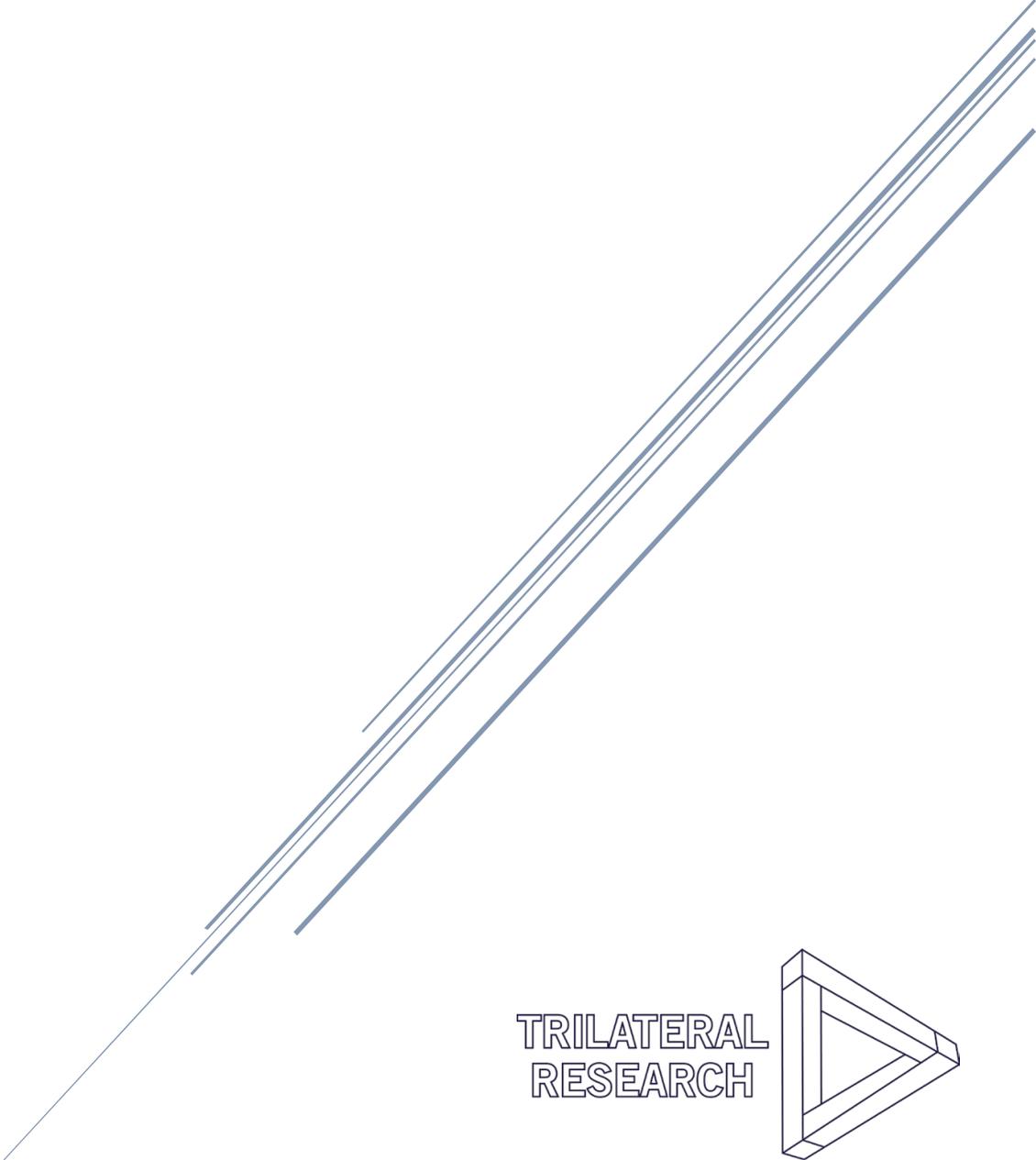# Project Solebay: Considerations for a UK Military-based approach to Assessing the Risk of Modern Slavery

Trilateral Research Ltd.

<u>Further Information</u>

Comments on this report are welcome and can be sent to: *Subject: Project Solebay, Trilateral Research* – info@trilateralresearch.com

List of Abbreviations	
ANF	al-Nusrah Front
ASEAN	Association of Southeast Asian Nations
CSE	Child Sexual Exploitation
DASH	Domestic Abuse, Stalking and Honour Based Violence (DASH) - Risk Identification, Assessment and Management Model
DASA	Defence and Security Accelerator
DASH	The Domestic Abuse, Stalking and Honour Based Violence
DHS	Demographic and Health Survey
DSTL	Defence Science and Technology Laboratory
EU	European Union
HRIT	Heightened Risk Identification Tool
ID	Identification
IDP	Internally displaced person
ILO	International Labour Organisation
IOM	International Organisation for Migration
ISIL	Islamic State of Iraq and the Levant
ISIS	Islamic State of Iraq and Syria
MICS	Multiple Indicator Cluster Surveys
Mb	Megabyte
MOD	UK Ministry of Defence
MoRiLE	Management of Risk in Law Enforcement
NATO	North Atlantic Treaty Organisation
NGO	Non-Government Organisation
OSCE	Organisation for Security and Co-operation in Europe
PC	Police Constables
RBDM	Risk-Based Decision-Making
RIDM	Risk-Informed Decision-Making
STEP	STEP Skills Measurement Program
STRIAD	Strategic and tactical risk assessment for data-driven decision-making
THB	Trafficking in Human Beings
TRL	Technology Readiness Level
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UK	United Kingdom
UNDFS	UN Department of Field Support
UNHR	UN Refugee Agency
UNICEF	United Nations International Children's Emergency Fund
USAID	US Agency for International Development

Glossary of terms used in this report

Term	Definitions used in this project
Human Trafficking	The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal or organs.
International Armed Conflict	The use of armed force between the governmental armed forces of two of more States, regardless of the level of intensity.
Modern Slavery	Modern slavery is the term used within the UK, across all agencies, and is defined within the Modern Slavery Act 2015. The Act categorises modern slavery as including the offences of slavery, servitude and forced or compulsory labour and human trafficking
Non-International armed conflict	The use of armed force between governmental armed forces and one or more non-government armed groups, or between two or more non-government armed groups. The intensity of conflict must be above a certain threshold and the non-government armed groups must possess a sufficient level of professional organisation to be considered 'parties to the conflict'.
Open data	Open data is data that can be freely used, shared and built-on by anyone, anywhere, for any purpose.
Risk	Function of the likelihood and consequence of a negative occurrence.

Executive Summary

In 1808, HMS Solebay was the first British ship to be part of the anti-slavery operation patrolling the African Atlantic coast to halt the Atlantic slave trade. Today, in 2019, Project Solebay aims to develop risk assessment tools for the UK military to support them in responding to modern slavery. The Global Slavery Index suggests that the UK military operates among at least 2 million enslaved people. However, the military currently has no way to identify or understand that risk, of which this project seeks to respond.

The purpose of the current report is to build awareness of the project and its findings to date, of which may benefit audiences external to the military working in this area, including but not limited to, the civil society organisations tackling modern slavery and the trafficking of human beings, the humanitarian sector, law enforcement, local government and the wider research community.

After presenting the methodology (Chapter one), this deliverable explores a number of key questions that are pertinent to the project's success. It firstly asks why the military should concern itself with the problem of modern slavery. In doing so it shows that there are legal grounds combined with practical motivations. To add to that, in addition to NATO guidelines, international human rights and human trafficking / modern slavery documents, it is acknowledged that modern slavery is a sizeable source of revenue for adversaries as well as a source of other benefits and resources that together undermine the mission of the military and hinder operations. In addition, as known from previous research, military troops themselves can create or increase the demand for modern slavery.

The second questions tackled by the report (Chapter three) is around the use of risk assessment methodologies to support the work of the military. This chapter first explains the nature of risk assessment and its utility as the means of enabling the UK military's response to modern slavery. The section then explores some of the key issues and challenges to designing and implementing a risk assessment as derived from our desk research and interviews. The chapter closes by outlining our approach to risk assessment for the purposes of Project Solebay and commences considerations of mitigation measures.

In Chapter four we begin to consider the use of open source data as complimenting the risk assessment tool. We conclude in Chapter five.

Project Solebay is one of a number of Projects funded under the UK Defence and Security Accelerator (DASA) – Open Call.

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1   Introduction

The purpose of the present project, Project Solebay, is to develop and test an expert informed risk assessment methodology, inclusive of options for mitigation measures, around modern slavery, specifically within the context of the military's potential exposure. This report provides an update of the work completed thus far, specifically around understanding how the military and modern slavery interact, what a risk assessment looks like in this area, and some preliminary insights to the value of open data on modern slavery to inform a data-driven approach to risk assessment. The report contains five chapters. In Chapter one the authors provide details of the methodology used to understand the context of modern slavery in relation to the military and risk assessment. Chapter two provides an overview of the core findings from the desk-based research and interviews to understand the context of modern slavery in relation to the military. Chapter three details the various approaches to assessing risk and a preliminary introduction to the nature of risk assessment and risk mitigation to be employed in this project. Chapter four provides some early considerations around the validity and reliability of open data sets on modern slavery. The report concludes in Chapter five with some considerations around next steps for the project. The report also contains Appendix A which includes a list of questions used during interviews with stakeholders.

Terminology Note: This report uses two phrases: human trafficking and modern slavery. The UK Government uses the latter, and as such when speaking generally this report relies on that wording. However, certain international documents, legislations and experts use human trafficking and so when referring directly to those sources, this report uses human trafficking.

1.1   Methodology
The following methodology was relied on:

1.1.1   Desk-based research
The starting point for the project was a literature review that serves as the foundation for substantial, relevant research. Thus, the purpose of the literature review was to pull lessons identified and evidence-based approaches for understanding the topic of modern slavery from a military context, as well as for developing a risk assessment methodology tool, and lastly to understand possible mitigation measures that the military could engage with. The literature review helped to put matters into context by identifying what has been examined in this domain, and thus allowing the project to make an original contribution to the subject area. In particular we focused on:

- Analysis of how modern slavery is understood and how it features in the military context (United Kingdom (UK) and beyond), including analysis of real-life cases (e.g., Boko Haram, Islamic State of Iraq and Syria (ISIS), use of child soldiers, Kosovo, United States of America troops in Korea, the on-going crisis in Rohingya, United Nations (UN) missions, etc.);
- Analysis of risk factors associated with modern slavery in the military context;
- Critical analysis of existing risk assessment models across an array of domains;
- Analysis of open data on human trafficking (e.g., International Organisation for Migration (IOM), The United Nations Office on Drugs and Crime (UNODC) – Case Law Database, civil society (Global Slavery Index), national data (e.g., Referral Mechanism);
- Study of possible mitigation measures.

