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MODERN SLAVERY PROJECT AFRICAN REGIONAL WORKSHOP 4TH – 6TH JULY, 2017, ENTEBBE - UGANDA

1. Introduction.

- **Contemporary slavery**, also known as **modern slavery**, refers to the institutions of slavery that continue to exist in the present day. Modern slavery is a multibillion-dollar industry with estimates of up to \$35 billion generated annually. The United Nations estimates that roughly 27 to 30 million individuals are currently caught in the slave trade industry. According to research from the Walk Free Foundation based on its Global Slavery Index 2016 estimated that there were about 45.8 million slaves around the world in 2016, with 58% of them living in the top five countries - India, Pakistan, China, Bangladesh, and Uzbekistan.
- The Office to Monitor and Combat Trafficking in Persons agency of the United States Department of State says that "'modern slavery', 'trafficking in persons', and 'human trafficking' have been used as umbrella terms for the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion.
- Human trafficking can include, but does not require, movement. People may be considered trafficking victims regardless of whether they were born into a state of servitude, were exploited in their home town, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being trafficked. At the heart of this phenomenon is the traffickers' goal of exploiting and enslaving their victims and the myriad coercive and deceptive practices they use to do so.
- Slavery is an illegal practice and thus more hidden from the public and authorities. This makes it impossible to obtain exact figures from primary sources. The best that can be done is estimate based on secondary sources, such as UN investigations, newspaper articles, government reports, and figures from NGOs.
- Human Trafficking - Trafficking in persons is a serious crime and a grave violation of human rights. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. Almost every country in the world is affected by trafficking, whether as a country of origin, transit or destination for victims. UNODC, as guardian of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocols

thereto, assists States in their efforts to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Trafficking in Persons Protocol).

2. Causes of Slavery

- Slavery can be an attractive investment as the slave-owner only needs to pay for sustenance and enforcement. This is sometimes lower than the wage-cost of free labourers, as free workers earn more than sustenance; in these cases slaves have positive price. When the cost of sustenance and enforcement exceeds the wage rate, slave-owning would no longer be profitable, and owners would simply release their slaves. Slaves are thus a more attractive investment in high-wage environments, and environments where enforcement is cheap, and less attractive in environments where the wage-rate is low and enforcement is expensive.
- Free workers earn compensating differentials, whereby they are paid more for doing unpleasant work. Neither sustenance nor enforcement costs rise with the unpleasantness of the work; however, slaves costs do not rise by the same amount. As such, slaves are more attractive for unpleasant work, and less for pleasant work. Because the unpleasantness of the work is not internalized, being borne by the slave rather than the owner, it is a negative externality and leads to over-use of slaves in these situations. Slaves can also be forced to do illegal work like pick pocketing, or cannabis production.
- Modern slavery can be quite profitable and corrupt governments tacitly allow it, despite it being outlawed by international treaties such as Supplementary Convention on the Abolition of Slavery and local laws.
- Modern slavery is often seen as a by-product of poverty. Countries that lack education, economic freedom, the rule of law, and have poor societal structure can create an environment that fosters the acceptance and propagation of slavery.

3. Criminalization of Human Trafficking

- The definition contained in article 3 of the Trafficking in Persons Protocol is meant to provide consistency and consensus around the world on the phenomenon of trafficking in persons. Article 5 therefore requires that the conduct set out in article 3 be criminalized in domestic legislation. Domestic legislation does not need to follow the language of the Trafficking in Persons Protocol precisely, but should be adapted in accordance with domestic legal systems to give effect to the concepts contained in the Protocol.
- In addition to the criminalization of trafficking, the Trafficking in Persons Protocol requires criminalization also of:
 - a) Attempts to commit a trafficking offence;
 - b) Participation as an accomplice in such an offence;
 - c) Organizing or directing others to commit trafficking.
- National legislation should adopt the broad definition of trafficking prescribed in the Protocol. The legislative definition should be dynamic and flexible so as to empower the legislative framework to respond effectively to trafficking which:
 - a) Occurs both across borders and within a country (not just cross-border);
 - b) Is for a range of exploitative purposes (not just sexual exploitation);

- c) Victimized children, women and men (not just women, or adults, but also men and children);
- d) Takes place with or without the involvement of organized crime groups.

4. Kinds of human trafficking.

- a) **Sex Trafficking** - when an adult engages in a commercial sex act, such as prostitution, as the result of force, threats of force, fraud, coercion or any combination of such means, that person is a victim of trafficking. Under such circumstances, perpetrators involved in recruiting, harboring, enticing, transporting, providing, obtaining, patronizing, soliciting, or maintaining a person for that purpose are guilty of sex trafficking of an adult.
- b) **Child Sex Trafficking** - when a child (under 18 years of age) is recruited, enticed, harbored, transported, provided, obtained, patronized, solicited, or maintained to perform a commercial sex act, proving force, fraud, or coercion is not necessary for the offense to be characterized as human trafficking. There are no exceptions to this rule: no cultural or socioeconomic rationalizations alter the fact that children who are exploited in prostitution are trafficking victims.
- c) **Forced Labor** - forced labor, sometimes also referred to as labor trafficking, encompasses the range of activities – recruiting, harboring, transporting, providing, or obtaining – involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person's labor is exploited by such means, the person's prior consent to work for an employer is legally irrelevant: the employer is a trafficker and the employee is a trafficking victim. Migrants are particularly vulnerable to this form of human trafficking, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually exploited as well.
- d) **Bonded Labor or Debt Bondage** - one form of coercion is the use of a bond or debt.
- e) **Domestic Servitude** - Involuntary domestic servitude is a form of human trafficking found in distinct circumstances – work in a private residence – that create unique vulnerabilities for victims.
- f) **Forced Child Labor** - although children may legally engage in certain forms of work, children can also be found in slavery or slavery-like situations.
- g) **Unlawful Recruitment and Use of Child Soldiers** - child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment or use of children – through force, fraud, or coercion – by armed forces as combatants or other forms of labor.

5. Human rights and Democracy in the context of Slavery/Human Trafficking

- Human rights refer to the basic rights and freedoms to which all humans are entitled. They are defined in several key documents, namely, the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948; the International Covenant on Civil and Political Rights (ICCPR), adopted in 1966; and the International Covenant on Economic, Social, and Cultural Rights, adopted in 1966. The Vienna Declaration, adopted at the World Conference on Human Rights in 1993, further expanded the meaning of human rights. However the original matrix of the whole structure of human rights at international, regional and national level all over the world is still the 1948 Universal Declaration of Human Rights.

