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Slavery: part of history or present problem?
*A bachelor thesis regarding the issues of contemporary
slavery, with a special interest in how contemporary
slavery is dealt with in the UK.*

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Abstract

This bachelor thesis deals with the existence and the issues of contemporary slavery. Contemporary slavery is a term that includes the types of slavery that are present in modern society. For the last 20 years the term slavery has been reinvented in different ways and is now used by many large organisations such as the UN and the ILO, however it is not as discussed or acknowledged in most European countries. Due to this it is a very new and rather unresearched problem. Therefore, this Bachelor Thesis aims to examine contemporary slavery, and to ascertain what contemporary slavery is and how it needs to be dealt with. The thesis will be focused on an international, European and national level to bring a broad view of the issue. This means there is a UN focus, a EU and CoE focus as well as a UK focus, as the UK is exemplary in how contemporary slavery can be apprehended and dealt with on a national level. The thesis has three main areas that will be thoroughly examined to determine what contemporary slavery is and how it should be dealt with. First there is a conceptual analysis of the term contemporary slavery, to determine what the concept of contemporary slavery entails and includes. I come to the conclusion that the term contemporary slavery in its original setting, as created by the UN, is supposed to be very broad term to include all types of modern slavery. Secondly comes a historical overview of the issue in UK and the actual existence of contemporary slavery in the UK at present, where I conclude that the issue of slavery is more or less the same as it has always been but with a brand new label. Thirdly and lastly there is an overview of the legislations on UN, EU/CoE and UK level, where it is my assessment that both the UN and the UK are trying to handle the contemporary slavery in their own ways. It is my belief that the UK with its new Modern Slavery Act of 2015 really is doing splendidly in trying to apprehend the problems with contemporary slavery. In conclusion I find that the contemporary slavery is much more present issue in our modern society than most people believe

and that the western-world needs to start trying their utmost in wiping out this awful injustice.

Sammanfattning

Denna kandidatuppsats behandlar förekomsten och problemen med nutida/samtida slaveri. Contemporary slavery (nutida slaveri) är en term som inkluderar de typer av slaveri som finns i det moderna samhället. Under de senaste 20 åren har begreppet slaveri återuppväckts på olika sätt och används numera av många stora organisationer som FN och ILO. Men det moderna slaveriet varken diskuteras eller erkänns som ett problem i de flesta europeiska länder, vilket gör det till ett nytt och utforskat område. Därför syftar denna kandidatuppsats till att undersöka det moderna slaveriet, vad det innebär och hur det bör hanteras. Uppsatsen är inriktad på en internationell, europeisk och nationell nivå för att få en så bred syn på frågan som möjligt. Därför finns ett FN-fokus, ett EU- och CoE-fokus samt ett brittiskt fokus, då Storbritannien är ett gott exempel på hur det moderna slaveriet kan uppfattas och hanteras på nationell nivå. Avhandlingen har tre huvudområden som granskas ingående för att avgöra vad slaveri är idag och hur det ska hanteras. Den första delen är en utförlig begreppsanalys av begreppet contemporary slavery, för att avgöra vad begreppet samtida slaveri innebär och omfattar. Jag kommer där till slutsatsen att begreppet, som FN definierar det, ska vara mycket brett och omfatta alla typer av modernt slaveri. Den andra delen är en historisk översikt av frågan och den faktiska förekomsten av samtida slaveri för närvarande, allt med en inriktning på Storbritannien. Slutsatsen blir att frågan om slaveri mer eller mindre är densamma som den alltid har varit, men att en helt ny etikett har skapats. Slutligen finns det en tredje del med en översiktlig genomgång av lagstiftningen på området i FN, EU/CoE och Storbritannien, där det är min bedömning att både FN och Storbritannien försöker hantera det samtida slaveriet individuellt och på olika sätt. Speciellt Storbritannien med sin nya lagstiftning, Modern Slavery Act 2015, har arbetat hårt för att hantera problemen med det nutida slaveriet. Sammanfattningsvis kommer jag fram till att det nutida slaveriet är mycket mer närvarande i vårt moderna

samhälle än jag någonsin trott och att västvärlden måste börja göra sitt yttersta för att utplåna denna fruktansvärda orättvisa.

Abbreviations

CSJ	The Centre for Social Justice (in Britain)
CoE	Council of Europe
ECHR	European Convention on Human Rights
ICC	International Criminal Court
ILO	International Labour Organisation
INTERPOL	International Criminal Police Organization
SRslavery	The Special Rapporteur on Contemporary forms of slavery
UDHR	Universal Declaration of Human Rights
UK	United Kingdom of Great Britain and the Northern Ireland
UN	United Nations
UNICEF	United Nations Children's Fund
US	United States of America

1 Introduction

1.1 Background, aim and purpose

In almost every culture in the world, slavery has played a part in the building of society. The pyramids in Egypt were built on the backs of slaves, in Roman society all ships were rowed by slaves and most households had domestic slaves and, of course, the transatlantic slavery and apartheid in the US. However, all these rather famous stories of slavery are just that. Stories. What is less commonly known is that the slavery of darker ages is still very much alive and kicking today, although it is much less talked about. In 2010 the number of slaves in the world was deemed to be around 12 million and was at that time said to be increasing, in 2014 the number is estimated to have increased to 21 million.¹ This slavery has not been classified as “normal”(historical) slavery but is called contemporary slavery or modern slavery. This contemporary slavery has yet to be discussed in Europe (CoE and EU), and especially in Scandinavia. I would therefore like to dedicate this thesis to the task of shedding some well-needed light on the world of contemporary slavery. This thesis will aim to determine what contemporary slavery is and how one would best come to solve it and through that educate and enlighten on the subject that is contemporary slavery, what the term entails, how the problems have arisen and how some legislators have tried to stop it.

