

EPISODE 4: Dr. Tina Davis Interviews Kevin Nyland

TINA:

My name is Tina Davis and today I have Kevin Highland, the very first and ex UK independent Anti-Slavery Commissioner on the phone with me from Ireland. Welcome, Kevin.

KEVIN:

Thank you. Good to be speaking to you.

TINA:

Thanks for taking the time. During your time as the commissioner, what would you say were the key improvements you influenced in the UK and internationally?

KEVIN:

I think that one of the major things I was able to do as Commissioner was to make people more aware of this And make it the people saw it for what it was, which is a serious crime, where a person is the victim, and to differentiate between this as being something that was just a social issue, like homelessness, which, of course is a big problem, but this was actually created by human kind, but people were deliberately and consciously deciding to exploit people, and generally for money. So I was able to frame this for what it was. And then of course, with the the role of commissioner and the fact that certain agencies had to engage with me, I was able to encourage police forces up and down the country to make this as part of a priority. The Police and Crime commissioners which are like the elected heads of police forces in each county, to get them to include it in their strategy. But then also the wider groups, for example, the work I did with the National Health Service and the Royal College of Nursing and then the International Council of Nursing to get this on the agenda for healthcare professionals. And then local authorities, creating a guidance for councils, which was something my office stayed with local authority. So they had a manual, and then things like care standards looking at care standards and what should a victim receive when they're identified. And I think the main thing that I could do as commissioner and important part about being



independent was that I could raise these issues and raised them in the correct way with the right people, highlight them in the media where necessary, focus on certain members of Parliament or certain Parliamentary committees, so that they could be made aware of where there were shortcomings, or importantly, where there was success. And so bringing all those elements together, meant that I could look at the whole area of trafficking and modern slavery in the UK, and across the UK, as I covered up entire four different countries of the UK. But then internationally, what I was able to do and in the mandate of the Independent Slavery Commission, it does say the commission will work internationally was around working on a factual basis evidence back basis of what needs to be done in those countries, source countries, countries where there could be influenced as well, not just on the fact that they were a source country, but they could they could influence the bigger agenda. So for example, Australia, I met with the Australians on a number of occasions. And then I was asked to go out to Australia when they were actually putting their legislation together, and I give evidence to to influence what that legislation should look like. But then with the Commonwealth Parliamentary Association, meeting, parliamentarians from across the Commonwealth to influence their say Working on this, and to keep it very focused. But then also, you know, working on with source countries to the UK. So I went to Vietnam, and was invited to meet with ministers and to meet with politicians and non government organizations and law enforcement and the international agencies that were working there. And I could bring all that together and come up with what the challenges were. And that resulted in lots of projects being funded lots of action interventions, whether that was in France were identified, there was a staging camp, where Vietnamese were being kept, or whether there is a borders on that room. And also identify that you know, how complex this could be that people were leaving, sometimes some countries, they were being smuggled or being promised work. And it was only later on in their journey, they became trafficked. And then perhaps they became smuggled again, and then became trafficked again, and actually unpacking that was important, but I think one of the things I started to identify and highlight and still needs a lot of work was around the information and the intelligence that sits dormant in systems within the UK and probably internationally. information that is there that has already come in whether it's through the NRM, whether it's from information from the public, whether it's from law enforcement or other agencies that have a duty to report information that being crunched together and properly analyzed. And I started to work on that, and focused a lot on that because when I looked at Vietnam, my researchers were able to identify trends and patterns, names and venues, that was sat on desks within the system for many, many months and sometimes for a couple of years. So that was one of the things I highlighted. Sometimes the answers are actually you know, at

our feet, the diamonds are our feet. When we're reaching for the stars, and we need to look at where the information is, and that's what I was doing, making it all factual, making it all evidence based, but keeping the clear focus on, you know, the main thing, which was prevention, supporting victims, and prosecution posed to commit these crimes.

