



## **Chapter-1**

### ***Background***

Human trafficking is also known as a form of modern day slavery. In the UK, the “Parliamentary Joint Committee on Human Rights (JCHR)” stated that to prevent the human trafficking victims in the UK there should be remedied on a "sound basis" accordingly. One way to achieve this is to

ensure that law enforcement always puts the needs and interest of victims first in order for preventing them from becoming victims again<sup>1</sup>.

The government of the UK has published the “Modern Slavery Bill” which is applicable to the whole of Great Britain (Scotland is partially exempted, but the “Human Trafficking [Scotland] Bill” fills gaps there). The aims of “Modern Slavery Bill” are, among other things, to combine the crimes in the UK into a single bill and to increase the maximum sentence to 14 years. <sup>2</sup>The purpose of this study is therefore to assess whether the UK is complying with its obligations under human rights law or preventing trafficking in human beings.

### *Aims*

- Evaluating the human trafficking laws in the United Kingdom.
- Assessing how media portrays and record the human trafficking.
- Analysing the public opinions regarding human trafficking.
- Identifying the weakness in the law of human trafficking
- Identifying the ways to increases awareness on human trafficking.



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<sup>1</sup> Turner, I., 2015. Human rights, positive obligations, and measures to prevent human trafficking in the United Kingdom. *Journal of Human Trafficking*, 1(4), pp.296-317.

<sup>2</sup> Craig, G., 2015. Human trafficking and the UK modern slavery bill. *Social Inclusion*, 3(1), pp.136-139.

## ***Objectives***

- To evaluate the human trafficking laws in the United Kingdom.

## **Literature Review**

In accordance with Article 3 (a). "United Nations Protocol to Prevent", punish and suppress people in trafficking especially when children and women are used in human trafficking. "UN Protocol";

UN, 2000) aims to prevent, deter and punish trafficking in particular trafficking in women and children, threats or the use of force. or other coercive, abductions, deception, fraud abuse of power or use of a vulnerable position. <sup>3</sup> Trafficking in human beings is considered modern -day slavery,

- To assess how media portrays and record the human trafficking
- To analyse the public opinions regarding human trafficking
- To identify the weakness in the law of human trafficking
- What are the public opinions regarding human trafficking?
- What are the weakness in the laws of human trafficking?
- Which way awareness can be increased on human trafficking?

especially for those who equate the fight with historical efforts such as prostitution ("trafficking in white people"), such as the 1910 Convention. <sup>4</sup>

### ***Investigation into the media portrayal and records recorded by the media***

For the source of information media plays an important role, as most people have no direct experience of the crime, the perpetrator or the victim. However, the academic resources available for human trafficking and journals are limited. In contrast, much of the information on human

<sup>3</sup> Burke, M.C. and Bruijn, B., 2017. Introduction to human trafficking: definitions and prevalence. In *Human Trafficking* (pp. 3-24). Routledge.

<sup>4</sup> De Shalit, A., van der Meulen, E. and Guta, A., 2020. Social service responses to human trafficking: the making of a public health problem. *Culture, Health & Sexuality*, pp.1-16.

trafficking and its descriptions in newspapers comes from non-academic sources.<sup>3</sup> There is much literature on the role of the media in shaping reality. The media, as the accuser, can build and reinforce myths about crime.

Current media and criminal investigations show that the images of criminals and victims are generally inaccurate. It is difficult to portray false images in the media because the media help to promote the "cultural awareness" of victims and perpetrators (Barak 1993), influence how to perceive them and increase our fear of crime<sup>4</sup>.

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<sup>3</sup> Zinser, S. and Thinyane, H., 2021. A Step Forward for Palermo's Trafficking Protocol, This Time Integrating Frontier Technology. *Yale J. Int'l Aff.*, 16, p.140.

<sup>4</sup> Lindley, J., 2019. Policing and prosecution of human trafficking. In *Research Handbook on Transnational Crime*. Edward Elgar Publishing.

