

International Day for the Abolition of Slavery: 2 December 2018

Overview

The annual International Day for the Abolition of Slavery marks the date of the adoption by the United Nations General Assembly of the [United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others](#).¹ Approved by resolution of the General Assembly on 2 December 1949, the convention entered into force on 25 July 1951. As at 23 November 2018, there were 82 parties to the convention.² The eradication of contemporary forms of slavery, such as trafficking in persons, sexual exploitation, and certain forms of child labour, are part of the UN's ongoing [2030 Agenda for Sustainable Development](#).³

This House of Lords Library Briefing sets out current data on the estimated global scale of modern slavery, and summarises current international and domestic efforts to tackle specific aspects of modern slavery.

International Modern Slavery

Background

The UN has noted that “slavery has evolved and manifested itself in different ways throughout history”, with more contemporary forms compounding “long-standing discrimination against the most vulnerable groups in society”.⁴ The International Labour Organisation (ILO) has estimated that, in 2016, there were 40.3 million victims of modern slavery worldwide.⁵ Of this total, 24.9 million people were thought to be engaged in forced labour, with 15.4 million people living in forced marriages.⁶ Of those subject to forced labour, an estimated 16 million victims were exploited by private actors, namely in the sectors of domestic work (24%), construction (18%), manufacturing (15%), and commercial agriculture (12%).⁷ According to the ILO, threats and acts of physical violence were experienced by a third of forced labour victims, with just under a quarter having had their wages withheld.⁸ Notably, women and girls accounted for 58% of total forced labour victims, rising to 99% for those forced to work in the commercial sex industry.⁹

The [Protocol of 2014 to the Forced Labour Convention, 1930](#), was adopted by the General Conference of the ILO on 28 May 2014. The protocol supplements the Forced Labour Convention 1930, and provides specific guidance on measures deemed effective and necessary in eliminating forced labour.¹⁰ Under the convention, ratifying states are required—in addition to criminalising and prosecuting forced labour—to provide victims with protection from punishments,¹¹ and access to “appropriate and effective remedies”, such as compensation,¹² irrespective of a victim's presence or legal status within the country.¹³ The ILO's [50 for Freedom Campaign](#) seeks to persuade at least 50 countries to ratify the protocol by the end of 2018. As at 23 November 2018, 27 countries had ratified the protocol, including the United Kingdom.¹⁴

The [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime](#), has been described by the UN Office of Drugs and Crime as the first “global legally binding instrument” to agree a definition of trafficking in persons.¹⁵ Article 3(a) of the protocol defines trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion” for the purpose of exploitation; such purposes further includes the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery, servitude, and the removal of organs.¹⁶ The consent of the victim is also considered irrelevant, which is said to account for the potential transition from an individual being ‘smuggled’ to being ‘trafficked’.¹⁷ The ILO has reported that one in four victims of forced labour were exploited outside of their country of residence, which suggested “a high degree of risk associated with migration in the modern world”.¹⁸ In addition, a recent survey of migrants in Europe and the Mediterranean conducted by the International Organisation for Migration found that 37 percent of interviewees had personal experiences that were “indicative” of human trafficking or other exploitative practices.¹⁹

Another form of modern slavery noted by the UN is child labour. The [Convention on the Rights of the Child](#) was adopted by the UN General Assembly on 20 November 1989.²⁰ Article 32 recognises the right of children to be “protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual or moral social development”. The UN has set an ambition to end child labour by 2025.²¹ However, predictions made by the ILO, extrapolated from progress made between 2012 and 2016, estimated that 121 million children will still be engaged in labour worldwide by this date.²²

NGOs have campaigned for forced marriage to be included within global slavery statistics, with Anti-Slavery International—a British charity which describes itself as “the world’s oldest international human rights organisation”—claiming it to be “slavery, hidden under the guise of marriage”.²³ In 2017, the ILO included forced marriage data in its global assessment of slavery for the first time, estimating 15.4 million people were living in situations of forced marriage.²⁴ Furthermore, just over a third of victims living in a forced marriage were estimated to be children—of which 96 percent were girls.²⁵