TINA:

Thank you, Kevin. Now, you just mentioned a number of areas where you were able to make improvements during your time as the commissioner, if you were to pinpoint a couple of areas today, that needs heightened focus and where it's possible to make a significant impact with more efforts. What would that be?

KEVIN:

So I think that we need to look at firstly, the political commitment, and what that means and what it doesn't mean. But if you actually look on this crime, the investment to fight this crime internationally, is very low. If you looked at we talked about how much this crime benefits criminals, and it's estimated at 150 billion US dollars every year. And then when I look at how much is actually invested by OECD countries to counter that, it's much, much lower and would definitely not reach 1% of that total. So we're fighting this in an unbalanced way. You know, if you look at, you know, the UK has doubled his investment to 200 million, but that's over a number of years. And so that's a very small amount on something such a large scale, criminal network, so we need to really focus on those issues we need to focus on is the investment there. And when I say the investment, I'm not just talking about the state money. I'm also talking about business. Businesses are making sometimes billions of dollars a year. Some companies make very large profits and yet they will be responsible for having You know, in their supply chains, people who are in modern day slavery or who've been trafficked. And we need to really focus on that and say, this is your responsibility. We keep passing the buck. And we keep saying, Well, you know, we're working with this group and working with that group, or it's very difficult. Our supply chain is 5000 suppliers is almost impossible. Well, you actually create those supply chains. And you need to go back to those people. And you need to create a compliance regime that actually stops, obviously, in your supply chain. And if you are making profits of billions, you need to invest in that. Because the quality of products is actually essential. If we buy a car, the brakes have to be to a certain standard, the lights have to work to a certain way. Every part of the vehicle has to be done in a way that meets a standard. But enroute they could have been many people who have

been exploited either in the mining of the materials or in the manufacturer of certain parts, all the materials that go into the car. And so we need to actually start taking it back to where it needs to be. So let's look at the investment financially by countries by businesses. And if we can start increasing that the pot will be bigger. So the financial investment. But the second part we need to look at is we need to stop kidding ourselves. We need to stop looking at this in a way that is, I don't know I said, when I give evidence to the Home Affairs Select Committee, if we carry on the way that we are, it will be like the Emperor's New Clothes, we're all saying we're doing a wonderful job. But the reality is, actually, it's not that great overall. I've met some incredible people working on this agenda. People who put their lives at risk, even people who work hard every day, and I'm not taking a single thing away from them. In fact, I want them to get more I want them to be supported. If we look globally last year, for example, there were 85 and a half thousand victims who were identified in the national referral mechanisms. So the government funded processes for identifying victims. In 2017. There were 96 and a half thousand. So we've had a drop of over 11,000. So something's going wrong, we're going down. And if we look at prosecutions 2017, there was 17,000 prosecutions versus 11,000 in 2018. A really big drop. And then if we look at convictions for forced labor, in 2012, there was 518. In 2018, there was 259, exactly half the figure. Yet in that time, of that seven year period, 164 countries have implemented new legislation to address human trafficking. So something isn't right. Now, I think a lot of that is because there isn't the investment. And because a lot of the measures that we're implementing are about awareness, which may be about posters or campaigns or gimmicks, even. And they may be important to create awareness. But behind that there has to be well thought out, well funded, robust strategies that actually go and challenge the traffickers and do what is needed, which is to break down their networks, bring them to justice, support the victims, and then get rid of the actual circumstances or conditions that allow these criminal networks to operate with impunity. Actually, prevention is much easier than we think it should be. Because prevention should be the responsibility of where it happens. If we eat food, and it's a poor quality, the responsibility passes down the supplier to where the product went wrong. Yet when we're talking about modern slavery, we hear big companies saying, well, we go back three layers. But on other things, you have to go right back to the manufacturer or to the source. Well, let's stop doing that for people.

TINA:

And when you hear businesses saying that to you, that it's too hard for them to go beyond the first second tier, third tier. Do you think that's the case?

