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Combatting modern slavery



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Introduction

“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.” – The Universal Declaration of Human Rights, Article 4. The principle and by that the word ‘slavery’ is commonly known as an institution from the past and thought to belong mainly in the history books. Of course, it is indisputable that the transatlantic slave trade as we know it was at its height during the 16th and 17th century with the trafficking of almost 30 million Africans by the British, Portuguese, Dutch and others. However, slavery, being the violation of the 4th article, still takes place in this world today. Not as a major industry but in way less awful. A clear crime that has lost our attention and by that is able to continue and flourish as an industry making victims to this very moment.

As we know now, slavery did not end with abolition in most countries during the 19th century. Seeing that all recognised nations have taken legislative steps to forbid slavery, it’s now up to law enforcement.



Definition of Key Terms

Slavery

The definition of slavery is, even though the debate surrounding it since 1926, not yet clear. The possible adoption of an overall accepted definition has in fact caused controversies since the early stages of abolitionism. Amongst all possible conflicting opinions there are two main reasons for the latter. The first being that there are multiple different opinions regarding which practices one should categorise as slavery and by that the subject of our ongoing effort. Secondly, slavery isn't a problem that stops to occur at the border. The different approaches to the problem cause ineffective countermeasures and therefore no sufficient solutions in the long run internationally. The fact that international involved parties aren't able to clarify the right definition hasn't exactly contributed to the eradication of slavery.

Human trafficking

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threats 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.”¹

Debt bondage

Debt bondage is, according to the United Nations, “the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined” ..

Serfdom

Serfdom is a system in which a person, the serf, is essentially performing forced labour just like a slave but with certain rights. Mostly those rights consisted of a place to stay and a small loan or pension.

Forced marriage

Situation in which a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group.

¹ Article 3, paragraph A of the Protocol to Prevent, Suppress and Punish Trafficking in Persons



General Overview

Seeing that there are multiple different sorts of modern-day slavery defined by the UN, it is not possible to describe “slavery” altogether. The general overview consists therefore of a more detailed description of all major categories of slavery, as targeted by the UN, below.

Human trafficking

Just like with slavery, Human trafficking has a general definition and the description is just like with slavery, the topic of debate. In the current refugee-crisis, for example, it has a close correlation with migrant smuggling but it is very present to in more peaceful areas. For example, the forces abduction of sex-workers is also a form of human trafficking. . In the year 2000, the UN signed its ‘Trafficking Protocol’² which states that there are three recognised key-parts involved in trafficking which must all be present in order to be able and define an act to be ‘trafficking’ and not ‘smuggling’. For example, if the victim knowingly has been threatened, forced, abducted, deceived or blackmailed into travelling and has been unfairly exploited from time of arrival at the destination, it’s most certainly dubbed trafficking. Trafficking on its own is generally considered a form of contemporary slavery since the victims have no control whatsoever over their own livelihoods and are therefore essentially in a situation of ownership by their capturers.

Human trafficking, other than cases related to the refugee crisis, occurs the most in South-East Asia. People are sold for forced labour and small wages or no money at all. The countries most involved in this particular question are Myanmar, Malaysia, Laos, Thailand, Vietnam and Cambodia. Most of the victims have been misled by promising that they would get a proper job. Others were brutally forced against their will. Victims can differ from boys and girls to grown up women and men. The majority however, are women captured to work in the sex-slave industry.

In the last couple of years, migration due to forced labour has increased while decreasing the share of trafficking for exploitation in sex-industries. This indicates that more and more trafficked individuals are nowadays used for manual labour on for example cacao-plantations. This would also explain the steadily growth of the male share. In the year 2007, of all trafficked persons, 32% were forced labour migrants.³ In 2011, this share was around 40%. These industries should be easier to track down in theory as they operate out in the open. However, conviction rates don’t increase.

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² <https://www.hrw.org/tag/human-rights-council-hrc>

³ <http://www.unodc.org/unodc/en/human-trafficking/index.html>



seeing that the victims aren't allowed to generate other forms of income besides paying of their debt. Full power over the workers lies in the hands of the person that is eliciting the situation. He or she can de facto force their subordinate to continue the labour well after the initial debt is 'worked off'.

Debt bondage occurs the most in societies which know hierarchical structures such as the Caste-system in India or tribal communities in Africa. These systems are deeply imbedded in the local cultures and it is therefore difficult to criticize the parts of it concerning debt bondage without being seen as a threat to the cultural values etc.

Forced marriage

According to the definition that was given to it at the 1956 Supplementary Convention to the Slavery Convention⁴, forced marriage is the situation in which “a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group”. This marriage without personal consent of the bride is included in the list of forms of modern slavery seeing that we essentially have to do with a same sort of 'ownership' of an individual. The person in question is being passed from her initial family to her new husband. Forced marriage is, of all the forms of slavery, probably the one that appears the most in Western countries. It is hard to track and therefore difficult to counter.