¹ Resolution 15/2: *Special Rapporteur on contemporary forms of slavery*. Human Rights Council, 5 October 2010, page 1.

Report of the *Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, Human Rights Council and Urmila Bhoola, 22 July 2014, page 7.

1.2 Questions of research

To try to determine what contemporary slavery is and how one would best come to solve it I have 3 rather broad research questions that I intend to dissect to the best of my ability.

1. What does the term contemporary slavery actually mean?
2. Is contemporary slavery a new issue or is it a revival of historical slavery?
3. How are legislators dealing with contemporary slavery today?

1.3 Delimitations

I have decided to use the term contemporary slavery in the same way as it is used by the UN (see chapter 2.1), as I find it is the most adequate way of phrasing it.

To be fully able to write a thesis regarding contemporary slavery as a whole system I have decided not to focus on the different types of contemporary slavery, as it would simply take too much time to go into detail on every type and would introduce too many questions regarding morality and ethics.

To explore the ways contemporary slavery can be handled on an international, European and national level I have chosen to put the focus of this thesis on contemporary slavery in the UK. This is first and foremost due to the fact that the UK is one of the few countries in Europe where the issues with contemporary slavery have been apprehended despite the lack of initiative from the two European legal orders, the EU law and the CoE law. In addition to this the UK is a country where slavery has been a permanent part of society and discussed through a substantial part of history, which will also enable me to pinpoint if the contemporary slavery is an evolved form of historical slavery or a completely new obstacle.

1.4 Method and theory

In this Bachelor Thesis a number of different methods are used to properly define what contemporary slavery is and the problems that come with it. In the first chapter I have used the jurisprudence of concepts, a part of the traditional legal dogmatic method, to do a conceptual analysis of the term contemporary slavery. In the second chapter the main perspective looks at present issues through the eyes of legal history and legislative development. In the third chapter the method is a more general legal dogmatic method, to find and analyse present legislation in force. Throughout the thesis the perspectives on law are combined with a critical method and perspective to examine and criticise how contemporary slavery has been dealt with on an international, European and national level.

1.5 Research situation

Contemporary slavery has yet to be widely discussed by scholars as an independent and broad issue. Vladislava Stoyanova with *Human Trafficking and Slavery Reconsiderd* is one of the very few dissertations in existence and that was only printed this spring of 2015. There are some good books on the subject, such as Jean Allain and *The legal understanding of slavery: from the historical to the contemporary* and Joel Quirks' *The anti-slavery project: from the slave trade to human trafficking*. Even if these are some well written and forward thinking pieces of literature, the question regarding contemporary slavery as an independent issue where all types of modern slavery are included has never been examined up until this essay.

1.6 Material

I have used both primary and secondary sources. Jean Allains book has been of great help with understanding the present issues with contemporary slavery. I have also had great help from reports and resolutions on the matter as well as investigatory articles, such as Human Rights Quarterly: *Defining*

Contemporary Forms of Slavery: Updating a Venerable NGO. In addition to these materials I have found more recent information on websites such as the UN official website and the website of modern slavery in the UK. I am well aware of problems with unconventional sources, however I believe even juridical science should be able to delve into unexplored subjects as well as historical and well-researched ones. As this is a very recently addressed issue and not a very well discussed it would be impossible to only find written works on the subject.

1.7 Outline

I will look at contemporary slavery from a legislative and a humanitarian aspect. The thesis will start with an explanation of what contemporary slavery is through an exhaustive conceptual analysis. Then a historical context to the problem is given, with focus on the UK, and a brief overview of the extent it exists in the UK. Thereafter the thesis will dive into the different legislations on contemporary slavery in the UN, EU/CoE and UK. This will lead to a discussion of the research questions and finish with a conclusion of what I have found during my studies.

2 Conceptual analysis of contemporary slavery

One complication in the struggle to defeat slavery has been to find a satisfactory definition of the term “slavery”.² The ILO alone has 180 conventions to deal with different types of slavery such as debt bondage, trafficking of persons and forced labour.³ The term contemporary slavery means modern, present or coeval slavery and was invented by the UN to cover the types of slavery that exist in the world today. The term slavery was in the opinion of the UN not broad enough and it did not cover all the modern types of slavery, which made it hard to efficiently define the issue. The aim was that a new term would help assess the problem in a more modern way, and in some ways separate it from the troubles associated with historical slavery that are much less imminent at present.⁴

2.1 Defining contemporary slavery in the UN

The first time slavery was outlawed in the UN it was done by the League of Nations in 1926 through the Slavery Convention. The Convention defines the term slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”.⁵ It was early agreed that the UDHR would also contain an article on slavery, more precisely art 4. The term slavery was always meant to be extensive, including for example trafficked women and children as well as other types of slavery that were emerging at that time such as forced or compulsory

² HRQ Volume 31 No. 1: *Defining Contemporary Forms of Slavery: Updating a Venerable NGO*. Human Rights Quarterly, February 2009, page 72.