UK Response

The scale of modern slavery in the UK is recognised as difficult to measure, with traditional methods said to be “less effective at measuring the prevalence of this complex and largely hidden crime”.²⁶ To address this issue, in 2014 the Home Office analysed the “overlap” between reported cases of modern slavery from a range of different, but relevant, organisations. Based on this exercise, the Government estimated that there had been between 10,000 and 13,000 potential victims of modern slavery in the UK in 2013.²⁷ Meanwhile, the Walk Free Foundation²⁸ estimated that there were 136,000 people living in modern slavery in the UK, equating to 2.1 people per 1,000.²⁹ Typologies of modern slavery offences in the UK include domestic servitude, sexual exploitation, exploitation by criminal gangs and labour exploitation.³⁰ Hand carwashes were recently identified as a business sector containing a “continuum of exploitation”.³¹

Legislation to tackle modern slavery was enacted across the United Kingdom in 2015. The Modern Slavery Act 2015—which largely applies to England and Wales—consolidated existing slavery and trafficking offences into two offences: (i) human trafficking; and (ii) slavery, servitude and forced or compulsory labour.³² Part 4 of the act established the role of the Independent Anti-Slavery Commissioner, who was tasked with promoting “good practice” in the prevention, detection, investigation and prosecution of slavery and human trafficking offences.³³ The Human Trafficking and

Exploitation (Scotland) Act 2015 and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 were also passed by the Scottish Parliament and the Northern Ireland Assembly respectively. These acts were praised by Anti-Slavery International for putting the onus of support for victims on a statutory footing.³⁴

An independent review commissioned by the Government and conducted by barrister Caroline Haughey was held one year after the act came into force. Despite concluding that the Modern Slavery Act 2015 set an “international benchmark for other jurisdictions to aspire to”, the review identified challenges faced by the criminal justice system in utilising these new codified provisions. Labour exploitation cases were identified as being particularly difficult, with high evidentiary thresholds required to charge suspects. In addition, Ms Haughey noted that Crown Prosecution Service lawyers were failing to account for the “double layer of vulnerability” that victims experienced.³⁵ However, since then, there has been a notable increase reported in use of the act by criminal justice agencies. In 2017, the Home Office reported that 130 defendants were prosecuted under the Modern Slavery Act 2015, an increase from 54 defendants in 2016.³⁶ In October 2018, Victoria Atkins, Parliamentary Under Secretary of State at the Home Office, stated that there were now 950 live investigations underway, compared to 188 in 2016.³⁷ Furthermore, the National Crime Agency has reported that 5,145 potential victims were referred to the [National Referral Mechanism](#) (NRM) (where potential victims are referred to for support and for a decision to be made as to whether they are a victim) in 2017, representing an increase of 35 percent on referrals made in the previous year.³⁸ However, despite more proactive use, the House of Commons Public Accounts Committee noted that victims were “waiting far too long” to hear the outcome of NRM decisions, with an average wait time of 134 days.³⁹

Section 54 of the Modern Slavery Act requires private sector companies with a turnover of £36 million or more to prepare a slavery and human trafficking statement each year, setting out the steps the organisation has taken to ensure slavery does not take place in the company’s supply chains or in any part of its own business. The House of Commons Public Accounts Committee has questioned the efficacy of this provision given the Home Office’s “hands-off approach to business’ compliance”, noting the lack of a centrally-monitored database identifying companies that should, and also do, fulfil this regulatory requirement.⁴⁰ A study of the agriculture sector—identified as a “high-risk” industry for slavery—carried out by the Office of the Independent Anti-Slavery Commissioner reported particularly low compliance with this requirement, with only 19% of companies found to provide statements compliant with the law.⁴¹ It found that 50% of companies were reported to have failed to submit a report, and for those that had, only 38% of reports were compliant with the requirement.⁴² Last month, it was announced that the Home Office would write to 18,000 business considered to be within the scope of the reporting obligation.⁴³

Future Proposals

Further reviews into the Modern Slavery Act 2015 are ongoing. An independent review, led by Frank Field (Independent MP for Birkenhead), Maria Miller (Conservative MP for Basingstoke) and Baroness Butler-Sloss (Crossbench), is due to report and submit recommendations to the Home Secretary in March 2019.⁴⁴ The House of Commons Home Affairs Committee launched a [modern slavery inquiry](#) on 18 July 2018, with evidence submissions ongoing.