Although extensive research has been conducted on the social structure of the crime and media, the images of victims and perpetrators of trafficking in human beings have been little studied in newspapers.



However, these studies do not examine who the victims and criminals are and whether they are

positive or negative. No study of newspapers and human trafficking examines the descriptions of victims and perpetrators by analysing citations and counting the number of victims. One study looked at creditors in newspapers, but did not look at how paper portrays victims and criminals.<sup>5</sup>

### ***Public opinion regarding Human Trafficking***

There is a lack of research on general knowledge and awareness of trafficking, especially in the United Kingdom. One of the few general awareness-raising studies has been conducted in Europe. Bishop, Morgan, and Erickson (2013) conducted an extensive study of public perceptions of human trafficking in 15 countries. <sup>6</sup> In this research of Bishop et.al (2013) it was found that immigrants have highest concern of human trafficking. Although the data are out of date (collected in 2013), the consequences are important for the public interest as they relate to

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<sup>5</sup> Jones, J., 2020. Is It Time to Open a Conversation About a New United Nations Treaty to Fight Human Trafficking That Focuses on Victim Protection and Human Rights?. The Palgrave International Handbook of Human Trafficking, pp.1803-1818.

<sup>6</sup> Orlando, F., Lucio, R. and Rapp-McCall, L., 2021. Public Awareness and Knowledge of Human Trafficking: Results from a National Poll. Interdisciplinary Insights: The Journal of Saint Leo University's College of Education and Social Services, 3(2), p.25487.

awareness and action. The results of the survey show that the public pays more attention to issues that directly concern them and their region / country.<sup>7</sup>

Public awareness of the problem is usually the first step in solving social problems. Foot, Toft, and Cesare (2015) surveyed nearly 600 organizations involved in human trafficking and identified eight key approaches: research, policy-making, awareness-raising, prevention, intervention, law enforcement, rehabilitation, and equipment.<sup>8</sup> Among these methods, awareness raising is the most common method. Almost all organizations are involved in the dissemination of information, including public announcements, information / research, conferences, media products, election campaigns and even unrelated groups. Although these movements often ignore the complex nature of human trafficking and may be victim-centered, they help to present key facts, promote victims and, in some cases, suggest possible solutions (O'Brien, 2015). Providing clear information to specific groups can encourage the public to take action to tackle human trafficking.<sup>9</sup>

The media can influence people's attitudes towards human trafficking and what solutions are available to the problem. The way newspapers, magazines, television news and anti-trafficking campaigns run the issue has a huge impact on problem solving, originality, the severity of the problem, the public's perception of the problem and who is considered to be the problem. victim of human trafficking. The frequency, depth and type of media coverage influence the importance

<sup>7</sup> Orlando, F., Lucio, R. and Rapp-McCall, L., 2021. Public Awareness and Knowledge of Human Trafficking: Results from a National Poll. *Interdisciplinary Insights: The Journal of Saint Leo University's College of Education and Social Services*, 3(2), p.25487.

<sup>8</sup> Orlando, F., Lucio, R. and Rapp-McCall, L., 2021. Public Awareness and Knowledge of Human Trafficking: Results from a National Poll. *Interdisciplinary Insights: The Journal of Saint Leo University's College of Education and Social Services*, 3(2), p.25487.

<sup>9</sup> Querol, A. and Lerner, A., 2021. The Vulnerability of Minors after a Child Trafficking Situation. *Journal of Human Trafficking*, pp.1-18.

of social issues. Victims' perceptions are also affected by descriptions of human trafficking, which distorts the types of victims and ignores those who do not live up to expectations.<sup>10</sup> The media can influence the public's perception and perception of human trafficking, and this information varies according to the media and the public's wishes regarding news channels. Although there may be a generally accepted framework for trafficking in the UK, subgroups using different media may have different views on the same societal issue.