- However it is generally acknowledged that the **content of human rights and of any corresponding legal obligations and burdens depends on the legislative, judicial, and executive bodies that maintain and interpret the laws in question.** Democratic government requires that representatives of the people make major decisions to;
 - ✓ **Mitigate the danger that globalisation present:** There is the danger that globalisation will give a negative effect on the welfare of the world's poorest and most vulnerable groups and that not all countries and populations will be able to reap its potential benefits, and that it will lead to a uniformity of cultural values. Special attention needs to be paid to the rights of vulnerable groups, and to empowering those at risk of exclusion, if the process of globalisation is not to increase the division between the billions who benefit and the billions who are left in squalor and misery.
 - ✓ **Promoting the principle of equality between women and men:** Political marginalization of women has been one of the major challenges to development of a democratic society and to the enjoyment of human rights by all society members. In addition to political marginalization, women also face challenges related to employment, education, violence, early marriage, and inheritance rights. Thus, organizations that focus on women's rights and empowerment are especially important for ensuring the viability of a sustainable democracy and enjoyment of human rights.
 - ✓ **Ending violence against women and all manner of discrimination against women:** these will entail among other things advocating for a just society and equality of sexes. Besides issues of violence, women are still faced with discrimination in the workplace and economy. The constitution has established equality between men and women, a fact that is only slowly emerging in the real world.
 - ✓ **Reduce poverty:** it has been argued that severe poverty is a serious assault of human rights. Poverty reduction is achieved where there are functioning participatory democracies and accountable governments. Corrupt and autocratic governments are likely to misuse development assistance either to maintain repression or for private enrichment at the expense of their populations. Such governments also generate conflict and instability in their region.

6. Kenyan Scenario on Slavery.

- a) **Kenya does not prohibit all forms of trafficking,** though it criminalizes the **trafficking** of children and adults for sexual exploitation through its Sexual Offenses Act, enacted in July 2006, which prescribes penalties that are sufficiently stringent and commensurate with those for rape.
- b) Children in Kenya are trafficked to work as domestic labourers and in farming, fisheries and begging. They are also trafficked for sex work, particularly for tourists on the coast. Many trafficking victims are so traumatized that they are unwilling to give evidence.
- c) The most successful way of countering trafficking in persons, especially for children, is through securing conviction against the traffickers which provides legal aid to children in Kenyan courts.
- d) The Government has made some efforts on implementation of the Counter-Trafficking in Person's Act 2010. The Counter Trafficking In Person's Advisory Committee which is established under section 19 of the Counter-Trafficking in persons Act 2010 was launched on 8th July, 2014 by the Minister of Labour, Social Security and Services and is now operational. Members of the committee are nominated from Government Organizations and civil



societies. Three members appointed from the Civil Society were gazetted through the Gazette Notice No. 3385.

- e) The main function of the Advisory Committee is to advise the Minister on inter-agency activities aimed at combating trafficking in Persons. The Advisory Committee is also mandated to enhance the implementation of preventive, protective and rehabilitative programmes for trafficked persons among other functions. This demonstrated urgent need to allocate funds to facilitate the Advisory Committee to carry out its mandate. If fully operational the Advisory committee then will ensure the establishment of the other structures identified in Section 22 of the Counter-trafficking in Person's Act like Victim Assistance Fund for victims of Trafficking in Persons which shall be administered by a Board of Trustees.
- f) Since the Launch, committee members have undergone training and held sessions to revise the National Plan of Action (NPA) for combating human trafficking and proposed amendments to the Counter Trafficking in Persons Act, 2010. Priority areas earmarked and of extreme urgency given the recent ranking include costing, printing launching and dissemination of the NPA.
- g) Kenya passed The Victim Protection Bill into The Victim Protection Act, 2014 to make it easier to secure convictions for human trafficking by providing greater support to victims, encouraging them to give evidence. It ensures provision of a place of safety, food, medical treatment, psychosocial care and police protection as well as establishment of a fund to assist victims.

Reference

www.state.gov/j/tip/what/

en.wikipedia.org/wiki/Contemporary_slavery

- Special Courts - Unique

Kenyan Experience and existing legislationsto Curb Human Trafficking

In Kenya human trafficking occurs from rural to urban centres mainly for domestic labour where young girls are trafficked to be housemaids. At the Coast, women and young children are trafficked for sexual exploitation within the tourism industry. Porous borders, weak immigration laws, corruption, armed conflict and instability, poverty and socio-economic factors all provide fodder for human trafficking. Many girls of school-going age get lured to prostitution on promise of basic needs, better lives and basically a future. It is for this reason that girls at the Coastal region of Kenya, for instance, get lured by tourists, call them sexual predators/pests. Poverty increases their vulnerability to these opportunistic criminals. UNICEF estimated in 2012 that between 10,000 and 15,000 girls were engaged in prostitution in the coastal areas alone. Women particularly, are also lured out of the country to Middle East and other areas on false promises of greener pastures only to be turned into sex slaves, domestic servants and victims of forced labour, objects of incredible torture and sometimes death. Unemployment has led to unscrupulous employment agencies taking advantage of desperation to abet and advance the vice. It occurs from rural to urban centres mainly for domestic labour where young girls are trafficked to be housemaids.

United States Department of State, 2014 Country Reports on Human Rights Practices - Kenya, 25 June 2015, available at: <http://www.refworld.org/docid/559bd55d12.html> (accessed 27 July 2015).

Chapter four of the Constitution of Kenya²⁰¹⁰ provides for a wide range of human rights and fundamental freedoms. The right to have the inherent dignity of each person respected, the right against non-discrimination are just some of the precious rights enshrined in the supreme law. The Constitution singles out “freedom from torture and cruel, inhuman or degrading treatment or punishment” and the “freedom from slavery or servitude” as some of the rights that may not be limited. Furthermore, the Constitution comprehensively elaborates rights and protections for women and children, acceding them treatment as special groups.

The Centre for Rights, Education and Awareness, ‘Women Paid the Price: Sexual and Gender-based Violence in the 2007 post-election conflict in Kenya’ 2008

Constitution of Kenya (Amendment) Act No. 9 of 1997, s 9. 22 See Article 25 Constitution of Kenya.

A plethora of laws have been enacted by National Assembly that deal with sexual violence and human trafficking:-

(i) **The Children Act, 2001**: was a progressive legislation in as far as protection of children was concerned. The Act underlines the principle of 'the best interest of the child' in handling matters children. It guarantees children the right to protection from physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking or abduction. It also protects children from harmful cultural practices.

Request made to the Proprietary Committee 1- Kenya.

2016 introduced Amendment to reduce Consent Age to 16. The sponsor was forced to withdraw. Followed the to find other in the case.

(ii) **The Sexual Offences Act, 2006** marked a radical shift to addressing sexual violence. The Act was enacted against backdrop of grim statistics on escalating sexual violence. The Act criminalizes the acts of child trafficking as well as trafficking for sexual exploitation and also creates related offences of child sex tourism, child prostitution, child pornography and exploitation for prostitution. The Act also recognises a range of sexual offences such as gang rape, incitement to prostitution, cultural and religious sexual offences. A notable characteristic of this Act is the provision for mandatory sentences in offences of rape and defilement.