The literature review was guided by the following research questions:

- When does the military encounter modern slavery;
- What are the risk factors associated with military exposure to modern slavery;
- What are the risk factors associated with a person, who the military may come into contact with, being a victim of modern slavery;
- What are the risk factors that could lead the military to engage with / lead to / push the demand for services provided through modern slavery;
- What is a suitable modern slavery risk assessment that can be adopted by MOD (Ministry of Defence) in operational theatres;
- What are the risk factors associated with a person, who the military may come into contact with, being an organiser of modern slavery;
- What are the means to approach and structure risk assessment and mitigation in order to minimise the risk of modern slavery that MOD will experience;
- What best practice techniques exist to provide an online risk identification, assessment and management tool that MOD can use in deployed situations;
- What is the impact of modern slavery on the military?

The team undertook the following steps to conduct the literature review:

Step 1: The Search
Using search terms such as those listed below, we looked to identify relevant literature:

- "human trafficking and military"; "human trafficking and army"; "human trafficking and conflict" "human trafficking and military exposure" "human trafficking and peace keeping"
- "human trafficking and military and training"
- "conflict and risk and human trafficking" "army and risk and human trafficking" "military and risk and human trafficking"
- "risk assessment and human trafficking"; "risk tool and human trafficking"
- "assessment tool and human trafficking"
- "risk management and human trafficking" "risk management and human trafficking and army"
- "risk assessment and conflict"
- "Risk assessment AND Exploitation OR abuse OR trafficking"
- "critical analysis of risk assessment models and crime"; "critical analysis of risk assessment models and vulnerability"; "critical analysis of risk assessment models and violence"
- "critical analysis of open data on human trafficking"
- "Mitigation of human trafficking" "preventing human trafficking in conflict"

Please note that the use of the search terms also included synonym words, e.g., "human trafficking' and "modern slavery" or "trafficking in persons". The search terms were run through: (i) Google (UK and American[1]); (ii) journal databases; (iii) subject specific professional websites; (iv) newspaper databases; (v) Google Scholar. The searches were completed in English. The following types of text were chosen: Peer-reviewed journal articles; Conference papers; Books; Policy briefings; International Organisation documents and reports; Civil Society and research organisation reports; Websites and PhD thesis. The criteria of selecting what to read was on the basis of those materials the researcher perceived as relevant to the topics or themes for examination in the project. Please note there was no

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[1] These have been chosen because: (i) language accessibility and (ii) in USA the discussion of military relationship with human trafficking is more mature than in UK and USA has a big military presence thus the number of reports and articles on it are larger in number.

time limit to the sources as the phenomenon has deep historical roots; qualitative and quantitative studies were included.

Step 2: Storage

The literature was sorted in SharePoint and can be accessed by all researchers involved in the project.

Step 3: The Review

The researchers reviewed over 70 pieces of literature and used emergent coding (codes are drawn from the text). This is a method of generating a participant-generated 'theory' from the data. This allowed the researchers to identify material and findings relevant to research questions; theory is developed from the data rather than imposed upon it. The emergent key words and codes helped narrow down focus and provide a more nuanced lens through which subsequent pieces of literature were reviewed. In undertaking the review, the researchers kept a memo (paper trail) that answered:

- What search methods (engines / databases/ etc.) were used, what keywords, number of results
- Today I coded and used the following keywords
- Main observations and research concerns
- Improving the procedure
- Other notes

The methodology relied also on a snowball sample whereby reviewed literature guided the researcher to other sources that may not have come up in original searches.

Step 4: Analysis

Once the literature was reviewed and coded it was analysed and used to support the development of the risk assessment methodology. This process involved rigorous analysis and synthesis, the making of connections between seemingly disparate doctrinal strands, and the challenge of extracting general principles from an inchoate mass of primary materials. Researchers drew primary conclusions that serve as a starting point for developing risk assessment tools for the UK military to support them in responding to modern slavery. This analysis continues to help researchers and developers understand existing data on the topic at hand, identifying potential victims and contexts that the military might come to face. It also is used to come up with primary research questions and to develop the assessment tool. Our desk research generated some key conclusions – often corroborating those derived from our interviews – that serve as a starting point for developing our risk assessment tool: i) as an analytical model or concept, 'risk' must be assessed by considering both the *likelihood* (or probability) and *consequences* (or impact) of an occurrence; ii) assessment of risk in the complexities of the social world – including the risk of modern slavery in conflict – is often largely dependent upon subjective judgements about the relative importance of risk factors; iii) the evidence base on modern slavery in conflict varies greatly in quantity and quality across different types of modern slavery, currently resulting in an imbalance in risk indicators across modern slavery type, which may skew the resulting risk assessment; iv) further data will be required to improve our understanding of how, exactly, the military affects the likelihood of modern slavery amongst a given population, and how, exactly, modern slavery itself impacts on the military.

To develop a stronger, more comprehensive picture of modern slavery in conflict and its related risk factors, the researchers used the literature and interviews (see below) to create a database to 'map' the various relevant qualitative data points. These data points included: threat actors (e.g. Boko Haram, ISIS); victims (e.g. Yazidi women, young children); vulnerability and risk factors (e.g. poverty, displacement, ethnicity, age); types of exploitation (e.g. forced labour, forced marriage); interaction with a foreign military force (e.g. brothels).

Readers should note the inherent difficulty in attributing causality to any such variables or risk factors; this issue must be emphasised. While it is possible to identify those variables or factors that are shown to have a tendency to be present in cases of modern slavery in conflict, it is not currently possible to confidently identify which of them have greater or lesser causal weight across different contexts; nor is it possible, on the whole, to confidently identify which particular variables or factors are more or less influential in affecting the risk of particular types of modern slavery. These issues are discussed in more detail in Section 1.4.

1.1.2 Semi-structured interviews

Following the literature review researchers engaged in semi-structured interviews with representatives from the law enforcement community, the military and experts from research and civil society focusing their efforts on modern slavery / human trafficking. The team undertook the following steps:

Step 1: Design research questions
Through the strategy of connecting, we used the results of our literature reviews to identify questions to structure our semi-structured interview protocols (Annex A includes a list of the type of questions asked)

To acquire the requisite information while interviewing and to motivate respondents to answer as completely as possible, the researchers paid close attention to phrasing, level of language and stylistic format and to the interviewees' educational, social status, ethnic, gender, cultural traits and age.

We contacted different groups – military, policy-makers, police, lawyers, judges, representatives from Non-Government Organisations (NGOs) and other subject experts – and arranged convenient times to interview them. Our questions also incorporated snowball sampling strategies. As we engaged with the relevant stakeholders, we asked if they could recommend other experts to interview. This proved a useful strategy.

Step 2: Holding interviews
28 interviews were conducted, either face-to-face or via communication technology (Skype, GoToMeeting, phone, etc.). The interviews were with: academics (experts in modern slavery and/or conflict as well as those working in the risk assessment space), NGO staff, law enforcement authorities (e.g., police, including those stationed in conflict areas), military personnel, UNODC and research institutes that undertake risk assessments in other fields (e.g., corruption or supply chains). During all interviews, researchers adhered to the highest ethical standards. Semi-structured interviews lasted approximately 45 minutes to 1.5 hours. In some instances, and with participants' informed consent, interviews were recorded.

Step 3: Analyse results
Analysis of the results from the semi-structured interviews enables us to test the validity and reliability of our literature review. The analysis was thematic, which aimed to find common patterns across a data set. Thematic analysis was applied by researchers to find emerging themes across the results, to structure themes, and then to inform the design of our risk assessment methodology. In addition, we engaged in narrative analysis. This approach is appropriate, especially in social sciences, because it is about making sense of the "stories" and answers provided by the respondents. This method ensures that each piece of research builds upon what has been learned previously to feed into our assessment methodology. As with the literature review, we analysed all responses through a reflexive, intersectional and critical lens, so that we can develop categories that describe risk factors and use these to develop our risk assessment methodology.

The main conclusions from the interviews were: i) modern slavery is an inherent part of conflict; ii) there is lots of work/papers being done on modern slavery in conflict areas, but not much related to the military angle; iii) vulnerability of people is the main factor that influences existence of modern slavery. Conflict raises the vulnerability level even more; (iv) the key types of modern slavery in conflict are child soldiers, sexual exploitation and forced labour; certain organisation - UNODC, IOM, OSCE (Organisation for Security and Co-operation in Europe) - have started looking at risk assessment in the context of modern slavery over recent years; (v) there is no one agreed definition of risk, but generally research subjects found that negative risks are events or phenomena that jeopardise the achievement of objectives; (vi) a lot of components of risk are difficult to accurately conceptualise, e.g., weighting; modern slavery has indicators that can show likelihood and some indicators are more serious than others, this however is very contextual and subjective; (vii) the entire topic – modern slavery and military nexus – is a very subjective area to work in.

1.1.3 Initial findings workshop

In January 2019 researchers attended a meeting with representatives from the MOD to hold an initial finding workshop.

The main purpose of the workshop was to give key stakeholders (the military) an opportunity to review the theoretical research (see below) and validate the draft questions that will make up the risk assessment methodology, which have been prepared by Trilateral Research. The questions are aimed at providing a baseline assessment of the likelihood of modern slavery in a conflict area. This workshop was organized to ensure that this domain is finalised in line with the expectations of the stakeholders and contains the best possible questions. The discussions around the questions informed the researchers' understanding as to the type of questions that need to be included and the language that ought to be used. Trilateral Research will continue work on the questions, which will be continually reviewed, both internally and externally.

1.1.4 Open data sets

With regard to analysis of open data sets this was conducted by representatives from Trilaterals' Data Science team. The following approach was used:

Step 1: Search
Modern Slavery datasets were gathered using search terms including:
"Refugee Data"; "Human Trafficking Data"; "Modern Slavery Data"; "Modern Slavery Victims Data". Individual-level and household-level datasets were gathered as well including UNICEF's (United Nations International Children's Emergency Fund) MICS (Multiple Indicator Cluster Surveys), USAID's (US Agency for International Development) DHS (Demographic and Health Survey) and the World Bank's STEP Skills Measurement Household Survey.