³ HRQ Volume 31 No. 1 (2009), page 73.

⁴ The official website of UDHR,

<http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>
24.5.2015.

⁵ Eide, Asbjørn (red.), *The Universal Declaration of Human Rights: a commentary*, Scandinavian University Press, Oslo, 1992, page 88-89.

labour.⁶ With the 1956 Supplementary Convention the UN officially extended the term slavery further to include “new” forms of slavery, in the convention phrased as “institutions and practises similar to slavery”.⁷

Even if the term slavery was meant to include all old and new versions of slavery it was not deemed expansive enough and the thought of a new term started to arise in the second half of the 20th century.⁸ It was said that too few modern practises of slavery would qualify as slavery in the original wording, which made the modern forms of slavery hard to address.⁹ In the early 1970s the UN created a group known as the “Working Group on Slavery”, and in 1989 it became the “Working Group on Contemporary Forms of Slavery”, with which the UN effectively and without having to legislate created a new term for slavery in modern time.¹⁰ With Fact Sheet No.14 on Contemporary Forms of Slavery in 1991 there came a modernisation of the art 4 in UDHR, to establish a written resolution on the term contemporary slavery.¹¹ Today the term contemporary slavery in the UN includes but is not limited to: ”debt bondage, serfdom, forced labour, child slavery, sexual slavery, forced or early marriages and the sale of wives”.¹² The term contemporary slavery as used by the UN is an evocative term, not excluded to the types of slavery that have been found up till present day but instead includes and is not limited to some types of slavery, creating only a list of examples of when slavery is at hand but not limiting the aspects of the word.

⁶ Eide (1992), page 90.

⁷ HRQ Volume 31 No. 1 (2009), page 98.

⁸ Eide (1992), page 91.

⁹ Quirk, Joel, *The anti-slavery project: from the slave trade to human trafficking*, University of Pennsylvania Press, Philadelphia, Pa., 2011, page 7-8.

¹⁰ Report E/CN.4/1988/88 on the forty-fourth session, *Economic and Social Council Supplement No. 2*, Commission on Human Rights, 1 February - 11 March 1988, page 102. Resolution 6/14 *Special Rapporteur on contemporary forms of slavery*. Human Rights Council, 28 September 2007, page 2.

¹¹ Fact Sheet No.14: *Contemporary Forms of Slavery*. UN, June 1991, page 1-2.

¹² <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx> 24.5.2015.

2.2 Defining contemporary slavery in Europe

The term slavery has only changed marginally in CoE law and EU law since the late 20th century. The ECHR art 4 lists an exhaustive list of what should be seen as slavery with a possibility of using art 4 as a extensive term, see for example in the wording of art 4(1) in the ECHR. Thereby one could get the same use of the term slavery as the UN has with the term contemporary slavery without necessarily distancing oneself from what the term historically includes.¹³ Nevertheless, CoE and EU have had trouble creating a less analytical concept of the term and instead it still tends to be a question concerning ownership rather than social security of the victims.¹⁴ The most discussed issue with contemporary slavery in Europe is the sex trade in connection with the transatlantic trafficking. This tend to be the first type of contemporary slavery to be discussed in any organisation or country, but contemporary slavery includes so many other issues that through the fixation of sexual slavery tend to be disregarded.¹⁵ The term slavery is not the same as it was in the mid 20th century when it was created, but the evolution of the term came to a firm stop in the beginning of the 21st century with a fixation on trafficking.¹⁶

2.3 Defining contemporary slavery in the UK

The term contemporary slavery is as such not used in the UK; instead the UK uses the term modern slavery, which is an equivalent of the term contemporary slavery. However, the term modern slavery with same meaning as the term contemporary slavery did not arrive in the UK till the

¹³ Stoyanova, Vladislava, (dissertation) *Human trafficking and slavery reconsidered: conceptual limits and states' positive obligations*, Faculty of Law: Lund University, Lund. 2015, page 370.

¹⁴ Stoyanova (2015), page 371-372.

¹⁵ Official website of the European Commission, https://ec.europa.eu/anti-trafficking/publications/prostitution-trafficking-and-modern-slavery-europe_en 24.5.2015.

