

## Delta 8.7 Consultation: Addressing Tomorrow's Slavery Today

### Submission from the Rights Lab, University of Nottingham

#### Introduction

There are an estimated 40.3 million slaves in the world today. Slavery is not only an issue of human rights and criminal justice, but also a problem of sustainable development. It inhibits the ability of countries to develop robust economic institutions and wider societal benefits. For example, it imposes significant health and environmental costs, where industries relying on slavery have carbon emissions second only to the US and China. Amongst the over-arching threats to development, slavery is a keystone.

The global community now includes slavery in the development agenda, as Sustainable Development Goal (SDG) 8.7. Previously absent from the Millennium Development Goals, the target of ending slavery in the SDGs offers an opportunity to build a global framework for collective action. Beyond brief declarations, there has been no coherent anti-slavery development policy; one that enables the increased spending power, tax income, and reduced negative environmental and health externalities of a slavery-free society. Slavery's inclusion in the SDGs in 2015 therefore marked a turning-point for anti-slavery: its framing as a development issue.

The Rights Lab shares with many of our NGO and governmental partners the aim of mainstreaming anti-slavery practice in development response. But as yet, there is no blueprint for achieving 8.7 by 2030. Global anti-slavery still lacks long-term, evidence-based strategies for abolition. We propose building these strategies by addressing two fundamental, connected questions that embed slavery as a multidimensional development challenge, with relationships to other SDGs: **(1)** what key factors account for slavery's persistent prevalence, and **(2)** how can we reduce its prevalence?

Our hypothesis is that the keys to SDG 8.7 are closely related to a range of other SDG targets, and we approach the SDGs as integrated and indivisible. This approach means we are testing the effectiveness of community-based strategies that tackle the development issues currently enabling slavery to thrive. How far does slavery vulnerability arise from conflict, climate change and environmental destruction, social exclusion, low educational levels, or high corruption levels? Can slavery be prevented in the long-term by replacement livelihoods (SDG 1), education (SDG 4), gender equality (SDG 5), community-based resilience building (SDG 10), supply chain transformation and environmental protections (SDG 12), and rule of law reform (SDG 16)? Which multi-SDG interventions can best transform the delivery of 8.7 by addressing slavery's root causes?

Our approach to understanding **tomorrow's slavery** and **today's anti-slavery**, and therefore to helping to build **tomorrow's anti-slavery**, is to specify and test SDG drivers for slavery's intractability at three levels of analysis: **(1)** global, using time-series cross-national quantitative analysis; **(2)** small-N comparison of a sample of countries, using quantitative and qualitative analysis; and **(3)** critical country case studies, using in-depth qualitative and quantitative analysis alongside the results of country intervention programmes.

This nested analysis approach specifies a set of countries and SDGs for analysis and intervention. It harnesses the statistical control and empirical generalisations of quantitative analysis to identify the probable explanatory variables for slavery prevalence. Our research has suggested several key variables (including democratic institutions, human rights protection, economic development, inequality levels, and conflict) that help explain slavery prevalence and which map onto SDGs. It has highlighted a relationship between government response and slavery prevalence; a generalisation that holds even after controlling for other explanatory factors.

Moving forward, additional **global analysis** can provide strong empirical generalisations across a large number of a countries over at least 30 years. This will help us to address a core set of SDGs that relate to slavery prevalence. We are already building empirical models to explain the cross-national variation in slavery prevalence. Using modelling strategies developed by political science scholars of human rights, we are developing a full set of explanatory variables that map onto other SDGs.

For example, we are examining slavery's relationships to education (SDG 4), gender equality (SDG 5), social inequality (SDG 10), sustainable consumption (SDG 12), and human rights protections (SDG 16). Our preliminary evaluation of the links between slavery prevalence and environmental destruction, using data from the Global Slavery Index and the Environmental Performance Index, suggests that countries with low environmental performance have higher slavery prevalence. By integrating spatial data to calculate slavery's environmental costs and the potential ecological gains of ending slavery, we can visualise a slavery environmental footprint.

