‘MODERN SLAVERY’
IN THE U.K. (AND ELSEWHERE): EFFORTS BY THE U.K. AUTHORITIES TO REDUCE (OR ‘COMBAT’) SLAVERY, SERVITUDE, FORCED LABOUR AND HUMAN TRAFFICKING, WITH A SPECIAL FOCUS ON VIETNAMESE COMING TO THE U.K.

3 June 2020

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WHAT I WILL TALK ABOUT

A. “It can’t happen here”
B. How the U.K. launched the ‘world’s most robust modern slavery act’
C. What has gone well
D. What has gone badly
E. The political interests that are served – and implications for a genuine human rights agenda
A. IT CAN’T HAPPEN HERE: “MODERN SLAVERY OPERATION FINDS FIVE MEN AT CAMBRIDGESHIRE NURSERY”
BBC, 17 December 2019

“A nursery business is still employing vulnerable workers in ‘unacceptable conditions’, police investigating modern day slavery have found”

“Officers found five Vietnamese workers living on site during a follow-up safeguarding visit to an agricultural nursery in Kneesworth, Cambridgeshire”

“Eight people were rescued from the same farm in September 2018”

The men were “living in two cramped caravans on the site”

• Suggested by Iain Duncan Smith’s Centre for Social Justice (March 2013): “Ministers clueless about scale of UK slavery, warns new report. CSJ calls for new law as it outlines raft of measures to protect victims of human trafficking”

• Followed by a ‘Modern Slavery Bill Evidence Review’ chaired by Frank Field MP (+ Baroness Butler-Sloss and Sir John Randall MP), publication of a Home Office draft + Joint Committee on Draft Modern Slavery Bill

• An entire new section on ‘transparency in supply chains’ was added to the Bill

• The only ‘Modern Slavery Act’ in the world became law in 2015 (shortly before the dissolution of Parliament + the end of the Coalition Government): in effect it rebranded ‘human trafficking’ as ‘modern slavery’, a phrase with no definition in law: a “vile trade” requiring a “robust response”

• Promoted by Prime Minister Theresa May at global level – a “Call to Action” in New York in 2017 + £33 million fund (2016 – 2021) for action outside the UK
C. WHAT HAS GONE WELL

• An Independent Anti-Slavery Commissioner was appointed before the Modern Slavery Act became law (Kevin Hyland, 2014 - 2018)
• ‘Modern slaves’ have been ‘counted’ in the U.K. (estimated at 13,000 in November 2014) + an expert Home Office statistician (Bernard Silverman) appointed as ‘Professor of Modern Slavery Statistics’
• Making use of the ‘anti-modern slavery agenda’ enabled the police by 2018 to move the focus away from foreigners exploited in the UK onto conventional crime – delivering drugs across so-called ‘county lines’
• Various bilateral agreements with ‘source’ countries (e.g. Nigeria & Viet Nam) to dissuade migrants from leaving or coming to the UK

➔The real success: regulating the role of recruiters known as ‘Gangmasters’ (unregulated recruitment of migrant workers and exploiting them mercilessly) by the Gangmasters and Labour Abuse Authority (GLA now GLAA)
GANGMASTER AND LABOUR ABUSE AUTHORITY (GLAA, EX GLA)

- Set up after the Morcomme Bay disaster 2004 (undocumented ‘Chinese cockle-pickers’ who drowned while collecting shellfish)
- A ‘Gangmaster’ is a recruitment agent who ‘provides’ workers on a sub-contracted basis (‘labour provider’)
- The GLA was empowered to licence labour providers and using an unlicensed recruiter was made an offence
- The GLA initially had only a limited mandate, licensing recruitment into a few selected sectors of the economy. It faced cuts in 2010, but has expanded since 2015
- As GLAA, it now has powers of arrest and intelligence-gathering, functioning across most sectors, but not the sex industry
EXAMPLE OF A GLAA OPERATION

see https://www.bbc.co.uk/news/uk-england-merseyside-43375125

- ‘Operation Brewer’: 41 Romanian workers at a meat plant in Salford were found by GLAA officers in March 2018
- They lived in multiple-occupancy properties, often with 4 per room, and were transported from there to the factory
- They had no access to bank accounts opened in their names
- By mid 2019: 2 convicted: one reportedly took £35,000 from workers' wages over 9 months, sentenced to 20 months’ imprisonment; another got a suspended sentence + community order; a Romanian couple arrested in Spain in August 2019 and returned to UK
- Judge said Romanians were vulnerable "because they didn't speak the language, they didn't know their rights and they were being controlled both physically and financially"
- Operation Brewer arrests of 3 in Merseyside - 4 minute interview with GLAA’s Martin Plimmer at https://vimeo.com/376313462
IMPACT OF DIPLOMACY: U.K. – VIET NAM AGREEMENTS