¹⁶ EMN Bulletin 8th edition: *Updates on recent migration and international protection policy developments at EU and national level*. European Migration Network 2014, page 4-5.

early 21st century.¹⁷ In its official uploads the British government says that modern slavery encompasses slavery, forced labour, human trafficking and domestic servitude.¹⁸ This has been further acknowledged in the new bill regarding modern slavery that was brought forward in 2015, also known as the Modern Slavery Act.¹⁹ In other words the term is not as evocative as the one used by the UN and not as narrow as the one used in the Europe. Even though it is still more of a closed term in its original wording, it is open to new definitions of slavery or forced labour that could be brought forward by the home office without further legislation.²⁰

2.4 Analysis

The problem with slavery has gone from an issue of ownership and transatlantic trade to the alienation of slaves from the social and institutional order in the modern world.²¹ There are different ways to handle the difficulties with slavery and the fact that the word no longer is applicable to the same problems that it was a hundred years ago. On one hand there is the actual change of phrase through the creation of a new phrase, the UN way. A change of phrase may highlight that the problem has changed; in this case that transatlantic trade is no longer the main issue. It is also an excellent way of showing that slavery today includes so many different types of inhumane treatment and not to be caught up in the old forms of slavery. On the other hand one can try to expand the old phrase slavery to include the new ways, the way CoE and EU have been using it. However, in this case, it is my opinion the concept is in some ways lost through keeping the old term. Partly due to that they consistently separates the different issues that all belong to the problem with contemporary slavery such as trafficking, child

¹⁷ Policy report: *It Happens Here, Equipping the United Kingdom to fight modern slavery*. Slavery Working Group, March 2013, page 12-14.

¹⁸ Booklet regarding Modern slavery bill: *Modern slavery: how UK is leading the fight*. The Home Office and Karen Bradley, July 2014, page 2.

¹⁹ Modern Slavery Act (2015), art 1-2.

²⁰ Booklet regarding Modern slavery bill (2014), page 4.

²¹ Quirk (2011), page 7-8.

labour and debt-bondage. Instead the focus of CoE and EU has been to continue exploring trafficking, and how those issues have arisen in Europe. It can of course be good to try to distinguish the different dilemmas that are linked to contemporary slavery. However in this case it is I have found that CoE and EU have concluded that contemporary slavery is not a problem in the western-world, especially not within Europe. By targeting an issue that in most cases has its origin in countries outside Europe, one would not have to take as much responsibility for the slavery. It is often believed in European countries that contemporary slavery arises in countries outside Europe and is transferred here through non-European people, but is that the truth? In the UK the larger part of enslaved people are EU-citizens, making the contemporary slavery a rather permanent issue that Europe is not dealing with.²² In fact European continent is said to have around 570'000 contemporary slaves, many of which are not recognised as slaves due to that the CoE and EU terms "slave" or "trafficked" do not include them.²³

There are of course also positive components to not actually exchange the term slavery for contemporary slavery the way the UN has done. Through the alteration of the term slavery it loses its immediately recognisable affiliation to the classical slavery, forcing one to draw the conclusion that the issue of contemporary slavery is completely separate from the slavery as it used to be. The way I see it a revision of term does not only make it harder to recall how problems like this one have been dealt with earlier, but it also seems as if the new types of slavery are not at all connected to the colonisation and imperialism of the western-world.

²² Help free UK from modern slavery website, <https://modernslavery.co.uk/who.html> 24.5.2015.

²³ Global Slavery Index website, http://www.globalslaveryindex.org/region/west_europe/ 24.5.2015.

3 Slavery in the UK

Throughout history the vast majority of communities have had slavery. It may be found in the political communities of Europe, Africa, Asia and the Americas.²⁴ Slavery was then regarded as a natural part of the social order. It was not until in the late 18th century that the slavery came under sustained juridical and political attack as an institution.²⁵ But does this mean that slavery is not more or less the same as it was then?

3.1 A roman prespective on slavery

The Roman legal system was the first system that regulated slavery in detail.²⁶ It is also in Roman law that two contrary beliefs on slavery were first recorded, which has later come to shape the abolition of slavery in Britain, as the Roman law took a large role in the British legal system in the Middle Ages.²⁷ On one hand the enslaved people were seen as animate tools, born for the purpose of being enslaved, a belief emitted by for example Cicero.²⁸ On the other hand some philosophers and lawmakers saw the enslavement of people as "contrary to nature" with the aspect that every child was born free.²⁹ This as such did not mean the actual dissociation from slavery, but it did make the point that all people are somehow born equal and anyone can by forces of war or man become enslaved.³⁰

²⁴ Allain, Jean (red.), *The legal understanding of slavery: from the historical to the contemporary*, Oxford University Press, Oxford, 2012, page 85.

²⁵ Quirk (2011), page 24.

²⁶ Allain (2012), page 9.

²⁷ Allain (2012), page 85.

²⁸ Allain (2012), page 13.

²⁹ Allain (2012), page 9.

³⁰ Allain (2012), page 19.