As the public received the most information about human trafficking from the media, Sanford et al. (2016) reviewed news on trafficking between 1980 and 2013 and found that information was often biased, the source was sometimes unconfirmed, and victims' statements were commonplace.<sup>13</sup> Similarly, Cunningham and Cromer (2014) explored sexuality in relation to myths, consciousness, and victim perceptions.<sup>11</sup>

### ***Weakness in the Law in the legislation of Human Trafficking***

As the Law underwent many changes during its adoption, an important lesson was learned from the experience of the British legislature. The lack of political consensus on tackling trafficking in human beings has led to weaknesses in decision-making and the legislative process. Nevertheless, some opportunities remained unresolved for addressing the issues. The law does not say that the protection of victims and their interests is paramount and that the interpretation of the law should be paramount. There are still tensions between police responses to criminal law and the protection



<sup>10</sup> Lim, C., Bolland, A., Guzzo, D., Higgins, M., Trull, V. and Williams, J., 2020. Human Trafficking and Child <sup>13</sup> Clark, K., 2020. Exploring Predictors of Victim Blaming Attitudes towards Human trafficking Victims (Doctoral dissertation, University of Louisiana at Lafayette).

<sup>11</sup> Gonzalez-Pons, K.M., Gezinski, L., Morzenti, H., Hendrix, E. and Graves, S., 2020. Exploring the relationship between domestic minor sex trafficking myths, victim identification, and service provision. *Child Abuse & Neglect*,

of victims. Ensuring protection and redress is a major challenge for public authorities. Punishing the problem can also make it more difficult to deal with and it can be difficult for victims to enjoy

Welfare: A Discussion of Advocacy, Promising Practices, and Implications. *Best Practices in Mental Health*, 16(2), pp.21-39.

trafficking and slavery can not only upset slave traffickers, but can also increase risks and complicate economic regulation.<sup>15</sup>

Repatriation is also an important factor in supporting victims. The new bill does not solve this problem and restitution is still a problem. The bill still has many issues to address; for example,

, p.104093. protection in the criminal justice system. The law provides victims with legal protection, as there is evidence that victims are being pressured to commit crimes, but the consequences are obvious. Victims may have difficulty understanding the fear and language that the authorities will interfere in their case as they may be deported, abused or prosecuted. Promoting measures against human

<sup>15</sup> Okeshola, F.B. and Adenugba, A.A., 2018. Human Trafficking: A Modern Day Slavery in Nigeria. *American International Journal of Contemporary Research*, 8(2), pp.40-44.

domestic workers abroad do not have an absolute right to refuse a binding contract and conclude a new contract that does not affect the conditions for issuing the visa.<sup>12</sup>

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<sup>12</sup> Milano, V., 2018. Human trafficking by regional human rights courts: An analysis in light of Hacienda Brasil Verde, the first Inter-American Court's ruling in this area. *Revista Electronica de Estudios Internacionales*, 36, pp.129.

During the adoption of the bill, many attempts were made to create an atmosphere of fear related to illegal immigrants. E.g. members of parliament used e-mails during the debate on the measure to make false claims about the economic benefits of illegal immigrants. As a result, unprecedented documents have been issued to MPs from the lower house.

### *Human Trafficking in UK legislation and proposals*

The United Kingdom has taken steps for addressing human trafficking. The Modern Slavery Act 2015 (the Act) supports the legal framework by enabling law administration agencies to



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successfully prosecute and convict criminals and provide better protection for victims. The law applies to both public and private companies with worldwide sales of more than £ 36 million.<sup>13</sup>

Companies that meet this standard must publish a “Slavery and human trafficking statement “every six months after the end of their financial year. The Act Section 54 is necessary because it sets out the measures that companies will take to ensure that slavery and human trafficking excluded from the supply chain or part of their activities. Ultimately, the application must be approved by the company's management and published in a prominent place on the company's website.

Direct public spending on human trafficking has increased significantly from £ 39 million in 2017 to £ 61 million in 2019. In addition, £ 10 million will be invested over five years to fund a new modern policy on slavery and evidence as it is officially recognized. They then persuaded national authorities to sign an international call to action and strengthen the "Hidden in the Big Vision" campaign to redirect victims of trafficking and launch interventions.<sup>14</sup>

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<sup>13</sup> Cockbain, E., Bowers, K. and Vernon, L., 2020. Using law enforcement data in trafficking research. The Palgrave

<sup>14</sup> Mantouvalou, V., 2018. The UK modern slavery act 2015 three years on.