On 12 July 2017, Baroness Young of Hornsey (Crossbench) introduced a private member’s bill in the House of Lords. The [Modern Slavery \(Transparency in Supply Chains\) Bill \[HL\]](#) would amend the reporting requirements under section 54 of the Modern Slavery Act 2015 to include “public authorities”. A second reading date has not yet been scheduled. A similar bill introduced by Baroness

Young in the 2016–17 session passed from the Lords but did not receive a second reading in the House of Commons. The [Modern Slavery \(Victim Support\) Bill \[HL\]](#), a private member's bill introduced by Lord McColl of Dulwich (Conservative) this session, seeks to amend the Modern Slavery Act to provide a statutory basis for support and assistance to potential victims of modern slavery during a reflection and recovery period of 45 days, and for a further period of twelve months following confirmation of their status as a victim of modern slavery.⁴⁵ In response to a recent House of Commons debate in Westminster Hall on the subject of modern slavery, Victoria Atkins, Parliamentary Under Secretary of State at the Home Office, said that an extended 'move-on' period, after a conclusive grounds decision that an individual is a victim of modern slavery, would increase from 14 to 45 days from April 2019.⁴⁶

Further Information

- House of Commons Library, [Tackling Modern-Day Slavery](#), 4 October 2018
- Home Office, [A Typology of Modern Slavery Offences in the UK](#), October 2017
- Home Office, [2018 UK Annual Report on Modern Slavery](#), October 2018
- House of Lords Library, [World Day Against Trafficking in Persons: 30 July 2018](#), 27 July 2018
- House of Lords Library, [World Day Against Child Labour: 12 June 2018](#), 11 June 2018

