How Have Changes to the United Kingdom Modern Slavery Act Affected the Conceptualization of 'Race' and Racism in Society?

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Abstract—Modern slavery, as an increasingly incessant problem around the world and in the United Kingdom especially, is driven by and influenced by many different factors. As such, this paper focuses on the changes towards the 2015 United Kingdom Modern Slavery Act (UKMSA) and how those changes can be applied to analyze and explain how the conceptualization of 'race' and racism are affected by issues such as Brexit and COVID-19. Little previous research has been completed on the correlation between those above factors, and so this paper will provide guidance for future research and for policy-makers to consider the different elements that affect modern slavery and human trafficking. This paper also includes a literature review whereby different pieces of literature are analyzed to gain a better-rounded understanding on the different topics, concepts, and themes that are present in United Kingdom modern slavery research. It was useful to compare the annual changes to the 2015 UK Modern Slavery Act from 2015 to 2022. Then, statistics from the United Kingdom Office for National Statistics were gathered to address the total number of potential modern slavery cases there were in the United Kingdom, starting from 2015, as that was when the first revision of the UK Modern Slavery Act was officially published. In the future, research can focus on how to disperse precise information on ways to prevent and spot modern slavery as a bystander and on 'race' and racism as social constructs, to reduce and eventually eliminate the issue of modern slavery.

Keywords—modern slavery, race, racism, Brexit, COVID-19

I. INTRODUCTION

The purpose of this paper is to analyze how the conceptualization of 'race' and racism have changed throughout modern society, alongside how they are reflected by the changes to the UKMSA which was first published in 2015. This paper asserts that the Modern Slavery Act has not in fact aided in reducing the number of potential cases of modern slavery within the United Kingdom, and also determines that the concept of 'race' is ever-changing as seen through academic literature and studies. 'Race' "confers innate properties upon people based on group membership" and it has been suggested that social context can impact a person's definition of it [1]. Typically, 'race' is not seen as a social construct based on physical similarities that have been conceptualized throughout history; and the problem with this is that there is a tendency to categorize 'race' as a biological factor rather than as a social one. For that reason, it can be concluded that 'race' is a concept that evolved from human interactions and the consequences it has brought.

To provide background information on the concept of 'race' and its link to modern slavery, the definitions of both must be understood. 'Race' "is a vast family of human beings, generally of common blood and language, always of common history, traditions, and impulses, who are both voluntarily and involuntarily striving together for the accomplishment of certain more or less vividly conceived ideals of life" [2]. Although this definition may be useful in defining race, it lacks the flexibility in including categories of people we would consider as part of a race. For example, under Du Bois' outdated definition, Asian Americans would not be considered a race, whilst black Americans would be. Therefore, for the purposes of this research paper, his definition will only be considered to a certain extent, and another definition of it will also be used to provide a less constrained definition of race such that race is a social construct used to group people [3]. Modern slavery, on the other hand, can be defined as "the recruitment, movement, harbouring or receiving of children, women or men through the use of force, coercion, abuse of vulnerability, deception or other means for the purpose of exploitation" [4]. Evolving from the concept of 'race' is also the incident of racism. Racism can be defined as the discrimination of individuals solely based on differences in their perceived 'races'. Modern slavery and human traffickers tend to target those from vulnerable racial groups, as well as ethnic minority groups. Research organizations state that there are five strands ("governance issues, lack of basic needs, inequality, disenfranchised groups, effects of conflict" [5]), which allow the drive of modern slavery trade to flourish in the 21st century; one of which involves "the resilience of vulnerable groups" [6]. Groups in society that tend to face discrimination, such as ethnic and religious minorities, women, children, refugees, and etcetera are more "vulnerable to enslavement" [6]. This can be analyzed at several different levels. At a domestic level, there is an increased risk of becoming a victim within a modern slavery case due to the legislative or regulatory frameworks that operate within society, especially if the individual can be categorized into one or more of the stated susceptible groups. For example, border control and visa systems can contribute to an individual's risk and vulnerability to enslavement. Since a person's passport, religion, and physical traits all influence migration [7], the risk of individuals becoming victims in situations like these is immensely severe. The issue can also be posited through the case study analysis of "Brexit" and "COVID-19", and how it affected the vulnerability of United Kingdom citizens. To add on, though the phrases 'modern slavery' and 'human trafficking' have and could be used interchangeably, the 2015 UKMSA distinctly separates and defines them, differing from the European Union directive or the Palermo Protocol, where only 'trafficking' is mentioned.