Step 2: Storage
Open datasets were stored in Trilateral Research's online storage facilities, hosted by Microsoft SharePoint. These will be stored in Amazon Web Services for analytics and visualisation moving forward.

Step 3: Review
Due to the often-poor quality of the available data on Modern Slavery, only data sets from reputable sources, i.e. UNICEF, IOM, UNHCR (UN Refugee Agency), UNODC, etc., were selected. By reputable sources we mean international institutions who have studied and/or tackled one or more forms of Modern Slavery. When possible, we avoided using data collected by private organisations or governments who may be politically affected by Modern Slavery. Data sets were explored and visualised using Python and R. Data sets were

reviewed considering their source, geographical setting, time-frame, number of rows, number of columns and size in Mb (megabytes).

Step 4: Analysis
Moving forward, a wide range of algorithms, i.e., linear regression, logistic regression, ridge regression, Bayesian classifiers, will be used to extract insights from these data sets in order to weight both the likelihood and impact of the risk typologies linked to Modern Slavery.

1.1.5   Upcoming workshop
In March 2019, we will hold a validation workshop in London with stakeholders (military, policy makers, police, lawyers, judges, representatives from non-government organisations and other subject experts). It is important that the persons present have a diversity of military and humanitarian experiences as well as having an understanding of modern slavery in a conflict/crisis context. We aim to host 15 – 25 persons and will ask them to discuss, in small groups, the following questions (*subject to change as the research team work on the methodology and undertake further research*):

- Is our typology a true reflection of what happens on the ground;
- Are the factors identified by the researchers sufficiently correlated with modern slavery;
- Are the questions posed by the assessment answerable by an assessor;
- What is the impact on the population and on the military;
- How should likelihood be determined?

Following the above outlined discussion participants will be presented with the draft risk assessment methodology and asked to critically evaluate it using illustrative scenarios as a point of reference. Finally, participants will be asked to develop a set of mitigation measures that the military, foreign governments and international organisations (e.g., UN Department of Peacekeeping Operations) can adopt to address the problem of modern slavery in a military context.

1.1.6   Strengths
There were a number of strengths and opportunities that this methodology offered. The literature review allowed the research team to arrive at an overview of the study in question through a comprehensive assessment, coupled with a critical interpretation of the literature. The literature influenced and justified our research questions and vice versa. Indeed, entwining the review with interviews allowed us to adopt an agile approach; i.e. iterative addition of literature reviewed that was suggested by interviewees.

Importantly, the methodological approach taken enabled the research team to examine the depth of understanding of modern slavery within a conflict setting, as deemed valid by the wider community through peer-reviewed documents, official reports and expert interaction. This served as an evidence base for what to, and what not to include within the risk assessment. Furthermore, it revealed the current gaps in knowledge, enabling the research team to provide an informed analysis of the current validity of the risk assessment and the requirements for evidence gathering as part of wider approaches to managing the risk in future. Such findings continue to inform our wider understanding of the needs of the military in terms of assessing and engaging with the risk of modern slavery and informs future efforts in this area.

1.1.7   Limitations
It is acknowledged that the project's methodology encounters certain limitations, largely due to its novelty as an area of examination:

- Language constraint, i.e., we only reviewed sources in English
- No engagement with traffickers or victims was undertaken as part of the research
- There were a number of military sources we had no access to as it was classified information
- Poor data, including past documented MOD exposure to modern slavery
- Scarce resources on the topic in question, particularly around the impact of modern slavery on the military and the unfolding of a conflict.

2   Modern slavery and the military

2.1.1   Factors exacerbating modern slavery in areas where the military is present

Modern slavery takes place for the purpose of exploitation of vulnerable people. When the crime occurs an array of rights are breached, including but not limited to: 'person's personal and physical dignity, the right to personal freedom and security, and the principle of non-discrimination'[2], in addition to the right to freedom of movement and, of course, the right not to be held in slavery, servitude or be required to perform forced or compulsory labour.

The exact number of victims of modern slavery is unknown and in reality is incredibly difficult to calculate.[3] Indeed, we should treat statistics with doubt due to poor or unavailable data.[4] Kelly also highlights that our knowledge of the magnitude of trafficking is limited by our infant research method; we still rely on overviews, commentaries and limited data from service providers, rather than mature sociological studies.[5] Positively, this is somewhat changing and there is an increasing use of sophisticated statistical methods such as multiple system estimation,[6] which will help to better estimate the number of persons affected by modern slavery.

Despite not knowing the exact numbers it is a truism that modern slavery is a complex global phenomenon influenced by a variety of overlapping factors. At the European regional level, the European Union Strategy towards the Eradication of Trafficking in Human Beings (2012 – 2016) attributed causes of human trafficking to:

- Poverty
- Lack of democracy
- Gender inequality and violence against women
- Conflict and post-conflict situations
- Lack of social integration
- Lack of employment opportunities
- Lack of (access to) education
- Discrimination.[7]

[2] Rijken, C. and Koster, D. (2008). A Human Rights Based Approach to Trafficking in Human Beings in Theory and Practice. *SSRN Electronic Journal*. [Online] http://dx.doi.org/10.2139/ssrn.1135108 p. 8
[3] See Weitzer, R. (2014). 'New Directions in Research on Human Trafficking.' *The ANNALS of the American Academy of Political and Social Science*, 653, 6-24
[4] Lee, M. (2007). 'Introduction: Understanding human trafficking'. In M. Lee (*Ed.*), *Human trafficking*, Cullompton, UK: Willan, 1-25
[5] Kelly, E. (2002). *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*. IOM Migration Research Series, no. 11. Geneva: International Organization for Migration. p. 7
[6] For more information see: Silverman B. (2014). *Modern Slavery: an application of Multiple Systems Estimation*. [Online] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/386841/Modern_Slavery_an_application_of_MSE_revised.pdf
[7] European Commission, *The EU Strategy towards the Eradication of Trafficking in Human Beings* (2012 – 2016). [Online] https://ec.europa.eu/anti-trafficking/eu-policy/new-european-strategy-2012-2016_en p.2

It is pertinent to note that conflict and post-conflict are singled out as attributing factors, although this is not necessarily surprising, given that vulnerability is omnipresent in conflict and post-conflict contexts, it is almost to be expected that modern slavery would flourish. In turn, these vulnerabilities are rooted and exacerbated by a number of considerations. In our research we have identified the risk factors presented in the table below. It should be noted that there is little evidence to suggest which risk factor has a higher causal relationship with driving modern slavery.

• Erosion of rule of law • Institutional breakdown • Development of criminal activities • Corruption and impunity of officials • Lack of (or poor) laws on modern slavery • Falling levels of children in education • Increase in Human rights violations • Propaganda emphasizing hyper-masculinity • Lack of presence of women in civil society organizations • Growth of fundamentalism • Increase in poverty • Increased presence of terrorist groups	• Increased migration levels • Poor security in as refugee and IDP (An internally displaced person) camps • Falling levels of assistance to refugees • Increase demand for sexual services • Destruction of infrastructure[8] • Collapse of the economy • Increase in social exclusion • Poor training (or lack of) for the military with regard to human trafficking and proper conduct on a mission • Gender discriminatory practices in conflict situations[9] • Engagement of women in a shadow war economy • Presence of local or foreign troops

2.1.2   Why is modern slavery of importance to the UK military?

In the past decades, and particularly since signing the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* in 2000 (also known as the Palermo Protocol), different initiatives have emerged to prevent and punish modern slavery and protect its victims. At an EU (European Union) level for example, this includes Directive 2011/36/EU on *Preventing and Combating Trafficking in Human Beings and Protecting Its Victims*. In Asia there is the *Association of Southeast Asian Nations (ASEAN) Convention Against Trafficking in Persons, Especially Women and Children.* A range of stakeholders have become involved: law enforcement, child services, labour watchdog agencies, academics, civil society, technology firms, and the private sector, to name but a few examples. There appears, however, to be a tendency to exclude the military from this discussion. Indeed, a number of our interview subjects stated that they are not aware of the military addressing (or even discussing) modern slavery in an in-depth manner, or at all.

There are many uncertainties regarding why or how the military should address the topic. Consequently, this section of the report considers this first question. It explains not only that there exists a legal obligation on the part of the military vis-à-vis modern slavery, but also that the very genesis of what a military often sets out to do – especially in terms of peacekeeping or peacebuilding – requires a due consideration of modern slavery. We highlight that if the military is to succeed in establishing or otherwise creating the conditions for long-term security, it is imperative to properly consider modern slavery.

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[8] This refers to infrastructure associated with employment – e.g., factories, businesses – but also social citizenship infrastructure such as hospitals, schools, places of worship, transport links etc.
[9] Women receive smaller food rations, are more exposed to violence and often become victims of 'gendered' violations, including rape, domestic violence and military-related prostitutions.

Legal obligations

Turning first to the law, a number of different legal and policy documents may be activated in the context of illustrating why modern slavery should be a military consideration. The above-mentioned Palermo Protocol obliges states to:

(a) prevent and combat trafficking in persons, paying particular attention to women and children;
(b) protect and assist the victims of such trafficking, with full respect for their human rights; and
(c) promote cooperation among States Parties in order to meet those objectives.

It can reasonably be deduced that these obligations extend to all of the State's actors and departments, including the military. More specifically in relation to the military, in 2004, the North Atlantic Treaty Organisation (NATO) adopted a zero-tolerance policy on combating trafficking in human beings. The policy commits NATO member countries and other troop-contributing nations participating in NATO-led operations to reinforce efforts to prevent and combat such activity. This can be achieved through the agreement "that all personnel taking part in NATO led-operations should receive appropriate training to make them aware of the problem of trafficking and how this modern-day slave trade impacts on human rights, stability and security, as well as being informed of their own responsibilities and duties and the respective responsibilities of International Organisations in this field."[10]

> **NATO Guidelines on combating trafficking in human beings for military forces and civilian personnel deployed in NATO-led operations[11]**
>
> **General Principles**
>
> 3. Forces conducting operations under NATO command and control are prohibited from engaging in trafficking in human beings or facilitating it. This prohibition also applies to any civilian element accompanying such forces, including contractors.
>
> 4. Forces conducting PSO under NATO command and control, will support, within their competence and mandate, the efforts of responsible authorities in the host country in combating trafficking in human beings.