3.2 Slavery in Britain throughout history

The Council of Westminster made the first recorded abolition of slavery in Great Britain in 1102, in England. However slavery did not disappear, as the slaves were still a part of the fabric of the English society throughout the rest of the 12th century.³¹ Although the abolition in the 12th century is deemed rather early in some aspects, this did only affect the slaves in Great Britain. Even though slaves were still banned, the slave trade and the slave keeping was still a fact in the British colonies. Organized anti-slavery did not take place until after 1776 in the British colonies (as well as in the French colonies and the North America). It occurred rather late partly due to the social antecedents of the Roman practice of economically driven and racially defined slavery, and partly due to the medieval views of slavery that were deeply rooted in the British mind.³²

In the 18th century British Empire the nature of slavery was tainted with violence, rape, fraud and murder. Due to the violence it was a highly legislated area, even though that hardly stopped the said violence.³³ The view of slaves as objects as seen in the Roman Empire was not questioned in Britain until the case of *Gregson vs. Gilbert* in 1781, also known as the case of *The Zong*. The Zong was a ship used for the transporting of slaves, owned by a large Liverpool slaving company. As the slaves and crewmembers fell ill, the captain of the ship suggested that they would throw the sick slaves overboard as this would then allow the shipping company to claim the loss of income from its insurers, due to the slaves then being regarded as cargo of the ship when they were thrown overboard alive in comparison to how they were regarded property of the owner if they died a natural death. A total of 131 Africans were thrown overboard and drowned from the Zong. As the ship owner claimed loss for his cargo by the

³¹ Pelteret, David A.E., *Slavery in Early Mediaeval England: from the reign of Alfred until the twelfth century*, The Boydell Press, Woodbridge, 1995, page 78.

³² Quirk (2011), page 25.

³³ Brennan, Fernne. & Packer, John. (red.), *Colonialism, slavery, reparations and trade: remedying the past?*, Routledge, London, 2011, page 133.

insurance company the case was taken to the Guildhall, where the jury sided with the ship owner. In the judicial decision the Lord Chief Justice, Lord Mansfield, reasoned that “there was no doubt (though it shocks one very much), that the case of the slaves was the same as if horses had been thrown into the sea”. It was in the aftermath of this case that the parliament decided to appoint a committee to investigate the legal slavery trade. It marks a shift in the judicial attitude towards slaves in the British Empire that in due time would result in the abolition of slavery.³⁴

After many years of investigations by the parliament, and the lobbying of many now well-known men like William Wilberforce, the slave trading was made illegal through the *Abolition of the Slave Trade Act* in 1807.³⁵ This however did not have any effect on contracts retrospectively and the slave trading did not actually cease till the *Slavery Abolition Act* in 1833, where the ownership of slaves in the British colonies was made illegal, and the expiration of transnational provisions occurred in 1838.³⁶ However the British still compensated the slave owners with a total amount of about 20 million.³⁷ Even though the slavery was abolished, the freed slaves were seen as lost property that one should be reimbursed for.

After slavery was abolished in Britain it was thought to have disappeared in most parts of the modern world. Yet slavery was still a very prominent feature into the 1930s in the European colonial powers (for example Britain). The colonial powers rested on the old definition of slavery from the time of the Slavery Abolition Act, and that type of slavery was of course gone. However this does not necessary mean the real slavery had been removed.³⁸ It was not until the mid 20th century that it was regarded as an actual problem again, this time in terms of human rights. The thought that all children are born with the same fundamental rights started to slowly lodge itself into politics. In this spirit, the legislation and law making started

³⁴ Brennan & Packer (2011), page 134.

³⁵ Brennan & Packer (2011), page 85, 154 and 138.

³⁶ Brennan & Packer (2011), page 154-156.

³⁷ Allain (2012), page 173.

³⁸ Quirk (2011), page 109.

to follow suite. In 1930 the ILO adopted the Forced Labour Convention, but this only regulated and did not really limit the use of forced labour.³⁹ In 1945 slavery was seen as a crime against humanity in the Nürnberg tribunals, and was listed as a breach of human rights for the first time in 1948 by the UN and the ECHR followed shortly afterwards.⁴⁰

3.3 The slavery in Britain present day

The slavery today poses a real problem in the UK. According to UK government records it is likely that there are more than 13'000 enslaved people in the UK. However the estimated number of unknown cases may be so much larger, as the main problem with slavery anywhere in the world is that it is so hard to charter.⁴¹ There are innumerable ways that slavery occurs in Britain, several types of which are common such as: sexual exploitation, labour exploitation and domestic servitude.⁴² The problem with contemporary slavery is the alienation of slaves from the social and institutional order in the modern world, not the actual ownership or transatlantic trade as in historical times.⁴³ The slaves are in modern day often entirely kept from the outside world, often depriving them of all things that the western-world would consider humane.⁴⁴

Up until a few years ago it was thought that the contemporary slaves were people who had been enslaved after immigrating illegally to the UK from countries mostly outside the EU.⁴⁵ However it turns out that is not entirely true. In 2013 about 1746 cases of contemporary slavery were reported in Britain, of whom around 90 of the enslaved persons were of British

³⁹ Stoyanova (2015), page 305-307.

⁴⁰ Brennan & Packer (2011), page 18.

⁴¹ "Criminal cartels run thousands of slaves in Britain" Rachel Sylvester and Alice Thomson for the Times 7/3 2015.

⁴² Policy report by the Slavery Working Group (2013), page 34.

⁴³ Quirk (2011), page 7-8.

⁴⁴ <https://modernslavery.co.uk/who.html> 24.5.2015.