Whilst modern slavery includes acts such as forced labour, forced prostitution, and etcetera, human trafficking is contrasted through the way travel is involved. Though the individual may experience both, they can only be found to have been trafficked if another individual or group had arranged or facilitated the travel of another person with a view to the individual being exploited [8]. Therefore, through addressing past literature on both Brexit and COVID-19 and their links to the issue of modern slavery, this paper will address the correlation between the changes towards the United Kingdom's 2015 Modern Slavery Act and the conceptualization of 'race' in the country's general public.

II. LITERATURE REVIEW AND DISCUSSIONS

A. Brexit Literature Review

Brexit, simply defined, resulted in the exit of Britain from the European Union ("EU"). The withdrawal of the United Kingdom from the EU occurred on 31st of January 2020 and marked the end of their relationship concerning trade, migration, border control, etcetera since its allyship commenced in 1973. This withdrawal affected all citizens of the United Kingdom, and to explore this case study, the key issues of it need to be highlighted. Key issues regarding the way Brexit affects the modern slavery trade can also be evaluated, and consequently can be used to draw conclusions to show how the conceptualizations of both 'race' and racism have evolved. From this, it can be inferred that Brexit will stall the conviction of criminals and creation of solutions towards solving modern slavery during and after the period of it. To put it into perspective, according to the United Kingdom Government, the number of recorded modern slavery cases rose by around an estimated 52% from 2018 to 2020, with 63% of the 10,613 potential victims in 2020 claiming that the exploitation occurred only in the United Kingdom rather than overseas. This drastic increase in potential victims can correlate with the lack of changes towards the Modern Slavery Act from 2018 to 2020. Only 23 revisions were made where text was added, changed, or deleted; these 23 changes also exclude the changes in formatting or style.

Although Britain was seen as the leader in the dissolution of modern-slavery, experts in the field say otherwise. "The Modern Slavery Act was a landmark piece of legislation, but five years on it is failing to live up to its promise. According to Patricia Carrier, the main problem is still enforcement – the law has no teeth." The Modern Slavery Act solely promotes awareness surrounding the issue, and although it states that it is mandatory for businesses to comply with and publish official modern slavery statements, there are no sufficient penalties for not complying with the act – therefore suggesting that the act has created little to no protection for victims of the trade. With little statutory guidance, there is also a failure within the society where there is no empowerment towards modern slavery victims to assert their concerns to policy-makers, making it difficult for those who write the legislature to fully understand the ways in which specific consequences need to be implanted for those who do not wish to act in accordance with the act. As of now, The Guardian has stated that corporations can solely state that they are complying with the act without providing credible evidence of a supply chain without the use of slaves. Subsequently, law-makers should now focus on providing alterations to the act so that jurisprudence consequences can be enforced.

Relating back to the research question, the concept of 'intersectionality' can be used to suggest an alternative explanation as to how modern slavery manifestations are imposed throughout society. Coined by Kimberlé Crenshaw in 1989, the phrase can be defined as a "prism for seeing the way in which various forms of inequality often operate together and exacerbate each other". Through the studying of modern slavery, it can be depicted that the intersections of our identity and forms of oppression are all targeted, as some may view specific aspects of them as inferior to others. As research indicates, all identities within a community are exploited, but it must be acknowledged that there are some identities that are targeted much more frequently than others. Furthermore, there is also a lack of research and analysis concerning how intersecting identities affect a person's livelihood, making all research under this topic significantly necessary. Within the example of Brexit, it can be illustrated that these interweaving connections of our identities are all affected by the way the law works. Therefore, Brexit has affected the rate of modern slavery severely, with more than doubling of the potential cases (as stated above) and those that may be absent due to their unrecorded or unreported natures. The lack of reliable sources that accurately quantify victims of modern slavery, trafficking, and etcetera should also be a cause for concern, as the Modern Slavery Act does not currently investigate this. Dissemination of coherent resources and information for the public to seek aid in resolving and spotting cases of modern slavery should also be included, as the act currently does not hold any status in our modern societies today where slang and summaries are needed to emphasize the importance of consequential issues.