Slavery is outlawed under the *jus cogens* principles of international law[12] – fundamental, overriding principles from which derogation is never permitted. The meaning of *jus cogens* is *compelling law,* and it is the technical term given to those standards of general international law that are hierarchically superior and it is accepted that all states must take action against it. In addition, a number of different sub-regimes of international law can also be drawn upon to show a relationship between the work of the military and anti-modern slavery responsibilities including international human rights law (including the content of the *Rome Statute*); international humanitarian law; international criminal law; and international labour law. There are also a number of UN Resolutions that specifically draw a connection between the work of

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[10] NATO, *NATO Policy On Combating Trafficking In Human Beings.* [Online] https://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic.htm
[11] NATO, *NATO Policy On Combating Trafficking In Human Beings.* [Online] https://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic-app1.htm
[12] Rafael Nieto-Navia, *International Peremptory Norms (Jus Cogens) and International Humanitarian Law.* [Online] http://www.iccnow.org/documents/WritingColombiaEng.pdf

the military in conflict zones and anti-modern slavery responsibilities. The table below presents the same:

Table 1: UN resolutions addressing human trafficking

Resolution	Relevant Extracts
63/156 Trafficking in women and girls	This resolution calls upon 'governments, the international community and all other organizations and entities that deal with conflict and post-conflict, disaster and other emergency situations to address the heightened vulnerability of women and girls to trafficking and exploitation, and associated gender-based violence.'
2331 Maintenance of international peace and security	This resolution recognizes 'that trafficking in persons in areas affected by armed conflict and post-conflict situations can be for the purpose of various forms of exploitation…' Moreover, it expresses 'concern that acts of sexual and gender-based violence, including when associated to trafficking in persons, are known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism and an instrument to increase their finances and their power through recruitment and the destruction of communities, as described in the relevant Secretary-General's Reports; that trafficking in persons, in particular women and girls, remains a critical component of the financial flows to certain terrorist groups; and that, when leading to certain forms of exploitation, is being used by these groups as a driver for recruitment.' **Importantly,** it calls on states 'to take decisive and immediate action to prevent, criminalize, investigate, prosecute and ensure accountability of those who engage in trafficking in persons, including in the context of armed conflict, in which it is particularly important that evidence of such crimes be collected and preserved so that investigations and prosecutions may occur…' It also 'encourages Member States to provide training to all peacekeeping personnel to be deployed in UN peace operations in conflict and postconflict zones on responding to trafficking in persons in the context of armed conflict, gender expertise, sexual exploitation and abuse prevention and assessing sexual violence in conflict as a component of pre deployment training, and to ensure that this consideration is integrated into the performance and operational readiness standards against which troops are assessed…'
2195 Threats to international peace and security	This resolution 'express concern that terrorists benefit from transnational organized crime in some regions, including from the trafficking in persons among others.'
2253 Threats to international peace and security caused by terrorist acts	The resolution is 'Gravely concerned that in some cases ISIL[Islamic State of Iraq and the Levant], Al-Qaida, and associated individuals, groups, undertakings, and entities continue to profit from involvement in transnational organized

	crime, and expressing concern that terrorists benefit from transnational organized crime in some regions, including from the trafficking of arms, persons, drugs, and artefacts, and from the illicit trade in natural resources including gold and other precious metals and stones, minerals, wildlife, charcoal and oil, as well as from kidnapping for ransom and other crimes including extortion and bank robbery.' It also condemns 'abductions of women and children by ISIL, ANF [al-Nusrah Front], and associated individuals, groups, undertakings, and entities and recalling resolution 2242 (2015), expressing outrage at their exploitation and abuse, including rape, sexual violence, forced marriage, and enslavement by these entities, encouraging all State and non-state actors with evidence to bring it to the attention of the Council, along with any information that such human trafficking may support the perpetrators financially.'
2379 Creation of Independent Team to Help in Holding ISIL (Da'esh) Accountable for Its Actions in Iraq	This resolution condemns the commission of acts by ISIL (Da'esh) involving murder, kidnapping, hostage-taking, suicide bombings, enslavement, sale into or otherwise forced marriage, trafficking in persons, rape, sexual slavery and other forms of sexual violence, recruitment and use of children, attacks on critical infrastructure, as well as its destruction of cultural heritage, including archaeological sites, and trafficking of cultural property.
2388 Maintenance of international peace and security	This resolutions 'Calls upon Member States to reinforce their political commitment to and improve their implementation of applicable legal obligations to criminalize, prevent, and otherwise combat trafficking in persons, and to strengthen efforts to detect and disrupt trafficking in persons, including implementing robust victim identification mechanisms and providing access to protection and assistance for identified victims, including in relation to areas affected by armed conflict; underscores in this regard the importance of international law enforcement cooperation, including with respect to investigation and prosecution of trafficking cases and, in this regard, calls for the continued support of the United Nations Office on Drugs and Crime (UNODC) in providing technical assistance to Member States upon request…' It 'also calls upon Member States to step up their efforts to investigate, disrupt and dismantle networks engaging in trafficking in persons in areas affected by armed conflict and to take all appropriate measures to collect, preserve and store evidence of human trafficking…' It also 'expresses its intention, to give greater consideration, where appropriate, to how peacekeeping and special political missions, can assist host States in exercising their primary responsibility to prevent and combat trafficking in persons, and requests the Secretary-General to ensure that assessments of

	country situations conducted upon the Security Council's request on such missions include, where relevant, anti-trafficking research and expertise…'

All the presented documents speak to a fundamental point, namely that the military has a responsibility to consider modern slavery due to a direct nexus between their work and it being imperative to combat the crime. Importantly these legal obligations are established, secure and enjoy continued support across the international community. They will not be disrupted by Brexit.

UK military obligations
However, the need to consider modern slavery is not just rooted in law, but also can be perceived within military strategy. Indeed, the imperative for including modern slavery within the military's thinking and planning processes has an existing basis within the UK government's defence and security frameworks and doctrinal publications (see below), particularly in the context of human security considerations pursuant to the shift from traditional inter-state conflict to more localised intra-state conflict.

It is a truism that UK national security is impacted by conflict, insecurity, and instability overseas. As the Department for International Development's (DFID) 2011 document *Building Stability Overseas Strategy* noted, 'Conflict impacts on governance, accountability and the provision by the state of services such as security and justice… In the long term, our prosperity and security is intertwined with peaceful development and security across the globe.'[13] Over time, the policy and doctrinal connections between military responsibilities, stabilisation operations, international development, criminal justice and human security has only strengthened.

In 2013, the MOD's *Joint Doctrine Note 4-13 – Culture and Human Terrain,* for instance, broadly emphasised the military importance of non-traditional aspects of conflict. According to JDN 4-13, 'all conflict is about people; their behaviours, attitudes, fears, social structures, family and ideological ties and narratives. Understanding the human dimensions of conflict is therefore a critical determinant in preventing conflict, shaping it and influencing the actors involved. It contributes to our strategic awareness, our ability to plan and execute military operations, the way that we approach our risk analysis, and it helps us identify threats and opportunities.'[14] In 2016, the MOD's *Joint Doctrine Publication 06 – Shaping a Stable World: The Military Contribution*, made specific reference to the military importance of human trafficking, noting that military support to security sector reform programmes may include 'countering human weapon and drug trafficking'.[15]

More recently and more clearly, in early 2019 the MOD released *Joint Security Publication 1325: Human Security in Military Operations,* which made particularly clear the connection between modern slavery/human trafficking, military operations, and human security. JSP 1325 'considers how the military can contribute to the empowerment and access to equal rights for women and girls; the prevention of conflict and human rights violations and the protection of

[13] DFID (2011) *Building Stability Overseas Strategy*. [Online]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/67475/Building-stability-overseas-strategy.pdf, p. 8
[14] MOD (2013). *Joint Doctrine Note 4/13 – Culture and Human Terrain.* [Online]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/256043/20131008-_JDN_4_13_Culture-U.pdf, p. iii
[15] MOD (2016) *Joint Doctrine Publication 06 – Shaping a Stable World: The Military Contribution*. [Online]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/516849/20160302-Stable_world_JDP_05.pdf, p. 93

women, men, girls and boys from human rights violations such as rape in conflict, abduction and forced recruitment of children and human trafficking.'[16] JSP 1325 arguably reflects a paradigm shift regarding recognition of the military importance of modern slavery and human trafficking, especially in the context of stabilisation operations. Under a chapter dedicated to this topic, the document states:

'*Human Trafficking occurs in fragile states and post-conflict situations, particularly when there is widespread poverty and limited rule of law. Hence the military may be operating in a source country or a transit country for human traffickers. Military forces directly tasked with broader stabilisation responsibilities should be aware of the possibility of human trafficking and the supporting criminal networks and address these issues. This is an area where it is important for military forces to create the space in which the police and other Rule of Law organisations can operate.*'[17]

As such, the document asserts it is important not only to 'ensure that anti-trafficking responses are systematically included in military planning and execution of operations,' but also 'to enhance the knowledge base of human trafficking. In particular, collecting data, monitoring, and analysing trafficking in the context of crises, including protective and risk factors, as these can support stronger responses.'[18]

Another example illustrating that modern slavery already features in UK defence and security policy is the UK government's *Overseas Security & Justice Assistance* (OSJA) framework. This includes a checklist for Capacity Building Overseas, which 'should be used by project leads when considering the overall strategic approach to engagement with security or justice actors in a particular country or when completing a programme or project proposal or business case.'[19] The OSJA framework seeks to assess the risks of violations of international humanitarian law (IHL) and human rights (IHR) law pursuant to the UK's engagement with security and justice actors in a given location or country. As part of this, project leads must '[c]onsider whether the assistance might directly or significantly contribute' to a range of negative outcomes, including 'human trafficking and/or sexual violence' and 'other violations not already identified', which would necessarily include modern slavery. The OSJA framework is concerned with assessing not only the risks of human rights and international humanitarian law violations, but also the reputational and political risks to the UK itself.