(iii) **The Victim Protection Act 2014** which actualized Article 50 (9) of the Constitution; to provide for protection of victims of crime and abuse of power, and to provide them with better information and support services, reparation and compensation to victims; to provide special protection for vulnerable victims;

(iv) **The Counter-Trafficking in Persons Act 2010**, enacted to implement Kenya's obligations under the United Nations Convention Against Transnational Organized Crime particularly its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to provide for the offences relating to trafficking in persons;

(v) **The Protection against Domestic Violence Act 2015**, enacted to provide for the protection and relief of victims of domestic violence: protection of a spouse and any children or other dependent persons.

(vi) **The National Plan of Action for combating Human Trafficking Strategic Framework (2013-2017)** and the **Anti-counter Trafficking Advisory Committee** also forms part of the Kenya National Assembly approved policy measures to deal with human trafficking.

v) The most recent is the enactment of Legal Aid Act and creation of National Legal Aid Scheme which provide free legal aid services to all ~~irrespective~~ ^{those} who unable to finance legal assistance.



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England and Wales Court of Appeal (Criminal Division) Decisions

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URL: <http://www.bailii.org/ew/cases/EWCA/Crim/2013/324.html>
Cite as: [2013] EWCA Crim 324



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Neutral Citation Number: [2013] EWCA Crim 324

Case No: (1) 2013/00300;(2)2013/3300301;(3)2013/00298;(4)2013/00297

**IN THE COURT OF APPEAL (CRIMINAL DIVISION)
ON APPEAL FROM BRISTOL CROWN COURT
His Honour Judge Longman
T2011/7146/T2011/7429**

Royal Courts of Justice
Strand, London, WC2A 2LL
26/03/2013

Before:

**THE LORD CHIEF JUSTICE OF ENGLAND AND WALES
MR JUSTICE SIMON
and
MR JUSTICE IRWIN**

Between:

**William Connors
James Connors
John Connors
Miles Connors**

Appellant

- and -

R

Respondent

**M Borrelli QC for the Appellant William Connors
N J Atkinson QC for the Appellant James Connors
G Cammerman for the Appellant John Connors
Roger Smith QC for the Appellant Miles Connors
D Grieve QC (Attorney General) and E Brown QC for the Respondent**

Hearing date: 14th February 2013

HTML VERSION OF JUDGMENT

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The Lord Chief Justice of England and Wales:

1. This is a Reference under s.36 of the Criminal Justice Act 1988 by the Attorney General of sentences imposed at Bristol Crown Court by His Honour Judge Longman on 19 December 2012.
2. The offenders, referred to hereafter as the defendants, are William Connors, who is 52 years old, James Connors, who is 20 years old, John Connors, who has recently passed his 30th birthday, and Miles Connors who is 24 years old. William Connors is the father of John and James Connors, and Miles Connors is his son in law. Mary "Brida" Connors is his wife, the mother of John and James Connors, and mother in law of Miles Connors.
3. On 14 December 2012, following a three month long trial, all five defendants were convicted of a single count of conspiracy to require a person to perform forced or compulsory labour, a substantive offence defined in s.71 of the Coroners and Justice Act 2009. During the course of the trial, at the close of the prosecution case, the judge directed the jury to acquit the defendants of conspiracy to hold a person in slavery or servitude on the basis that insufficient evidence had been adduced by the prosecution in support of this count.
4. On 19 December 2012 Williams Connors was sentenced to 6½ years imprisonment, John Connors to 4 years imprisonment, James Connors to 3 years detention in a Young Offenders' Institution and Miles Connors to 3 years imprisonment. Mary Brida Connors was sentenced to 2 years 3 months imprisonment. The Attorney General submits that the sentences on the first four defendants were unduly lenient.
5. Before addressing the facts on which this specific conspiracy charge was based, we must offer some general observations about the troublesome crime of exploitation of labour. The problem has been with us for some time, and has been growing. Unhappily different forms of exploitation are found in the sex industry, the construction industry, agriculture and residential care. That list is not comprehensive. Those who are exploited are always and inevitably vulnerable, and just because they are so vulnerable, profoundly reluctant to report what has happened or is happening to them. The Asylum and Immigration Act 2004 criminalised the exploitation of labour when it was connected to trafficking in human beings, but not otherwise. Therefore it did not prevent vulnerable but untrafficked individuals from being subjected to forced or compulsory labour. The Gang Masters' Licensing Act 2004 established a system for licensing those who employed workers in specified industries. Nevertheless, this legislation, too did not address the entire problem. The end result was that many men and women continued to remain vulnerable to exploitation without any counter-balancing protection against exploitation.
6. Section 71 of the Coroners and Justice Act 2009 closed this vulnerability gap by creating an offence capable of being committed in three different ways. This new offence does not require that the victim should have been trafficked, and does not address or create a new offence relating to immigration crime. The first offence involves slavery, the second, servitude, and the third, forced or compulsory labour. In the order of seriousness, slavery is the most grave offence, followed by servitude, and then forced or compulsory labour. Although this is the least serious form of these offences, it remains a serious offence in its own right.
7. The distinction between these three forms of the same offence is illuminatingly described by this court in *S K* [2001] EWCA Crim. 1691 applying the jurisprudence of the European Court of Human Rights in *Saliadin v France* [...] and *Van Droogenbroeck v Belgium* [1979] ...

"we have found assistance on what may be described as the hierarchy of the denial of personal autonomy to which Article 4 and thus s.4 of the 2004 Act relate in *Clayton's and Tomlinson's "The Law of Human Rights"*, 2nd Edition, volume 1, paragraphs 9.17 to 9.20

(on the concepts of "slavery" and "servitude") and paragraph 9.25 (on the concept of "forced or compulsory labour"), where the following commentary appears:

"9.17 ... "Slavery" involves being in the legal ownership of another – a concept which is sometimes referred to as "chattel slavery". It has been suggested that this concept has evolved to encompass various other forms of slavery which are also based on the "exercise of any or all of the powers attaching to the right of ownership." In practice, issues concerning slavery have not arisen under the Convention because legally sanctioned slavery does not exist in any of the states which are parties to it.

9.18. "Servitude" also embraces the totality of the status or condition of a person. However, it is distinguishable from slavery in that servitude does not involve ownership, but concerns less extensive forms of restraint. For Convention purposes "servitude" means an obligation to provide one's services that is imposed by the use of coercion.

9.19. Servitude can be differentiated from forced labour. In the *Van Droogenbroeck* case, the Commission stated that:

In addition to the obligation to provide another with certain services the concept of servitude includes the obligation on the part of the "serf" to live on another's property and the impossibility of changing his condition ..."

"9.25 ... Forced labour connotes direct compulsion whereas compulsory labour impliedly includes *indirect* forms of compulsion as well ... In most cases the distinction between the two is unnecessary."

In descending order of gravity, therefore, "slavery" stands at the top of the hierarchy, "servitude" in the middle, and "forced or compulsory labour" at the bottom."

