁶

United Kingdom

The Government's *2017 UK Annual Report on Modern Slavery* stated that the most robust estimate of the scale of modern slavery in the UK was produced by the Home Office in 2014 and found that there were between 10,000 and 13,000 potential victims of modern slavery in the UK in 2013.³⁷ The report outlined the three main sources of data available in the UK: the National Referral Mechanism (NRM); referrals under the 'duty to notify' provisions of the Modern Slavery Act 2015; and the number of modern slavery crimes recorded by the police.

In March 2018, the National Crime Agency (NCA) released the 2017 statistics for the NRM. The statistics showed that 5,145 potential victims were submitted to the NRM in 2017, a 35 percent increase from 2016.³⁸ The data also showed potential victims of trafficking from 116 different nationalities, with Albanian, UK and Vietnamese nationals remaining as the most commonly reported potential victims. The most common exploitation type recorded for potential adult and minor victims was labour exploitation.

Global Picture

According to the UN, every country in the world is affected by human trafficking “whether as a country of origin, transit, or destination for victims”.³⁹ In 2016, the UNODC *Global Report on Trafficking in Persons* stated that a total of 63,251 victims were detected in 106 countries and territories between 2012 and 2014.⁴⁰ These victims moved through more than 500 different trafficking flows, with trafficking for sexual exploitation and forced labour the most prominent types of trafficking.⁴¹

Highlighting recent trends in trafficking, the report focused on figures from 2014, where the sex and age of victims was recorded. These figures showed that of the 17,752 victims detected in 85 countries, 70 percent were female (adult women and girls), continuing a trend which has seen females making up the majority of victims since UNODC began collecting data in 2003. Commenting further, the report stated that females were mainly trafficked for sexual exploitation, but also for: sham or forced marriages; domestic servitude; forced labour in agriculture, catering or cleaning industries; forced labour in garment factories; and organ removal.⁴² However, the report also argued that there had been an overall decrease in the share of female victims in the past decade, from 84 percent in 2004 to 71 percent in 2014. In contrast, the detection of males as victims had increased over the same period to the extent that between 2012 and 2014, 1 in 5 detected victims of trafficking were male. In addition, the report highlighted that in some regions, such as Eastern Europe and Central Asia, males represented the majority of detected victims.⁴³ Focusing on the reasons males are trafficked, the report argued that it was mainly for forced labour but, to a limited extent, victims were also detected in cases of trafficking for sexual exploitation, begging and the commission of crime.

Following women, children remain the second most commonly detected group of victims.⁴⁴ The report stated that children made up 25 to 30 percent of the total number of victims between 2012 and 2014. This figure represented a decrease of five percentage points since 2011, which the report attributed “to reductions in the number of boys detected in 17 reporting countries”. The report also focused on the age profiles of detected victims. It said that while countries in Sub-Saharan Africa mainly detected child victims (64 percent)—with countries in Central America and the Caribbean also reporting the detection of mainly child victims—in contrast, those in North America, Europe and the Middle East reported relatively small shares of child victims (20 to 25 percent).⁴⁵

In regards to legislation, the report highlighted that the number of countries with a law that criminalised most forms of trafficking (in persons in-line with the definition used by the UN) had increased from 33 in 2003, to 158 in 2016.⁴⁶ However, the average number of convictions for crimes relating to human trafficking remained “relatively low”.⁴⁷ Commenting on this trend, the report said that most national legislation was recent—having been introduced during the last eight to ten years—and that there was a link which meant the longer countries had comprehensive legislation in place, the more convictions were recorded.

Summarising the findings, the report stated that “inroads have been made”, but that there was a continued need for cooperation and collaboration at the international level and for necessary law enforcement skills at the national and regional level to detect, investigate and successfully prosecute cases of trafficking in persons.⁴⁸

More recently, in 2017, the International Labour Office and Walk Free Foundation, in partnership with the International Organisation for Migration and the UN Migration Agency, published an estimate that 40.3 million people were the victims of modern slavery in 2016. The report stated that “in other words, on any given day in 2016, there were likely to be more than 40 million men, women, and children who were being forced to work against their will under threat or who were living in a forced marriage that they had not agreed to”.⁴⁹ This means that for every 1,000 people in the world in 2016, there were 5.4 victims of modern slavery.⁵⁰ The report also said that women and girls were disproportionately affected by modern slavery and account for 71 percent of the overall total (28.7 million).⁵¹ In addition, it found that one in four victims of modern slavery were children, totalling 5.7 million children (37 percent). Looking at the figures for a five-year period, the report stated:

In the past five years, 89 million people experienced some form of modern slavery for periods of time ranging from a few days to the whole five years.⁵²

Further Information

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