Impact of anti-slavery activity on military operations
The above described policy is a natural extension of the overarching realisation that, especially in the non-traditional conflicts of the modern world, an inclusion of modern slavery considerations is required for achieving the military's fundamental aims of defeating adversary combatants and hostile groups, advancing post-conflict reconstruction and peacekeeping, and ensuring long-term security and stability. This was well captured by interview subject no.17 (a consultant on modern slavery who is active in training law enforcement in Africa) who stated that '*within the military there are principles and desired outcomes that go beyond defeating the enemy, e.g., they are more long term. The military needs to think what country they want to leave behind. Are they going to leave behind a country that is so destroyed that it can fuel human trafficking and other human trafficking abuses and increase organized crime, or do*

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[16] MOD (2019) Joint Doctrine Publication 1325: Human Security in Military Operations. [Online] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770919/JSP_1325_Part_1_2019_O.PDF, p. 2

[17] MOD (2019) Joint Doctrine Publication 1325: Human Security in Military Operations. [Online] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770919/JSP_1325_Part_1_2019_O.PDF, p. 42

[18] *Ibid.*

[19] FCO (2017). *Overseas Security and Justice Assistance Guidance – Annex A*. [Online] https://www.gov.uk/government/publications/overseas-security-and-justice-assistance-osja-guidance

they want a country on [the] path to peace and security?' Similarly, interview subject no. 23, who has an extensive military and academic background, highlighted that modern slavery contributes to deepening instability and can undermine military goals.

Interview subject no.17 also stated that because military operations in conflict can hasten the erosion of infrastructure, they may be contributing to an increase in the vulnerabilities of local populations, such as rising unemployment, which can increase a person's overall risk of falling victim of modern slavery. As highlighted in the literature, '[human] trafficking is caused by individual and structural factors that increase the vulnerability of a person or a group to exploitation.'[20] [Also see figure 1].

'The 2016 US TIP Report addressed human trafficking in conflict zones, and stated that increasing risks of trafficking of vulnerable groups in conflict situations arise for many reasons: increasingly desperate economic circumstances; the weakening or even breakdown of rule of law; fewer social services available; people leave their homes in search of safety, but are away from their homes and communities, their support structures that keep them safe, and so become vulnerable in unfamiliar surroundings. In these situations, without the tools to adequately maintain their livelihoods, people are more likely to look for opportunities that entail risky situations or illicit economies, which are often home to traffickers.'[21]

Figure 1: Individual and structural factors and vulnerability of exploitation

It is necessary to recall that a foreign military presence may also do more than just contribute to local people's vulnerabilities. In undertaking our literature review and through interviews with experts we found that a key analytical starting point for many stakeholders is the way in which a military may contribute to sexual exploitation within the local population through troops' use of sexual services. Interview subject no. 1 stated that '*from the beginning of the history of conflict – and here I assume that predominantly it is men who fight – one of the biggest needs was to satisfy the male soldiers' sexual desire. Consequently, sexual violence, and with that human trafficking, was prevalent… In WWII sexual exploitation assisted the Germany army: brothels popped up next to where the army was, brothels even popped up in labour camps.*'

In their article on the connection between the deployment of peacekeepers and the formation of criminal networks, Smith and Miller-de la Cuesta uphold their hypotheses that the increase in demand for sexual services that accompanies force deployments will give rise to a concomitant increase in human trafficking for sexual exploitation. They tested their proposition with primary and secondary research in Kosovo, Haiti, and Sierra Leone.[22] This is supported by the work of Rehn and Johnson Sirleaf who noted that in the vast majority of peacekeeping environments there is a relationship 'between the arrival of peacekeeping personnel and increased prostitution, sexual exploitation and HIV/AIDS infection.'[23] Importantly, however, the authors highlight that the military presence is not the sole driver of sexual exploitation. 'The collapse of a normal economy, accompanied by the collapse of law and order, contribute to this environment of exploitation. Anyone can be an exploiter: members of armed groups,

[20] The Anti Trafficking Monitoring Group, (2018). *Before the Harm is Done: Examining the UK's response to the prevention of trafficking.* [Online] http://www.antislavery.org/wp-content/uploads/2018/09/Before-the-Harm-is-Done-report.pdf p.11
[21] The Global Initiative, *Connecting Human Trafficking and Conflict.* [Online] http://globalinitiative.net/human-trafficking-conflict/
[22] Smith, C. A. and Miller-de la Cuesta B. (2011), 'Human Trafficking in Conflict Zones: The Role of Peacekeepers in the Formation of Networks', Human Rights Review, 12(3), 287–299
[23] Rehn, E. and Johnson Sirleaf, E. (2002). 'Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building', *United Nations Development Fund for Women.,* [Online] https://www.unfpa.org/sites/default/files/pub-pdf/3F71081FF391653DC1256C69003170E9-unicef-WomenWarPeace.pdf p.61

the government, regional organizations and the private sector.'[24] In other instances the military can contribute indirectly to human trafficking. Lillie writes: 'the US military sub-contracts the majority of its non-military labour needs through outside agencies which in turn sub-contracts out to a third or even fourth company. Foreign workers are commonly brought to US military bases to work as cleaners, cooks, fast-food employees, beauticians, and construction workers. The majority of workers are from low-income countries like Fiji, the Philippines, Nepal, Ukraine, and Bulgaria and are looking for better economic opportunities. But the recruiters charge exorbitant fees, putting the individuals at risk of debt bondage and trafficking.'[25]

It is also possible to highlight the necessity for the military to consider modern slavery in terms of understanding that modern slavery may also constitute a tactic of warfare, at which point it becomes directly relevant to the success and conduct of military operations. Binetti articulates this well, noting that 'human trafficking is an effective tool that serves several purposes for terrorist organizations. It facilitates the recruitment and retention of male [and female] foreign fighters and provides a reward mechanism for successful combatants. It also generates revenue and contributes to psychologically crushing "the enemy," by "decimat[ing] communities." Trafficking, as a tactic of warfare, intimidates populations and reduces resistance just as enslavement and rape of women.'[26] An awareness that the enemy is using modern slavery practices thus becomes a crucial part of the strategic and operational intelligence picture and may in fact help inform the military's desire course of action.

The use of child soldiers in conflict only adds further cause for careful consideration. The use of child soldiers is a common occurrence in many of today's conflicts, especially in Africa. The UNODC reported that 'it is estimated that in Somalia more than half of the members of the Islamic militant group Al-Shabaab may comprise children, and some estimates suggest that children comprise 90 per cent of the soldiers in the Lord's Resistance Army [operating in several African countries]… the United Nations verified a five-fold increase in recruitment of children into armed conflict in Yemen from 2014 to 2015. For ISIL, which promotes the training of boys as fighters – so-called '"Cubs of the Caliphate" – the value of children is found in their susceptibility to Islamic State ideology, which glorifies death by suicide; their dispensability to ISIL is proven by the fact that many are required to wear suicide vests while carrying out other tasks, lest an attack ensue.'[27]

Noting the use of modern slavery as a tactic of warfare by a multitude of armed groups in today's complex conflicts assessments should be made at the onset of military planning to estimate the scope and scale of any modern slavery, the risks related to the military and the achievement of its strategic and operational objectives, and how military personnel and local populations ought to be protected. Countering modern slavery, and better understanding how it is used as a tool of warfare, provides a new operational opportunity for the more efficient defeat of enemy forces and other hostile actors.

The need for the military to at least understand the intricacies and sophistications of modern slavery is well illustrated with regard to forced combatants. The definition of human trafficking can include situations in which people are trafficked for the purpose of being exploited to carry

[24] Rehn, E. and Johnson Sirleaf, E. (2002). 'Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building', *United Nations Development Fund for Women.* [Online] https://www.unfpa.org/sites/default/files/pub-pdf/3F71081FF391653DC1256C69003170E9-unicef-WomenWarPeace.pdf p.61

[25] Lillie, M. (2017), 'Human Trafficking and Armed Conflict' *Human Trafficking Search.* [Online] http://humantraffickingsearch.org/201738human-trafficking-and-armed-conflict/

[26] Binetti, A. (2015), 'A New Frontier: Human Trafficking and ISIS's Recruitment of Women from the West', *Human Trafficking Search.* [Online] http://humantraffickingsearch.org/resource/a-new-frontier-human-trafficking-and-isiss-recruitment-of-women-from-the-west/

[27] UNODC, (2018). 'Countering Trafficking in Persons in Conflict Situations: Thematic Paper', *United Nations Office on Drugs and Crime:* Vienna. [Online] https://www.unodc.org/documents/human-trafficking/2018/17-08776_ebook-Countering_Trafficking_in_Persons_in_Conflict_Situations.pdf

out terrorist or combatant activities. Here however, there is a complex and inherent conflict between the liberal human rights narrative of forced combatants as passive victims, and the autonomy of a person, who is capable of making informed decisions and thus responsible for their actions. A key element of identifying, protecting and subsequently assisting victims of modern slavery is safeguarding them from being held liable for crimes they were forced to commit as a direct result of being trafficked. This ought to also be true in the context of a conflict. It is therefore paramount that the military can distinguish who is a victim of human trafficking for the purpose of being exploited as a forced combatant and who is a genuine enemy. Indeed, UN Resolution 2388 (2017) urges Member States to thoroughly assess the individual situation of persons released from the captivity of armed and terrorist groups so as to enable prompt identification of victims of trafficking, their treatment as victims of crime and to consider, in line with domestic legislation, not prosecuting or punishing victims of trafficking for unlawful activities they committed as a direct result of having being subjected to trafficking.

Need for multidisciplinary approaches
A final point concerns the need for multidisciplinary approaches to addressing modern slavery. Recent decades have seen a relative increase in protracted non-international armed conflicts, in which civil society, the state and justice system have collapsed, allowing many countries and locations to become prime areas for trafficking in drugs, weapons, natural resources and persons. For this reason, a multi-disciplinary approach – involving a range of actors from business, civil society, local authorities, academia, law enforcement and the military – is necessary to tackle the issue. However, the phenomenon remains largely overlooked in conflict and crisis situations.[28] In fact, there is a critical gap for tackling human trafficking in the international peacekeeping, conflict resolution, and humanitarian response system and architecture; this gap must be addressed. Due to the complexity of conflict environments and their inherent uncertainty, it is insufficient to consider trafficking as merely a law enforcement issue; rather, we must include military actors in our responses to trafficking due to their unique knowledge, expertise, and frontline exposure to slavery and trafficking in conflict. At the same time, military actors must work alongside NGOs, civil society and local government authorities to tackle the issue through a more holistic, inclusive and effective response.

2.1.3   Typology of modern slavery in a military context
Modern slavery is a multifarious crime that takes a number of different forms including in contexts where the military is present. The table below presents an initial typology of victims of human trafficking in a conflict, it is based on an analysis of data sources and conducted interviews available at present.