• Series of bilateral agreements since 2010
• U.K. funds projects in Viet Nam to ‘prevent’ (i.e. dissuade migrants from coming – so far they haven’t focused on stopping those in debt feeling obliged to keep working after arriving in the U.K.)
• MoU signed in November 2018 (Home Office and Ministry of Public Security) – but contents kept secret from the U.K. public
• “Neither participant will punish Victims for irregularly entering or exiting the border or for other illegal acts directly caused by Human Trafficking”
C. WHAT HAS GONE BADLY

• Protecting human rights has not been a priority, particularly the rights of people identified ‘in modern slavery’

• Nevertheless, many thousands are ‘referred’ as possible ‘modern slaves’ – too many for applications to be processed promptly. In 2017 the authorities stopped saying publicly how many of the presumed victims were subsequently recognised officially to be trafficking victims (or ‘modern slaves’)

• Countless trafficked children have walked out of care: pre-programmed, or is this really their preferred option?

• Simplistic stereotypes of victims have been publicised: e.g. “Don’t use manual car washes” and “Don’t buy chocolate”

• Many initiatives abroad (in countries from which people are trafficked to the U.K.) seem to have been poorly designed (without taking into account evidence from similar initiatives)
EXAMPLE OF WHAT IS NOT ‘GOOD PRACTICE’: VIETNAMESE IN THE U.K.

- New wave of Vietnamese irregular migration into the UK from early 2000 onwards: mainly men and boys (i.e. significant proportion arrive in UK when under 18)
- Some become ‘cannabis gardeners’
- Others work in nail bars or restaurants
- Initially branded ‘illegal migrants’
- Eventually under-18s considered ‘trafficked children’ & victims of modern slavery

Three on slavery charges after police find Vietnamese teenagers in cannabis farm

The Guardian (UK) 25 Feb 2017

Amelia Gentleman

A vast marijuana farm discovered in a former nuclear bunker in Wiltshire this week was staffed by trafficked Vietnamese teenagers who worked in slave-like conditions, police say.

The youths and an adult in his 30s, were found working as gardeners in the 1980s bunker after a midnight raid on Wednesday.

DI Paul Franklin said the four were "victims", adding: "No one would do this by choice." The living and working conditions were described as deplorable.

"This was slave labour. I was shocked by the scale of it," he said.

The bunker’s 20 rooms at various stages of growth. Police put the street value of the cannabis at over £1m.

Three British men were charged yesterday with conspiracy to produce cannabis, and conspiring to hold another person in slavery or servitude. The four Vietnamese people were released and told they faced no further action. The age of the teenagers was estimated to be 19.

There was plenty of food and a basic sleeping area. “I think they were held there in human-trafficking, slave conditions,” Franklin said. “We have never seen
HOW DID THE VIETNAMESE MIGRANTS REACH THE U.K.?

- ‘Vietnam City’ outside Angres (Lens), North France: used as a transit centre before crossing Channel
- Well-known to UK & French authorities
- Some humanitarian assistance provided
- Bulldozed May 2018
- ‘Saving’ migrants? Or displacing them elsewhere?
HOW DID VIETNAMESE MIGRANTS REACH THE U.K.?

- From ‘Vietnam City’, two options were reportedly available to migrants
  - One cheaper (hiding under a lorry in the nearby autoroute lorry park and clinging on through Tunnel)
  - The ‘other’ more expensive and supposedly safer; the method wasn’t entirely clear until October 2019, ‘though as long ago as 2011 a Vietnamese boy told the authorities he had arrived in a refrigerated lorry
- October 2019: 39 Vietnamese were found dead in a refrigerated container lorry at a port in Essex (coming from Zeebruge)
RESPONSE OF THE U.K. AUTHORITIES

- The authorities have not addressed the debt-related pressures on the migrants (children or adults) to earn money so that their families could repay loans taken in Viet Nam to finance their journeys.
- NB this is NOT ‘debt bondage’ as defined in 1956: the migrant is not ‘bonded’ to a specific employer as a result of a loan; rather the loans create a pressure to keep earning money, much as they do for someone who takes out a mortgage in the U.K. to buy a house.
- Vietnamese adolescents routinely walked out of residential care to return to work, fearing their families would suffer otherwise.
- Alongside posters at airports, British police have published photos of children that look like “Wanted” posters for bandits in the old days of American West.
“Northamptonshire Vietnamese illegal immigrant teens still missing”
11 February 2018

- Aged between 14 and 18, names and height listed (facing clear, not blurred)
- Only one teenager had been found and was reportedly being “safeguarded” (i.e. detained so he could not work/be exploited)
U.K COURTS INITIALLY FAILED TO PROTECT VIETNAMESE CHILDREN, BUT THIS WAS SUPPOSED TO CHANGE IN 2013