- ¹ United Nations, [Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#), 2 December 1949.
- ² United Nations, '[Treaty Collection: Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#)', accessed 23 November 2018.
- ³ United Nations, [Transforming Our World: The 2030 Agenda for Sustainable Development](#), 1 January 2016.
- ⁴ United Nations, '[International Day for the Abolition of Slavery 2 December: Background](#)', accessed 23 November 2018.
- ⁵ International Labour Organisation and Walk Free Foundation, [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage](#), 19 September 2017, p 9.
- ⁶ *ibid*, pp 9–10.
- ⁷ *ibid*, pp 32–5.
- ⁸ *ibid*, p 36. Victims were noted as often experiencing multiple forms of coercion.
- ⁹ *ibid*, p 10.
- ¹⁰ International Labour Organisation, [Strengthening the Global Fight Against All Forms of Forced Labour. The Protocol to the Forced Labour Convention](#), accessed 23 November 2018.
- ¹¹ Article 3 and article 4(2).
- ¹² Article 4(1).
- ¹³ International Labour Organisation, [Strengthening the Global Fight Against All Forms of Forced Labour. The Protocol to the Forced Labour Convention](#), accessed 23 November 2018, p 3.
- ¹⁴ International Labour Organisation, '[Ratifications of P029—Protocol of 2014 to the Forced Labour Convention, 1930](#)', accessed 23 November 2018.
- ¹⁵ United Nations Office on Drugs and Crime, '[United Nations Convention Against Transnational Organised Crime and the Protocols Thereto](#)', accessed 23 November 2018.
- ¹⁶ United Nations, [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime](#), 15 November 2000.
- ¹⁷ Paolo Campana and Federico Varese, '[Exploitation in Human Trafficking and Smuggling](#)', *European Journal on Criminal Policy and Research*, March 2016, vol 22 no 1, p 5. See pages 1 to 4 for a summary of academic debates about the distinction between smuggling and trafficking in international law, with many arguing for a broader definition of trafficking than set out in the Forced Labour Convention.
- ¹⁸ International Labour Organisation and Walk Free Foundation, [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage](#), 19 September 2017, p 30.
- ¹⁹ International Organisation for Migration, [Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean Migration Routes](#), 15 March 2017, p 21.
- ²⁰ United Nations, [Convention on the Rights of the Child](#), adopted 20 November 1989, entry into force 2 September 1990, 1577 UNTS 3, accessed 23 November 2018.
- ²¹ United Nations, [Transforming Our World: The 2030 Agenda for Sustainable Development](#), 25 September 2015, p 20.
- ²² International Labour Organisation, [Ending Child Labour by 2025: A Review of Policies and Programmes—Executive Summary](#), 13 November 2017, p 6.
- ²³ Anti-Slavery International, '[Official: Forced Marriage is Slavery](#)', 19 September 2017.
- ²⁴ International Organisation for Migration, [Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean Migration Routes](#), 15 March 2017, p 4; and Annie Kelly, '[Latest Figures Reveal More than 40 Million People are Living in Slavery](#)', *Guardian*, 19 September 2017.
- ²⁵ International Organisation for Migration, [Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean Migration Routes](#), 15 March 2017, p 46.
- ²⁶ Home Office, [2018 UK Annual Report on Modern Slavery](#), 18 October 2018, p 4.
- ²⁷ Home Office, [Modern Slavery: An Application of Multiple Systems Estimation](#), 27 November 2014, p 1.
- ²⁸ The Walk Free Foundation describes itself as a “global organisation with a mission to end modern slavery in our generation”; it is partnered with the ILO and International Organisation for Migration to produce these estimates. For the 2018 Global Slavery Index, the foundation used a “combined methodological approach” which included national probabilistic survey interviews conducted in 48 countries, administrative case data from the International Organisation for Migration, and use of “validated secondary sources”. Survey questions on experiences of forced labour and forced marriage were used to create risk factor variables in order to predict the occurrence of modern slavery at the individual country level (Walk Free Foundation, '[The Global Slavery Index: Methodology](#)', accessed 23 November 2018).
- ²⁹ Walk Free Foundation, [The Global Slavery Index 2018](#), 2018, p 94.
- ³⁰ Home Office, [A Typology of Modern Slavery Offences in the UK](#), October 2017, p 2.
- ³¹ Office of the Independent Anti-Slavery Commissioner and University of Nottingham Rights Lab, [Labour Exploitation in Hand Car Washes](#), 18 October 2018, p 8.
- ³² Home Office, [A Typology of Modern Slavery Offences in the UK](#), October 2017, p 2.
- ³³ In May 2018, the first appointed commissioner, Kevin Hyland, resigned due to his concerns about the independence of the role (Kevin Hyland, '[Letter to the Prime Minister](#)', 4 May 2018).

- ³⁴ Anti-Slavery International, '[Who We Are](#)', accessed 23 November 2018; and Anti-Slavery International for The Anti-Trafficking Monitoring Group, [Class Acts? Examining Modern Slavery Legislation Across the UK](#), October 2016, p 42.
- ³⁵ Caroline Haughey, [The Modern Slavery Act Review](#), 31 July 2016, p 22.
- ³⁶ Home Office, [2018 UK Annual Report on Modern Slavery](#), 18 October 2018, p 5.
- ³⁷ [HC Hansard, 9 October 2018, col 82WH](#).
- ³⁸ National Crime Agency, [National Referral Mechanism Statistics—End of Year Summary 2017](#), p 5.
- ³⁹ House of Commons Public Accounts Committee, [Reducing Modern Slavery](#), 2 May 2018, HC 886 of session 2017–19, p 6.
- ⁴⁰ *ibid*, p 5.
- ⁴¹ Office of the Independent Anti-Slavery Commissioner and University of Nottingham Rights Lab, [Agriculture and Modern Slavery Act Reporting: Poor Performance Despite High Risks](#), 15 August 2018, p 4.
- ⁴² *ibid*, p 4.
- ⁴³ [HC Hansard, 9 October 2018, col 82WH](#).
- ⁴⁴ Home Office, '[Modern Slavery Act 2015 Review: Terms of Reference](#)', 17 August 2018.
- ⁴⁵ House of Lords Library, [Modern Slavery \(Victims Support\) Bill \[HL\]](#), 17 August 2017, p 1.
- ⁴⁶ [HC Hansard, 9 October 2018, col 81WH](#).

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