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Ending Slavery

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There is a famous line in Milan Kundera's *The Book of Laughter and Forgetting* when his character Mirek asserts that "*The struggle of man against power is the struggle of memory against forgetting.*"¹

Beyond the complexities that Kundera wished to convey with in his story this idea of memory against forgetting resonates in a number of ways in relation to the contemporary struggle against slavery because before anyone can ever be convinced to take action in this struggle they must throw off the comforting myth that slavery is a thing of the past. Instead they must acknowledge that slavery remains a major contemporary problem. They must also remember that, like the human rights struggles of the past, the struggle to end contemporary slavery must of necessity emerge out of an accumulation of numberless local and national struggles waged by flawed human beings for a plurality of, sometimes self-contradictory, reasons.

This is because of the diverse nature of slavery itself: a life lived in bonded labour in Indian brick kilns is different in important respects from that of a Nepalese domestic worker in Lebanon, or a child slave working in the cocoa fields of West Africa or the cotton fields of Uzbekistan or a forced labourer in American agriculture. Hence the responses to these problems must be nuanced and adjusted to the realities of those particular abuses.

However there are some significant similarities: generally speaking, slavery emerges at the conjunction of three factors: vulnerability, usually this is poverty but it can simply be about physical weakness or social isolation in a country where you do not speak the language; discrimination; and failure of government and rule of law.

The issue of discrimination is a fundamental one in slavery: when we look at historical slavery in the Americas we see that racism was both a cause and a consequence of that slavery. Thus has it been, thus will it always be. In Latin America today many in forced labour are indigenous people. In Western Europe

¹ Of course the matter of remembering is never a straightforward one as Kundera illustrates with Mirek's story, where, for all his protestations of commitment to memory, Mirek strives to eradicate evidence of a youthful affair that he now, for rather shallow reasons finds embarrassing, and where his rash efforts to diligently record political events since the Soviet invasion of Czechoslovakia results with himself, his son and his friends in prison.

most people in slavery are migrants workers. In South Asia most people in slavery are Dalits or from other scheduled castes or minority groups.

This is important for a variety of reasons, not least that it inhibits the issue from becoming a political one: if slavery is only being inflicted upon groups and individuals who the wider society simply does not like, then that wider community is more likely to tolerate the abuses if they see them and not raise their voice to demand that governments do their jobs to stop the problem.

And slavery is very much a failure of government and rule of law. Child labourers enslaved in the garment workshops of Delhi tell how when the workshop owners fail to pay bribes to the police, the police come, arrest the children and hold them hostage, stopping work, until the bribes are paid.

Many benefit from this toleration of contemporary slavery: rich and poor alike can obtain substantially free labour for their businesses and their homes, More broadly the toleration of slavery provides cheap bricks for construction across South Asia, attractive natural stone for the kitchens and bathrooms of Europe, and cheap clothes for sale on European and North American high streets. So extensive is the use of the forced labour of girls and young women in garment manufacture in southern India, not to mention the forced child labour in cotton production in Uzbekistan, that the probability is that every reader of this article will own at least one garment that is tainted by the use of contemporary slavery in its production.

Just to give one illustration of what that means: In the course of a piece of research that Anti-Slavery International, funded by Humanity United, conducted into the forced labour of girls and young women in the garment sector of the state of Tamil Nadu in Southern India we spoke to the mother of one young woman who worked in a cotton spinning mill there. She described visiting her daughter:

“I spoke to her in a room provided for visitors”, she said, “because visitors are not allowed to go inside the mill or hostel. My daughter told me that she was suffering with fever and vomiting often. ...I met with the manager and requested him to give leave to my daughter because she was unwell. I told him that I would send my daughter back once she was better. But the manager refused saying that there was a shortage of workers therefore they cannot grant leave. He also assured me that they would take care of my daughter and asked me not to worry.”

A week later she received word that her daughter was dead. She was only 20 years old.

The Bellagio-Harvard Guidelines on the Legal parameters of Slavery² note that:

“Mistreatment or neglect of a person may provide evidence of slavery... [it] may lead to the physical or psychological exhaustion of a person, and ultimately to his or her destruction; accordingly the act of bringing about such exhaustion will be an act of slavery.”

“Evidence of such mistreatment or neglect may include... the imposition of physical demands that severely curtail the capacity of the human body to sustain itself or function effectively.”

Hence when we use the term "slavery" to describe the conditions in many of the spinning mills that produce garments for our high streets, we use that term after much consideration, and in the face of a refusal of many garment retailers who want to be seen as ethical to recognize the facts of the case as such.