8. The maximum sentence for each offence is 14 years imprisonment. The legislation does not create different maximum sentences for the three different forms the offence may take. It is therefore fallacious to suggest that the maximum sentence for servitude must always be lower than that for slavery, and the maximum sentence for forced or compulsory labour lower than the maximum sentence for servitude. The hierarchy of these offences does not necessarily define the criminal culpability of the offender. Precisely the same obtains when the offence is conspiracy to commit any one of these three offences. What can be said is that where the other circumstances are broadly similar, an offence of slavery is likely to be more severely punished than one of servitude, and one of servitude more severely than one of forced labour: it is however important to emphasise that distinctions of this kind only apply where the manifestations of criminal behaviour, in the context, for example, culpability and magnitude and complexity and profit are indeed similar.
9. The level of sentencing for those convicted of these offences has not been addressed by the Sentencing Guidelines Council or the Sentencing Council, and we see no pressing need for the production of a definitive guideline. We are unable to derive any assistance from the definitive guidelines relating to fraud or sexual offences. A measure of assistance can however be derived from the *Attorney General References Nos. 37, 38, 65 of 2010* [EWCA Crim. 2880], decided in the context of convictions under the Asylum and Immigration Act 2004, where the maximum sentence as with the present case, is 14 years imprisonment. The conspiracy then under consideration lasted for four years. Fooled by a deceitful promise of work, nine men from the Middle East or South Asia were lured to work in a restaurant, but after their arrival in this country, suffered many of the different forms which the exploitation of labour can take. On the facts of that case, the court considered that the starting point for sentence after a trial would have been 6 years imprisonment. More important for present purposes was the analysis of some of the relevant factors which might assist in the assessment of the seriousness of an offence. Unsurprisingly, the relevant considerations include what we might describe as the hallmarks of criminality. These include the nature and degree of the deception or coercion involved in persuading the worker to join the organisation, and the nature and degree of subsequent exploitation after arrival at the workplace; conditions at the workplace, together with the level and methods of control to ensure that the individual remained trapped within the organisation; the level and extent of his vulnerability, and the degree of harm, including physical, psychological and financial harm,

suffered by him; plainly the nature and extent of the organisation and the financial objectives and profits actually achieved, and the number of those exploited within the organisation and the individual offender's role within the organisation all contribute to the assessment of the seriousness of the offence and the appropriate level of sentence for any individual convicted of it. None of these considerations gives rise to any surprise. They underline that the deliberate targeting of a vulnerable victim is an aggravating feature of any crime. They give a clear indication of some of the different facets which merit consideration by the sentencing court.

10. Sentences in this class of case must make clear, not merely that the statutory minimum wage should not be undermined, but much more important, that every vulnerable victim of exploitation will be protected by the criminal law, and they must also emphasise that there is no victim, so vulnerable to exploitation, that he or she somehow becomes invisible or unknown to or somehow beyond the protection of the law. Exploitation of fellow human beings in any of the ways criminalised by the legislation represents deliberate degrading of a fellow human being or human beings. It is far from straight forward for them even to complain about the way they are being treated, let alone to report their plight to the authorities so that the offenders might be brought to justice. Therefore when they are, substantial sentences are required, reflective, of course, of the distinctions between enslavement, serfdom, and forced labour, but realistically addressing the criminality of the defendants.
11. We must summarise the facts relevant to this conspiracy. The head of the family and the criminal organisation was William Connors. There was a family business which involved paving, tarmac, general property maintenance and roofing. They travelled throughout England, and John Connors travelled in Scotland, too, taking up accommodation at different gypsy sites. Started many years ago by William Connors, the male members of the family, in effect joined the family business, and helped to persuade, cajole and bully vulnerable men to join their small work force on the basis of false promises that they would be provided with accommodation and food, and paid reasonably well and consistently for the work they were to do. They were chosen deliberately. Usually they were homeless, addicted to alcohol, friendless and isolated, and for one reason or another, or more than one reason, effectively "down and out" and ready to succumb to such blandishments. Once they started working, they travelled with members of the family. It is perhaps important to emphasise, however, that not all those exploited were all exploited by all the members of the family. A number of individual victims effectively worked for different members of the family, although sometimes of course they were deployed to work for others. Although each of the defendants was a member of the conspiracy, and although their employees were mistreated in accordance with the conspiracy, the level of mistreatment by each defendant of those who worked for him was not identical.
12. Dealing with it generally, some of the more serious manifestations of forced labour were that these men were usually paid something like £10 per day, for a day's work, and sometimes £5 or occasionally £20 per day, but on other days they were not paid at all. They worked very long hours, sometimes seven days a week. They would be expected to work in very poor conditions without proper equipment or clothing. The accommodation provided for them was of a very poor standard indeed, sometimes without heating or even running water. On occasion they were subjected to violence or the threat of violence as well as verbal abuse. If they did not understand instructions, or failed to complete their work properly, a number were slapped and punched, and subjected to physical abuse if they were considered to be disobedient or became drunk. Some were told that they could never leave, and were threatened with physical reprisals if they did so. Several "absconded", some never to return, but some were found by members of the family and brought back to work. Many of these who gave evidence at trial felt that they should not leave, sometimes because of the threat of violence, but sometimes also because if they did leave, the life that lay ahead of them would very often be one of homelessness and destitution. Some of their State Benefit documentation taken from them and kept by the family. Nevertheless benefits were collected on their behalf, but seldom passed to them. This provided substantial funding for the conspirators, to be added to the profits made from work, performed by a cheap, degraded, vulnerable, intimidated and sometimes physically assaulted workforce. One manifestation of this level of control was that many of those exploited were effectively deprived of the will to leave, and others were too demoralised to seek to leave, and yet others believed that the world outside had nothing better to offer them. Unsurprisingly the Inland Revenue was defrauded.