The British government has been a voice in diplomatic and foreign policy, funding various antitrafficking programs around the world. For example, support in Nigeria and Vietnam aims to strengthen the organizational, operational and managerial capacity of agencies, consultants and social workers. In particular, the anti-trafficking institution and the judiciary have contributed to improving methods for identifying victims.

People identified as potential victims will receive personalized support within 45 days until their case is investigated by a competent authority. One government is a group of well-trained decisions



that come mainly from the Ministry of the Interior, but also from other government agencies. One competent authority decides whether an individual can be subjected to modern-day slavery for

international handbook of human trafficking, pp.1709-1732.

<sup>18</sup> Schönhofer, J., 2017. Political determinants of efforts to protect victims of human trafficking. *Crime, Law and Social Change*, 67(2), pp.153-185.

“legitimate reasons”.<sup>18</sup>

Unfortunately, the “National Referral Mechanism (NRM)” did not work as expected. Due to the right and disappointing decisions, the system is inadequate and delayed. In the same year, there were 1049 referrals with a negative decision and about 3273 referrals pending.<sup>15</sup> As prevention is limited, an independent body should be set up to monitor the issues to be taken into account when

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<sup>15</sup> Ikeora, M., 2017. *Bilateral Cooperation and Human Trafficking: Eradicating Modern Slavery between the United Kingdom and Nigeria*. Springer.

deciding on the "final basis" of a decision and whether a person has survived trafficking. The decision-making process itself is quite original, but victim support is unpredictable and municipalities can make mistakes.

### *Increasing Awareness on human trafficking*

Evidence of progress is encouraging, but much remains to be done. Although a legal framework may exist, its implementation is a real challenge. Effective co-operation agreements between authorities are needed to coordinate local action and develop information gathering. Of particular importance is the British Centre for Human Trafficking, an organization that targets victims and operates in the UK and abroad. They coordinate and analyse business information tactically and ensure that the right information is disseminated to the forefront of operations.

However, it takes a lot of effort and a few interviews before the victim appears and provides the information needed for the criminal case. Victims of human trafficking experience social prejudices that intimidate victims into silence about their experiences.<sup>16</sup> For example, traffickers can persuade them to be arrested by the police or, worse, deported in the case of illegal immigrants.

Therefore, education on human trafficking is ultimately needed to combat this growing crime.<sup>17</sup> It is also believed that a human rights approach is important in strengthening anti-trafficking policies,

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<sup>16</sup> Fraley, H.E., Aronowitz, T. and Stoklosa, H.M., 2020. Systematic review of human trafficking educational interventions for health care providers. *Western journal of nursing research*, 42(2), pp.131-142.

<sup>17</sup> Stoklosa, H., Miller, C.L., Duke, G. and Chisolm-Straker, M., 2020. A framework for the development of healthcare provider education programs on human trafficking part one: experts. *Journal of human trafficking*, 6(4), pp.388-409.

which prevent trafficking and provide guidance for the safe rescue of victims. Without international support, the force of the modern slave law of 2015 alone would be very small.

***Human Trafficking association with violence, intimidation, and sexual exposures etc.***

England and Wales have the widest range of criminal laws applicable to human trafficking. Human trafficking for the purpose of sexual abuse is a crime under the “Sexual Offences Act 2003”. The law also provides for the widespread use of crimes committed abroad by British citizens and crimes committed abroad by British citizens. According to the Coroners and Justice Act 2009, all type of slavery, including slavery, compulsory and forced labour are criminal offenses.