Forced prostitution

Prostitution by itself is not an act that is condemned by the UN, so long as it's clearly consensual. The Office of the High Commissioner for Human Rights (OHCHR)⁵ states in a published report on the matter that, “Forced prostitution occurs when a person is prostituted against his/her will, that is to say is compelled under duress or intimidation to engage in sexual acts in return for money or payment in kind, whether such payment is passed to others or received by the victim of forced prostitution him or herself.” Like in the other cases that we defines as slavery, there is a situation of ownership by another human being. Sex-workers in case of forced prostitution aren't able to leave and are not paid for their work, thus it is commonly considered a form of slavery.

Serfdom

Serfdom is a situation in the system of feudalism, in which a human being gives up his freedom in order to live under the patronage of a master. In many ways it is a situation of bondage, which occurred and flourished primarily during the High Middle Ages in the whole of Europe. In some countries, it lasted until the mid-19th century.

Serfs were de facto owned by the lord or master they were working for but this had its benefits too. For a start, in return for their work, they were entitled to protection, justice, and the right to cultivate certain areas of agricultural grounds within the manor for their own livelihood. Serfs however were often required not only to carry out agricultural jobs, but also

⁴ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XVIII-2&chapter=18&clang=en

⁵ https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/HRCouncil/WGTransCorp/Session2/LeighDay_UN_WGtransnational_corporationssubmission4.docx&action=default&DefaultItemOpen=1

in mining and other kinds of dangerous occupations. This is where we still find modern serfdom. These serves might even be in worse situations than their medieval counterparts as their lord or master has no legal authority on the field of justice and protection. Essentially, these serves have more in common with slaves than most people might think.

Major Parties Involved

In general, all countries ranked high in the Global Slavery Index. Slavery is still present in lots of apparent ways in these nations. Some examples are named below, however in order to get a full view of the extend of the issue, check the list.

Mauritania

The actual number one at the list is Mauritania. Historically, Mauritania is one of the hotspots of the slave trade routes and a major source of slaves too. As it seems slavery is still very much a present problem today in Mauretania. Only in 1905, the French colonial administration did forbid slavery but in the rural areas of Mauritania trade and exploitation continued. Not until 1981, slavery was finally abolished in Mauritania. By doing so, Mauritania is the last country in the world to abolish slavery officially. In 2007, the government passed a bill allowing slave-owners to be prosecuted, before then they essentially couldn't be punished for breaking the law. As of 2015, more than 1.05% of its population is considered a slave. This is quite a shocking number, but estimates by other organisations and NGO's can be as high as 17%. That would be a staggering 600.000 people.

India

Besides having an enormous population, India has the highest amount of slaves in the whole world. India is a prime example of modern day slavery. There are about 14 million slaves in India⁶, and they are most commonly forced into bonded labour and sexual exploitation. They are mainly trafficked from Russia into India, and then further into South Asia.

UN Office on Drugs and Crime (UNODC)

The UNODC is working on several levels to eradicate modern slavery. It is the guardian of the United Nations Trafficking in Persons Protocol, and also provides funds to help victims of human trafficking and slavery directly.

DPRK

The totalitarian regime of North Korea allegedly holds a staggering number of prisoners in work camps. These inmates are whole families and therefore in a lot of cases not even convicted criminals themselves but rather family of dissidents. An estimate

⁶ <http://www.unodc.org/unodc/en/human-trafficking/index.html>



percentage of 4,4% of the North Korean population performs forced labour for the regime and the DPRK is therefore considered a nation with state-sponsored slavery.⁷

⁷ Harden, B. (2012)



Timeline of Key Events

Timeline of events in reverse chronological order leading up from 1800 to the present day.

Date	Description of Event
1981	Mauritania is the last nation to officially abolish slavery
1948	Declaration of human Rights declares slavery a violation of those rights aforementioned
1906	Chinese Qing Empire abolishes slavery
1890	Brussels Conference Act establishing measures to counter slavery in remaining slave-trading nations.
1882	A royal Decree (Firman) frees all slaves in the Ottoman Empire
1868	Abolition of slavery in Portuguese colonies by king Louis I
1863	Slavery abolished in the Dutch colonies, emancipating 33,000 slaves in Dutch Surinam, 12,000 in the Dutch Antilles, and an unknown number in the Dutch East Indies (Indonesia).
1861	The Emancipation reform of 1861 abolishes serfdom in Tsarist Russia.
1848	Slavery abolished in French colonies
1840	First World Anti-Slavery convention hosted in London
1834	All slaves in the colonies of the British Empire become free after a period of forced apprenticeship following the Slavery Abolition Act 1833.
1814	The Netherlands abolishes slave trade
1811	Slave trade is made a felony in the British Empire. The ownership of enslaved people is not yet prohibited
1802	After being the first major colonialist to abolish slavery Napoleonic France re-introduces slavery. A setback in the history of abolitionism

Previous Attempts to Resolve the Issue

- HRC/RES/11-3

Resolution focussing mainly on human trafficking but also secondary on other forms of modern slavery

- Geneva Anti-Slavery Convention

Signed at Geneva on 25 September 1926

Amended by the UN in 1953 at the UN Headquarters in New York

- The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery

This is a treaty which builds on the convention mentioned above. It is still operative and was signed and proposed to further and secure the abolishment of slavery and slave trade. It was signed on the 7th of September in 1956.

