

Modern Slavery Discussion Workshop

Introduction

This discussion workshop was convened by the Arts and Humanities Research Council, and hosted by the Institute for Government. The list of delegates in attendance is at [Annex 1](#). [REDACTED] s40 set out the aims of the workshop: to consider the current research landscape, possible future angles of approach, and what increased support for research might achieve. [REDACTED] s40 described the context within which this information is required, that AHRC is planning to grow our strategic funding for research into modern slavery and human rights, partly through a bid to the UKRI Strategic Priorities Fund.

The subsequent discussion was structured around three themes, designed as prompts for conversation: root, reduction, and recovery. Responses to these prompts were then grouped again, to identify trends in the discussion, many of which can be traced across all three themes. Transcription of the grouped notes may be found at [Annex 2](#).

Root

In this section, participants were asked to consider what areas of arts and humanities research are contributing to human rights and modern slavery, to identify evidence and methodological gaps, and potential policy solutions.

Opportunities for further research were identified in the development of **typologies**, particularly to understand the relationship between slavery and related phenomena, including conflict, forced marriage, people trafficking and organised crime, and other forms of oppression and inequality, such as class, race, and gender.

Novel survey methodologies are required to give a clearer idea of the **prevalence** of slavery, making greater use of the testimony of slavery survivors, a “small data” approach, working with **communities** to understand local vulnerabilities for risk analysis, and in order to better understand the local impact of global events.

In co-operation with social science researchers, there are opportunities to better understand the interplay of **legal and socio-political** factors. An interrogation of the relevant laws and their application in the real world would aid understanding of where and why legal mechanisms fail, the sufficiency of current legal definitions of modern slavery and obligations on states to prevent it, and where the responsibilities of states, businesses, and international organisations could better complement each other.

Also spanning the boundary between arts, humanities and social sciences is an evaluation of the **role of business** in modern slavery. Research from participants in this workshop has identified a variety of challenges for companies (regional, legal and structural), which are yet to be overcome, and which will require nuanced understanding of regulatory, cultural, social, financial and legal phenomena.

The financial sector was identified as an enabling infrastructure for modern slavery, requiring research approaches that go beyond the classic financial and legal perspectives to understand and propose better international trade law provision and economic incentives for overcoming endemic slave labour practices.

History was frequently cited as a rich source of evidence, including the history of slavery and its abolition, and also on the effectiveness of past policy interventions.

Reduction

In this section, participants were asked to consider research that aims to reduce slavery, and overcome the gaps between cultural sovereignty and human rights, including methods for measuring and assessing success.

Opportunities were identified for arts and humanities research to contribute to the critical examination of **standards and definitions** used to discuss modern slavery, including rights-based standard-setting, the relevance of a group dimension of human rights, extending to social and cultural rights.

The roles of stakeholders, including slavers, complicit industries, victims of slavery and their communities, law-enforcement, national and international monitors, researchers, and consumers, may be considered, with regard to their duties of investigation, protection, identification and reparation.

Crucially, research is able to identify and address gaps in **data and methodologies**, including evidence for the efficacy of interventions, the use of big data to guide community NGO-led activity, survivor-informed techniques of survey and risk assessment, development of community resilience, and the review of current legal developments to bridge the gap between law and reality. Cross-disciplinary thought will be required to integrate legal and socio-political approaches with philosophy (frameworks for agency and freedom), and social justice, to define what success looks like in this context. There is a substantial data gap with regard to slavery at sea, and the responsibility for stateless areas.

Arts and humanities research has an excellent track record in approaches and methods that are **community-based or led**. This may contribute to an appraisal of the United Nations Guiding Principles on Business and Human Rights (UNGPS) that focuses on the rights-holder, and the risk to them, as well as the impact upon them of current policies and laws. Survivor leadership can also contribute to a preventative, rather than curative, approach to reducing slavery. The creative and performing arts are a powerful tool for expression and communication that can transcend cultural and linguistic boundaries.

Numerous **obstacles to implementation** were identified, which may be considered as the basis for research and policy approaches. These include the complex and evolving nature of the challenge, which requires ongoing work to understand and to legislate, policy dissonance and the gaps between policy and implementation, and ambiguity over the role of international bodies such as the UN and Delta 8.7.

Recovery

In this section, participants were asked to consider the role of arts and humanities in helping communities and individuals to recover from slavery, including support for their mental health and wellbeing.

There are **evidence gaps for the effectiveness of interventions**, that will require longer-term, larger-scale studies, and more equitable, inclusive methodologies. These must take into account what intervention outcomes matter to survivors, building on the findings of *Addressing Mental Health Needs in Survivors of Modern Slavery: a critical review and research agenda* (2015).