**Small-N comparison** lets us examine in depth how different SDGs intersect in selected countries, while the structured comparison of similarities and differences across these countries yields actionable inferences for combating slavery. This small-N analysis is informed by our global quantitative analysis in that a universe of all possible cases is reduced to a smaller sample of carefully chosen cases. Such a strategy follows the possibility principle, which provides solid rules for selection that minimise bias. Our comparative analysis focuses on the cross-national variation in prevalence, and our use of qualitative comparative analysis techniques specifies Boolean truth tables to uncover sets of necessary and sufficient causal conditions.

This technique allows us to compare across country programmes and additional cases with similar features. By working across new data sets and bringing learning from country programmes into models for other countries, we can deliver a multi-dimensional study of the factors driving slavery. We are combining existing and newly-generated data to see the impact of SDG issues in different regions, trying to suggest what kinds of adapted interventions would work in other countries, and representing through data visualisations this complex and multi-method inter-related model of modern slavery.

Our **critical country case analysis** then lets us understand historical sequences, government actions, civil society activities, environmental and socio-economic conditions that have a direct and indirect bearing on the prevalence of slavery. Alongside these deep studies, we work with in-country partners to bring new innovations and rigorous monitoring and evaluation to anti-slavery interventions. These programmes generate data and uncover trends, allowing country comparison by SDG issue and an extrapolation to the global level.

Our preliminary data from this work suggests that most of our identified SDG issues are variables for slavery prevalence in many countries, and that we now need a full analysis of which SDGs intersect to the greatest degree with 8.7. But our preliminary work also suggests that country-specific anti-slavery programmes should begin with an emphasis on three or four other SDGs, nuanced for each country's conditions and distinctive slavery forms.

In the three briefings that follow, we offer specific examples from this on-going work: a discussion that draws from all three levels of analysis to outline the role of environmental change in **tomorrow's slavery**; a survey of the anti-slavery legislative landscape that compares across countries in order to update global analysis and provide new frameworks for critical country analysis in the context of **today's anti-slavery**; and an introduction to how survivor voices can intervene across all three levels of analysis to shape how we respond to tomorrow's slavery, reshape today's anti-slavery, and help to deliver **tomorrow's anti-slavery**.

## Section A. Tomorrow's Slavery

Contemporary forms of slavery must be understood in the context of unprecedented global environmental change. While anthropogenic environmental changes are altering and increasing risks to multiple forms of contemporary slavery, contemporary slavery is also markedly contributing to environmental degradation, creating mutually enforcing trends.<sup>1-2</sup> These global and destabilising changes include the often-discussed climate change as well as other threats to vital Earth processes such as biodiversity loss and changes to land systems and biogeochemical flows.<sup>3</sup>

Because global environmental changes intersect with other contemporary socioeconomic and political developments that will have critical influence on tomorrow's slavery (e.g., natural resource scarcity is linked with conflict and slavery<sup>4</sup> and economic crises precipitated by climate change have led to an increase in forced marriage due to dowries being viewed as a capital formation adaptation<sup>5</sup>), environmental change has the potential to be a risk-multiplier—transforming modern slavery in ways that will challenge current anti-slavery approaches.

Specifically, by 2050, an estimated 200 million people will experience environmentally induced migration – voluntary and forced, short-term and permanent, and within and across borders.<sup>6</sup> This mass migration will be precipitated by disruptions to human settlements, clean water access, food production, livelihoods, capital formation, and public health systems caused by environmental changes such as desertification, sea-level rise, altered temperature trends, natural resource scarcity, and extreme weather events.<sup>3</sup>

While no country or population will be immune, this migration will be inequitable, as environmental changes will exacerbate pre-existing vulnerabilities stemming from structural social, economic, and environmental disparities. For already marginalised and vulnerable populations, migration as a strategy to maintain or improve livelihoods often increases vulnerability to contemporary forms of slavery. However, due to the anticipated wide-scale nature of future environmentally induced migration, it is imperative that anti-slavery tools are used to reframe this migration as a resilient and adaptive response instead of a vulnerability.