But while contemporary slavery disproportionately affects poor people in the world it is not solely an issue in poor countries. In late 2013 the investigative journalist Pete Pattison exposed the extent of forced labour in Qatar in that country's preparations for the 2022 FIFA World Cup. There tens of thousands of migrant workers from South Asia, in particular Nepal, arrived with the promise of decent work but instead found themselves barred from leaving the country and forced to work in frequently lethal conditions often for considerably less pay than they had been promised.

In Qatar this system of forced labour is underpinned by a system known as "kafalah" by which migrant workers can only obtain work if "sponsored" by a particular Qatari employer. On arrival this employer will confiscate their travel documents and they will be banned from changing employer irrespective of how abusive the working relationship becomes. Clearly the government of Qatar has the lion's share of the blame for this system of forced labour, but FIFA has much to answer for in awarding one of the world's premier sporting events to a slave state.

Furthermore the governments of the sending countries also have responsibility here: they must recognise that their responsibilities towards their citizens do not end at the borders of their state and hence they must do more to establish consular and labour attaché services for those citizens whose remittances are so vital for the development of their countries.

² Drawn up by a network of academics and activists under the leadership of Prof Jean Allain, of the Human Rights Centre at Queen's University Belfast to provide greater explication of the definition of slavery in the 1926 Slavery Convention which reads: ‘*Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised*’;

Unbelievably the UK has a de facto 'kafalah' system for migrant domestic workers to that country and so, as in Qatar, effectively give license to employers for forced domestic labour. This disregard that the UK has for safety of domestic workers is projected internationally with the UK government aligning itself with the government of Sudan in 2012 in refusing to support a new international convention on decent work for domestic workers at the International Labour Conference. It is disappointing to have to point out to the UK government that if they are on the same side as the government of Sudan on a human rights issue, they are probably on the wrong side.

Up to this point this article has focused on questions of national policy that facilitate forced labour within particular countries. Given the nature of slavery much of the response to it should be national. However there are two major transnational or international challenges to ending slavery.

The first relates to the huge lacuna with regards to international rule of law regarding how, in this globalizing political economy, international business and individual business executives can be held to account on human rights issues in their supply chains. In the 21st century with this increasingly globalised economy the capacity of states to regulate business, as envisioned by classical economics, is proportionately limited. Re-establishing the legal accountability of international corporations, and of individual business executives who are running those corporations, is a central requirement in the struggle against contemporary slavery, particularly as companies extend their operations into countries with limited rule of law and high levels of corruption.

Both the United Kingdom and the United States have extraterritorial legislation, in the case of the UK, for example, in relation to bribery, because these countries recognize that the damage that certain practices can do to both business and the rule of law itself. There is as yet, unfortunately, little apparent appetite for similar extraterritorial law against forced labour which has corresponding devastating impact on vulnerable people across the globe and entrenches poverty by removing further the promise of decent work as a path out of poverty. If history shows us one thing it is that a request for voluntary initiatives to respond to systemic abuses, such as slavery in international business supply chains, do little to change the system. Hence there is a need to introduce extra-territorial legislation to make explicit the legal accountability of international business entities and their executives in relation to slavery in their supply chains.

The second major "transnational" issue relating to eradication of slavery relates to the broad international anti-poverty and development agendas. As was noted above the eradication of slavery will have a major impact on poverty by increasing decent work. However few international development or anti-poverty organizations prioritize slavery eradication as a means to end poverty. This is

problematic not only because it denies resources to the struggle against slavery but also because few recognize the risk of slavery in the communities they work amongst. Hence they run the risk that their interventions either relatively or absolutely exacerbate the position of the most vulnerable groups in those communities. For example in 2005 during the West African famine our colleagues in the organization Timidria noticed that slaves were being used in food for work programmes: they were being sent to these schemes by their masters who would then confiscate the ration card they received for their labour. In other words an important and well-meaning humanitarian programme was contributing to the absolute worsening of their lives. Matters may have improved somewhat since 2005, but this is not an isolated case. Hence the imperative of reducing slavery needs to become a central focus of the entire international development sector.

This can be obtained by two principle means. First, slavery eradication must be made a post-2015 development goal, recognizing the fundamental constraint that slavery is on poverty reduction as well as the continuing human rights atrocity that it is, Second, and to advance this development goal, all aid actors must be required to state how their programmes address the challenges of slavery and non-gender based discrimination in their operations.

It should be an acceptable response to say that it will have no impact: some programmes will necessarily respond to other priorities. But the requirement should be that at least they consider this matter in the same way as they are now rightly required to consider gender in programming.

Slavery is a human institution and like all human institutions it can be changed by human action. But we must stop just tinkering at its edges and instead aim to destroy it utterly.