

NORTH EAST

RACE EQUALITY FORUM

INFORMATION BRIEFING

No.4



The Modern Slavery Act

The Modern Slavery Act became law on the day Parliament rose for the General Election recess, March 26th. This Information Briefing outlines the context for the Act, what is in the Act and what remains unresolved for the next Parliament, and others, to address.

Background

The last anti-slavery Act in Britain was Wilberforce's second Act, abolishing slavery, in 1833. Although it was thought that that would eventually drive slavery out of existence, in reality slavery has continued, often morphing into other forms. Thus, after 1833, millions of slaves in India simply became debt bondsmen and women, effectively still slaves but held in servitude by other means. By the early part of the 20th century, it was clear that slavery still existed worldwide and first, the League of Nations and then the United Nations, often through its associated bodies such as the International Labour Organisation (ILO), addressed the existence of slavery in its various forms. In 1930 the ILO introduced the first Convention against forced labour, which has been updated and revised from time to time and widened to cover specific issues such as child labour and domestic servitude. It is thought that today there may still be something like 20M-30M people still held in forms of slavery, many more than the 16M carried to the Americas in the Transatlantic slave trade. Hundreds of thousands of people, including whole families, are still held in what is called descent or familial slavery in the countries of the Sahel such as Mauritania.

Although slavery is now a crime in almost every country of the world, it has

become clear that it still exists and not just in the dark corners of poor or autocratic nation states. In the UK, slavery was still seen till the late twentieth century as something which happened elsewhere. This perception was rudely shattered in the early part of the 21st century by two things. First, police and other agencies began to identify growing numbers of people, usually women, who were being trafficked into or within the UK for the purposes of sexual exploitation. This trade has been growing continually over the past years and there are literally thousands of people in the UK who have been trafficked here, or within the UK, for this purpose or for labour exploitation. Secondly, the death of 23 Chinese cockle pickers who drowned in Morecambe Bay alerted people to the fact that there were an unknown number of workers suffering forced labour (extreme and brutal exploitation) at the hands of illegal gangmasters (labour suppliers). A Gangmasters Licensing Act/Authority (GLA) were introduced to try to control the behavior of labour suppliers in three industrial sectors; and an All Party Parliamentary Group on Trafficking was established (later renamed APPG on Modern Day Slavery) which helped to designate Anti -Slavery Day (October 19) and focus attention on the issue. Several Private Members Bills raised aspects of slavery but were often talked out by government.

In 2007, the Joseph Rowntree Foundation published the first scoping report on the extent of modern slavery in the UK, written by a team led by Professor Gary Craig. Finally in December 2013, the Home Secretary decided to introduce a Modern Slavery Bill. The fact of the Bill was warmly welcomed on all sides although it became clear that the Bill as it stood was wholly deficient. After several rounds of Parliamentary scrutiny and detailed critiques mounted by NGOs, researchers and other commentators, a revised Bill was presented in June 2014. This was then argued over, several aspects of it proving to be particularly contentious. However, whilst it is widely accepted that the Act remains deficient in many ways, it has now at least raised the profile of modern slavery within the UK and led to considerable political and media attention as well as some extensive research studies. It has also led to the



overhaul of some aspects of anti-slavery measures such as the National Referral Mechanism.

What is in the Act



The Act brings together existing legislation about different aspects of modern slavery (trafficking, forced labour, cannabis farming, forced begging and pickpocketing, domestic servitude, and organ harvesting) although it still strongly focuses on trafficking to the detriment of other aspects of slavery. It:

- Introduces new anti-trafficking measures such as trafficking prevention orders;
- Provides for much harsher penalties (up to life sentences) for traffickers;
- Recognises that slavery may be taking place in the seas surrounding the UK;
- Indicates that those who are victims of modern slavery should not be criminalized;
- Provides for a review of the remit of the GLA, to take place before March 26th 2016;
- Introduces the idea of Child Advocates to defend the best interests of a child in any modern slavery procedure (a child is defined as under 18);
- Requires certain large companies to report to shareholders annually on action taken to identify slavery practices in their supply chains;
- Created the role of Anti-Slavery Commissioner, a national rapporteur to coordinate work against slavery;
- Requires the government to provide effective guidance and support to police, judiciary and others dealing with slavery issues.

Unfinished business

There are a number of key issues, which remain to be addressed. These

include:

- There is still inadequate protection of overseas domestic workers who remain open to exploitation or face the possibility of deportation if they protest.
- The threshold for the supply chains clause has yet to be determined; if it is too high, few companies will be subject to its requirement.
- The independence of the Anti-Slavery Commissioner remains to be tested; at present he reports to the Home Secretary and not to Parliament.
- The reforms to the National Referral Mechanism have to be assessed.
- The pilot Child Advocate schemes have to be evaluated
- An extensive review of the remit of the GLA has to be carried through: most argue it should be extended to other sectors such as hospitality, construction and care.
- There remains considerable lack of knowledge at ground level about how modern slavery works and how to deal with it. Extensive training and guidance is needed.



Contact: For further information, back copies of Information Briefings or Research Briefings, or to join the Network, email gary.craig@galtres8.co.uk

The North East Race Equality Forum is a Network of around 300 individuals and organisations in the North East Region committed to promoting racial equality in the context of social justice. No one organisation is necessarily committed to every idea published in the name of the Forum. The Forum is supported by the 'Race', Crime and Justice Regional Research Network, which includes researchers from each University in the region.