



A Holistic Approach to Anti-Trafficking Efforts: From Rule of Law to Upstream Prevention

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The globalisation of indifference, in the words of Pope Francis, has created a 'throwaway culture'. This throw away culture does not only relate to the increasingly disposable consumer goods market but also to the many lives thrown away, trapped and exploited in global production lines fuelled by a profit seeking material gains culture.

Within the United Kingdom the government has conservatively estimated there are 13,000 people in conditions of modern slavery.

This includes men and women in forced labour in construction, car washes, agriculture or domestic servants, sexual exploitation and forced criminality such as petty thefts, cannabis cultivation or street begging, just to mention some forms it takes in our globalised cities and towns.

This includes a child of 7 kept in a London household who worked from 6 in the morning to 11 at night each day having been taken from her mother on the promise of a better life in the United Kingdom. How wrong she was as the 'Romanian Cinderella' as the media named her lived a life of misery and exploitation, even though many had suspicious but no one acted for almost 2 years.

Today slavery is rarely ideological, it is not part of a separate formal structure as it may have been historically, rather it is integrated, embedded, I dare say, even institutionalised - albeit often unwittingly.

It cannot simply be banned by treaty as with the transatlantic trade, it no longer involves fixed trade routes that can be cut off; it is a complex political, socio-economic and moral problem.

It is a cog in our economic machine, manifesting itself in a hidden underworld but interacting with the legitimate economy and intrinsically linked to global supply chains, shifting political landscapes and human development.

Victims endure experiences that are horrifying in their inhumanity, including violence, rape and extreme abuse. But modern slavery also has wider negative implications for human development.

It results in a huge loss of remittances to developing countries, because remittance flows are taken from victims, who are forced to pay off debts, which become profits for the criminals.

And there is the impact on the families and communities left behind. Victims cannot care for their children or the elderly. Many are young, so modern slavery robs communities of those that could economically contribute most to local development.

Modern slavery is an economic problem, as many victims are seeking to escape poverty and are lured into trafficking and slavery by the false promise of economic gain.

It is a health problem, as trafficked women and children are most at risk of HIV infection.

It is a gender problem, as unequal power relations reinforce women's secondary status in society.

And, of course, it is a legal problem, as victims are stripped of their human rights and traffickers are too often acting with impunity

As judges here, many of you are in a position to understand and use the law in order to help restore the justice the victims and their families deserve.

First of all however, of course, you need to have the necessary legal instruments to help you. Thankfully, in the UK, we have made huge strides forward in this area with the passing of the Modern Slavery Act, a landmark piece of legislation that you will hear more about from my colleagues here.

This inclusive legislation has once again placed the UK centre stage in anti-slavery efforts. The 2016 Global Slavery Index published last week calls for all countries to implement legislation that is equally robust.

But as Professor McEldowney has said it is just the beginning.

And whilst seeking domestic and international change might seem like an enormous task, if the political will is there, change can happen quickly.

At the end of 2013 an in depth report by the Centre of Social Justice was published highlighting the gravity of the problem of slavery in contemporary UK society. Less than two years later, the Modern Slavery Act was passed, and I am delighted Baroness Butler-Sloss is here who played a crucial part as a House of Lords Parliamentarian to ensure the legislation was searching and challenging.

It is important to focus on practical solutions on what we can do, however big or small, rather than lament and remain aghast at stories of tragedy and the enormity of the issue. These stories, no matter how horrific must motivate us not to hold us back, in fact they actually mandate us.

We must remember that it took British Parliamentarian William Wilberforce just 20 years to end the British transatlantic slave trade, and it was less than 30 years more when the global slave trade was abolished.

And this was all at a time when slavery was as accepted as birth, marriage and death.

In our interconnected world, abolition today seems far more complex than it was in the times of the trans-Atlantic slavery when the trade was halted with a simple treaty and with a bit of help from the British Navy.

But let us not forget that Wilberforce and his allies too had to make huge institutional change and put in years of hard graft to shift cultural attitudes towards the way in which business and society functioned. As they did, so must we.

What if Wilberforce had not spoken up? What then? For how much longer would have the slave trade persisted?

We need to embark on this same journey again now and address the structures and cultural attitudes in our society and factors in our economy that have enabled slavery to thrive once again.