Several themes appeared regularly throughout different pieces of literature; these included concepts related to migration, labour, 'race', politics, and the ambiguity with modern slavery research in its entirety. By reviewing and analyzing these pieces of literature, a clearer idea of the ways in which Brexit has affected modern slavery and the construct of 'race' can be established.

1) Themes

a) Migration

Throughout all pieces of literature reviewed for this current paper, the processes of both migration and immigration were explored. Published in 2018, the first paper analyzed depicted an argument from [9] whereby it was argued that the post-Brexit immigration scheme would solely focus on offering documented employment to highly skilled workers rather than others who may not be at the same skill level; the same argument was stated in the second piece of literature, also from 2018. It was additionally justified that due to this globalization and multiculturalism, that anti-European-Union sentiment increased, and that there was an influx of concern over immigration into the United Kingdom. However, after the year 2018, the argument may have been disregarded, as no further mention of Clarke was used as explanation for this phenomenon. Subsequently, earlier to the period of which the Modern Slavery Act was first published and the first election

under the constitution, the migration-crime-security frame [10] was primarily used to control the rate at which immigrants flowed into the country rather than understand the types of exploitation that could occur during the process of migration.

In another piece of Ref. [11], it was described that "prostitution and migration are frequently claimed to be the main reasons behind human trafficking". However, that may be false as it could be countered by the fact that there is much ambiguity when it comes to the reasons why modern slavery crimes are committed to this date of 2022. As only potential figures can be published in terms of the number of yearly modern slavery cases there are in the United Kingdom, there is a gap where the full grasp of reasons behind their happenings cannot be conceived. Moreover, in that paper, it was also reported that there is a commonly held belief that "human trafficking is correlated with migration flows and laws" [11]. Consequently, correlation cannot be argued as causation, and so though this may be true to some extent, it cannot explain how and why all human traffickers target specific populations only based on the fact that they are migrants in a country. Instead, border control can be examined to attempt to explain why certain individuals may be more endangered and exposed to enslavement in the modern world. Therefore, contrasting that argument is research that suggests strict borders such as the ones created due to Brexit is the cause of the increased amount of modern slavery [12]. As a consequence of this, their central line of argument delineates how the new migration regime post-Brexit has opened up opportunities for traffickers to enslave vulnerable populations and individuals more easily. Research by Henandez and Rudolph also presents vulnerable positions in society in terms of populations such as asylum seekers, immigrants and etcetera, further supporting the argument from Mahmoud and Trebesch. From their research, it demonstrates that there is a correlation between modern slavery and migration, and therefore suggests that Brexit will lead to increased numbers of its cases, having a negative impact on all the efforts that have been made to try to reduce the number of human trafficking crimes.

Analyzed within recent papers written in 2022, a paper by Patricia Hynes suggested that the argument works in the opposite direction so that human rights abuses are obvious causes for migration. This opposes the previous view that the inability to be able to legally immigrate into another country leads to trafficking and acts of transgression. The concept of "intersectionality" is also referred to, as all interconnected identities can influence human trafficking [13]. Therefore, the structure of 'race' also interjects into the procedures of migration. As intersectionality can influence migration and is a fundamental part within our intersectional identities and oppression as individuals, it can also impact the conceptualization of these said identities, such as 'race', in the world. To spotlight the United Kingdom, the copious number of races can aid in ascertaining the reasons behind the stereotypes and allegations made concerning various 'races'. Regarding the issues of modern slavery and migration, the United Kingdom Home Office was moved in October 2022 from a list of "ministerial responsibilities" from Rachel Maclean, the 2021 safeguarding minister, to "the brief of illegal immigration and asylum" under Tom Pursglove, the 2022 immigration minister; connoting the alleged blame of migration on the pursuit of modern slavery crimes. Though this may affect all of the United Kingdom, it specifically targets those seeking to immigrate into the United Kingdom, as they will be seen as confederates to the rise of modern slavery. Because of this, the responses toward migration oversimplify the experiences of those who have lived through the reasons behind someone's desire to migrate, and so the complex processes of migration end up being concealed due to the practice and policy frameworks that are built up over time [14].

