

Irish Security Series Snapshots

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Human Trafficking and Modern Day Slavery

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Exploring the extent of Modern Slavery and Human Trafficking between Ireland and the United Kingdom; through the lens of Organised Crime

The document provides a snapshot of the discussions between panellists at our recent Irish Security Series event on the topic of Human Trafficking and Modern Day Slavery, which was co-hosted by SAR Consultancy, University College Cork (UCC) and the British Embassy in Dublin, and took place on the 8th December 2021. In this discussion, contributors helped to declutter this pervasive and widespread, yet often hidden, phenomena. This Snapshot gives an overview of the panellist's inputs on key areas such as the role of definitions, identification, the use of deception and coercion, reporting or the lack thereof, and points on what can be done.



Irish Security Series Snapshots



Irish Security Series

#24 Exploring the extent of Modern Slavery and Human Trafficking 8th Dec 1400hrs

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Introduction

Human trafficking and modern day slavery are terms used which often inspire images in the mind. The clarity of the image is often mistaken, however, for clarity of understanding, which serves only to oversimplify a complex set of terms, and related activities. The popular image often focuses on international victims - those trafficked across international borders, often changing hands several times in a journey. Many of these victims enter countries through legitimate routes, commonly using forged documents or other means. One example given in the context of Ireland and the UK, was where traffickers exploited rules in Northern Ireland, using a visa that is available in the UK for maritime workers, to bring victims into the Republic. Once in Northern Ireland, the victims were brought across the border, after which they were technically illegal in the state. Victims in this and similar situations are often seen as illegal first, rather than victims of often sophisticated organised networks. Participants emphasised the need to see these crimes for what they are: serious organised crime (some of which may at times be disorganised) rather than immigration scams. Human trafficking and exploitation in all its forms is a transnational organised crime problem, which is often seen in cases where people are trafficked for the purposes of labour or sexual exploitation. In the context of Ireland and the UK, victims of exploitation in respect of labour are often found in sectors such as agriculture, construction, the entertainment and services industry, fishing, manufacturing, domestic servitude, and begging. Failing to see the crimes through this lens, can result in us failing to use the measures that are sometimes needed that are commensurate to the risk this crime presents.



Speakers & Moderator

Dr Carole Murphy - Acting Director, Bakhita Centre for Research on Slavery, Exploitation and Abuse (BCRSEA) - St. Marys University, UK

Dr Cliodhna Murphy - Associate Professor - Maynooth University

Assistant Commissioner Anne Marie Cagney, An Garda Síochána

Kevin Hyland, former United Kingdom's Independent Anti-Slavery Commissioner, leading efforts to tackle slavery and human trafficking.

Moderator: Dr James Windle - Director of Criminology - UCC Department of Sociology and Criminology

The descriptions given above of human trafficking are often conflated with smuggling of humans across international borders. There is a growing recognition, however, that trafficking can occur within national boundaries, even involving movement over very short distances. Human trafficking can and is happening in our own countries and, thus, should not be viewed solely from the perspective of migration. There has, however, been a reluctance by many to accept that citizens of Ireland and the UK can and are being trafficked inside national borders. This is despite a growing reservoir of research, in the UK, on county lines drug market activity, which by the very nature of the activities involved, is built upon the exploitation of vulnerable people to market and sell drugs, and the presence of nationals in the data on survivors of human trafficking and modern day slavery recorded through the national referral mechanism (NRM).

The number of UK nationals referred has risen from over 2000 in 2017 to over 3500 in 2020. There is, however, insufficient comprehensive research on the specific vulnerabilities of British nationals to internal trafficking and exploitation, or their specific recovery needs. Many British national victims who are identified as victims in this area are increasingly being signposted towards local authorities for support. Many of these authorities are unaware of their responsibilities under the Modern Slavery Act, and/or lack training in appropriate methods of support. Anecdotal evidence suggests that despite the national referral mechanism being in existence for over a decade, there is still a lack of awareness and understanding among victims of modern slavery, and among frontline professionals of the NRM. As a result, British nationals are failing to be recognised as victims of modern slavery. This is likely to be due, in part, to the belief or perception that trafficking is a kind of overseas phenomenon. There is, therefore, a need to ensure a more comprehensive understanding of national victims of modern slavery and human trafficking. The lack of differentiation in law between national and non-national victims, raises a number of key points that were discussed amongst the panel. Many of which, illustrated how complex and challenging this problem is, to understand, measure and respond too. The contributions of the panellist have been condensed and compiled within the next few pages to highlight a number of these core issues, ending with a number of suggestions raised on what can and needs to be done to improve the response to human trafficking and modern slavery both in Ireland and the UK.