13. By contrast with the poverty of the employees, the members of the family lived in luxurious caravans and well appointed houses and enjoyed very prosperous life styles. On arrest it was discovered that William Connors had just short of £370,000 in his bank account, Mary "Brida" had £66,000, James, just short of £50,000, John, £13,000 and Miles, £4,500. The contrast between their prosperity and the poverty of those who worked for them was marked.
14. The essence of the case advanced on behalf of the defendants at the trial was that far from ill-treating those who worked for them, the members of the family supported them. Indeed some of the witnesses spoke of the good relationship they had with individual members of the family, and isolated occasions of kindness shown to them, and some of them, at any rate, believed that they were better off working and living as they did than they could have been outside this environment. In many ways, given the way they were treated, this evidence underlined their vulnerability. The defendants did not give evidence.
15. In short, therefore, this Reference is based on a summary of the evidence in a trial that lasted 3 months, largely given by vulnerable, intimidated witnesses. The Reference itself is lengthy, and has sought to provide an accurate impression of the impact of the evidence, and also fairly sought to draw attention to the relevant matters of mitigation. We have carefully considered its contents.
16. The person best placed to weigh the respective aggravating and mitigating features of the conspiracy, and the individual criminality of and mitigating features relevant to each of the defendants within it, was the trial judge. We have studied the sentencing observations of Judge Longman. They bear all the hallmarks of detailed and careful reflection on the evidence adduced at trial. Each feature is carefully addressed, and placed in its proper perspective. They provide this court with a precise summary of the relevant considerations, and we propose to refer heavily to it.
17. It has not been submitted by the Attorney General that the analysis of the relevant considerations is open to criticism, or that the judge overlooked or misunderstood any aggravating features of the case. The contention is that the end result was unduly lenient.
18. The judge began by addressing the legislation, and accurately describing its purpose. He then addressed the offence of which the defendants had been convicted. He underlined that there must be sentences of imprisonment "to reflect the seriousness of the offence ... and to deter others from behaving in a similar way".
19. Turning to the facts, he began the narrative of the facts with reference to the police investigation, and the operation which culminated in the arrests.
20. The judge identified the lengthy period during which some of the employees had worked for the family. He described the circumstances in which they came to be recruited, their vulnerability, homelessness, mental health difficulties, and the like, and the exploitation of this vulnerability. He described the promises which led them to accept employment. He noted the differences between the rich rewards available to the defendants, and the poverty of their employees, and the provision of sub-standard accommodation. Their status compared to the bosses "was so inferior as to render the relationship between them unrecognisable as friendship by normal standards". He addressed the issue of violence, noting that it was not "regularly used" and the limited freedom allowed to the workers to leave their work. Their freedom was "significantly curtailed", but not to a degree amounting to servitude. Although food was in short supply on occasions, there was no evidence of malnutrition, and some of those employed genuinely appreciated the opportunity to work, although "the indignity of unemployment was replaced by the degradation that accompanied their inferior status and the freedoms and independence that usually accompany employment were largely absent". He reflected that the offence charged covered a period of just under a year. That was an inevitable consequence of the fact that the offence was not created until the coming into force of the 2009 Act. He took the view however that the seriousness of the offence was aggravated by the ill-treatment by the defendants of their workers in the period leading up to the coming into force of the new legislation, in the varying degrees to which the defendants had indeed been involved in this process. The fraud on the Inland Revenue was an aggravating factor which did not "constitute the essence of the offence" of which the defendants had been convicted.

21. He considered the relevant maximum sentence, the decision in *The Attorney General's Reference Nos. 37/38 and 65 of 2010*, and he directed himself of the need for a deterrent element. No credit was available to any defendant for a guilty plea. Finally, before dealing with the individual defendants, he again reminded himself of the offence of which they had been convicted.
22. The judge then addressed the sentence for each individual defendant. William Connors was the head of the family. The judge observed, "the exploitation of vulnerable men by requiring them to work in conditions amounting to forced or compulsory labour has been a way of life that you have lived for many years. Although the offence of which you have been convicted is a new one, that does not in my view mitigate the seriousness either of your offending or that of your co-defendants". The exploitation had brought him "rich financial rewards". He referred to the evidence of violence, and the degrading treatment to which the workers were subjected which was "calculated to reinforce the disparity between the status of a boss and a worker", and this contributed to what he described as the "acquiescence" of some of the workers. He referred to the mitigation that some of the men chose to stay or, after leaving, chose to return, commenting that by doing so "they chose one form of extreme deprivation over another". It was an aggravating feature of the case that he had brought up his sons to behave towards their workers in the same way.
23. The judge recognised that William Connors himself worked on many of the jobs which were done, to a high standard, which he expected of those who worked for him, that he was ready for trial a considerable time earlier, and that the trial was delayed through no fault of his own. He could not find anything more by way of mitigation.
24. The judge turned next to James Connors, the youngest of the defendants, who at the start of the indictment period was only just 17 years old, and indeed by the end of the trial was still under 21. He was party to the conspiracy during the indictment period, but only for a relatively short period before that, heavily influenced by his father, joining in with the way of life in which he had been brought up. He noted a particular incident when James Connors assaulted one of his workers, who although much older, was seen by James Connors as insubordinate.
25. Next the judge addressed John Connors, who was older than James, had a young family, and who like James Connors had inherited this style of life, and grew up in it. That did not provide any excuse for his behaviour. He had pursued this way of life through his adult years. The judge accepted the evidence at trial about three occasions when John Connors used violence towards his workers, although none occurred during the indictment period.
26. Miles Connors married into the family, but in his case, by contrast with the other defendants, he noted that payment to his workers was regular, and again by contrast to the others, he at least made use of machinery and outside help rather than maximising profits by using inadequate equipment and cheap labour exclusively. He noted how Miles Connors had intervened during the assault committed by James Connors, noting that the overall impression of the evidence was of one for whom the men "on the whole, enjoyed working".
27. The essence of the submission on behalf of the Attorney General is that these sentences were unduly lenient, perhaps reflective of the appropriate level following an early guilty plea. In the case of William Connors, the aggravating features are obvious, and the sentence should have been higher, and thereafter the level of sentences imposed on the remaining defendants should be aligned with the increase of the sentence on William Connors, but reflective of their relative levels of culpability. On behalf of the defendants, dealing with it broadly, the contention is that the sentences were appropriate, and even if it were correct to describe them as lenient, they were not unduly lenient, and in any event, given the careful way in which the judge addressed all the relevant considerations, it would be inappropriate for this court to interfere. The judge understood all the refinements of the case, and, serious as the offences were, looked at overall, they were not as vivid as the Crown suggested. Attention was also drawn to the delay in process, for which the defendants were not in any way responsible and, which was rightly reflected in a measure of discount from the sentence.
28. This is not an altogether straightforward case. Addressing these sentences, as inevitably we must, on the basis of the papers, but lacking the significant advantage offered to the trial judge who presided

over this long trial and saw and heard some of the victims of the crime for himself, our strong impression on first reading was that the sentences on William Connors and John Connors did not sufficiently address the absence of an early guilty plea. The sentences on the other defendants fell within the appropriate range, if at the lower end of the appropriate bracket. Nevertheless they reflected, in the case of James Connors, his youth and short involvement in the conspiracy, into which he effectively grew up, and in the case of Miles Connors, that his personal involvement was at a relatively less culpable level than the others, for a shorter period, and that there was genuine mitigation as he sought to prevent some of the worst manifestations of a conspiracy into which he had for all practical purposes effectively married.

29. Returning to the sentences on William and John Connors, after careful reflection and discussion, our conclusion is that we cannot replicate the impact of the evidence on the trial judge and given the evident care with which he approached his sentencing decision, we have concluded that although both sentences were lenient; neither sentence was so lenient as to require interference. Accordingly, we shall refuse leave to the Attorney General to refer the sentences on James and Miles Connors to this court, and although we shall give leave to him to refer the sentences on William and John Connors to the court, we decline to interfere with them.

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URL: <http://www.bailii.org/ew/cases/EWCA/Crim/2013/324.html>

Recruitment Fees

IHRB Briefing

May 2016



Employer Pays Principle

No worker should pay for a job - the costs of recruitment should be borne not by the worker but by the employer.

What are recruitment fees?

Migrant workers frequently pay fees to agencies and brokers for recruitment and placement in jobs abroad. These fees may cover costs including the recruitment itself, travel, visa and administrative costs, and often other unspecified 'fees' and 'service charges'. These fees are often substantial and are sometimes set up as loans with high rates of compound interest.