Table 2 Typology of modern slavery in a military context

Type
Conflict Exploitation - forced combatant
Conflict Exploitation - forced combatant (recruitment of Western women into the Islamic State/ISIS/ISIL)
Conflict Exploitation - child soldier
Conflict Exploitation - suicide bomber
Conflict Exploitation - for ransom
Conflict Exploitation - forced labour (manufacturing)

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[28] IOM, (2015). *Addressing human trafficking and exploitation in times of crisis.* [Online] https://publications.iom.int/books/addressing-human-trafficking-and-exploitation-times-crisis-evidence-and-recommendations-0

Conflict Exploitation - forced labour (agriculture)

Conflict Exploitation - forced labour (drug cultivation and/or selling)

Conflict Exploitation - forced labour (provision of services other than sexual)

Conflict Exploitation - forced labour (demining contested areas)

Conflict Exploitation - domestic servitude (cooking, cleaning, care, etc.)

Conflict Exploitation - sexual exploitation

Conflict Exploitation - child sexual exploitation

Conflict Exploitation - forced criminality

Conflict Exploitation - forced criminality (forcing victims to engage in the crime of human trafficking, e.g., recruitment or harbouring of persons)

Conflict Exploitation - forced impregnation

Conflict Exploitation - forced marriage

Conflict Exploitation - slavery (chattel slavery)[29]

Conflict Exploitation - blood trafficking for injured combatants

Conflict Exploitation - organ trafficking for profit

Conflict Exploitation - organ trafficking for injured combatants

Within Project Solebay we will be focusing our initial risk assessment methodology on the following types of modern slavery: child soldiers, sexual exploitation and forced labour. We focus on these three types of modern slavery for they are subject to the greatest amount of discourse and collection of data, thus enabling us to best prototype our risk assessment methodology.

2.1.4   Cross over to other sectors.

The research in this project reveals that there is a degree to which the results of the qualitative and quantitative research and the developed risk assessment methodology can be generalized or transferred to other contexts or settings. In particular to the humanitarian sector, which often coincides with the work conducted by the military. The work completed around risk assessment (see below) for the domain of modern slavery can be used more broadly, including in the private sector, by law enforcement, NGOs and front-line professionals (e.g., medical practitioners, social services, municipality councils including those focusing on the problem of homelessness). Such cross-over is currently being further examined within Trilateral Research as part of ongoing wider-exploitation efforts.

3   Approaches to risk assessment

This chapter first explains the nature of risk assessment and its utility as the means of enabling the UK military's response to modern slavery. The chapter then explores some of the key issues and challenges to designing and implementing a risk assessment as derived from our desk research and interviews. The chapter closes by outlining our approach to risk assessment for the purposes of Project Solebay.

3.1.1   What is risk assessment?

As a concept, risk is not difficult to define. It is composed of three core components: *occurrence*, *likelihood*, and *consequences*. As risk expert Stan Kaplan outlined in 1997, assessing risk involves asking the following questions:

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[29] Chattel slavery is the kind of slavery that existed in the United States before the Civil War, and that existed legally throughout many parts of the world as far back as recorded history. Slaves were actual property who could be bought, sold, traded or inherited. Fight Slavery Now, *Chattel Slavery.* [Online] https://fightslaverynow.org/why-fight-there-are-27-million-reasons/otherformsoftrafficking/chattel-slavery/

'What can happen? How likely is that to happen? If it does happen, what are the consequences?'[30]

This formulation of risk – where risk is a function of the *likelihood* (or probability) and the *consequences* (or impact) of something occurring – is the standard model used across a range of professional domains, from heavy industry to the defence and security community. Indeed, this formulation underpins the approach to operational and strategic risk assessment in the UK military and NATO. For instance, *NATO AJP-5 Allied Joint Doctrine for Operational-Level Planning (2013)* defines risk as 'a situation involving exposure to danger' which is 'assessed by the likelihood of its occurrence and the gravity of its impact.'[31]

It is important to recognise the dual-dimensional nature of risk. Risk assessment is not merely concerned with assessing the likelihood of something occurring, nor is it merely concerned with assessing the consequences of something occurring; it is fundamentally concerned with assessing how *likelihood and consequences* interact. This is because the purpose of assessing risk is 'to support some form of decision-making where risk is an important decision criterion.'[32] For instance, if we were to determine the *likelihood* of two different occurrences as being, respectively, 'unlikely' and 'likely', or even both being 'likely', this alone provides little help for decision-making, prioritisation, and allocation of resources, because we do not know the *consequences* of each occurrence. In other words, perhaps the 'likely' occurrence would in fact have little consequence for us, whereas the 'unlikely' occurrence would actually be of significant consequence were it to occur. Similarly, if we were to determine the *consequences* of two different occurrences as both being 'severe', this alone provides little guidance, unless we also were able to determine the *likelihood* of each occurring. **Risk must be assessed by considering both of these dimensions.**

Finally, when identifying and understanding risks, it should be noted that the factors which affect risk – or, more specifically, the factors that affect the *likelihood* and *consequences* of an occurrence – are rarely of equal importance. For example, if there were ten factors identified that affect the likelihood of something occurring, it should reasonably be assumed that those ten factors do not all possess an equal influence upon likelihood. Similarly, however many factors are deemed to affect consequences, it should also be assumed that those factors do not possess total equality in their comparative influence upon consequences. Therefore, risk assessments often seek to capture and convey the 'weightings' of certain variables – that is, the strength of their comparative influence or importance upon a particular risk. Weightings can also be applied to establish the comparative importance of, for instance, the possible consequences pursuant to a risk. However, the process of weighting these risk variables is fraught with complications, as further discussed below.

3.1.2   Why conduct a risk assessment in this area?

Why is risk assessment a suitable approach to support the UK military's response to modern slavery? The primary reason is this: *the military is not an anti-slavery organisation*, regardless of the manner in which modern slavery risks intersect with military operations and considerations. As outlined in the previous chapter of this report, there are genuine reasons why the military should be concerned with the risks associated with modern slavery: the military possesses identifiable legal and ethical obligations regarding tackling modern slavery;

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[30] Kaplan, S. (1997) 'The Words of Risk Analysis,' *Risk Analysis*, 17(4), 407-417, p. 408
[31] NATO (2013) *AJP-5 Allied Joint Doctrine for Operational-Level Planning*. [Online] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/393699/20141208-AJP_5_Operational_level_planning_with_UK_elements.pdf p. 44
[32] Rausand, M. (2011) *Risk Assessment: Theory, Methods, and Applications*. New Jersey, US: John Wiley & Sons, Inc., p. 21

modern slavery can manifest in ways that pose particular risks to the military; and the military itself may become an unwitting contributing factor to modern slavery.

However, in any given situation the UK military would presumably seek to understand and balance the modern slavery-related risks against other risks relating to a variety of tactical, operational, strategic, logistical, procurement, political, diplomatic and other imperatives. This recognition should not be seen as controversial. Indeed, prioritisation is at the heart of risk assessment and risk management. As noted in *NATO AJP-3.14 Allied Joint Doctrine for Force Protection (2015)*, '[a]n unrealistic expectation to avoid all risk may impact adversely on the accomplishment of the mission and, if causalities occur, undermine political and military resolve. Commanders, therefore, should balance risk to their forces against mission imperatives.'[33] Unlike an NGO, for instance, which might wish to assess the *likelihood* of modern slavery or the *vulnerability* of certain populations for the purpose of safeguarding, advocacy, or raising awareness, the military must also understand the varying *consequences* of modern slavery – consequences not only for local populations, but also for its own personnel, for its operations and for its longer-term strategic goals, while recognising these consequences are largely inter-connected.

In this sense, conducting a risk assessment would help provide a basis for military decision-makers to better consider the extent to which the potential risks relating to modern slavery might be 'tolerable' or 'acceptable' within the context of a panoply of military imperatives and mission-critical objectives. Moving forward, we define risk as a function of the likelihood and consequence of a negative occurrence.

Finally, it should be noted that while the project is primarily concerned with the negative effects associated with risks, there may also be opportunities available to military commanders and planners. In this sense, opportunities are potential actions that may have a net positive effect on modern slavery characteristics in a particular location. As with risks, so too can opportunities be assessed on the dimensions of *likelihood* and *consequences* – although here, the *consequences* are considered to be positive.

3.1.3   Challenges to designing and implementing a risk assessment

Modern slavery (including human trafficking) is hard both to precisely define and to recognise in practice. The hidden nature of the crime means that one cannot simply resort to the idea that we will know it when we see it. In a complex world, it is often the case that merely spotting the problem is itself fraught with difficulties. These issues present obvious challenges to the project from the outset. A second, connected set of challenges relates to the practicalities of designing and implementing a risk assessment. Assessing risk can be far more difficult in practice than is suggested by the apparent simplicity of the formulation outlined above. This is especially the case when dealing with phenomena in the social world of human-to-human interactions, where variables are often unquantifiable; perceptions of harm, danger, consequences and severity are highly subjective; and attempts to fully determine the relevant causal risk factors are fraught with difficulties. Moreover, the process is hindered by the reality that no two cases of modern slavery are the same, making predictions difficult. Lastly, as mentioned earlier in this report, there are numerous challenges around the availability of data, which thus limits the analysis required for undertaking a risk assessment.

"Easy to say and difficult to understand": the language of risk

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[33] NATO (2015) *AJP-3.14 Allied Joint Doctrine for Force Protection.* [Online]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/454616/20150804-AJP_3_14_Force_Protection_Secured.pdf p. viii

Perhaps the most obvious challenge is one of language. Our research has shown that the discourse of risk is sometimes (not always) used inconsistently and inaccurately, at least insofar as the traditional formulation is concerned. This results in a number of issues, including the observation that some risk assessments focus disproportionality on a single dimension of risk – usually *likelihood* – and tend to conflate key terms in such a way as to confuse the very notion of risk.

By way of illustration, one of the most well-known policing risk assessments in the UK is The Domestic Abuse, Stalking and Honour Based Violence (DASH) checklist, which aims to assess the risks of Domestic Abuse, Stalking and harassment, and Honour-based violence.[34] It has been adopted or adapted by a number of UK police forces, such as the Thames Valley Police.[35] The circa 2009 version defines standard risk as meaning that '[c]urrent evidence does not indicate likelihood of causing serious harm'; Medium risk means '[t]here are identifiable indicators of risk of serious harm. The offender has the potential to cause serious harm but is unlikely to do so unless there is a change in circumstances'; and High risk means [t]here are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious.'[36] Here, although serious harm could be taken to constitute the *consequences* dimension of risk, it appears to stay constant across all categories, with variation thus only observed in the *likelihood* dimension. However, high risk also refers to both serious harm and serious impact, making it unclear what exactly the difference is.