⁴⁵ Policy report by the Slavery Working Group (2013), page 37-38.

nationality.⁴⁶ Contemporary slavery affects people from the most vulnerable groups, regardless of nationality. Those groups in Britain chiefly consist of asylum seekers, illegal migrants, people suffering with learning difficulties, homeless people, and children.⁴⁷

Despite the increasing awareness and the new legislation on the subject the amount of contemporary slavery victims is not showing any signs of declining.⁴⁸

3.4 Analysis

To my comprehension contemporary slavery is not an entirely new obstacle that has arisen in the last 50 years, but a mutation of the old forms of slavery. The UN views contemporary slavery as a new issue, rather closed off from the historical types of slavery we have battled for the last hundreds of years. I don't believe this is the case. The British often see themselves being one of the first countries to advocate on the abolition of slavery, in 1807. However, even though the laws have altered early the mind-set regarding slaves has changed rather slowly throughout British history. There has been a pull between the two roman ideologies. The colonialism and imperialism of Britain have been closely connected to the thought that some people are born beneath others. In the view of contemporary slavery the issue is the same. When it comes to the laws it is not always the change of mind-set that initiates the legal process, but sometimes the other way around. In some ways the frame of mind in British people has not really changed since the Zong case. This may be seen in the rise of the UKIP party, 3.8 million votes in 2015 election⁴⁹, as well as in the class gap that is

⁴⁶ <https://modernslavery.co.uk/index.html> and <https://modernslavery.co.uk/who.html> 24.5.2015.

⁴⁷ <http://www.globalslaveryindex.org/country/united-kingdom/#vulnerability> 24.5.2015.

⁴⁸ <https://modernslavery.co.uk/index.html> 24.5.2015.

⁴⁹ Official website of the UK parliament, <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7186#fullreport> 24.5.2015.

continuously getting wider.⁵⁰ Nevertheless, it is not necessarily a question of race or nationality anymore. It is rather that the view that “inferior” people should be consigned to their fate, just like Cicero stated, is still a present issue in the UK today. As late as in 2006 the then British Prime Minister Tony Blair made a statement of condemning the slavery of Britain’s past and expressed a “deep sorrow” that it even happened.⁵¹ In 2014 the quests from former colonies in the Caribbean made requests for reparations for historic atrocities committed during the slave trade and was met with firm resistance from the UK government.⁵² The UK never actually dealt with making all people equal in the eye of law until many years had passed since the abolition and by then it might have been too late.

The grounds of slavery and contemporary slavery are the same. The problem is still that one person owns another, much as if they were property, and the owner has total control. Contemporary slaves will fall into slavery through many different paths and are then no longer covered by any social securities, much like they were during the time of the Zong. There is however a rather important distinction. In current times the slaves disappear into an inhumane world of slavery and are then regarded as property versus in historical times when they were never regarded as people to begin with.

⁵⁰ “*Growing wealth inequality in the UK is a ticking timebomb*” Danny Dorling for the Guardian 15/10 2014.

⁵¹ “*Blair: Britain's 'sorrow' for shame of slave trade*” David Smith for the Guardian 26/11 2006.

⁵² “*UK sternly resists paying reparations for slave trade atrocities and injustices*” Owen Bocott and Ian Cobain for the Guardian 24/2 2014.

4 Legislative aspects on contemporary slavery

As we have seen in the chapters above, contemporary slavery is and has been a problem. In 1945 it was seen as a crime against humanity in the Nurnberg tribunals, and was listed as a breach of human rights for the first time in 1948.⁵³ But what is actually being done about contemporary slavery in the world of law today?

4.1 Legislation in the UN

In UDHR paragraph 4 it is explained that slavery should be illegal in all member states. This article has been further examined in the light of contemporary slavery and the Fact Sheet No.14. The Fact Sheet opened the term slavery (see chapter 2.1) to a wider interpretation of contemporary slavery and thereby modernising the UN legislation without actually changing any laws. Moreover, there is the special rapporteur in the UN (SRslavery) since 1975, which is providing further modernisation of the legislation on contemporary slavery every year.⁵⁴ SRslavery was established primarily to focus on the aspects of contemporary slavery that are not protected by the mandates of the Human Rights Council. The group works effectively with other Governments, non-governmental organizations, specialized agencies and so on to exchange knowledge and ensure a widely spread understanding of contemporary slavery.⁵⁵ The UN is trying to put an end to slavery but also show the world that this will have to be done through eradication of things such as social exclusion, poverty and discrimination.⁵⁶

⁵³ Brennan & Packer (2011), page 18.

⁵⁴ <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/OverviewMandate.aspx>
24.5.2015.

⁵⁵ <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/OverviewMandate.aspx>
24.5.2015.

⁵⁶ <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>
24.5.2015.