These recruitment fees charged to workers represent the dominant business model of the recruitment industry in the global south, including within the supply chains of leading brands. This means that many workers are already exploited and vulnerable before they even arrive at their place of work.

Banning the charging of recruitment fees to workers is a key way that companies can ensure slavery-free supply chains.

The impact of recruitment fees

Large recruitment fees can leave workers in situations of debt bondage, a form of forced labour in which a person's labour is demanded as means of repaying a loan, trapping the individual into working for little or no pay until the debt is repaid.

Individuals in debt are less able to bargain for better pay or working conditions or to assert their rights.

Heavy indebtedness can seriously erode the value of remittances sent back home, with negative consequences for families and local economies in the country of origin.

Including recruitment in due diligence and audits

Many audits fail to include how workers are recruited and whether any fees have been paid. If workers have paid fees to obtain work they may already be in a situation of debt bondage before even arriving at the company worksite, whatever the subsequent conditions of employment.

Companies should include recruitment processes as part of their due diligence and worker welfare monitoring.

ILO Standards

According to the ILO there are over **150 million migrant workers** in the global workforce.

The ILO Private Employment Agencies Convention 181 states that "private employment agencies, shall not charge directly or indirectly, in whole or in part, any fees or costs to workers".

The ILO Protocol to Forced Labour Convention 29 specifically calls for measures protecting migrant workers of abusive and fraudulent practices during recruitment.

The business case for ethical recruitment

Many businesses fear that if they take responsibility for recruitment fees it will impose serious financial burdens on their operations. There are certain costs associated with recruitment, including visa and passport processing, training, medical checks, travel and insurance.

However, the true cost of recruitment services frequently bears little relation to the large fees being charged to migrants. The cost to businesses is far less than the often exponentially higher rates charged to migrant workers directly.

The true cost of recruitment services frequently bears little relation to the large fees being charged to migrants.

There are also significant benefits to companies paying the 'true' costs of recruitment to legitimate agencies, including:

- **Higher productivity rates**, as workers are selected on merit and skill rather than on ability to pay.
- **Better retention of workers**, as fewer workers will abscond after being re-assigned to lower-skilled, and therefore lower-paid, work.
- Efficient professional recruitment processes, allowing **accurate budgeting and strategic planning**.



What should business do?

- Ensure that they **pay the full costs** of recruiting migrant workers.
- Have an explicit, clear and transparent, **recruitment policy that prohibits** the charging of recruitment fees to migrant workers, irrespective of where or how they are recruited.
- **Ensure** no worker is required to pay a deposit or bond to secure work, nor have to pay any reimbursements to cover their recruitment fees and costs, through implementing **procedures and guidelines** for the hiring of staff or use of recruitment or employment agencies.
- Only use migrant recruiters that are **legally registered**. All contracts with the migrant recruiter should specify that no fees be charged to the workers.
- **Inform applicants** through job advertisements and the interview process that they should not bear any costs of recruitment and placement.
- Check with migrant workers **on arrival** that they have not been charged any fees for recruitment or placement, and take remedial action if fees have been levied.
- Ensure that the recruitment of workers is included in **auditing and due diligence** processes.
- Provide confidential processes to migrant workers for **reporting exploitation**.

Key Resources

IHRB: Dhaka Principles for Migration with Dignity

IHRB: Fees and IDs – Tackling Recruitment fees and confiscation of worker's passports

IHRB: Staff Wanted Initiative – SEE formula

Clean Clothes Campaign: False promises - Migrant workers in the global garment industry

Interfaith Center on Corporate Responsibility: No fees initiative

International Organization for Migration: International Recruitment Integrity System (IRIS)

Verite: Help Wanted - Fair Hiring Toolkit

Leadership Group for Responsible Recruitment

In May 2014 the Coca-Cola Company, HP Inc., Hewlett-Packard Enterprise, IKEA and Unilever jointly committed to championing the 'Employer Pays Principle' – that no worker should pay for a job, the costs of recruitment should be borne not by the worker but by the employer.

Supported by IHRB, ICCR, IOM and Verite, the Leadership Group is calling for similar commitments from other companies to drive positive change in migrant worker recruitment.

"The support of our membership to further strengthen the EICC Code of Conduct and ban recruitment fees placed on workers demonstrates the industry's commitment to combat forced labor worldwide."

- Rob Lederer, Executive Director, Electronics Industry Citizenship Coalition

Forced Labour

IHRB Briefing

May 2016



What is forced labour?

The term 'forced labour' means any situation in which persons are coerced to work through the use of violence, intimidation or threat of penalty.

Many of the products we buy were made using forced labour at some stage of their production. This might be in production of the raw materials, in the processing of component parts, or the manufacture of the final product.

Long and many-tiered supply chains mean undertaking checks on all stages of production is very difficult. These products of forced labour can therefore be found even in the goods sold by leading companies and well-known brands.

ILO Indicators of Forced Labour

- Physical or sexual violence (threat of and/or actual harm)
- Restriction on movement
- Bonded labour
- Withholding of wages
- Retention of passports and identity documents
- Threat of denunciation to the authorities

Why should companies address forced labour in their supply chains?

Customers and consumers are increasingly asking questions about company commitments to forced labour in their operations.

Governments are adopting regulations to try to combat forced labour. These typically take the form of reporting requirements for companies to outline the steps they have taken to prevent it occurring.

Investors are reviewing companies' ethical practices to filter their investments. Activist shareholders are targeting companies over poor business practices.

“Forced labour” or “modern slavery”?

Modern slavery is a term increasingly used to describe forced labour and trafficking. The use of the word slavery, which is loaded with connotations, has advantages and disadvantages.

It helps to galvanize governments, business, and civil society to demand change, to amend laws, and to prosecute those involved. But this same rhetoric conjures images of the worst visions of slavery, of imprisonment, of padlocks and chains. The reality is

that modern slavery seldom resembles this. Instead it involves the exploitation of vulnerabilities, is often financial in nature, and is an integral part of many supply chains.

The extreme vision of slavery can therefore serve to divert attention from the reality and from the business models that make exploitation a systemic issue in a range of sectors.

How do company practices increase the likelihood of forced labour in some supply chains?

Companies typically use large number of suppliers who compete with each other to supply them with goods and services. Buying teams from companies seek to secure the products they want at a particular quality and price to a given timescale. Buying practices and operating procedures however can increase the likelihood of their goods being produced in ways which may make exploitation, including forced labour, more likely.

Price

All companies are seeking to source their products at a price which, when sold, deliver value to their customers and profits to their shareholders. However, when suppliers to those companies compete on price it can mean that their margins are squeezed so tightly that they are unable to compete without exploiting either their own workers or those at another company.

Subcontracting

Some suppliers will subcontract the production of goods to other facilities where standards cannot be effectively monitored and exploitation including forced labour may be present. Rush orders and late changes to specifications can make such subcontracting more likely and oversight of production less effective or impossible.

Lack of Long-Term Contracts

Lack of longer term partnerships and commitments to supplier factories make it harder for them to develop effective management processes, invest in modern equipment and employ and train staff on decent terms and conditions.