Here in this room today, we have some incredibly valuable, well respected voices that have the power to create change and ignite change in others.

Judges, with a wealth of experience interpreting and administering the law, are in a strong position to restore justice to the lives of those that have been taken by traffickers.

Not only, through our interpreting and understanding of the law and discerning judgement of the complexities of individual cases but also through speaking up, instigating change, informing policy.

I see the role of judges as two fold, first and foremost in the responsibilities carried in their frontline role in protecting and restoring the rights of victims and secondly, as a voice for change.

The first, involves understanding the nature of human trafficking and how the trauma victims have experienced may influence their behaviour in court and interaction with statutory authorities and, working to ensure that this does not unfairly limit a victim's ability to have access to justice.

For example, a trafficked victim may give delayed complaints, even return to an abusive employer and might not have a fled when it was seemingly possible to have done so. At the face of it, such actions could appear to reduce the credibility of a case, however this is in fact further indication of the control the trafficker would have had over the victim. It is vital that the judiciary understand these nuances if a voice and justice is to be given to victims of modern slavery.

Another similar instance could be where careful judgement may be needed is when victims may have been trafficked for the purpose of forced criminality. Understanding of the nuances of such cases could help identify a victim who is in a court room for committing a crime which they may have done so under duress.

To protect, victims who might have ended up in this situation, the UK Modern Slavery Act, has introduced a statutory defence for victims of modern slavery which means that victims who have been compelled to commit an offence as a direct consequence of their slavery situation can be confident that they will not be treated as a criminal by the justice system.

Training and awareness among the judiciary around the particularities of modern slavery crime can go a long way to restoring the lives of those who have lived once enslaved.

It is not however only in their direct line of work that the judiciary can make this difference. The input of judges and prosecutors in the drafting of the Modern Slavery Act was absolutely crucial. It was a Judge and a Prosecutor that were able to ensure that the creation of prevention and risk orders became a key tenant of the Modern Slavery Act and give the courts the powers they need to prevent the harm caused by modern slavery offences.

The prevention orders will restrict the activity of individuals who have been convicted of modern slavery offences. The risk orders, which do not require a previous criminal conviction, will be used, for example, to restrict the behaviour of those on the periphery of criminal organisations, who play supporting roles in modern slavery crime, where there may be insufficient evidence to convict an individual, but the risk is still clear.

These have already been utilised in the UK making it a much more challenging environment for traffickers to operate in.

Another key clause of the Modern Slavery Act was the creation of my role as the Independent Anti-Slavery Commissioner, a position created to spearhead UK anti-slavery efforts --

To have an overview of the different components working on anti-slavery efforts, to join the dots and work towards better co-ordination and bring accountability across all actors.

People within these spheres are working incredibly hard, rescuing and caring for victims, reducing the risk of others to modern slavery -- doing their job.

While all these cogs are working dealing with immediate demands and pressures having a body that can look at and analyse broad ranging anti-slavery efforts and identify where things are working and could be replicated and where there are gaps.

Co-ordination is important both at the domestic level and, internationally.

Over recent years there have been a wide variety of very positive initiatives to try to tackle modern slavery and human trafficking across the globe.

But the sad and simple truth is that the anti-slavery movement has so far failed.

Modern slavery continues to boom as an industry, and criminals continue to view it as a low risk and high reward crime.

In reality, however, it hasn't been a fair fight.

While modern slavery crime worldwide is estimated to generate over 150 billion US dollars per year in illegal profits, OECD countries spend just 0.08 percent of this amount on anti-slavery development assistance.

Furthermore, only around 0.2 percent of slavery cases are investigated and prosecuted annually.

All of you here will agree with me. This needs to change.

The first step is for modern slavery to be treated with the gravity it deserves. Slavery, the untold suffering of millions and millions of people across the globe. It is a multi-billion dollar criminal industry.

And it is increasingly the trade of choice for international crime groups and terrorist organisations such as ISIS and Boko Haram to fund their activities.

Yet modern slavery's connectivity with wider global ills is often ignored.

It deserves to be debated alongside counter-terrorism and other priority national and international threats and the national and international resources to match the gravity of the crime.

We need additional resources, but also to be more strategic in how we allocate resources. At present, each silo within the multilateral system has its own focus, often overlapping, but rarely talking to one another.