While many of the risk assessment tools we reviewed were designed for a domestic policing context, similar issues were present elsewhere. For instance, the Heightened Risk Identification Tool (HRIT, v.2), developed by the UN High Commissioner for Refugees to assist Syrian refugees in Jordan, explains that the medium risk category indicates a strong 'likelihood of serious risk.'[37] Here, the reference to likelihood of serious risk conflates risk with one of its constitutive components, and it is nonsensical to propose that a medium risk rating indicates serious risk. The TACT Risk Assessment Matrix, developed by the International Organisation for Migration (IOM) to assess potential victims of human trafficking, presents a list of questions asking whether certain events have occurred or whether certain signs of trafficking are present, to which the respondent ticks yes or no.[38] However, it is not clear whether any assessment of *likelihood* or *consequences* features in this process.

RISK RATING		
HIGH Serious imminent risk to personal safety requiring immediate intervention and/or follow-up within a few days	**MEDIUM** Likelihood of serious risk to personal safety requiring urgent intervention and/or follow-up within 4-6 weeks	**LOW** Likelihood of serious risk to personal safety is low but intervention for specific needs may be required

Figure 2 Risk Ratings in the UNHCR Heightened Risk Identification Tool (HRIT, v.2). Note the reference to "Likelihood of serious risk".

[34] Richards, L. (2009) *Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH, 2009-16) Risk Identification and Assessment and Management Model*. [Online] https://www.dashriskchecklist.co.uk/wp-content/uploads/2016/09/DASH-2009-2016-with-quick-reference-guidance.pdf
[35] Thames Valley Police (2017) *Risk Assessment Form DOM5*. [Online] http://www.reducingtherisk.org.uk/cms/sites/default/files/resources/risk/dom5_v4.pdf
[36] Richards, L. (2009) *Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH, 2009-16) Risk Identification and Assessment and Management Model*. [Online] https://www.dashriskchecklist.co.uk/wp-content/uploads/2016/09/DASH-2009-2016-with-quick-reference-guidance.pdf, p. 10
[37] UNHCR (2010) *Heightened Risk Identification Tool*. [Online] http://www.refworld.org/docid/4c46c6860.html p. 2
[38] IOM (2016) *TACT Risk Assessment Matrix*. [Online] http://www.iomfrance.org/sites/default/files/TACT-%20Risk%20assessment%20matrix.pdf

It must be noted, however, that many risk assessment tools are indeed built upon a much stronger and more accurate conceptualisation of risk – which should, in principle, allow them to perform better at assessing risk. The Management of Risk in Law Enforcement (MoRiLE) tool, which is widely used by UK police forces, is explicitly grounded in a *likelihood X consequences* formulation of risk[39] (although the concept of *harm* is substituted for *consequences*, as UK police discourse is built around the threat, risk and harm model). The UN Department of Safety and Security's (UNDSS) Security Risk Management (SRM) policy (dated 2017) accurately views risk as 'the combination of the likelihood of a threat being carried out and the subsequent impact to the United Nations.'[40] Similarly, the UN Department of Field Support's (UNDFS) Sexual Exploitation and Abuse Risk Management Toolkit (dated 2018) lists two primary risk assessment questions as 'What is the likelihood that UN personnel commit SEA in this Mission environment?' and 'What impact would this have on the Mission's objectives?'[41]

The point here is to recognise that not all risk assessment tools have been created equally. For the purposes of Project Solebay, we have sought to understand the challenges in designing and implementing risk assessments amidst the complexities of the social world, and to derive best practices from those that have already attempted to do so. In this sense, from our perspective it has been of great use not only to identify those tools that we believe are conceptualising and practicing risk well, and to understand how and why this is the case; but also to identify those tools that embody a weaker or flawed conceptualisation of risk so as to allow us to better identify and understand the potential pitfalls we should aim to avoid – such as an inadequate or absent consideration of *likelihood* and *consequences*, or an attempt to weight the risk factors and variables despite an insufficient evidential basis for doing so. Knowing *what not to do* can be as important as knowing *what to do*.

Nevertheless, we emphasise that the challenges in bridging the conceptual-practical divide remain strongly reflected in our interviews. A number of our interviewees appeared to view risk as being largely a question of *likelihood*, or otherwise suggested that doing so was indeed common practice. One of our interviewees who works at a large NGO stated outright that risk was the *likelihood* of something negative occurring,[42] implicitly discounting the *consequences* dimension. One interviewee with the UK police did say that police constables (PCs) are taught to conceptualise risk in terms of *likelihood* and *harm*[43] – as per the MoRiLE tool, for instance – yet one of their colleagues later said that when the police talk about risk this is usually based around *likelihood*, which that interviewee recognised as erroneously one-dimensional.[44] In the opinion of this latter interviewee, amongst UK police personnel the discourse of risk, threat and harm

> '… falls off the tongue […] and you'll see superintendents talk about it, and you'll see PCs talk about it, and you think: well what really is that? […] They float off the tongue as simply as other things, as simply as good mornin' […] It's like we talk about analysts, they talk about adding value. It just became this thing that people said. What does your job do? Oh I add value. What does that mean? Oh I don't know. It's just what everybody says. And I think that threat, risk and harm is very similar […] Oh it's about

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[39] Huggins, A. (2015) *MoRiLE Manage of Risk in Law Enforcement*. [Online] http://www.excellenceinpolicing.org.uk/wp-content/uploads/2015/10/1-3_MoRiLE.pdf

[40] UNDSS (2017) *United Nations Security Management System: Security Policy Manual*. [Online] https://www.un.org/undss/sites/www.un.org.undss/files/docs/security_policy_manual_spm_e-book_as_of_29_nov_2017_0.pdf, p. 3

[41] UNDFS (2018) *Sexual Exploitation and Abuse Risk Management Toolkit*. [Online] https://conduct.unmissions.org/sites/default/files/dpko-dfs_sea_risk_toolkit_28_june_2018_modified.pdf p.1

[42] ID02

[43] ID04

[44] ID07

threat, risk and harm. Oh yeah? But if you actually nail somebody down and say: What does that mean to you? people say: Ohhh I'm not quite sure. Because I think it's easy to say and difficult to understand.'[45]

Similarly, an academic who had worked closely with a European police force explained that risk was understood as some sort of weakness that could be detected and abused.[46] But the interviewee noted, *inter alia*, that risk assessment (in the policing context) is all about prediction and avoidance, that the *likelihood x consequences* model of risk is not especially common in the policing context of that European country, and that risk is usually understood as the *likelihood* of something happening.[47] Another academic, who has experience using qualitative risk assessments for criminology, told us that risk is a 'complex web of causality' and that the *likelihood x consequences* model is a largely quantitative approach that conceives of risk in a linear fashion, whereas the 'social world is much more complicated than that.'[48]

Indeed, some interviewees suggested that it was quite impractical to attempt to translate the more rigid, traditional formulation of risk (as outlined above) to the social world, or to attempt to qualify and quantify every variable under consideration. Regarding corporate supply chain risk assessments for modern slavery, one interviewee noted that while risk varies across contexts, ultimately 'it all comes down to vulnerability [of workers].'[49] The interviewee said that although their supply chain risk assessment 'does emphasise some groups [of workers who are] at particularly high risk,' nevertheless we don't try to be prescriptive about the various groups that research has shown are vulnerable to human trafficking.'[50] Another interviewee, when asked to clarify some of these conceptual components and issues, remarked that they are not big theorists and then cautioned the researchers on the dangers of becoming too theoretical.[51] This interviewee unfortunately did not clearly explain what they believed the components of risk to be, although they later remarked that a company buying seafood in Thailand would probably have a high degree of supply chain risk due to – once again – a high likelihood of slavery taking place there.[52]

Refreshingly, one interviewee with several years' experience working in the anti-trafficking field told us that risk is indeed properly defined as what can happen, the chances of it happening (likelihood), and the consequences.[53] However, this interviewee also noted that it is often far more straightforward to establish *likelihood* than to determine *consequences*[54] – something which Project Solebay's researchers do assume lies behind the problematic conceptualisation of risk as *likelihood*. The interviewee explained, for instance, that assessing the *likelihood* of human trafficking in a particular country could involve looking at the driving factors (such as poverty), grading the prevalence or importance of each factor for the given location, and adding the factor scores to produce an overall *likelihood* score. On the other hand, the interviewee said that the *consequences* dimension (or danger/harm in a UK police context) is very generic and that further consideration is needed to determine how the *consequences* of any instance of human trafficking should be judged and scored.[55]

This presents a key practical research challenge for us. The general lack of modern slavery-related data aside, we might expect to be able to determine, with a reasonable degree of

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[45] ID07
[46] ID11
[47] ID11
[48] ID13
[49] ID14
[50] ID14
[51] ID08
[52] ID08
[53] ID17
[54] ID17
[55] ID17

validity, the *likelihood* of modern slavery manifesting in Country X, based on metrics such as the number and strength of risk factors present, the existing reported prevalence of modern slavery within a given location, and the existing reported frequency of new victims of modern slavery within that location. However, determining the *consequences* of modern slavery for the population, with any degree of accuracy and diagnostic validity, would be a gargantuan undertaking. To start, we would need to understand the various consequences in principal for a given population - remembering that each population is unique - be they physical consequences, psychological, social, financial, educational, and so on. Then we would need to link particular types of modern slavery to particular consequences – asking, for instance, what are the physical consequences of entering into forced labour, what are the psychological consequences of entering into forced labour, and so on. In the context of Project Solebay and the need to assess the various potential consequences, we then arrive at the most difficult and controversial set of questions: are the physical consequences of forced labour more or less severe than the psychological consequences? What about the comparative severity of the variational consequences related to becoming a child soldier, or of entering into sexual slavery?

Followed through to its logical conclusions, any attempt to accurately and comprehensively determine the nature of *consequences* would require us to pose questions such as: What's worse: being a child soldier or being a forced labourer? All this occurs before we even begin to consider the consequences of modern slavery for the UK military itself – for whom, following the same process, we would arrive at the question: What's more consequential for the UK military – child soldiers, or forced suicide bombers, or forced labourers, etc.? The difficulty in answering (and asking) such questions places a greater emphasis on the professional judgement and nuanced experience of those individuals, experts and practitioners involved in undertaking the risk assessment.