Well, it's going to be difficult if you don't invest in it, you know, if you don't invest the money in it, and the time and the resources, but when they're doing something around a business venture, they really do invest. So you can't invest and have acceptable in your workplace that there could be human trafficking, and modern slavery. And if we take the history, we talk about history on this issue, but let's take President Lincoln and in order to remove the slavery that was in the southern states of the United States, he put an embargo on cotton. And if we look at those times in the 1860s, Manchester, the United Kingdom was producing 82% of the world's cotton. And so Manchester refused to take cotton from the southern states of America, that resulted in people in Manchester losing their jobs because they couldn't get enough cotton. But then they were so resolute that this issue of slavery and exploitation was so important that the sacrifice was worth having. And so Lincoln wrote to the people of Manchester in 1863, thanking them for their support. So that real commitment of people and that real commitment of business to say Actually, this product isn't worth the lives of people elsewhere, or the freedom of people elsewhere. Yet in the connected world we're in now we kind of negotiate it, we compromise and say, well, it's inevitable, and how can we do it? Yet, in the times of Lincoln, there was no air flights. Now we can fly from London to Perth non stop. And we can record all that for 30 years on the whole history of that aircraft. But it's too difficult now. It's not too difficult, if we want to do it. And if companies have to do it, and that's something that needs to be needs to be a legal requirement, then they will do it.

TINA:

Kevin, I know that you are the chair of what's called the Leadership Group for Responsible recruitment, which is initiated by the Institute for Human Rights and Business, IHRB. So you working there with businesses, a group of businesses, can you tell me a bit about this leadership group and the work there who's participating and so forth?

KEVIN:

Yeah, so this is a group of large companies who come together who are committed to ending, you know, the particularly parts of recruitment, which then actually just by the very way that people are recruited, the inevitability is that exploitation and vulnerability will be created. So the members of the group work together to come up with strategies and plans around, for example, how we get rid of the fact that recruitment fees are charged. And it almost seems, you know, shocking that

recruitment fees are charged to some of the most poorest in our world who are getting paid some of the lowest wages and criminal groups, because that's what they are, go and recruit people and charge them extortionate amounts which could be six, eight months worth of salary, which they can never pay off. So they create a bigger debt, and then they get involved with slavery. So it's about bringing together the big businesses, and getting them around the table discussing this openly. There are more open meetings and there are closed meetings. And what we're seeing is that these big businesses are, in fact, looking at how they can influence by their buying power, and by their capital, to stop this in regions where there are these groups of recruitment agencies that are charging these fees. But also what we want to see you see is we want to see the ILO protocols ratified around the world. And we want to see things actually make a difference. So it's about working with the businesses. But it's not a case of everyone's saying everything's going well. It's quite a hard hitting, and people have to face the facts, but it's about how these businesses can influence with their combined efforts of coming together. And these are many different companies from different products to different kinds of services coming together and influencing countries influencing governments, but influencing the agencies, that if you are going to recruit people from elsewhere, because actually, you know, sometimes getting jobs to travel for work can be actually a really good experience, if it's paid properly. And we know I know many people that travel for work as probably most of us do. People who travel and have a good experience and are well paid and have their rights when they travel, even if it's not the best paid job, but you're getting paid the right amount for what you're doing, can have a great experience. And those monies that people and the remittances that they can return home can actually help them to build up their families. But what is happening is that people are traveling, they're going and getting low paid jobs, and then it turned out to be a no paid job. They've been exploited. They then can't send remittances back. So their families suffer back at home, and the cycle continues. So it's not just the trafficked person or the exploiting person who suffers. It's also family who are expecting some sort of income from the fact that a family member or a child.

TINA:

So I wanted to follow up and ask, how do these businesses respond when you say to them what you said here earlier, you know, in terms of if you want to start making sure that exploitation doesn't happen in your supply chains, you need to invest. What's what's their responses to, you know, some of your thoughts around this?