Research focusing on state action must consider the role of **state actors**, and ways by which victims' trust in, and co-operation with, authorities may be improved. This could involve reconsideration of administrative justice policies and procedures, and immigration control, with a human rights-based approach.

Survivor experiences and narratives can help to inform what survivors need or want to recover, and how this varies depending on the form and length of enslavement. An arts and humanities approach to mental health and wellbeing can also redefine these concepts on self-identified, experiential terms, broadening the narrative, and identifying new ideas and solutions for recovery.

Historical research can inform **reparations and remedies**, by considering the ways in which enslaved people have pursued, or attempted to move closer to, freedom. Reparations as a legal construct requires restoring individuals to the position they would have been in but for the violation, which requires a critical look at the past, and the extent of the violation. Understanding the past will also inform alterations that may be needed to our domestic and international legal standards, to ensure responses to old violations do not facilitate new violations. Where multiple actors have been complicit in, or failed to prevent, slavery, it must be considered who has the responsibility to provide remedies and reparations.

Digging Down

An open, plenary discussion at the end developed several of these ideas, and began to consider responses to three key questions at the heart of the SPF bid.

- What is the problem/opportunity we are trying to address?

The discussion has identified numerous ambiguities and evidence-gaps in the issue of modern slavery, and its relationship to human rights, for which arts and humanities research is well-placed to contribute new knowledge and policy solutions. The participants emphasised the benefit of a challenge-led framing, which would allow any and all research areas and methodological approaches to participate.

Policy-makers' appreciation for the relationship between human rights and modern slavery has emerged relatively recently, within the past fifteen years, and there is significant work to be done in this area, and appetite for policy solutions.

- What would be the objectives or key deliverables?

Numerous promising avenues of exploration have been suggested, and the challenge for AHRC will be to identify objectives that can reasonably be achieved, while maintaining the principles of researcher independence. Policy utility may be a metric, but this should not rule out highly theoretical or “blue sky” research.

The proposed centre, which could have functions in commissioning research, data-gathering, analysis, presentation of evidence, and policy uptake, may be structured along DFID policy and uptake frameworks. It must be independent of Government, a critical friend with a function in bridging the policy-evidence gap and setting the research agenda to address policy questions. As such, its success may be measured less by answers provided to specific research or policy questions, and more by brokering relationships, developing collaborative activities, and the application of arts and humanities (as well as social science) research to modern slavery and human rights policy.

- What is the benefit of funding this, as opposed to something else?

The proposed centre would have a clear advantage over think tanks and Government research departments in the breadth and diversity of the evidence base that it will be able to draw on. Examples of research areas that are under-utilised in research for policy, but which potentially have a great deal to contribute to modern slavery and human rights, include philosophy, corpus linguistics, social media analysis, and the creative and performing arts. Positioning the centre as a locus of these research approaches would enable the evidence to transcend disciplinary boundaries, and facilitate conversations between researchers approaching similar issues from different methodological and disciplinary angles.

The diversity and richness of academic research in the arts and humanities gives it the capacity to examine modern slavery as it relates to different stakeholders, including business, policy, law and communities, both individually and at their interface. It has the capacity to examine these in the context of other, related social and cultural issues, such as conflict, people-trafficking, child labour, forced marriage, and global socio-economic inequality. Historical and critical perspectives allow interrogation of past social, legal and policy responses to slavery and related issues, to identify likely obstacles to implementation, best practice, and criteria for success.

Annex 1: Delegates in Attendance

s40	s40 Bingham Centre for the Rule of Law
s40	s40 s40 Bingham Centre for the Rule of Law
s40	s40 s40, University of Hull
s40	s40 s40 s40, University of Hull
s40	s40, University of Nottingham
s40	s40 s40 University of Nottingham
s40	s40 s40 University of Liverpool
s40	s40, Institute for Government
s40	s40 Durham University
s40	s40, University of Surrey
s40	s40, University of Bristol
s40	s40, University of Exeter
s40	s40, Arts and Humanities Research Council
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Annex 2: Notes from Mapping Exercise

Root

In this section, participants were asked to consider the basis of slavery in legal, ethical and cultural frameworks.

Typologies

- Missing: trafficking and organised crime, research about businesses and supply chains, GCRF
- Gaps: relationship between slavery and other forms of oppression/inequality, for example, class, race, gender. Phenomena of cognitive dissonance, groupthink.
- Typologies: we need country-level typologies around gender, age, culture, ethnicity, religion.
- I draw on the work of historians, postcolonial scholars, English literature to critique the concept of "modern slavery", English literature scholars and critical race theorists who write on the afterlives of transatlantic slavery as a way of connecting up past(s) and present(s).
- Slavery and conflict – how has this relationship evolved over time? What is the connection since 1945 or 1989?
- We need research into the perpetrators, including culture, family networks, and innovative interview techniques.
- How do we understand and define forced marriage in the context of slavery including via political, philosophical and historical perspectives?
- Gaps: application to policy (government, DEFRA), economics, definitions.