In order to prepare today for tomorrow's slavery and use anti-slavery tools to build resilience and adaptive responses, there is first a need to fill the current dearth of understanding about the relationship between the environment and slavery and the typologies of contemporary forms of slavery in the context of environmental change. To date, the nominal extant research that exists is preliminary and exploratory. This leads to policy and actions that either ignore or minimise the broader environmental context and thus undermine potential outcomes, or are founded on assumptions and thus inefficient. For example, international non-governmental organisations and scholars have posited that acute natural hazards (e.g., hurricanes, typhoons) create slavery.<sup>7</sup>

While media accounts support these narratives, there has been little primary empirical research to ground these hypotheses. Instead, the few existing empirical studies suggest that acute natural hazards exacerbate and alter current slavery patterns but do not create slavery,<sup>8-11</sup> in part, because trafficking routes are inaccessible.<sup>11</sup> Therefore, the focus should be on understanding the cumulative vulnerabilities created by global environmental change, and punctuated by extreme events, on contemporary forms of slavery. The emphasis on transnational trafficking is also problematic because it risks minimising forms of exploitation more likely to occur domestically,<sup>11</sup> hence the need to better understand typologies of contemporary slavery in the context of environmental change.

Tomorrow's slavery will also require holistic systems thinking approaches, wherein the relationships between slavery outcomes and risk factors, predictors, and mediators are considered as interrelated parts in a dynamic and interconnected social-ecological system. Often, relationships between the socioeconomic predictors of slavery and manifestations of contemporary forms of slavery are

perceived as linear, causal relationships where predictor A causes slavery outcome B. However, in reality, there are situations where these relationships exist and situations where the relationship has been attenuated, depending on combinations of linked factors.

This is also relevant for understanding environmental change's influence on vulnerability to modern slavery. A cross-sectional study of drought's effects on three Kenyan counties found that the relationship between drought and human trafficking was dependent on the presence of co-variants,<sup>12</sup> suggesting that with sound empirical research to understand these systems and the relationships within them, anti-slavery tools can mitigate slavery risks associated with environmentally-induced migration.

## Section B: Today's Anti-Slavery

From the global to the domestic, States are increasingly engaging with the issue of modern slavery in their legal frameworks. At the international level, only three States have not signalled their commitment to eradicating modern slavery through the ratification of at least one of the core international instruments concerning extreme forms of human exploitation.

Significant movement in regional law has also advanced the anti-slavery agenda. Regional instruments grapple with the issue of modern slavery, supported by the jurisprudence of regional human rights courts affirming States' positive obligations to ensure the right to be free from slavery, servitude, forced labour, and human trafficking. Beyond codified rules of international law, all States are bound by the prohibition against slavery as a *jus cogens* norm carrying obligations *erga omnes*.

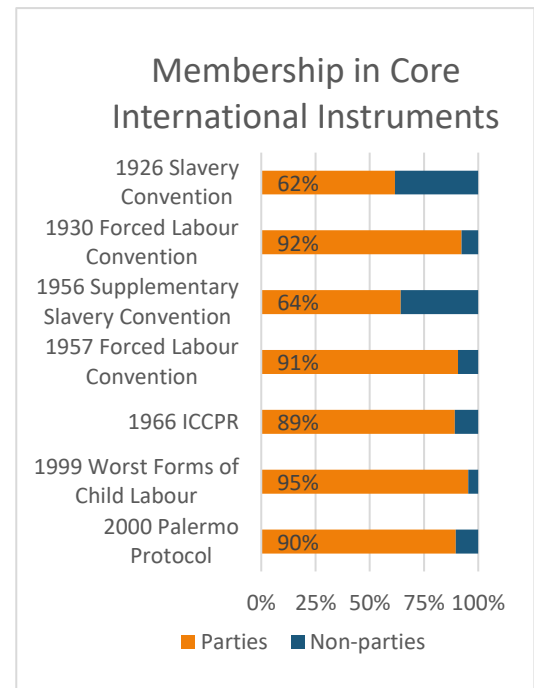
At the national level, the vast majority of countries have enacted criminal legislation responding to human trafficking in some form over the course of the past 20 years. Primarily through the amendment of criminal codes and the passing of specialist trafficking laws, 97% of States now impose criminal sanctions on trafficking in persons.<sup>13</sup>

Yet, despite significant legal movement to address modern slavery around the world, anti-slavery laws globally remain under-developed. Despite positive movements to ensure the criminalisation of trafficking in almost all States, over 20% of anti-trafficking provisions evidence significant gaps in the inclusion of the full range of potential victims, forms of exploitation, acts constituting trafficking, and/or the means by which it may be achieved.