KEVIN:

Well, I've yet to meet the rogue business person, or the rogue CEO that thinks that slavery is a good thing. So they all agree, and they all think that they should do. Some of the businesses themselves will say, We need more regulation. And the reason they say that is because they need a level playing field created. And we have to be realistic about this, that when people go into the boardroom, or when people are doing their work, all of us do what we have to do, first, pay our taxes, make sure our houses have got insurance, make sure our schools fees, or whatever it is, are all covered. All those things we do, and then the things that we like to do become next. And that's what businesses saying the room is so full of regulation, which is important that they have to do. And then this other issue of human trafficking and modern slavery comes in, which is not compulsory. Filing a statement, even under UK law is not really compulsory, it doesn't really matter what you put in it, and you can write one in five minutes. Now that's changing, as we know, with Australia, with France and perhaps with some other countries, but we need to make it that it's a mandated requirement. So actually, they're not all against this mandate required And it needs to sell what they do. So I don't see the pushback from them. But they do as organizations and companies need leadership. And that leadership probably has to come from government or from the multilateral community.

TINA:

So the UN forum on business and human rights in 2019, will focus on the need for all governments to demonstrate progress, commitment and plans in implementing state duty to protect and strengthen accountability around issues related to human slavery and human rights and more broadly. So now, you mentioned the businesses side. What do you think governments need to do based on your experience of working within that system?

KEVIN:

Well, firstly, and I've said this for a while now, is that no government has been mandated or is permitted to spend its state money on modern day slavery or human trafficking. In fact, it shouldn't allow any monies to end up in the hands of criminals. And so that's why I brought this agenda to the G20. And I've been at the last two G20, some of the pre meetings and the G20 has 85% of the world's economy, so the top 20, you know, countries in the world, economically, have 85% of the world's economy. And you know, the EU is one of the G20 members. So, if

we can actually say to governments, when you're spending our money, and we realize that some of the spend has to be on some things that people might not agree with, in other ways, but they are mandated to buy military hardware, they are mandated to protect us and security are mandated to a number of things, but they're not mandated. And they've all committed against the existence of slavery around the world. So what they need to do is they need to invest in making sure that when they buy things and procure goods and services that they are free of modern day slavery and human trafficking. And that means to say that they need to set up teams that put in rules and regulations that transfer onto the companies that are bidding for goods, or services. And also they need to make sure that any agencies that they are using in order to do things like maintenance, or cleaning or food supplies, or whatever it is also properly governed and managed. And if you think about it, you know, one in five units of currency around the world is spent by a government. So if we could actually tidy all of that money up, and of course that influences other things. That would be one of the biggest impacts on ending this trade. And, you know, this trade exists purely for money 150 billion that criminals earn every year. That's why the majority of this crime happens and start squeezing that and reducing that money ending the criminals and turn that into money for good. Then you will see a change in the response to human trafficking. You think that OECD countries on all of their global investment for all the world's problems and challenges, the international aid budgets globally, is 153 billion US dollars. The criminals in trafficking are earning the same amount. So at the moment, the investment to counter them is too little. But also governments, in a way could be indirectly funding some of that hundred and 50 billion US dollars. So we as taxpayers, we as the people who mandate the government needs to say don't spend our money. Don't give out money to people who are exploiting people in modern day slavery. And governments have said they're not going to we saw the commitments, the G20, we've seen commitments at the UN General Assembly, led by UK, Australia, New Zealand, Canada, and the US. So we've got the five countries that are committed to this. And they've created a chart of things that need to be done. And what they've done is they've asked other countries to join them. So those five countries need to make sure that they are making sure that the monies that they generate, and the procurement that they actually instigate is actually free of modern day slavery and is not funding it.

TINA:

I want to bring this down to a very real example. Earlier this week, there was a tragic incident in the UK, where 39 dead bodies were found in the back of a lorry

in Essex. And this lorry had entered England from Europe. What can you say about this specific incident? I know it's very early days. But how can this happen?