b) Labour and sexual exploitation

The theme of 'labour' and labour exploitation also appeared regularly, with statistics from the National Referral Mechanism (NRM) also supporting this argument, with around 41% of adult potential modern slavery victims claiming labour exploitation in the first quarter of 2022. This percentage demonstrates that labour exploitation is the most common form of modern slavery found throughout adult victims, thus leading to the discussion of labour as a whole within prior research on modern slavery. Aside from the 2015 Modern Slavery Act, limited provisions concerning modern slavery were proposed for the Asylum and Immigration Act in 2004, which were impacted by political pressure such that they did not provide enough repercussions. Subsequently, political campaigns made by anti-slavery organizations brought upon new offences in the 2008 Coroners and Justice act, whereby trafficking was split into the categories of sexual exploitation and labour exploitation.

In "Exploring the Interface between Asylum, Human Trafficking and/or 'Modern Slavery' within a Hostile Environment in the UK", an academic article by Patricia Hynes and published by Sheffield Hallam University in 2022, the themes of labour and sexual exploitation were explored and analyzed with support from several previous studies that were completed on the topic. The abstract denotes the topics of focus and line of argument within the paper, identifying that there is a clear link between asylum and trafficking in the United Kingdom, whilst arguing that "trust is an essential component of UK government policies". The paper utilizes policy developments and other objective studies in which the improvements and alterations in asylum and modern slavery policies are presented.

In the paper, it was exhibited that impoverished asylum seekers would often rely on friends, charity, and other sources of financial means, and were typically forced to find undocumented and possibly exploitative jobs in order to fund their basic necessities and essentially only to survive. Further illustrating the concept of trust and its connection to modern slavery, it was exhibited that the environment and attitude exuded by the United Kingdom towards asylum seekers have been 'hostile' [9]. With the cultures of hostility and integration that have been summoned, there is a great mistrust in larger authority derived from the lack of support and imbalance in power dynamics. For that reason, there lies an "impact on levels of disclosure" [13]. Without sufficient input from both parties – the victims and the authorities – there is a discrepancy between perspectives on the issue. Authorities may misinterpret the lack of information as evidence that the Government legislature is making a direct and significant impact. This evaluation can be applied to the theme and

concept of 'race' within research on modern slavery, as a culture of hostility may influence the lens of which individuals and authority figures view it from. However, the studies used within this paper may be outdated and not applicable due to the shifts in political dynamics and world affairs in society. Even though there was use of a small-scale study and analysis of qualitative primary and secondary data, the paper "Trafficking of Children and Young People: Community Knowledge and Understandings" [13] was completed before the distribution of the Modern Slavery Act, indicating that there may be contextual or legislative information missing.

c) 'Race' and racism

Throughout all pieces of literature reviewed previously, there had not been any that revolved around 'race' as a social construct based on human interactions, and is typically wrongfully suggested as a concept that exists in nature as a biological construct instead.

In the research from 2018 by Steve French, "Between globalization and Brexit: Migration, pay and the road to modern slavery in the UK hospitality industry" the role of the United Kingdom as a neo-liberal state was explored to correlate with how 'casualization strategies' are highlighted in many job sectors, and namely, the hospitality industry. Throughout this paper, 'casualization strategies' are defined as the manner and plan to lower or remove direct costs of employment and permanent contracts in order to increase the total net profit of a company. These strategies are suggested to be the leading cause in the temperamental influx of modern slavery incidents and cases. Moreover, in relation to the idea of racism, this paper states that raids are most frequently targeted at ethnically-owned businesses due to the inherited belief that many undocumented workers would work there. This not only heightens the vulnerability of undocumented workers, who are typically people of colour, but under such conditions, the opportunity for labour exploitation is manufactured as the livelihood of individuals are continuously threatened [15]. Correspondingly to the previously mentioned author Hynes, the framework of intersectionality is proposed again, with the factors that affect human trafficking being said to be an overlap of all interconnecting factors within the self's identity and those of the surrounding [16].