More substantial failures exist in domestic law criminalising slavery, servitude, institutions and practices similar to slavery, and forced labour. 47% of States appear to have no provisions criminalising slavery or the slave trade in any form. 58% do not include forced labour in their penal laws, and 47% have no penalties for this practice in either criminal or labour law. Only 33% appear to criminalise servitude or any of the institutions and practices similar to slavery, and of these States only 21% criminalise servitude as a general category or provide coverage for all four of the institutions and practices similar to slavery (a total of only 7% of all States). Mimicking the imperfect translation of the Palermo Protocol in domestic law, these provisions also fail to capture the international definitions of the various forms of exploitation, and thus their coverage of the phenomena is incomplete.

A significant area of growth in anti-slavery efforts in domestic law in recent years relates to business. State-led efforts to improve corporate responses to modern slavery have focused on corporate reporting through transparency in supply chains (TISC) legislation. This approach, first used in the US State of California's Transparency in Supply Chains Act (2010), was later adopted in the UK Modern Slavery Act (2015) and the Australian Modern Slavery Act (2018). All three require the largest companies doing business in the relevant jurisdiction to report on the steps they are taking to ensure there is no modern slavery or human trafficking in their supply chains, however, each with significant limitations.

One of the major shortcomings of the current generation of TISC legislation is the lack of an effective enforcement mechanism. Despite a marked increase in corporate engagement on modern slavery,



levels of compliance with the UK's 2015 Act remain low. It is estimated that 60% of companies that are required to report under the Act have published a statement and only 20% of statements meet the minimum requirements under the Act.<sup>14</sup> Moreover, there is limited evidence to suggest that the legislation has produced meaningful changes in companies' behaviour on a large scale. Instead, a growing gulf has emerged between the leaders and laggards in corporate anti-slavery action with little prospect for ensuring that those furthest behind take appropriate action.

States have also used other means to regulate corporate conduct in this area. These include the human rights due diligence approach adopted in France, customs provisions introduced in the USA and the creation of a 'Dirty List' for offending companies in Brazil. The first of these requires companies to take action rather than merely reporting and has a considerably wider scope as it extends to all negative human rights impacts linked to business activity. However, the latter two have the advantage of a discernible enforcement mechanism creating potential for some deterrent effect.

Despite the continuing gaps in domestic legal frameworks governing modern slavery at the most basic level, emerging trends in national governance yield promise for the future of anti-slavery legislation. Provision for independent oversight and monitoring of modern slavery frameworks is promising, signalling the need to hold official actors and decision-makers to account and presenting new opportunities to thwart official complicity in abuses and corruption.

In addition, there is a growing emphasis on a victim-centred, human rights approach to modern slavery governance. This alters the previously dominant criminal justice approach by placing the needs (and increasingly the voices) of victims and survivors at the heart of anti-slavery law. Victim support frameworks in some contexts now have legislative footing, an approach with the potential to insulate them from political shifts to a greater degree than non-legislative approaches. In this regard, legislation on corporate anti-slavery action lags behind. Despite the emphasis on effective remedy for victims found in the core responsible business instruments, domestic TISC legislation provides no recourse for victims.

Even as promising shifts in the anti-slavery legislative landscape occur, counter-vailing forces pose risks to their success. The casualization of labour has led to jobs that are more precarious, characterised by less reliable work and income. Further, immigration law and policy in many contexts increasingly sits in tension with States' anti-slavery intentions. Both exacerbate vulnerabilities that drive exploitation.

While States' international anti-slavery commitments and the growing recognition of modern slavery as a fundamental challenge facing the international community can act as catalysts for domestic change, they cannot be effective without comprehensive domestic legal action. Significant gaps remain in anti-slavery legislation, international commitments and definitions are inadequately represented in national law, and disparities between States' legal frameworks create confusion, prevent effective cooperation, and result in incomplete coverage of the phenomenon—particularly in its transnational manifestations.