Payment of Recruitment Fees by Migrant Workers

Many migrant workers will pay large recruitment fees to agencies and other intermediaries to secure employment abroad. This can leave them in situations of debt bondage, an indicator of forced labour, whatever the subsequent conditions of employment.

Outsourced Labour Arrangements

Some industries, particularly seasonal ones such as agriculture, have traditionally used labour supplied, managed and paid by labour brokers or gangmasters. The increased use of employment agencies in many sectors has seen these arrangements spread to other industries. Outsourced labour arrangements can distance a company from its workforce, add pressure on their terms and conditions of work and can lead to situations of exploitation and forced labour.

Lack of Trade Unions

The absence of effective trade unions at supplier companies means that exploitative practices and situations of forced labour are far less likely to be noticed, prevented, challenged and remedied.



ILO Facts and Figures (2015)

Nearly 21 million people – three out of every 1,000 people worldwide – are victims of forced labour across the world, trapped in jobs which they were coerced or deceived into and which they cannot leave.

Of those, 11.4 million are women and girls and 9.5 million men and boys.

Almost 19 million victims are exploited by private individuals or enterprises.

Over 2 million are exploited by the state or rebel groups.

Forced labour in the private economy generates US \$150 billion in illegal profits per year.

Migrant workers and indigenous people are particularly vulnerable to forced labour.

"It is up to each and every one of us to raise our voice against crimes that deprive countless victims of their liberty, dignity and human rights. We have to work together to realize the equal rights promised to all by the United Nations Charter. And we must collectively give meaning to the words of the Universal Declaration of Human Rights that "no one shall be held in slavery or servitude"

Ban Ki-moon, Secretary-General of the United Nations



DhakaPrinciples
for migration with dignity

The Dhaka Principles are a set of rights-based principles to enhance respect for the rights of migrant workers from the moment of recruitment, during overseas employment, through to safe return to their home countries.

Core Principle A

All workers are treated equally and without discrimination

Core Principle B

All workers enjoy the protection of employment law

Principle 1 No fees are charged to workers

Principle 2 All worker contracts are clear and transparent

Principle 3 Policies and procedures are inclusive

Principle 4 No workers' passports or identity documents are retained

Principle 5 Wages are paid regularly, directly and on time

Principle 6 The right to worker representation is respected

Principle 7 Working conditions are safe and decent

Principle 8 Living conditions are safe and decent

Principle 9 Access to remedy is provided

Principle 10 Freedom to change employment is respected, and safe, timely return is guaranteed

www.dhakaprinciples.org

Who are the most likely to be subjected to forced labour?

Workers performing low skilled, low waged tasks are the most likely to be subjected to forced labour. These workers are often poorly educated and often lack decent work options.

These workers are often subject to discrimination based on class, caste, religion, nationality or gender. This can make them more likely to be exploited and less able to access remedy.

Which industries are affected?

Forced labour is usually found in labour intensive industries where regulation or legal enforcement is often weak, such as:

- Agriculture
- Fishing
- Hospitality
- Construction
- Mining
- Quarrying
- Brick Kilns
- Manufacturing

Key Resources on Forced Labour and Human Trafficking

Staff Wanted Initiative

SEE Formula

<http://www.staff-wanted.org/>

ILO Special Action Programme to Combat Forced Labour

Indicators of Forced Labour

http://www.ilo.org/global/topics/forced-labour/publications/WCMS_101171/lang-en/index.htm

Stronger Together

<http://stronger2gether.org/>

Verite & US State Dept

Strengthening Protections Against Trafficking in Persons in Federal and Corporate Supply Chains

<http://www.state.gov/documents/organization/237137.pdf>

Verite

E-learning Modules on Forced Labour and Human Trafficking

<http://verite.org/research/elearning>

International Labour Organisation (ILO)

Combating forced labour: A handbook for employers and business

http://www.ilo.org/global/topics/forced-labour/publications/WCMS_101171/lang-en/index.htm

Trafficking In Persons Report (TIP)

Every year the US Government produces an annual report ranking countries on efforts to combat forced labour and trafficking

<http://www.state.gov/j/tip/rls/tiprpt/>

International Organisation of Employers (IOE)

Forced Labour – Why it is an issue for employers

http://www.ioe-emp.org/fileadmin/ioe_documents/publications/Policy%20Areas/forced_labour/EN/%282010%29_IOE_Guide%20Why_Force%20Labour_is_an_issue_for_employers.pdf

Flex – Labour Exploitation Accountability Hub

A database of legal mechanisms for individual and corporate accountability for human trafficking and forced labour around the world

www.accountabilityhub.org



Top 10 Business & Human Rights Issues for 2016

Forced labour was one of IHRB's Top 10 Issues for 2016, the other nine were:

Battling Discrimination: Sustained Business Action Key to Valuing Diverse Societies

Embracing Remedy: From 'Forgotten Pillar' to Key Tool in Identifying, Monitoring and Preventing Impacts

Big Data, Big Business: Raising Awareness of Rights Implications and Ensuring Protections

Leading by Example: Aligning States' Policies and Implementing Due Diligence as Economic Actors

Righting Climate Wrongs: Business, Human Rights and Climate Justice

Mind the Gap: Implementing the UN Sustainable Development Goals

Defending Defenders: A Role for Business in Championing Civil Society

From Theory to Practice: New Levels of Human Rights Transparency and Measuring Corporate Performance

Rising to the Occasion: Making 2016 an Olympic Year for Human Rights and Mega-Sporting Events

www.ihrb.org/top10/2016.html

Key Standards on Business, Human Rights and Forced Labour

The UN Guiding Principles on Business and Human Rights

The UN Guiding Principles on Business and Human Rights (UNGPs) provide an authoritative framework for companies to operationalise and embed policies and practice to prevent forced labour consistent with international human rights standards.

The UNGP expectation for companies to undertake ongoing human rights due diligence requires far more than social auditing. Consultation with trade unions or other worker representatives, as well as ensuring access to effective grievance mechanisms are critical.

Companies can work with business partners to integrate responsible business practices through the inclusion of policy commitments or codes of conduct within contractual arrangements.

Companies can increase the effectiveness of their own actions to prevent forced labour by collaborating with their peer companies within trade bodies, other partnerships or in broader multi-stakeholder initiatives. This can also increase their leverage with government to help ensure effective regulation and enforcement activity.

The California Transparency Act 2010

The California Transparency Act places anti-slavery reporting requirements on all companies operating in the state with a turnover in excess of \$100 million to report on their prevention efforts.

Protections Against Trafficking in Persons in Federal Contracts

The executive order improves safeguards for workers and places clear prohibitions on business practices likely to include forced labour and trafficking in US Government supply chains.

The UK Modern Slavery Act 2015

The UK Modern Slavery Act was adopted in 2015 to clarify and consolidate offences related to modern slavery.