KEVIN:

39 people obviously lost their lives in transit this week. And I know there's a difference between smuggling and trafficking. And there are people that will jump on to that there is a distinction in law. And quite rightly, there's a distinction but also, we know from experience that sometimes people who are smuggled then become trafficked, and vice versa. And of course, the difference between smuggling and trafficking is smuggling is all about getting across the border illegally. Whereas trafficking can not have the requirement at the border. So once people arrive, and they've been smuggled by a group, they then can become a commodity for others. But this is a real issue in the generic term because there is a clear nexus between smuggling and trafficking, and particularly the route that we look at, because I've been out to these areas, I've been to Northern France, Greece, and Italy, and seeing groups who are there who have either entered clandestine, or invented some other way into these various areas. But what we have here is, it seems to be easy nowadays, to turn people into a commodity for criminal activity. And that sort of indicates to me that we are losing our ability to look at humans as a really precious thing. And that, you know, if we look at the way that we spend our resources and monies on other things, and trade deals and business, often lost in that is the fact that all these criminals are operating, and almost, you know, with impunity, and we say, you know, it's hidden in plain sight, and of course, this was hidden, but when we look back at it, and I don't want to preempt what this investigation is, You're going to find but I can talk from my own experiences of other incidents when I've been to Calais and when I've been to Dunkirk and when I've been to Greece and Italy, and I see these situations, I just think, actually, this is not considering the human well being at all. This is about either having a border, it's about protecting a border, which there is an importance to, but then you see people living in camps, you see living people living in trees, you see people living in bushes. You see, the statutory agencies going in and the police just going in and ripping away tents, using CS gas, sometimes beating people. And this is all just to make it uncomfortable. So if the real and genuine processes aren't working, then the criminals are going to step in, and they're going to find it really easy to create a commodity and to trading these illegal routes. And I met people when I was in Kelowna. That would break your heart, you know, mothers that were telling me about how they wanted to give their babies to their babies could just get the UK because they felt that it would be safer than being there. And, you know, people were being raped and abused. And yet nothing was happening because these were

seen as a nuisance. Okay, we need to go back and look at the problems and the source of this and work to actually help people to have more opportunities in their own countries. And there is work around that with international development on that. But when people get to a position where they become really vulnerable, to either increase that vulnerability, because we see them as a nuisance, or do we try and solve the problem, another moment, I think, the fact that these people are often seen as a nuisance, and they are people, then it makes it so easy for the criminals to operate, whether they're smugglers or traffickers, or both. And then we see tragic circumstances.

TINA:

Thank you very much for that. valuable insights into systems that are clearly not working today. And one last question, Kevin, before we end this interview, you were instrumental in getting the Sustainable Development Goal 8.7 included in the Sustainable Development Goals agenda. Now this goal says that we need to take effective and immediate action to eradicate human trafficking forced labor modern slavery before 2030 and child labor before 2025. Where would you say that we stand today in achieving this timeframe? And what actions are needed to be escalated to achieve this goal?

KEVIN:

So we're four years into the STPGs, them being launched in September 2015. I would have hoped we were further down the road by now. And maybe that's me, maybe I want delivery and I want things to happen. But that was the whole idea of the STPGs, these weren't supposed to be things that sit as policies gathering dust. And, you know, we do see some progress on the, you know, child labor by 2025, and child soldiers. You know, 151 million children are in child labor situations around the world. I'm not sure we've had any impact on that whatsoever. And I think that what we have developed in many ways in response to these issues, is a big debate. I see lots of meetings, I see lots of people telling us about the problems. Well, the problem is there we know what the problem is there are people being trafficked. And then there are people that want to know the number we need to find out the number. When does it get too big? And when does it get too small? We don't have to worry about it. So it's like, we're trying to find things out that we will naturally find out. If we take on the problem. And we start dealing with the problem. Like I said about all the data that is saying the system in the UK that has got all this information on it, but then they go running off looking for more inflammation in create more systems to create more inflammation that they can't