As anti-slavery efforts continue, there is a strong need for harmonisation in approaches. States should work together and in consultation with stakeholders to ensure coordinated, robust, coherent responses on TISC legislation. When incorporating international standards into domestic laws, States should adopt international definitions of the various forms of exploitation including slavery, servitude, forced labour and human trafficking. Critically, States and other stakeholders must continuously learn from global practice and comparative analyses if they hope to develop robust legal frameworks that respond to the changing dynamics of slavery. Building and honouring consensus through greater harmonisation of approaches is critical for delivering on the global commitment to anti-slavery action, and eradicating modern slavery by 2030.

## Section C: Tomorrow's Anti-Slavery

Although the majority of State actors and organizations involved in the contemporary anti-slavery movement would state that they are taking a victim- or survivor-centered approach, few could accurately say that their approach is survivor-led. However, this top-down approach can no longer be maintained; the future of the anti-slavery movement must be informed and directed by those who have experienced and survived modern slavery.

Those who have traditionally been the leading voices in the contemporary anti-slavery movement—charity workers, academics, law enforcement officers, and government representatives—while well-meaning, have not necessarily had first-hand experience of modern slavery and therefore cannot have the same insights as survivors about slavery's impact on individuals and communities. Survivors are better placed to articulate what is required to enable their recovery and what can be done to prevent others from experiencing similar exploitation.

Survivors too frequently have been pigeon-holed and consulted in a tokenistic way; rolled out in front of the media to tell their story and be defined by a traumatic episode or experience in their lives. However, their invaluable contributions and insights, and pivotal position at the front and center of the anti-slavery movement, is beginning to be realized.

To date there have been piecemeal investments in survivor-informed and survivor-led initiatives across the world. For instance, in 2015 the US federal government created the United States Advisory Council on Human Trafficking,<sup>15</sup> comprising eleven survivor leaders. The council was created to provide advice and support to the government, review anti-trafficking programmes and services and represent human trafficking survivors across the US.

In the UK, the Rights Lab has created the world's first large-scale database of contemporary slave testimonies and, using these narratives, has examined key debates on the legal definition of slavery from the perspective of survivors<sup>16</sup>—a perspective that has not previously been included in definitional debates. This survivor-informed analysis offers new insights into the indicators of slavery and the meaning of freedom, and provides a blueprint for recovery. Survivor narratives reveal at least five new criteria for the operation of a slavery definition, including (1) stasis, the denial of temporal and spatial movement so that the enslaved experience a lack of access to the future; (2) spectralisation or destruction of identity, due to objectification, dehumanisation and othering; and (3) lack of purpose, where actions lose their meaning. What ties all these definitional layers together is their shared starting-point: slavery's consequences on the individual subject to the exploitation, rather than the slaveholder's intent.

Survivor leaders and leadership initiatives have begun to emerge, empowering survivors to be educators, trainers, media spokespeople and lobbyists. Initiatives such as the Survivor Alliance,<sup>17</sup> an organisation incubated within the Rights Lab, help unite and empower survivors of human trafficking and slavery. The Survivor Alliance connects survivors across the world and provides them with a professional network of their peers. Through this connection, survivors can galvanize their collective voices and become anti-slavery leaders.

Survivor-informed policy and survivor-led initiatives should be the norm and not the exception. It is the responsibility of the anti-slavery movement to act as ally to those who have survived modern slavery, to use their voice, position and privilege to elevate survivor voices, and provide opportunities and support to survivors to become leaders in the movement.<sup>18</sup> We must work to eliminate the barriers around survivor input and work towards having survivor-informed policy at the local, national and international level: tomorrow's anti-slavery must be survivor-led and survivor-informed – *“Nothing about us, without us, is for us.”*

## Conclusion

In the Rights Lab we believe SDG 8.7 is achievable if we take a systematic, evidence-based approach to slavery as a central development concern, and work to reduce slavery prevalence through direct prevention efforts that address root causes rather than symptoms. Anti-slavery efforts still suffer from a scarcity of data and best practice examples, relevant research is often not fully embedded in frontline operations, and slavery work is insufficiently integrated in mainstream development efforts. Tomorrow's anti-slavery needs to take up the challenge of the 2030 Agenda for Sustainable Development, specify modern slavery as a problem of development, and make it a *tractable* problem through a data-driven, survivor-informed and multi-SDG approach that provides a deep understanding of slavery's drivers, and focuses on building resilience by tackling the development challenges that underpin slavery's prevalence.