The role of Definitions

A challenge in tackling human trafficking noted by the panel in respect to the law and its interpretations related to definitions. The panel noted the importance of having and understanding definitions so one can understand what you're looking at, can identify victims, and know what instruments are available, or if not available, what needs to change. Some panellists noted that even the terms modern slavery, human trafficking and human smuggling were often mixed up, despite their differences.

Another key issue raised about having and knowing definitions related to identification of victims. It was noted that the Irish definition of trafficking for the purpose of labour exploitation, for example, can lead to problems in identifying victims. A core element of a successful identification strategy is a focus on understanding the scope of the legal definitions, or the very concept of labour exploitation can be tricky to determine. One issue, for instance, is the question of when exploitative working conditions crossed the line to become forced labour. This can be difficult to assess, especially in a circumstance where the person initially consented to work and then became increasingly embedded in an exploitative and coercive scenario. The interpretation of definitions is key to understanding these situations. The following example was given to contextualise how this can happen.

In 2017, the European Court of Human Rights made a judgement that 42 Bangladeshi citizens who were working in Greece, with undocumented status, on a strawberry farm did constitute forced labour. The workers were initially promised wages of about €22 for seven hours work a day, to which they initially consented to. They ended up working every day for 12 hours in green houses under the supervision of armed guards. They were never paid. They continued to work because they were afraid that if they would not be paid if they left. At one point the armed guards opened fire and injured some of the applicants. The court noted that all the circumstances of the case should be considered when assessing if the labour in question qualified as forced labour.



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While consent had been given initially, it was noted that the situation changed and the nature of the treatment they received did constitute forced labour. The court also raised an interesting element in the context of reluctance to report: it was noted that the migrants undocumented status, meant that they risked being arrested and deported if they made a report, which placed them in a very vulnerable situation with the employer. In taking this judgement, the court assessed that to suffer from forced labour or slavery, one does not have to be kept in a complete state of exclusion from society nor be completely deprived of freedom of movement. The Court identified forced labour as a much broader concept. This judgement brings to life the common saying that modern slavery is a crime hidden in plain sight and recognises both physical and more subtle forms of coercion, including exploiting workers vulnerability as irregular migrants.

Identification – what does vulnerability look like?

The challenges of identifying victims were raised by the panellists, beyond the challenges presented by the law. It was noted that language barriers are frequently cited as a factor inhibiting the identification and support of survivors. Some interesting points were raised here, that language should be understood in the broadest sense, not solely in reference to 'foreign languages'. Linguistic barriers to identification and support are not entirely removed by an understanding of said languages. The choice of words used in the narrative, around identifying and supporting survivors can also have a significant impact upon those to whom such labels and terms apply. In terms of county lines drug dealing, it was highlighted that young people growing up in hyper-masculine cultures, often avoid labels which signal weakness, which may, be a form of self-protective decision making. That is not to say that some young people may not feel victimised but that they are often unable to express this feeling, while others do not view themselves as victims, despite being textbook exploitation cases. An inability or unwillingness to accept imposed or self-imposed labels can impact their acceptance of support services. Reluctance to accept support cannot, however, be mistaken as a lack of need. Vulnerable individuals who have lived experience of severe exploitation, particularly having been exploited by people in positions of trust or authority, may find it difficult to again accept support from other authorities.

Barriers to the effective identification of fishers as victims of human trafficking was also highlighted. This may, in part, be due to the historical exclusion of men from narratives surrounding human trafficking. Moreover, similar to the case in Greece, many fishers consent to an agreed set of conditions of work, although not to the exploitative and coercive conditions some find themselves in. Many fishers provided their service relatively autonomously, so were almost seen as contractors, as opposed to employees, which can sit uneasily with this concept of forced labour. Despite these barriers, there has been some cases coming to light, including at least 35 suspected victims of trafficking identified in the fishing industry in Ireland. In cases provided as examples, some fishers reported issues employed to coerce, deceive, and/or exploit victims, including: withheld wages, threats of dismissal and deportation, being forced to live on the boat without sufficient food and, severe harassment on the basis of race and religion. A number of workers were falsely promised that their immigration situation would be regularised by their employer.