deal with either. And so we need to start refining what we've got. And I think with 8.7, I see some initiatives, I see some that have really gone and broken areas where there has been forced labor. See recent work, particularly in India, that's been very successful on the global scale. What are we changing politically? How are we making accountability? And everyone gets worried about accountability is the ancillary Commissioner sometimes when I would be calling people systems or organizations to account, it would be Oh, that's a bit unfair. And that was actually said to me once you know, we're we're trying our hardest. Well, you know what, don't take this personally as a big organization as law enforcement, but you're not doing a very good job as a consequence of that people are being in a really shocking condition, or perhaps even losing their lives. And so We need to be more professional, we need to be more robust, we need to be more self critical. And we need to accept that a lot of the measures that we're implementing, are playing around the periphery and around the edges. The other thing that we've created is almost a situation where we're saying this is inevitable. And this is just something that's in consequence to the modern world. But I don't think that's good enough. And I think that we need to turn the responsibility back where it belongs. And we're working with the private sector, we see people working with the private sector and saying, we're working with this organization, or this company or this business. And of course, the work of the Institute of human rights and business is about that. I'm very clear on this is this is your problem, and you need to solve it. And governments, you need to bring these companies into account, and you may need to create legislation for that. Because if the quality of food isn't up to standard, there's an outcome that could be a prosecution. if an aircraft isn't up to standard, that could be a prosecution if a car doesn't hit a certain standard, or the emissions that it gives. All right. There's a prosecution as an outcome. If you leak data or you don't protect data, as we have seen, on many occasions, big organizations, including airlines, including companies on social media have ended up in prosecution or fined extremely large sums of money. If you've got people in modern slavery in your supply chain, nothing happens unless you crack the perpetrators who made it happen in the first place? So we need to be more realistic about what is happening. We need to actually start to be more accountable and creating the accountability. And we need to be honest and straightforward. I see lots of reports. I see lots of evaluations. I see lots of recommendations. But do I I see modern slavery, reducing, do I see more criminals going to prison? Do I see a global challenge against the very existence of this? No I don't, until that happens, until we hold to account close, that have the power to stop it. Until we hold to account those that may be complicit, either wittingly or unwittingly, until we take away the financial gain that this creates. And until we have legislation across the world that really stops this source. And this will continue. And that's what alliances

need to be talking about. That's what 8.7 was intended to do. That's what happened when I actually drafted that STG. That's what I wanted to see. I wanted to see that by now. We're a third of the way almost down the route. So we should start seeing reduction. Well, we've got 10 years Just over 10 years left, we've got to make a policy. And we've got to make a strategy that that's what we start seeing. And if we turn up to big meetings, if we turn up at the UN over there at the General Assembly, just talking about the problem, we need to be talking about what is actually happening, what is effective, but clearly then what is not effective. And if you look at, you know, I spoke at the Security Council, two years ago, human about the fact that this is funding terrorism. But then also, I've spoken at other events where this is actually in consequence of gender inequality, because so many women and girls are affected by trafficking. This is also about corruption. It's about weak governance. It's about the fact that climate change is making it so that people can't actually live in their homes and their areas. So they have to move and it's also about conflict. All of those feed into the existence of this crime. And because of the existence of all those other things, the people who step in are the criminals who then trade in human suffering. So until we talk about it straight, until we build responses so that we protect people, even when they've made a bad mistake, so that the criminals can't come in and fill that gap and start trading in them. Until we start giving people and particularly women and girls opportunities and equality until we start shutting down on corrupt regimes and still wait till we start making businesses accountable. And saying this is in your supply chain, you sort it this cannot be sorted by a report. This cannot be sorted by working with a small group who can come and give you advice for a small period of time. You need to make it that your business model is free of slavery. Just like if you've got any other quality assurance is that you need to number one needs to be about the way you look after people in your supply chain until we start talking about it like that and start measuring it against those kinds of metrics. I'm afraid it will continue to prosper. People will continue to suffer, and criminals will continue to make 150 billion US dollars a year.

TINA:

Thank you so much, Kevin, for taking time to speak with me today and to share your very valuable thoughts and analysis on what's needed to improve the responses to the issue of human trafficking and modern slavery so that we can see more real, tangible change. Thank you so much.