



UK - Anisa Dhanji

Remarks

Judge Anisa Dhanji, United Kingdom,

One Tuesday, over 200 years ago, a man stood up in the British House of Commons and delivered an impassioned speech that eventually led to the abolition of the slave trade. That man was William Wilberforce, and the date was 12th May, 1789.

Although the intervening centuries have seen Britain become one of the world's most pluralistic and tolerant nations, with a proud record of upholding human rights, the reality is that slavery still exists today in our towns and cities, just as it does in so many other parts of the world.

Modern slavery, which His Holiness Pope Francis has described as “a crime against humanity”, takes a very different form, of course, from the slave trade of the 18th century. Its victims, already amongst the world's most vulnerable and defenceless people, are subjected to abuse, violence, hunger, rape, threats, and intimidation, often by organised crime gangs, operating across different countries. Young girls and women are sexually exploited, and forced into prostitution. Domestic workers are abused, and made to work for little or no pay. Vulnerable young men are made to live in appalling conditions and to labour for long hours in fields, in factories, or fishing vessels. The difference from Wilberforce's day is that then, slavery was legal and conducted openly. Modern slavery happens in the shadows. Its victims are mostly hidden, and this, of course, is what makes this crime so challenging to tackle.

The scale of modern slavery is significant. The Global Slavery Index, published by Walk Free, estimates that over 5 million people are trapped in slavery around the world. Research carried out by the UK government estimates that there are between 10,000 and 13,000 in victims in the UK. By its very nature, however, it is difficult to get a clear idea of the numbers involved, and many say that the true number is much greater. A high proportion of the victims of modern slavery come from Albania, Nigeria, Vietnam, Romania and Poland. However, many of the victims are UK nationals, which underlines the fact that not all victims of modern slavery come from other countries. And of course, behind the statistics, lies incalculable emotional, physical and psychological damage, inflicted on human beings whose lives are being, destroyed.

So, what is being done about it?

Britain is bound by the Council of Europe Convention on Action Against Trafficking in Human Beings, which sets minimum standards on the identification, protection and support of victims of trafficking.

However, many charities, NGOs, and civil society organisations, who have been working with the victims, have been expressing grave concerns for some years, that much more needs to be done. In the past few years, there have been a number of initiatives which reinforces the UK's commitment to addressing the issue.

First, in 2015, the Modern Slavery Act was passed, and equivalent legislation was also passed in the Scottish Parliament and the Northern Irish Assembly. It provides harsher sentences, and new ways of convicting the traffickers and slave masters.

Legislation by itself, is of course, rarely enough. Successful prosecution depends on witnesses, often the victims themselves, who need to be encouraged, and supported to give evidence that will bring offenders to justice. It also requires dedicated police resources, and most of all, it requires greater awareness and engagement of the population as a whole. All too often, stories emerge in the media of someone who has been held captive in an ordinary residential neighbourhood for years on end, and one has to ask, how is it that the neighbours did not know?

In recognition of these issues, the government has extended the remit of the National Referral Mechanism (“NRM”) to all victims of modern slavery in England and Wales. All first responders, such as the police, the National Crime Agency, the UK Border Force, the Home Office Immigration and Visa Service, and Social Services, must consider whether the person they are dealing with is a victim of human trafficking, or another form of modern slavery, including servitude, and forced or compulsory labour. If they are, then various supports and safeguards are put in place. As well, a multi-agency organisation, the Modern Slavery Human Trafficking

Unit, led by the National Crime Agency, has been set up to provide a central point of expertise, support and coordination.

Third, an Independent Anti-Slavery Commissioner has been appointed. The Commissioner's aims are to increase the identification of victims and to refer them for appropriate support, and in tandem, to increase the numbers of prosecutions and convictions of traffickers and slave masters, using the 4P paradigm – Prevention, Protection, Prosecution and Partnership.

In addition, we now have an annual Anti-Slavery Day, which was established by an Act of Parliament. This year, it was marked on 18 October, so just recently. It provides an important opportunity to raise awareness about human trafficking and modern slavery. Each year, more and more charities, local authorities, police forces and individuals organise events and even awards to remind people that the battle against slavery did not end two centuries ago.

The courts are also playing their part. There have been a number of positive decisions recently from our higher courts, including a decision from our Supreme Court on 18 October of this year. It may have been no coincidence that the judgement (in *Benkharbouche* and *Janah* linked cases [2017] UKSC 62) was handed down on Anti-Slavery Day. The case arose out of a claim by two Moroccan domestic workers against foreign embassies in London, which invoked their immunity under the State Immunity Act. The Supreme Court decided that to apply diplomatic immunity so widely went beyond the requirements of international law. This decision is significant because overseas domestic workers working in embassies, approximately 75% of whom are women, are exceptionally vulnerable, and are often subject to exploitative employment practices.

In another landmark case, this one in 2014, the Supreme Court allowed a child victim of trafficking to recover damages from her trafficker, finding that to permit the trafficker to escape liability would be “an affront” to public policy.

Successful prosecutions, of course, depend also on prosecutors, and here, too, there has been progress. In October 2014, leading prosecutors from across the UK and Ireland, faced with figures that indicated a 22% increase in human trafficking in just one year, met and pledged to work together to tackle human trafficking and to share information across borders and jurisdictions.

I will leave you with one victim's story:

“I believed I was going to be safe and have a good life here but when I came to this country that was not the case. I was treated very, very badly. I was locked in a room and made to have sex with many men. They would come every day and make me do things I did not want to do. They never cared if I cried. They just carried on. The traffickers prostituted me for three months before I managed to run away and I still feel the pain now. It is in my heart and in my head”.

Stories such as these about the horrors and the many lives that are destroyed by modern day slavery, reminds us that much still remains to be done.

It also brings to mind Lord Wilberforce's words from over 200 years ago: “You may choose to look the other way but you can never say again that you did not know”.

Thank you.