An Garda Síochána – Work in the Area of Human Trafficking and Modern Slavery

In January of 2009, An Garda Síochána established the Human Trafficking Investigation and Coordination unit, and most recently has established the Organised Prostitution Investigation Unit. This latter unit now operates to combat human trafficking both in Ireland and internationally. The unit has a victim centric approach and a particular focus on the protection and welfare of the most vulnerable. Regional coordination and tasking units scan the crime environment to identify trends and threats. The crimes of both human trafficking and organised prostitution are strategic crime priorities for An Garda Síochána. Both covert and overt resources are deployed and are key to dismantling these crime groups. Access to global ICT systems such as those held by Interpol, Europol and Eurojust databases in tackling transnational organised crime are of key importance. The recent introduction of the Schengen Information System has also become a great support in Ireland and is providing a significant enhancement. International cooperation is key to many of these investigations, as is cooperation with other organisations nationally. A multi-agency approach helps focus on ensuring the rights of victims of human trafficking are met, which might include their protection, their assistance, their recovery, their residence permits, and their compensation. Internally, training is being delivered in this area, and also more broadly in Ireland and internationally. In some cases, working with international policing organisations in this regard.

The use of deception and coercion as a mean of control

Two areas highlighted that are often key elements of human trafficking, but not distinct to it, are the use of deception and coercion as means of control. Grooming and coercive control often contribute to a power dynamic that makes it seem impossible to access support without further significant loss. Examples were given where victims trafficked for the purposes of sexual exploitation often go back to working in the same industry after having been removed because they feel undervalued as individuals, and/or feel that they have no other skills. In the context of forced labour, coercion is often centred around threats to refuse to pay the worker, to dismiss the worker and/or to cancel or refuse to renew their work permit. The ability of employers to exploit official systems to exploit victims was identified as common to many cases of forced labour. For example, the Group of Experts on Action against Trafficking in Human Beings (GRETA) welcomed the introduction of the work permit scheme for fishers in Ireland but asked the Irish authorities to make sure that the scheme contains sufficient safeguards against trafficking and exploitation. The scheme in principle allows non-EU fishers a means to obtain a one-year permit on a renewable basis which established a dependency on the employer. This example serves to illustrate how an official measure can have unintended consequences and provide for opportunities for exploitation. In this case, by creating power imbalance that can be used to exploit and threaten workers in some cases.

Grooming was also mentioned as a well-established tactic whereby exploiters appear to address the unmet needs of their victims. This can be achieved through developing emotional bonds or providing material objects before the isolation and abuse ensues. An example was given, in the British context, where perpetrators of modern slavery in England made the victims, the majority of whom were adult British males, call their abusers, ma and pa, often being called son in return. This was intended to degrade and infantilise while building attachments with their exploiters and erasing victims' previous independent identity. Where grooming as a tactic is successful, victims may be reluctant to reject the enforced narrative of their exploiter. The acceptance of such a label often comes with feelings of stigma and shame. Thus, reliance on survivors to claim the title of victim is not an adequate method of identification.

Reporting

The challenges with identification, also impact reporting, and in turn our understanding of the extent of the problem. Despite the range of measurements and reports assessing the extent of human trafficking and modern slavery nationally and internationally, the panellists highlighted that such phenomena are under-reported, which represents a significant intelligence gap. It was noted that there had been a marked decrease in prosecutions and convictions in this area globally, with reports currently standing at about half of those reported in 2016. While some may see this as a positive indication of a reduction, the lack of reporting may be limiting the number of cases that come to official attention, and before the courts, as opposed to an indication of success.

It was noted that the number of victims who report directly to An Garda Siochana, for example, is still significantly low and research from Mary Immaculate College in Limerick in this area found there was under-reporting. Simply put, the panellists recognised that there are more victims of human trafficking in Ireland than we are aware of. One area highlighted both in the Irish and UK context was the increasing number of children trafficked. The panellist also recognised that if we wait for self-reporting the system will further fail victims. While it was noted there was a need to empower victims to report their traffickers and to trust the system, the systems should be built in a way that does not depend on their reporting.



What can be done?

Despite recognising much positive work in this area from both a research and operational perspective, the panel noted that the need to realise what is being done is not good enough. It was recommended to educate wider society on the harms of human trafficking, so the public and enterprise can better understand the nature and extent of human trafficking in society. All agreed that this problem cannot and should not be viewed solely through a criminal justice lens. Victims often don't come in contact with the criminal justice system and, when they do, they are often viewed as offenders because of the criminal activities they are often coerced into: whether being in a country illegally, selling drugs or engaged in the grey market. Offering support and recovery to survivors is hampered by criminalisation because this can be hard to prove, especially if there is not clear statutory definition of criminal exploitation. Potential victims often face prosecution despite multiple agencies giving evidence indicating that they are potential victims: this can be especially complicated when the victim was conducting illicit activities, such as selling drugs. On a positive and progressive note in this respect, the panel heard about how, in Ireland, the Department of Justice is working with An Garda Síochána to identify opportunities to expunge the criminal convictions of persons who were convicted of selling sexual services. This is likely to have a positive impact on the lives and future of people who have been trafficked for sexual purposes.