To my understanding it seems that the UN finds it crucial that contemporary slavery is not only an issue in the light of slavery abolition in art 4 of the UDHR, but is also regarded in other UDHR rights such as art 6 and art 7 – articles that have been closely connected to the slavery article from the beginning.⁵⁷

4.2 Legislation in Europe

There is to this date no legislation in the EU or CoE in regard to contemporary slavery. They have just as the UN has UDHR adopted the ECHR, including an art 4 on the prohibition on slavery. This right has however not been extended in an equivalent of Fact Sheet 14. Instead CoE and the EU has focused its legislation on the troubles of trafficking through for example the CoE The Council of Europe Convention on Action against Trafficking in Human Beings No. 197 from 2008 with 43 ratifications.⁵⁸ This leads to that the numbers of contemporary slavery victims are only counted through the amount of trafficked human beings and therefore a large part of the victims are excluded.⁵⁹

4.3 Legislation in the UK

The UK, as a member of the UN, has indirectly updated its legislation on contemporary slavery without making efforts of its own up until a couple of years ago. It was in the early 21st century that charities dealing with the issues of contemporary slavery started to pop up everywhere in the UK.⁶⁰ It is important to understand that the UK has a governmental system that differs a lot from others in Europe, as it relies on charities and the work they

⁵⁷ Eide (1992), page 91.

⁵⁸ Official website of the Council of Europe, http://www.coe.int/t/dghl/monitoring/trafficking/Flags-sos_en.asp 24.5.2015.

⁵⁹ Statistical working papers: *Trafficking in human beings*. Eurostat, Luxembourg: Publications Office of the European Union, 2014, page 20-21.

⁶⁰ Official website of the Anti-Slavery International charity, http://www.antislavery.org/english/who_we_are/english/who_we_are/english/who_we_are/frequently_asked_questions.aspx 24.5.2015.

do a lot more than the average European country. On one hand this has led to that legislation has not been highly prioritised, as the government have not had the main responsibility. However, on the other hand, the charities have been able to bring contemporary slavery to the attention of the legislators, far quicker than anywhere else in Europe.⁶¹ One example of such charities is “Anti-Slavery International” a British charity that was founded in 1839 and still is in full force, making it the world’s oldest international human rights organisation to work exclusively against all forms of slavery.⁶²

In 2013 the Home Office presented a new Bill regarding the contemporary slavery in Britain and what should be done about it.⁶³ The Bill, called the Modern Slavery Act, received Royal Assent and became an Act of Parliament (Law) on the 26th of March 2015. The Modern Slavery Act creates two new civil orders that are especially designed to prevent contemporary slavery in Britain. Firstly it establishes an Anti-Slavery Commissioner and secondly it makes provisions for the safety of contemporary slavery victims, bringing the British legislation up to a UN standard.⁶⁴

4.4 Analysis

Slavery is no longer a simple concept of enslaving another human being but has evolved into degrading people into something no longer covered by human rights. In my opinion, both the UN and the UK seem to be trying to commit to an ever-changing contemporary slavery. The UN more or less changed its legislation through Fact Sheet 14 in 1991, and SRslavery works with the modern aspects of slavery every day. However, this has not actually resulted in especially large visible changes for the contemporary slaves. The creation of the SRslavery took more than a decade and is mostly

⁶¹ Policy report by Slavery Working Group (2013), page 12-14.

⁶² http://www.antislavery.org/english/who_we_are/english/who_we_are/english/who_we_are/antislavery_international_today.aspx 24.5.2015.

⁶³ *Modern slavery: how the UK is leading the fight*, Home Office, page 2.

⁶⁴ <http://services.parliament.uk/bills/2014-15/modernslavery.html> 24.5.2015.

focused on enhancing expertise rather than actually amending the problem. It may propose resolutions to its parent bodies, but nothing further.⁶⁵ The UN is presumed to put pressure on the individual countries, in which they have not really succeeded. In the UK there is new legislation, created to rectify the situations of contemporary slaves in UK. Considering that the UK government has only properly brought up the issue of contemporary slavery for about 10 years time the outcome in a legislative is astonishing. The new bill has been designed to be able to suit the changes in contemporary slavery as they arrive without having to change existing legislation. Furthermore the bill also establishes an Anti-Slavery Commissioner, which will have many of the same tasks as SRslavery.⁶⁶ Despite the UK's large steps forward, the CoE and the EU appear to still be stuck. As I have explained above the trouble of contemporary slavery is no longer an issue regarding only the trafficking aspect. In fact some of the victims of contemporary slavery are nationals and even more are of European descent. In 2013 potential contemporary slavery victims in the UK were reported from 112 countries, the five that were most likely to be the slaves country of origin were Albania, Nigeria, Vietnam, Romania and the UK.⁶⁷ Slavery would exist without trafficking and contemporary slavery includes trafficking, yet action in the EU and CoE is taken against trafficking and not slavery.⁶⁸ The estimated amount of people enslaved in the Europe alone is today deemed to be around 566 000⁶⁹, and according to the CoE the amount of trafficked people is deemed "several hundred thousand a year"⁷⁰ which to my comprehension is a rather large differentiation.

⁶⁵ HRQ Volume 31 No. 1 (2009), page 115.

⁶⁶ Modern Slavery Act (2015), art 40-41.

⁶⁷ Booklet regarding Modern slavery bill, Home Office (2014) page 2.

⁶⁸ Modern Slavery Act (2015), art 1-2.