From the research of Swartling [10], it was argued in 2021 that Brexit as a critical event in United Kingdom's modern history and politics, essentially receded all the effort that was put into standing up against modern slavery and human trafficking in the country. As no one can choose whether to stay in prostitution solely to stay in poverty, or to be in a particular racial group or caste as Mackinnon put it, it creates unjust disparities in society where some 'races' will hold more power than others. Even racial representation seen through the media and Government or Cabinet members can reflect in the way 'race' is seen in society. Even though representation and diversity have increased positively within the last decade, a 2022 study published by the Trades Union Congress, a federation of labour unions, found that 41% of ethnic minorities and people of colour have faced racism whilst working. Therefore, it is a prevalent issue that representation is not enough to entirely eradicate racism from society.

B. COVID-19 Literature Review

Below are also three large themes that have been explored and studied within the chosen pieces of literature. Firstly, politics plays a large role in creating policies to try to resolve modern slavery, and large-scale world issues such as the COVID-19 pandemic have subsequently affected the policies, due to their effect on peoples' work, data collection, analysis and more. Also, economic instability in the name of poverty also encourages modern slavery as individuals have no other sources of income available to support their very own livelihoods. Lastly, 'race' and racism also arise in the works again as key concepts through their prominent links to both modern slavery and COVID-19.

1) Themes

a) Economic instability, development, and politics

A study by Hunt and Wheeler [17] discusses the implications of COVID-19 and how other factors such as poverty in this era of globalization affect modern slavery. Migration is also a prevalent topic of discussion, with the argument that migrants are more prone to becoming victims to modern slavery crimes due to the need and/or desire for better working wages and opportunities. In particular, because of the rapidly declining number of jobs that were available during the course of the pandemic, it gives more opportunities for traffickers posing as recruiters or such to leverage these opportunities into misleading innocent civilians into becoming victims in heinous crimes. Moreover, in another research paper from 2022, it was argued that since other pandemics such as Ebola have ensued in economic instability, restrictions, and etcetera, it is therefore stratospherically easy for a pandemic like COVID-19 to threaten human rights and aid in the enslavement of people [18]. This therefore correlates with the expeditious rise in modern slavery cases in the UK, beginning in 2020, after all restrictions had been terminated and individuals could more easily access help or submit referrals [19].

Throughout the studied research papers [20], the theme of politics and its effects were discussed. In a 2020 paper by Schleper, Cakir, and Gold, the implications on the COVID-19 pandemic were discussed on its effects on modern slavery in supply chains. They concluded that the pandemic amassed uncertainty in many sectors and that newer approaches to reduce modern slavery in supply chains are needed as their risk management approaches were better than traditional ones [20]. Additionally, they found that despite the influx of policy and law creation prior and during 2020 [21], each year the G20 countries alone import products that were potentially made by slave labour worth around 354 billion United States Dollars (Global Slavery Index (GSI), 2018). With the United Kingdom also contributing to this number, it shows that the effects of the UKMSA have little effect on the forced labour trade [22].

b) 'Race' and racism

On the other hand, the concepts of 'race' and racism were not mentioned in the papers studied even though COVID-19 created a time period where racism arose from the alleged origins of the virus [23], and embedded hate and racism in societies that led to prejudice, discriminatory acts and hate crimes towards many people of colour, especially British-Asian and Asian people. This then begs the question of

whether they had selectively chosen to focus on other aspects COVID-19 and ignore the effects of racism on it or if they had all not realized the effect of it. Either way, all of these papers [1–37] ignored the crucial themes of 'race' and racism that were affected by COVID-19 and that affects modern slavery.

III. METHODOLOGY

To assess how changes of the UKMSA affected the conceptualization of 'race' and racism, both qualitative and quantitative data were gathered. In terms of the UKMSA, the alterations within it from 2015–2022 were gathered and sorted into three strands for each year that were analyzed through comparing them year by year. The strands consisted of texts that were added, changed, and deleted, to judge the different ways in which the acts had been changed. Meanwhile, the United Kingdom was found to be the most suitable location for study as it was the first country to publish an official legislature on the issue of modern slavery in attempts to prevent it [24]. A comparative method was used to do so by comparing official acts that were published on Government websites since its first publication.