If victims are not identified through the criminal justice system, society needs other ways to identify them, which requires a more holistic response. Panellists spoke about the need to ensure other bodies, organisations and individuals were educated in this regard, to identify possible indicators and, understand the supports and measures available. For example, victims could be identified by Health and Safety inspectors, local authorities, teachers, doctors, social workers, NGOs, airport and port worker, employers, etc. Providing these groups with education and training is important. By way of example, it was noted that some traffickers ensure trafficked children attend school to legitimise the network and hide the child. The question was raised whether the education system was sufficiently prepared to identify such children. The network of this crime is like any supply chain, supplying a commodity that is in demand - only the commodity is humans. We need, therefore, as many opportunities along this chain to identify possible or potential victims. Lost opportunities like this, are a failure of society, but also help to further erode trust for the victims. Vulnerable people need a positive action to support them.

Improvements in the area of identification, while much needed, are not enough. To eradicate these crimes, there is a greater need to reduce demand. There are about 40 million people trafficked every year according to the UN statistics. It has an enormous impact globally. It offers a return of over 150 billion U.S. dollars every year for criminals. This is huge. The panellist spoke of the need to look at what is driving the demand, how traffickers integrate, and infiltrate legitimates systems with their activities and cash to procure documents, such as visas, how the funds enter and are transferred through financial institutions, and how and where they are reinvested. Looking at who has vested interests in the area is another dimension that requires greater attention. Future research should consider how and who are profiting and benefitting from these activities.

Human trafficking and modern slavery feed into all our daily lives. Society needs to understand that trafficking in human beings generates profits. We need to ask where our products are coming from, and we need companies to be held accountable. The increased need for cheap labour and sexual services drives demand. We should better understand how to identify it and proactively ask questions when we see possible indicators, such as: questioning whether forced labour is part of the extraction process of metals and minerals used in our phones and batteries; question the working conditions of some individuals working in nail bars or car washes; explore how and what companies benefit from cheap labour. Understanding supply chains, how and if they intersect with possible areas of risk, etc. can help in that regard.

Some countries are making attempts to act, such as, Section 54, of the UK Modern Slavery Act which is about supply chain transparency. While it may not be perfect, it is a start. The Act requires companies to produce a statement setting out steps that they are taking to ensure that their businesses are free from modern slavery (including slavery, servitude, forced and compulsory labour, and human trafficking). This applies to any corporate body with a minimum annual turnover of £36 million (including subsidiaries), which carries on business or a part of a business in the United Kingdom. The Modern Slavery Act 2018 in Australia has more teeth, making companies report more robustly. Germany also brought in a law which will come into effect in 2023, the Supply Chain Due Diligence Act, which will require large companies to make sure social and environmental standards are observed in their supply chain.

There needs to be a more strategic way of looking and responding to trafficking and exploitation, higher up the chain, whilst never forgetting to look after those who suffer. The size of the problem is a challenge itself: it can and should be broken into sizeable chunks to better address. To do this we need capacity and resources, but also transparency, because secrecy empowers the offenders and further isolates the victims. If we make these activities unacceptable, we empower the victims and survivors.

Conclusion

The panel while hugely informative and insightful also demonstrated a high degree of empathy, understanding and desire to do more, drawing from personal and professional encounters and experiences that strongly contributed to the discussion. While this may be somewhat lost in how the content is presented above, it is important to acknowledge this, for it clearly motivated all panellist. Research has shown that there is often a lack of trust by victims in the system. We all need to do more. Society must fully understand the impacts and harms that this crime has on both victims and our communities. That victims often live in situations of isolation, fear, feel embarrassed and stigmatised, or trapped, and experience coercion and, physical and psychological trauma that many endure on a daily basis. We need to comprehend the impacts that the crimes have on human beings. We cannot expect victims to bare a further weight in having to self-report and address the existing power imbalances. Each one of us must continue to do our part to counter human trafficking and modern slavery and to bring victims safely beyond the reach of their exploiters.

We must remember that the victims spoken about in the context of the panel, whether they see themselves as victims or not, are people, young and old, who are often suffering from trauma, intimidation and violence, in a culture or position where they are often afraid to speak out. They're afraid to bring attention to themselves for fear of retribution on their families, communities and themselves. We can do this by creating better awareness. By recognising that trafficking and exploitation exists, that we have victims and traffickers here in Ireland and the UK, from our countries and those who have travelled to them, and that victims are used in a range of illicit and licit enterprises. We should never turn a blind eye to the terrible lives that they are enduring. We all need to open our eyes to human trafficking. There is no act more dehumanising and exploitative than the trafficking of another human being.



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