• Initially Vietnamese boys found by police in cannabis farms were prosecuted and convicted, e.g. in 2010 a 14-year-old was convicted after spending 5+ months in custody awaiting trial; he was placed under a 3-year Supervision Order

• In 2013 the Court of Appeal (England & Wales) reviewed 3 such convictions and concluded that they should not have been convicted:

• "The criminality, or putting it another way, the culpability, of any victim of trafficking may be significantly diminished, and in some cases effectively extinguished, not merely because of age (always a relevant factor in the case of a child defendant) but because no realistic alternative was available to the exploited victim but to comply with the dominant force of another individual, or group of individuals."
NATIONAL-LEVEL NUMBERS ‘REFERRED’ FOR ‘PROTECTION’ AND ASSISTANCE TO THE U.K. NATIONAL REFERRAL MECHANISM (NRM)

The numbers being ‘referred’ have climbed massively, e.g. 52% increase in 2019 compared to 2018!

Does this imply a vast increase in slaves in the U.K.?

Or rather that the system is being used by people for other purposes (e.g. by police re-categorising ‘county lines’ cases and by migrants seeking to justify remaining in the U.K.)?

NUMBERS OF VIETNAMESE ‘REFERRED’ INTO THE U.K. NATIONAL REFERRAL MECHANISM (NRM) HAS ALSO INCREASED SUBSTANTIALLY

- **2015:** 478 out of U.K. TOTAL of 3266 (230 adults out of TOTAL of 2284 + 248 children out of TOTAL of 982) (NB already more than twice as many Vietnamese as in 2014)
- **2016:** TOTAL of 519 (292 adults + 227 children)
- **2017:** TOTAL of 739 (377 adults + 362 children)
- **2018:** TOTAL of 947 Vietnamese (382 adults + 320 children)
- **2019:** TOTAL of 887 Vietnamese (440 adults + 427 children)
PATTERNS IN THESE NUMBERS OF REFERRALS OF VIETNAMESE

- Increase in numbers ‘referred’ to UK’s NRM 2015 – 2019
- Similar increase in numbers applying for asylum: 1551 applications from Vietnamese nationals in 2019 (446 from unaccompanied children)
- No data available to indicate how many were formally recognised by the British authorities as ‘modern slaves’; in 2019 818 initial decisions on asylum requests with 340 refused and 367 granted leave to remain in the UK (+ 111 requests withdrawn)
- Approximately half those who were referred were under 18
- Most were male (including children)
- Overall increase was from 478 in 2015 (230 adults + 248 children) to 947 by 2018 (382 adults + 320 children) and slightly less in 2019, 887 by 2019
WHAT ABOUT THE U.K. AUTHORITIES’ ATTEMPTS TO STEM ‘DEMAND’?

- Cannabis is illegal but the U.K. has in effect practiced ‘import substitution’, replacing imported cannabis by locally produced cannabis. Of course, there is no “slave-free cannabis’ option!
- Some churches and the Independent Anti-Slavery Commissioner have suggested the public should avoid having nails decorated in Nail bars (a sector developed by UK-based entrepreneurs of Vietnamese descent) – possibly a form of discrimination against Vietnamese-run businesses.
- Operation Magnify arrested 100 suspected of ‘illegal working’ in nail bars in 2016, all but 3 of whom were Vietnamese + Immigration minister vowed to tackle the "barbaric crime” of modern slavery by targeting businesses.
- A 2018 TV documentary in the U.K. portrayed troubling attitudes in the U.K. Prosecution Service, with assumption that Vietnamese nail bar owners were ‘enslaving’ fellow Vietnamese – rather than providing undocumented migrants with a safe haven (albeit illegally).
SHOULD YOU PAY FOR YOUR CAR TO BE WASHED BY HAND?

- Intermediate technology and a good source of income for undocumented migrants – or modern slavery (+ bad for environment)?

- June 2018 campaign supported by the Independent Anti-Slavery Commissioner: *Daily Express* “Car wash SLAVERY scandal: Migrants are forced to work gruelling shifts for just £1 an hour”

- “Churchgoers help stop modern slavery at car washes” (initiative by the Church of England supported by the Catholic Church and the National Crime Agency) by reporting signs of slavery at car washes, using a new mobile phone app

- But powerful petrol companies operating garages had a vested interest in denouncing this competition (Petrol Retailers Association suggested that hand washes had 70% of market share by early 2018)
WHAT IS THE ANSWER? BOYCOTT OR REFORM (AND REGULATE)?