Possible Solutions

In many countries where modern day slavery still persists, the government has tried to put an end to this. Sadly, this hasn't been very effective. Especially third world countries struggle with this, as their government isn't capable enough to put a complete end to modern day slavery. Human traffickers keep discovering new ways to enter countries with new slaves, and the countries on the receiving end of this trafficking can't stop it. The biggest action that has been taken is increasing border security, but this simply isn't enough.

Including NGO's and Corporate businesses in tracking down slavery

Including NGO's and Corporate businesses in tracking down slavery would increase effectiveness. This mainly because of the fact that only they have the inside information, networks and means to be checking constantly on all different international stages of trading processes. An example being the cacao-industry which is one of the industries that has the most to deal with cases of slavery in the food-sector. If big corporate organisations contribute and co-operate with NGOs such as Fairtrade, they could keep an eye on the production in an easier way.

Creation of international custom-taskforces

The establishment of international Custom-taskforces on known to be slave trading routes could contribute o the chance of those transports to be intercepted. The UN and other organisations, both governmental and intergovernmental, can contribute to solving this

international problem. The EU has multiple programs that aim to limit trafficking and slavery. A major example is the transnational border patrol FRONTEX.⁸

International extradition treaties

Human Trafficking and all other forms of modern slavery are in most cases international affairs. This is why local countermeasures are often non-productive. A major problem governments have to deal with while tracing and persecuting alleged traffickers is non-extradition.

Extradition is the judicial act in which an alleged or convicted criminal is delivered by one to another jurisdiction. It is a cooperative law enforcement process between the two jurisdictions, in this case national judicial systems, and depends on the arrangements made between them. These arrangements are called extradition-treaties. Besides the, often time consuming, legal aspects of the process, the entirety of a person's extradition also involves the transfer of custody to the legal authority of the requesting party.

If involved countries do not have extradition treaties, there won't be a smooth cooperation on the legal field and the criminal's name is so to say cleared by passing of the border. To

Trauma-care

Moreover, providing support for the victims of forced labour and sexual exploitation would really help in their rehabilitation, and would help them get their life back on track. This is where therapists, operating under the wings of both non-governmental as governmental institutions can make a difference. Even though it is not a way of prevention, it can make a lasting difference seeing that victims who are in fact lucky enough to escape their situation of slavery still have to deal with the traumatizing memories. Seeing that we simulate the UN but we act as if there are unlimited financial recourses, the funding of therapists isn't a problem that should be part of the debate.

⁸ <http://frontex.europa.eu/>

Appendices

Useful articles

- The Guardian on involving corporate businesses

The Guardian, Andrew Wallis, 29 Aug. 2013,
<https://www.theguardian.com/global-development/2013/aug/29/big-business-modern-slavery>
- “Behind the Swoosh” is a short documentary on sweatshops that produce our Nike-clothing

Behind the Swoosh, Jim Keedy, 14 Aug. 2009,
<https://www.youtube.com/watch?v=M5uYCWVfuPQ>
- A contemporary book on slavery in its current forms

Modern Slavery The Secret World of 27 Million People, K. Bales, Z. Trodd, 2009

Bibliography

1. Wikipedia, multiple authors, 13 Aug. 2018,
https://en.wikipedia.org/wiki/Global_Slavery_Index
2. Slavery Index, Urmila Bhoola a.o., 1 May 2014,
<https://ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>
3. Human Trafficking, Author Unknown, 26 May 2017,
<http://www.unodc.org/unodc/en/human-trafficking/index.html>
4. UNHRC, author unknown, 15 Aug. 2018, <https://www.hrw.org/tag/human-rights-council-hrc>
5. *Escape From Camp 14*, Hairden, Blaine. Penguin Books. 2012.
6. UNODC, author unknown, 15 Aug. 2018, <https://www.unodc.org/>
7. Anti Slavery, author unknown, 24 June 2017, <https://www.antislavery.org/slavery-today/modern-slavery/>
8. Geneva Anti Slavery Convention, UNHRC, 1956,
https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-2&chapter=18&clang=en
9. Publications OHCHR, multiple authors, 12 Oct. 2016,
https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/HRCouncil/WGTransCorp/Session2/LeighDay_UN_WGtransnational_corporations_submission4.docx&action=default&DefaultItemOpen=1