“Modern Slavery Act” places great emphasis on criminal law and defines cases of human for



prosecution. The UK is also seeking to control human trafficking by economic means. The purpose of the minimum wage set by the “Low Pay Commission” is to create a legal framework for an enforceable minimum wage. Using this method can make it more difficult to reap the benefits of employees. However, when it comes to human trafficking, it can hide traffickers to prevent detection and surveillance. Detecting and preventing abuse requires a lot of resources that which is not easy in today's economic environment.

Gangmasters and public pressure leads to setting up of the Gangmasters license under “Gangmasters (Licensing) Act 2004”. The section of the Modern Slave Act obliges the Secretary of State to review legislation and submit a report to Parliament. <sup>18</sup>Deterrence and prevention

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<sup>18</sup> Ariyawansa, S., 2017. A Red-Tape Band-Aid or a Solution? Lessons from the United Kingdom's Gangmasters (Licensing) Act 2004 for Temporary Migrant Workers in the Australian Horticulture Industry. Australian Journal of Labour Law, 30.

policies aimed at stopping trafficking in human beings as soon as possible are important around surveillance. Various UK organizations took part in the event. The UK Anti-Trafficking Centre was established in 2005 and is part of the “National Crime Agency (NCA)”. There are also coordination groups: the EU Trafficking in Persons Directive obliges Member States to draw up national reports on human trafficking, under the responsibility of an inter-administrative ministerial group.

### **Research Methodology**

<sup>19</sup>This means that researchers must have a neutral view of the research process. Critics argue that research may be difficult to ignore due to the constant development of empathy during emotions related to personal assessments or data collection. The concept of positivity refers to the activities of researchers.<sup>20</sup> In this study, the positivism approach will be used which will be useful in gaining the factual knowledge about human trafficking.



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According to the study, the structure of research is divided into "quantitative" and "qualitative". The research is then divided into subcategories: descriptive, experimental, explanatory and analytical.<sup>21</sup> In this study, the researcher will use the qualitative research design. The data will be collected from the secondary sources and existing literature and reports.

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<sup>19</sup> Pandey, P. and Pandey, M.M., 2021. Research Methodology Tools and Techniques.

<sup>20</sup> Snyder, H., 2019. Literature review as a research methodology: An overview and guidelines. Journal of business research, 104, pp.333-339.

<sup>21</sup> da Silva, C.S.R., 2017. Research design-the new perspective of research methodology. Journal of Education, Society and Behavioural Science, pp.1-12.

### ***Data Collection Methods***

Data collection is an important process in research and in various data collection methods. The data collection method is the main data collection method and the secondary data collection method. Therefore, researchers should include detailed data collection methods in the general research guidelines. <sup>22</sup>This is very important because if the researcher uses incorrect data. In this study the researcher will use the secondary data collection method.

### ***Data analysis***

Data analysis is an effective method for researching, refining, designing, and transforming data to find, create, and collect useful data, information, and results for research purposes. Researchers should choose qualitative methods to help them understand their research objectives in detail and include open-ended questions to allow researchers to spend more time in research. In this study, the thematic analysis will be used to analyse the data collected about human trafficking.

### ***Search Strategy***

The main terms used to search for the data are: "Human trafficking", " Human trafficking laws", " Human trafficking in the UK" and " Human trafficking preventions". The search strategy shows the key terms of the search topic to get accurate results. The sources for the research will be google scholar.

### ***Ethical considerations***

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<sup>22</sup> Mohajan, H.K., 2018. Qualitative research methodology in social sciences and related subjects. Journal of Economic Development, Environment and People, 7(1), pp.23-48.

Researchers need to examine ethical considerations about the validity and reliability of research. Ethical considerations will be followed during the research process to ensure the validity of the results. In addition, researchers should correctly cite all references when collecting the data used to ensure the reliability of the data.<sup>23</sup> The data used in this study will be collected from valid and reliable sources in order to avoid cancellation of the study. In this study, researcher will use the data used and take into account all ethical values, refer to all references, and acknowledge the author.



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<sup>23</sup> Ngozwana, N., 2018. Ethical Dilemmas in Qualitative Research Methodology: Researcher's Reflections. *International Journal of Educational Methodology*, 4(1), pp.19-28.