This focus on a multi-SDG approach to root causes is at the heart of what we call in the Rights Lab a **Freedom Blueprint**: a research-informed roadmap for ending slavery by 2030. We work on that blueprint by specifying and testing SDG drivers for slavery's seeming intractability at three levels of nested analysis: global, using quantitative analysis; comparative, using quantitative and qualitative analysis of a selection of countries; and critical country case studies, using in-depth qualitative and quantitative analysis alongside the results of country intervention programmes. We are seeing productive results from our evaluations of a multidisciplinary evidence base that we are building through remote sensing, data analytics and machine-learning, legal analysis, supply chain analytics, survivor narrative analysis and place-based action-research. Key to all these potential elements of the Freedom Blueprint will be the deployment of novel data sources and technologies, methodological innovation, and scientific rigour across mapping and measurement, structural indicator analysis and action research.

However, as our Section C emphasizes, this blueprint must be built around both a newly rigorous anti-slavery science *and* the voices and agency of some of the world's most vulnerable people. Tomorrow's anti-slavery must fully engage survivors to become part of a community of practice, empowering them to develop strategic interventions that focus on addressing lived experiences, and employing their ideas in anti-slavery programme design, thereby achieving a survivor perspective on sustainable development.

By pioneering a multi-SDG and survivor-informed approach, tomorrow's anti-slavery can make slavery a tractable problem. Tomorrow's anti-slavery can combine cutting-edge multidisciplinary methods into survivor-informed deployment innovations across in-country programmes, tackle the underlying SDG issues that enable slavery to thrive, then work to scale up successes and extend learning to other contexts: we can make tomorrow's anti-slavery into effective development policy.<sup>19</sup>



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## Acknowledgments

The Rights Lab is a University of Nottingham Beacon of Excellence focused on research to help end slavery by 2030. The largest group of modern slavery scholars in the world, and home to leading academic experts on slavery, the Rights Lab is helping to underpin anti-slavery with an advanced research agenda. Its team of around 100 academics focus on four main questions: How many slaves exist in the world and where are they? Why does slavery persist? What works to end slavery? And what difference does freedom from slavery make to the world? Each question forms a central Rights Lab programme, on Data, Survivors, Policy and Business. As a Lab, it is an experimental space and leverages the theories and methods from political science, law, sociology, geospatial science, business analytics, computer science, and mental health, among numerous other disciplines. As a Lab, it also takes practical application as its main purpose and works in close partnership with NGOs, survivor groups, businesses and the policy community on new discoveries, intervention techniques, and rigorous evaluation processes.

The Rights Lab Modern Slavery Evidence Unit (MSEU) is the interface between the Rights Lab's research base and modern slavery change agents in government, business and civil society in the UK and internationally. The MSEU aims to shorten the intelligence corridor between the anti-slavery research base, policy makers in the UK and internationally, civil society actors and the global business community. Domain specialists from each of the Rights Lab's four research programmes work in the MSEU and focus explicitly on translating research findings for key stakeholder groups. Specialist MSEU Fellows bring extended capacity in systematic review, policy analysis, monitoring and evaluation, and translation and impact. Operating in thought leadership and responsive mode, we publish briefings on areas we identify as important and we also consult with stakeholders and undertake research to fill evidence gaps.

Our inputs in this report are drawn from all four of our programmes. This submission is delivered by the Rights Lab MSEU and includes contributions from MSEU researchers Dr. Jessica Sparks (Section A), Dr. Katarina Schwarz and Arianne Griffith (Section B, with additional input from Professor Jean Allain) and Vicky Brotherton (Section C), and from Rights Lab Director Professor Zoe Trodd and Rights Lab Executive Director Professor Todd Landman (Introduction and Conclusion).