Prevalence and Community

- Prevalence – how many slaves, and where? We need new survivor-informed survey methods.
- Regional risk analysis – we need new technologies for understanding local vulnerabilities
- What would a small data approach to slavery look like? Data at the most granular, local level, designed by the community.
- We lack a large-scale analysis of survivor accounts seeking causes of slavery, including against the SDG targets.
- We need future funded research looking at how global events will impact slavery.

Legal and Socio-Political

- Gaps: where/why do legal mechanisms fail
- Sufficiency of the legal definition of modern slavery, comparative definitions, general division and relationship between modern slavery and failure to meet economic and social targets
- Failure of states to protect human rights in line with general obligations, questions around unwillingness versus inability, and implementation
- What does international assistance and cooperation mean when it comes to combatting slavery? It's an obligation in treaty law for human rights

- How do we define state responsibility and shared responsibility, as a matter of international law, when multiple states are responsible for protecting people's human rights?
- There's a very limited definition in binding international law, based in 1926 convention. This only applies to ownership, so do we need a new treaty, or can this be addressed in the new human rights treaty?
- Human rights as indivisible, but constantly fragmented by efforts to make them actionable. This plays out in SDG 8.7 and other efforts to tackle "modern slavery", an unintended consequence.

Business

- Current gaps in research: our research talking to companies show that widespread challenges (regional/legal/structural) and not much evidence of how to tackle it in an effective way.
- AHRC/ESRC – the role of finance and the financial sector as an enabling infrastructure for modern slavery (see UN 2018 Liechtenstein Initiative)
- How do we monitor and evaluate supply chain management so as to eliminate economic incentives to use modern slavery?
- Do we need better international trade law provisions to prevent trade in goods produced by slavery? Will this address economic incentives?
- Imagining new economic and political systems (futurology).
- Slavery as a failure of regulation, custom and culture, social myth, inequality of wealth, market demand, competition, weak rule of law in source countries

Use of History

- Present: strong on historical context, useable past
- AHRC current focus and workstreams on history – turn this existing knowledge into lessons for policy (i.e. evidence of what worked in the past)
- Contributions: victims, historical slavery, advocacy (impact on groups), emotions.
- Policy solutions: continuity between scenarios, not reinventing the wheel – how to quickly and easily extrapolate

Reduction

In this section, participants were asked to consider research that aims to reduce slavery, and overcome the gaps between cultural sovereignty and human rights, including methods for measuring and assessing success.

Standards and Definitions

- Inclusive protections, a programme of universal protections regardless of citizenship.
- International standard-setting – rights-based.
- Are we hampered by conceiving human rights individually? Is there scope for group rights? Relevance of group dimension of rights in discussing and using the past, and in tackling reduction and recovery.

- Positive duties to combat slavery: which industries? ECHR/HRA Directive. Duties: investigation, protection, identification. Systemic and industrialised.

Evidence/Data Gaps

- History: does a "liberated" nation/population have greater resilience to slavery? Tolerance? Willingness to be complicit?
- Gap in knowledge about what will work, need to understand broader context and come up with solutions from rights-holder perspective, ideas for company and government interventions, and policies that work.
- Minimum requirements of institutional framework (for example, independence).
- Borrow from the framework of the UNGPS on BHR: much of initial thought on how to view this is already done (for example, three pillar); hugely influential and consensus-building.
- Current legal developments: gap between law and reality/risks; new proposed laws – are they effective?; how to measure effectiveness?
- Bridging the gap: what benefit does recognition/defence of human rights bring to the nation/society?
- Freedom dividend – working towards articulating social and economic benefits of freedom.
- Tracking: public conversations and countermeasures are indicators of success, words -> actions, for example, #MeToo
- Intervention efficacy – we have no gold-standard for guiding M + E, and need survivor-informed techniques.
- Big data – how can and does big data interface with community NGO-led activity? Can big data provide small detail that can be actioned?
- Currently no methodology/indicators to establish and demonstrate what effective policy/intervention looks like, needs holistic approach, focused on rights-holder
- Integration of philosophy, social justice, agency/freedom, epistemic communities.
- Community resilience – we have no way to understand what makes an area or community resistant to slavery.
- Demonstrating success is difficult as issues in measuring slavery and its decline.
- Contributors: studies of slave ownership/slave trade
- Missing: legacies of transatlantic slavery
- Review and analysis of different theories of change.