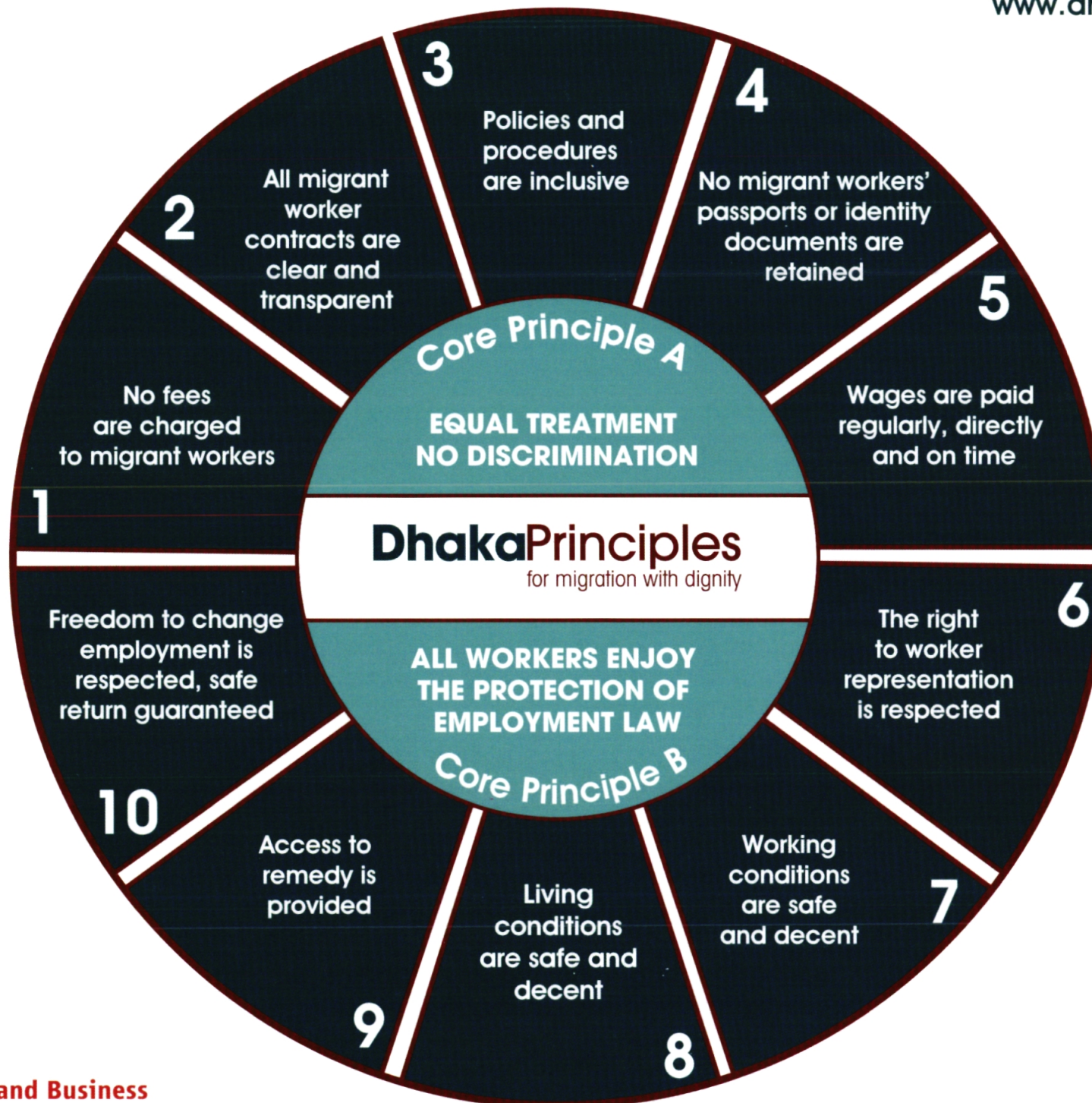
It places anti-slavery reporting requirements on all companies with UK operations with turnover in excess of £36 million.

The ILO Protocol on Forced Labour 2014

In June 2014 the International Labour Organisation (ILO) adopted a new legally binding protocol to eliminate forced labour.

The protocol clearly lays out the expectations on governments to tackle modern slavery in all its forms through developing and enforcing effective legislation.

The protocol specifically notes the importance of governments working with the private business to eradicate forced labour.



Principles for the responsible recruitment and employment of migrant workers

- Core Principle A** **All workers are treated equally and without discrimination**
Migrant workers should be treated no less favourably than other workers performing the same or similar work. Moreover, migrant workers should be protected from any discrimination that would constitute a violation of human rights.
- Core Principle B** **All workers enjoy the protection of employment law**
Migrant workers should have a legally recognised employment relationship with an identifiable and legitimate employer in the country where the work is performed.
- Principle 1** **No fees are charged to migrant workers**
The employer should bear the full costs of recruitment and placement. Migrant workers are not charged any fees for recruitment or placement.
- Principle 2** **All migrant worker contracts are clear and transparent**
Migrant workers should be provided with written contracts in a language each worker understands, with all terms and conditions explained clearly, and the worker's assent obtained without coercion.
- Principle 3** **Policies and procedures are inclusive**
Migrant workers' rights should be explicitly referred to in employer and migrant recruiter public human rights policy statements, relevant operational policies and procedures addressing human rights responsibilities.
- Principle 4** **No migrant workers' passports or identity documents are retained**
Migrant workers should have free and complete access to their own passport, identity documents, and residency papers, and enjoy freedom of movement.
- Principle 5** **Wages are paid regularly, directly and on time**
Migrant workers should be paid what they are due on time, regularly and directly.
- Principle 6** **The right to worker representation is respected**
Migrant workers should have the same rights to join and form trade unions and to bargain collectively as other workers.
- Principle 7** **Working conditions are safe and decent**
Migrant workers should enjoy safe and decent conditions of work, free from harassment, any form of intimidation or inhuman treatment. They should receive adequate health and safety provision and training in relevant languages.
- Principle 8** **Living conditions are safe and decent**
Migrant workers should enjoy safe and hygienic living conditions, and safe transport between the workplace and their accommodation. Migrant workers should not be denied freedom of movement, or confined to their living quarters.
- Principle 9** **Access to remedy is provided**
Migrant workers should have access to judicial remedy and to credible grievance mechanisms, without fear of reprimand or dismissal.
- Principle 10** **Freedom to change employment is respected, and safe, timely return is guaranteed**
Migrant workers should be guaranteed provision for return home on contract completion and in exceptional situations. They should not, however, be prevented from seeking or changing employment in the host country on completion of first contract or after two years, whichever is less.

The Dhaka Principles were developed by the Institute for Human Rights and Business after wide consultation and are supported by business, government, trade unions and civil society. They were first shared publicly at a migration roundtable in Dhaka, Bangladesh, June 2011. They are based on the UN Guiding Principles on Business and Human Rights and international human rights standards. The Dhaka Principles provide a roadmap that traces the worker from recruitment, through employment, to the end of contract and provides key principles that employers and migrant recruiters should respect at each stage in the process to ensure migration with dignity.