With a Sustainable Development Goal, Goal 8.7, now dedicated to eradicating modern slavery, calling all governments and indeed businesses to arms the fight against trafficking, we now have a real opportunity to drive co-ordinated global efforts.

We need a coordinated, inclusive and effective global partnership that must harness political, business and social capital and ensure international efforts are aligned and delivering to their maximum potential.

Ultimately however, more work needs to be done on preventing modern slavery crime for happening in the first place. This means working closely with the private sector to end demand, whether witting or unwitting, for slave labour.

And crucially working much more thoughtfully to tackle slavery at its root and to change and challenge the conditions that allow slavery to persist.

The transparency in supply chains element of the UK Modern Slavery Act requires big companies operating in the UK to report annually on how they are ensuring their business and supply chain is free from modern slavery, this is to bring about cultural change where we respect workers everywhere and we must commend

those companies that find and they put in place measures to prevent exploitation, so this is not aimed as a punitive measure against the business sector.

But destination countries need to be much smarter at identifying exactly regions victims have been trafficked from, and then to work in collaboration with source country governments to targeted prevention efforts tackling root causes.

This is exactly what I have been focusing on and one such example is with with partners from Nigeria.

Nigeria has consistently been a major country of origin – either ranking first or second – of victims of modern slavery identified in the UK.

Indeed, the trafficking of women and girls from Nigeria to Europe is one of the most persistent global trafficking flows.

Despite the scale and volume of human trafficking originating from Nigeria, a significant proportion of it is a highly localised phenomenon.

The United Nations Office on Drugs and Crime and Nigeria's anti-trafficking agency have together estimated that 94 percent of Nigerian victims of trafficking for sexual exploitation rescued outside of Nigeria are from Edo State.

UK agencies have also indicated that an equally high proportion of Nigerian victims identified in the UK are from Edo.

To put this in context, the population of Edo is estimated to represent less than 2% of Nigeria's total population.

Through the unique model of the Santa Marta Group, a partnership between the Church, police chiefs and civil society leaders formed in this very room in April 2014 under the leadership of Cardinal Vincent Nichols in the presence of the Holy Father, I have over the past year been working with agencies, civil society and faith groups in Edo, together with local academics that have identified the causes of the phenomenon and the interventions needed.

Together we have developed a needs plan and I am working with the British Government to explore how this can be effectively delivered utilising international resources and funds.

The plan is based around three pillars: Community engagement and resilience building; the creation of local opportunities through sustainable development, largely focused on agri-business; and criminal justice capacity building.

This three pillar approach is essential, as rule of law and community engagement alone will have some impact, but the need for creation of jobs and sustainable development in the most endemic areas of human trafficking and modern slavery is essential.

Until we tackle slavery at its root, we can at best only ever hope to apply a band-aid solution.

This is also true in terms tackling the traffickers themselves.

Modern slavery is very often serious and organised crime, and must be addressed as such.

Unless traffickers and slave masters are relentlessly pursued and punished, victims who may be recovered and supported will simply be replaced with an ever growing supply of vulnerable people and the cycle of abuse and exploitation will continue.

A holistic approach is needed to tackle the scourge of human trafficking in society today one that looks at the root causes of human trafficking but also has upholding of the rule of law right at it's very epicentre.

For only when impunity of traffickers becomes a thing of the past will the world become a place where human trafficking is a high risk low profit business.

These unique opportunities the Church offers and the bringing together of unusual partners with an agreement of respect, trust and dignity are key for our mission to eradicate this crime against humanity to succeed.

To finish I will quote a great figure in fight for freedom, Dr. Martin Luther King.

In 1963 he wrote from his jail cell

'Injustice anywhere is a threat to justice everywhere.'

It is a disgrace on us all in today's society that there is injustice everywhere, in every part of the globe where people are suffering in this scourge on mankind.

And it is up to all of us in this room, to strive for that injustice to become justice, so that men women and children, enjoy the freedom we all take for granted.

And we need to reach a position where we see success not in terms of profit, but how we treat our fellow man.

We now have an opportunity to push modern slavery and human trafficking into the abyss and finally confined to the history books.

Let's not miss this opportunity, as it will be people like us, who can, and must make this happen, otherwise it will be us who appear in the history books as having failed in our duty to our fellow mankind for many year to come.