Community-based/led

- How can we take a prevention not cure approach via community-based resilience-building?
- Positive communication: arts – music, performance.
- Role of survivor leadership

- UNGPS – focus should be on risks to rights-holders, current research measuring the effectiveness of policies/law, start from the rights-holder's perspective – what is required?
- Missing: where do the arts come in? Communication?

Focus

- Actors: slavers, complicit industries, victims and their communities, law-enforcement, monitors, researchers, consumers (aware vs unaware)
- Application to policy (UK): parliament (Home Affairs Committee, Home Office), independent anti-slavery commissioner (evidence, data-gaps), Home Office (criminology, policing, resource allocation, strategy), engagement with employers (remuneration, tracking, economics), victims (detection, impact, mental health, profiling).
- Application to policy (International): ILO (definition, tracking, economic/industry patterns), transnational dimension (illegal immigration, incentives, reporting, tracking), UN Office of High Commissioner (special rapporteur, expert meetings)
- Role of parliament in reduction – how to plug the evidence into policy scrutiny and law-making.
- Role of business in reduction – how to harness?

Obstacles to Implementation

- Challenges: opaque supply chains, transnational business, domestic laws and practices contradict one another, governance gap at home state-level, no enforcement of laws that do exist.
- Problem is evolving, new opportunities are constantly imagined.
- Comparative international public law relating to slavery, looking at what works where, and the gaps between policy and implementation.
- Role of international bodies, such as Delta 8.7
- Humanising, translating and communicating impacts of the global economy
- Reduction of policy dissonance
- A question of scale – is the research funding landscape the right shape? What should be the balance between funding research and its translation?
- Implementation – obstacles to giving effect to legal framework.
- Immigration law – actors, reporting, engagement with refugees.

Recovery

In this section, participants were asked to consider the role of arts and humanities in helping communities and individuals to recover from slavery, including mental health and wellbeing.

Evidence gaps for intervention

- Longer-term, larger-scale studies that involve more equitable, inclusive methodologies.
- We lack research on what intervention outcomes matter to survivors, in order to have this shape intervention design.

- We have no in-depth, specialist techniques for survivor recovery, building on 2015 Helen Bamber Foundation report calling for this.

State action

- Human rights-based approach versus immigration control.
- Role of state actors – does reliance on home office undermine trust and discount co-operation by and reporting by potential victims? Also link this history of slavery and role, position and perception of the state.
- What administrative justice policies and procedures are necessary to encourage victims to come forward?

Evidence gaps for vulnerability factors

- We have an evidence gap around trafficking, and need new methods for understanding vulnerability factors.

Resistance

- Histories of the ways in which enslaved people pursued, or attempted to move closer to, freedom as a way of shedding light on contemporary movement.
- Reparative history, histories of resistance woven into rituals and practices, land title struggle, black geographies, anthropologies.

Survivor experiences/narratives

- We don't know what survivors need or want to recover, and how this varies depending on the form/length of enslavement.
- Don't know whether all cases are similarly traumatic.
- AH in mental health: redefining on self-identified, experiential terms, broadening narrative, new ideas and solutions

Reparations and remedies (meaning and content)

- Reparations as a legal construct requires restoring individuals to the position they would have been in but for the violation.
- What alterations are needed, domestically, internationally, to our legal standards to ensure responses to old violations do not ensure/secure/facilitate new violations?
- What does comprehensive or complete or true rehabilitation – particularly as a form of remedy – mean?
- What is the responsibility of businesses home states to regulate and provide remedies to victims of modern slavery?
- If there are multiple actors who have failed to prevent slavery – states and businesses – who has the responsibility to provide remedies and reparations for the victims?
- Are enslavers' motivations clear? Are they always enslaved?
- Don't know impact of slave status as opposed to expatriation, age of enslavement.
- Effective remedies for victim, legal and non-legal.

Redaction Summary (39 redactions)

1 Privilege / Exemption reason used:

1 -- "s40" - Personal information (39 instances)

Reason descriptions:

s40 - Personal information

Section 40 - Personal information.

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if—

(a) it constitutes personal data which do not fall within subsection (1), and

(b) either the first or the second condition below is satisfied.

(3) The first condition is—

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—

(i) any of the data protection principles, or

(ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and

(b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

(4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).

(5) The duty to confirm or deny—

(a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and

(b) does not arise in relation to other information if or to the extent that either—

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

(ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject’s right to be informed whether personal data being processed).

(6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

(7) In this section—

“the data protection principles” means the principles set out in Part I of Schedule 1 to the M7Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

“data subject” has the same meaning as in section 1(1) of that Act;

“personal data” has the same meaning as in section 1(1) of that Act.

Redacted pages:

Page 1, s40 - Personal information, 2 instances

Page 5, s40 - Personal information, 37 instances