⁶⁹ http://www.globalslaveryindex.org/region/west_europe/#return-note-0-1 24.5.2015.

⁷⁰ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/index_en.htm 24.5.2015.

5 Discussion and conclusion

Slavery has been through many changes in the last hundred years, or even ever since abolition, to become contemporary slavery. Yet as I have explored in this Bachelor Thesis, the problems with slavery are far from over.

5.1 Conceptual analysis of contemporary slavery

I believe one of the more prominent obstacles with contemporary slavery is that it is still not defined the same way everywhere. Furthermore there is risk that a shift in concept will occur when a phrase is used during a longer period of time. It seems that the UN has tried its utmost to create and implement the term contemporary slavery, without much luck. It is used and defined in the same way as it is defined in the UN in the larger organisations such as the ILO, UNICEF, ICC and INTERPOL.⁷¹ The UK has defined their slavery in modern time as “modern slavery” which in reality (especially after the bill has passed) has the almost exact same definition as the phrase contemporary slavery. However the problem here lies not with the UK, nor with UN but with EU and CoE. My opinion is that by not even making an effort to actually recognise and define slavery the CoE and the EU create a marginalisation where some contemporary slaves are not even seen as slaves. It is rather difficult to counteract something that one does not even recognise as an issue. It seems as if EU cannot admit that the issues with slavery are in fact not only arriving through the lesser-developed countries but is in fact an issue in the EU due to the way EU mind-set has not changed, the white or rich are still seen as superior. Fact is that even though Europe is starting to close its borders the difficulties with contemporary slavery have only started to be fully apprehended.

⁷¹ HRQ Volume 31 No. 1 (2009), page 101-113 and Fact Sheet No.14 (1991), page 7.

5.2 Slavery in the UK

As I see it another of the difficulties with the term contemporary slavery is that it has partly closed itself off from the historical slavery. There is an old English saying that goes “he who controls the past controls the future”. Slavery continues to transform itself and evolve, but in its basic elements it have not changed. It is still a position where one person owns another. I have found that without recording how an obstacle, like slavery, has been in past times it is impossible to in an effective way handle present problems. This is something neither the UN nor the UK have dealt with. I believe that to fight contemporary slavery the social structure in our society has to be tweaked to include the people that are now being diminished through ignorance. The present problem with slavery is no longer only, as I have earlier stated, the transatlantic transportation of people or the actual ownership but rather how the people are not actually seen for what they are. Only a couple of years ago when the first cases of what now would be seen as contemporary slavery were reported in Britain the police sent them home, as there was no problem such as slavery in Britain.⁷² By realising that the historical slavery still exists today, however new and different it may seem, a lot of people could have been saved.

5.3 Legislative aspects on contemporary slavery

This leads me onto the last larger issue I see with how contemporary slavery is handled today; that the legislation not always is adequate. The UN has not renewed its Fact Sheet 14 since 1991 and the European organisations don't have any laws to speak of. The UK however has its new bill, a great step to recognising the issues present in their country today. The Bill does not only define contemporary slavery as an incredibly broad term, which makes sure that no type of slavery will be marginalised, but also make sure that through the establishment of an Anti-Slavery Commissioner the term contemporary

⁷² <https://modernslavery.co.uk/who.html> 24.5.2015.

slavery will continue to grow in the same pace as the slavery is fully explored. If we were to compare Sweden who are said to have approximately 1200 slaves at present, 0.013% of population and UK who have around 13 000 slaves which is around 0.014%, it is amazing that Sweden is not even apprehending the contemporary slavery as a problem.⁷³ The percentage of enslaved people in both countries is strikingly similar, which in my comprehension proves that the UK have in a very successful way taken what is often seen as the myth of contemporary slavery and are fighting it every day.

5.4 Conclusion

In conclusion I have found that the contemporary slavery is a much more widely spread problem than I ever could have imagined. It is a problem that finds its way into every country and every society, either directly or by way of consumption of goods and services. At the same time as this thesis is in its final stage the huge international cooperative Arla, a Scandinavian cooperative known as the largest producer of dairy products in Scandinavia, is caught using forced labour in their Saudi Arabian branch. 600 workers, who have immigrated from Asia, have had their passports removed and are being forced to work. The communications director admits that they have known about the slaves for more than 10 years and not actually amended the issue as it said to be a custom in Saudi Arabia.⁷⁴

Contemporary slavery is not a myth to be busted, a part of history long forgotten or only an issue for the lesser-developed countries. The western world needs to start take action and stop blaming the contemporary slavery on countries that have no way to fight the problems with knowledge, money and social securities that the western-world possesses. Without fundamental human rights and dignity for every single human being a fight against

⁷³ <http://www.globalslaveryindex.org/findings/> 24.5.2015.

⁷⁴ The official website of Sveriges Television AB, <http://www.svt.se/ug/arla-beslagtar-anstalldas-pass> 24.5.2015.

slavery will never be won. The degradation and unwillingness to care is so much a part of society and mind-set, that without fundamental change it can never be abolished. The question of contemporary slavery cannot and will not be solved on its own.

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