• It is easy to call for boycotts, but this has routinely been done by campaigners who don’t know the facts (even if there are certainly circumstances in which boycotts may be justified)

• A key lesson comes from an extremely experienced advocate in Brazil, a friar, Frei Henri Burin des Roziers (who was also a lawyer who prepared a case in the Inter-American Court of Human Rights against Brazil for failing to stop ‘slave labour’)

• Slave labour was used to clear forest for cattle ranching and maintain isolated ranches in Amazonia such as the ‘Brasil Verde’ ranch

• So should we boycott Brazilian beef?

• No, said Frei Henri, because some ranches did not exploit slave labour, and it would be a mistake to punish them as well
POST-SCRIPT

- 39 Vietnamese died in the U.K. on 23 October 2019: found at Grays (north side of River Thames): 31 males and 8 females (three aged under 18, 10 under 20)
- The deaths are reported to have had a dissuasive effect on other would-be migrants in Vietnam (or possibly just dissuading them from relying on refrigerated lorries)
- The families of the dead had to pay for bodies to be returned to Viet Nam (neither government would pay)
- British diplomats not initially authorised to visit families, but U.K. police and diplomats visited them in February 2020
- The first arrests occurred rapidly: the first was the lorry driver, 25-year-old Maurice Robinson from Craigavon (Northern Ireland), who pleaded guilty to 39 counts of manslaughter at London’s Old Bailey (Central Criminal Court) in April 2020
Another man from County Armagh in N Ireland was charged in Dublin with 39 offences of manslaughter and immigration offences in the UK and faced extradition to the U.K.

Other arrests have been reported by Essex Police of people of different nationalities, charged with immigration offences and one (arrested at Frankfurt airport) with manslaughter. Trials are due in October 2020.

At the end of May 2020 Belgian and French prosecutors announced 26 people had been arrested in Brussels and Paris, suspected of facilitating the passage of undocumented Vietnamese.

Belgian prosecutors charged 11 Vietnamese and 2 Moroccans with offences including trafficking in persons (not just migrant smuggling).

Essex Police, quoted by the Irish media RTE, “said the arrests were not directly linked to its investigation” (or the JIT [Joint Investigation Team] set up to investigate the 39 deaths).
IS IT ENOUGH TO ARREST AND PUNISH?

• What needs to be done if human rights are to be protected and respected?
• Investigate methods used by the UK Border Force and call for change of border ‘protection’ methods to avoid deaths at the frontier?
• Establish more effective police-to-police cooperation and intelligence sharing along the migrants route?
• Stop confusing ‘illegal working’ with ‘modern slavery’?
• Or is it enough just to sign the condolences book?
P.P.S.

- The British Embassy in Hanoi has financed various campaigns “to prevent trafficking” (although few Vietnamese recognise the departures to the UK to constitute “trafficking”)
- UK money has gone to the British Council and World Vision (an ‘international’ [evangelical] NGO headquartered in the USA)
- In May 2020 the British Ambassador and a former Miss Vietnam were allowed to visit Nghe An, one of the main provinces that migrants to the UK come from, to launch an anti-trafficking campaign telling the public about a telephone hotline for individuals worried about being trafficked

https://twitter.com/UKinVietnam/status/1263787301156474880?s=20
D. WHAT POLITICAL INTERESTS [IN THE U.K.] ARE BEING SERVED?

The 19th Century provided ample evidence that oppressive governments are ready to invoke ‘slavery’ to justify oppression (invasions/overthrowing governments)

The USA used its anti-trafficking crusade as a fig leaf while resorting to torture and disappearances after 9/11

While there is no evidence that the ‘modern slavery’ agenda was deliberately concocted by the Centre for Social Justice or British politicians to do harm to migrants, it has coincided with a series of developments that have harmed them:

• the U.K.’s “hostile environment” policy (against many different migrants);
• government criticism of influential NGOs and sharp reductions in their budgets (e.g. Oxfam);
• government policy that ‘aid’ should bring specific benefits to the U.K.;
• and funding for anti-trafficking/slavery projects abroad targeting migrant flows to the U.K., rather than flows that cause the greatest harm to victims
Keeping the limelight on individual criminals allows national authorities (in the U.K., Viet Nam and elsewhere) to avoid addressing challenging questions:

• Why their economy generates such high demand for illegal products or illicit services (such as cannabis and commercial sex)

• Why such broad swathes of a ‘modern’ economy go unregulated and have seen labour standards fall rapidly in an era when ‘sub-contracting’ has replaced ‘employment’, allowing widespread abuse of workers

• Why some parts of a developing country fail to provide adequate livelihoods for their young people, so they (sometimes their families too) prefer them to leave their country and seek a future elsewhere, despite massive risks

• Why migration from countries with rapidly increasing populations cannot be managed to produce decent results, rather than crime, fear and death

• Why “civilised” societies are willing to tolerate border controls that cause death to would-be irregular immigrants
THANK YOU FOR YOUR ATTENTION!

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