Moreover, from the United Kingdom Office for National Statistics, and the United Kingdom Government web pages, statistics on the prospective numbers of modern slavery and racist incidents were gathered [25]. These statistics were gathered by the National Referral Mechanism, and is one that is nationally recognized as the most accurate and reliable compared to other sources according to the Office of National Statistics in the United Kingdom. The Office for National Statistics identified several data sources through experts who work in the modern slavery field [26], and those who were employed at victim support services, before they decided on the National Referral Mechanism as the one with the least limitations according to their rubrics and evaluations made on the relevancy, accuracy, consistency and availability of their statistics. However, due to the undisclosed and confidential nature of organized crimes such as modern slavery, the research that this paper is based on may be incomplete [27]. Data is easily withheld in this field, so there is no one suitable source or method available to accurately track all cases at any given time [28]. However, estimates can still be used to analyze trends and patterns in how modern slavery occurs within the country, and how different factors have affected it since 2015. Quantitative and qualitative data were gathered through secondary research on the consequences of "Brexit" and other significant events such as the "COVID-19" pandemic on the number of modern slavery cases [29], to deem possible strengths and limitations towards research towards the issue as a whole [30], and how it has affected the impression of the concept of 'race' and other factors such as 'intersectionality identities'. The analytical framework [31] and theory of 'intersectionality' were also considered as a possible explanation towards how different 'races' may be affected by modern slavery differently [32]. Moreover, the fact that the correlation between the conceptualization of 'race' and racism, and the Modern Slavery Act in the United Kingdom has not been researched and understood in depth before proves the importance of this research paper as a whole [33].

IV. RESULTS

Through comparing five different versions of the 2015 UK Modern Slavery Act including both the 2015 and 2022 ones side-by-side, a list of alterations was gathered to find what had changed and by how much throughout the years in order to correlate that to the scale of effect it has had. With more than 150 total changes from 2015 to 2022, it seems to show that there was a lack of substantial changes for it to have made significant reprimands or imposed enough repercussions.

V. EVALUATION

All sources of data and factual information used were cross checked in order to gain a more accurate and broader understanding of the topics and concepts in general, and all sources that were studied appeared to present either the same or similar findings from studies and arguments which demonstrated that the sources used were of high levels of validity [34]. The research that has been conducted for this paper is also high in applicability, as the studies that have been referenced have been both case studies and large-scale studies which provide both quantitative and qualitative data to analyze [35]. And through this research, it has been found that modern slavery does indeed have a correlation to 'race'. On the contrary, to provide some limitations of this paper, since this paper is based on United-Kingdom-centric publishers and papers, there is therefore the lack of international perspective on the UKMSA which could further be investigated. International perspectives could also aid in eliminating the subconscious bias that could have been integrated into the papers.

So, to a great extent, research on modern slavery and its link to 'race' and racism in society is extremely significant. From when the first revision of the UK Modern Slavery Act was published in 2015 to 2022 [36], research on the area has informed both government officials and the public of why efforts put into eliminating it are important. Eliminating slavery in the 21st century is not only important for the livelihoods of other humans in the world, it is also needed in order to fully eradicate the foundations of what modern slavery is built on. For example, according to the UK Local Government Association, also known as LGA, it is now known that one of the main causes of it in the United Kingdom is homelessness, and behind homelessness is typically the issue of poverty [37]. This paper suggests that a topic for further research could be about the ways in which poverty can fully be eliminated in a capitalistic world. Furthermore, there is a definite correlation between migration, and therefore 'race', on the rates and incidence of the types of recognized modern slavery.

VI. CONCLUSION

To conclude, this paper finds that the changes to the UKMSA have not reduced the number of modern slavery incidents de facto, and that their effects are mainly de jure. Many ideas and issues have contributed to the rise of modern slavery incidents, and so the above studies on Brexit and COVID-19 provide contemporary examples of how different themes such as 'race' prevail throughout world history. This then shows that information on concepts such as 'race' and racism still need to be disseminated more thoroughly so that more accurate understandings of it can be shared to reduce

and eliminate modern slavery and the foundations of it. Henceforth, it is suggested through the results from this paper that further research should be conducted on the way in which 'race' and racism can stop being a possible cause of modern slavery; and future policies can therefore also focus on including more inviolable consequences for corporations, groups, and individuals who violate the Modern Slavery Act to exterminate the issue.

CONFLICTS OF INTEREST

The author declares no conflicts of interest.

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