"More of an art than a science": risk and professional judgement
Indeed, another recurring issue is that of identifying and weighting the various factors and indicators of modern slavery risk. Many of the risk assessments reviewed provided little or no suggestion that individual indicators had been weighted according to their causal influence upon risk. This challenge was also reflected in our interviews. One interviewee with the UK police said they had never seen risk indicators weighted in police risk assessments.[56] Another interviewee, also with the UK police, did mention a police risk assessment project that had included weightings based on the indicators' varying relevance to victims' vulnerability, but the interviewee noted that any determinations of vulnerability, threat, and risk would still be highly subjective, imprecise, and based largely on professional judgement.[57] When the researchers asked how the causal weighting of risk indicators could be adjusted to more closely reflect their causal strength in the real world, one interviewee with experience working in the anti-human trafficking field said they had 'never see[n] that weighted' in trafficking risk assessments. The interviewee said that the problem of how to determine weightings, along with which factors cause more or less harm, is a question 'I don't know how to answer.'[58] The interviewee added that doing so should be possible but would require a large amount of time, resources and research funding.

It should be possible to partially account for risk factor weightings in some way. For instance, one interviewee said that a particular corporate supply chain risk assessment for modern slavery allowed companies to define their own risk algorithms and thereby adjust the indicators' weightings according to each company's unique needs and environment.[59] This is

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[56] ID04
[57] ID03
[58] ID17
[59] ID14

undoubtedly a positive feature. However, the rationale for applying the different weightings would presumably be a matter for the company conducting the assessment to determine, which sheds little light on how companies might arrive at that rationale in the first place, nor the strength of the evidence base behind it.

The practical challenges to designing and conducting risk assessments for use in the social world appear to stem in large part from the difficulty in identifying and mapping the relevant causal relationships – what one interviewee called a 'complex web of causality'[60] – along with the difficulty in quantifying *likelihood* and, especially, *consequences*. One interviewee, an academic, noted that it is difficult to capture the variables and connections relevant to modern slavery and human trafficking within a risk assessment because the social environment is constantly shifting.[61] Similarly, a UK police interviewee, who is familiar with DASH and similar policing risk tools, remarked that in the context of modern slavery there is a perceived 'need to quantify something that is not quantifiable.'[62]

One interviewee who has worked on a large modern slavery dataset told us that it is hard to say what *consequences* actually means in a modern slavery context, not least because the variables that affect risk at the individual level 'do play out differently in different regions.'[63] This interviewee remarked that while is it possible to use research to identify the links between certain risk factors (e.g. migration) and modern slavery, 'we can't say for certain that the variables we're identifying are causal for slavery.'[64] The interviewee added that strengthening the theory around what causes slavery, and improving the data that underpins theory and models, is a crucial next-step from a data perspective. Of course, a variable cannot easily be weighted in terms of its relative importance for modern slavery unless one can determine that the variable has at least *some* causal affect in the first instance. This particular challenge of attributing causality is recognised in the literature to this day. For instance, in their 2018 article *Modelling the Risk of Modern Slavery*, Diego-Rosell & Larsen write that '[w]e cannot ascertain the direction of causality' between variables and risk factors, adding that 'unfortunately the field of [modern slavery] lacks a unifying causal theory that can be used to inform variable selection.'[65]

This can understandably – or perhaps *necessarily*, owing to the current dearth of modern slavery-related data, especially in a conflict/crisis context – result in a strong reliance upon the risk assessor's professional judgement as forming a significant part of the basis for identifying, understanding and determining risk. Moreover, it is plausible that some forms of modern slavery may be of higher political priority than others, based on various domestic and international political factors. The emphasis on professional judgement, for its part, is reflected in a number of the risk assessment tools we reviewed. A version of the DASH checklist, for instance, states: 'Please pay particular attention to a practitioner's professional judgement in all cases. The results from a checklist are not a definitive assessment of risk. They should provide you with a structure to inform your judgement and act as prompts to further questioning, analysis and risk management.'[66] Another version states: 'the risk identification process must remain dynamic. Events and circumstances may undergo rapid and frequent change. Where this is the case, the assessment must be kept under review. Risk identification

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[60] ID13
[61] ID11
[62] ID07
[63] ID20
[64] ID20
[65] Diego-Rosell, P. & Larsen, J. J. (2018) *Modelling the Risk of Modern Slavery*. [Online] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3215368 p. 18
[66] SafeLives (2014) *SafeLives Dash risk checklist: Quick start guidance.* [Online] http://www.safelives.org.uk/sites/default/files/resources/Dash%20risk%20checklist%20quick%20start%20guidance%20FINAL.pdf

is based on structured professional judgement.'[67] The UNHCR's Heightened Risk Identification Tool (HRIT v.2) guidance notes that 'the majority of staff and partners using the HRIT are not medical experts. Staff must use their best judgement to identify the likelihood of risk.'[68] Similarly, the UNDFS' Sexual Exploitation and Abuse (SEA) Risk Management Toolkit states that '[a]ssessing risk is more of an art than a science. Although scales are provided to encourage a consistent approach, SEA risk assessment is essentially subjective and depends heavily on the user's understanding of the unique context in which the Mission operates,'[69] such that '[u]sers should make their own judgement as to the relative weighting given to each of the four [risk] criteria.'[70]

Indeed, one interviewee who works for a large NGO remarked that accurately or meaningfully weighting the risk indicators is too complicated; instead, natural weighting was used in this interviewee's assessment tool, where a combination of many questions and a strong knowledge of the issue was expected to allow the analyst to create a full picture of the risks.[71] Such is the difficulty here that some risk assessments might not attempt to weight the risk factors at all. Another interviewee, an academic specialising in risk management, remarked that while a risk assessment should indeed be assessing the *likelihood* and *consequences* of a negative occurrence, and while academics, consultants and economists have a preference for quantitative risk assessments that use decision trees and other statistical models for doing so, the reality is that industry doesn't really trust this and instead tends to conduct more qualitative risk assessments based on "arbitrary gut-feeling measurements."[72]

Within the scope of Project Solebay, we believe it to be currently impracticable and unrealistic to attempt to quantify and statistically determine the extent of the various causal relationships between each risk factor. The current lack of evidential data aside – which remains perhaps the single greatest challenge to any research into modern slavery, especially in conflict/crisis areas – the scope of the current project unfortunately does not allow the resources to advance towards a more statistically robust understanding of the causes of modern slavery. At the same time, we disagree wholly with the perceived need to resort to arbitrary gut-feelings about the factors that drive modern slavery, or the range of possible consequences, or any other such considerations. As an original and innovative research project, the process of determining what it is that we should know *in principle*, and identifying the extent of the relevant evidence base (or lack thereof), holds far greater value than using guesswork in a flawed attempt to fill any knowledge gaps.

3.1.4   Risk in the literature

Before concluding this section by outlining Project Solebay's approach to risk assessment, we would like to stress that the challenges outlined above are, to a great extent, not new. As outlined earlier, we take the position that risk should be conceptualised in terms of *likelihood* and *consequences*, the simplified formula for which can be written as *Risk = f (Likelihood x Consequences)*. However, as Stan Kaplan noted in his 1997 article, 'risk is not a number, nor is it a curve, nor a vector, etc. None of these mathematical concepts is 'big' enough in general to capture the idea of risk.'[73] The concept of risk originally grew out of the highly technical fields of aerospace engineering, transportation systems, power plant operations, fuel

[67] Richards, L. (2009) *Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH, 2009-16) Risk Identification and Assessment and Management Model*. [Online] https://www.dashriskchecklist.co.uk/wp-content/uploads/2016/09/DASH-2009-2016-with-quick-reference-guidance.pdf
[68] UNHCR (2010) *Heightened Risk Identification Tool*. [Online] http://www.refworld.org/docid/4c46c6860.html   p. 9
[69] UNDFS (2018) *Sexual Exploitation and Abuse Risk Management Toolkit*. [Online] https://conduct.unmissions.org/sites/default/files/dpko-dfs_sea_risk_toolkit_28_june_2018_modified.pdf   p. 13
[70] UNDFS (2018) *Sexual Exploitation and Abuse Risk Management Toolkit*. [Online] https://conduct.unmissions.org/sites/default/files/dpko-dfs_sea_risk_toolkit_28_june_2018_modified.pdf   p. 15
[71] ID2
[72] ID09
[73] Kaplan, S. (1997) 'The Words of Risk Analysis,' *Risk Analysis*, 17(4), 407-417, p. 409

production, and other heavy industries. These are areas in which hazards, technical failures, causal chains of events, and production costs – and, in turn, the *likelihoods* and *consequences* of certain events – can obviously be more easily identified, mapped, analysed, quantified, and assessed. It is understandable that there would be challenges in translating all this to the social world. As Steve Frosdick explained in a 1997 article:

> 'the techniques of risk identification are qualitative processes derived largely from engineering safety methods in the more hazardous technological industries… Since the engineering paradigm is technology rather than people oriented, the techniques are stronger on the identification of technical failure modes and weaker on the social issues, such as risk perception…'[74]

Moreover, some risk experts view the use, or *misuse*, of risk discourse as a key part of the problem in identifying and understanding risk in the first place. Jack Dowie, for instance, argued in a 1999 article that the 'language of risk… is [often used as] either a synonym for chance, a synonym for harm, or refers to an implicit synthesis of probability judgments and value judgments that inevitably prejudices their separate and explicit assessment.'[75] This claim resonates with Project Solebay's research findings as outlined above. The ease with which people might refer, in good faith, to the concept of risk, while in reality conflating or omitting its constitutive components, can result in risk becoming a 'sort of conceptual pollutant', Dowie argues, which 'encourages people to assume that they know what they are talking about when they use it… [and] to assume that they know what others are talking about when they hear or see it used.'[76] In effect, it may be all too easy for risk to become 'a word [that] mean[s] just what the speaker chooses it to mean, neither more nor less.'[77]

It is illustrative of the challenges of assessing risk that almost twenty years after these opinions were published, similar issues appear to plague many (though not all) risk assessments, including some of those we reviewed. To help avoid such pitfalls, Project Solebay's approach to risk assessment includes an explicit consideration of the *likelihood* and *consequences* dimensions of risk, does not conflate the two, and aims to provide a clear rationale underpinning their separate identification and assessment.

3.1.5 Project Solebay: approach to risk assessment and mitigation
This section concludes by outlining the key principles of Project Solebay's approach to the risk assessment. Readers should note that these principles are intertwined in reality and have continued to manifest to various degrees throughout our research, conceptual planning, and discussions within the project team, the MOD and other stakeholders.

- **Iteration and evolution**
  As stated at the start of this section, risk is fundamentally about the two dimensions of *likelihood* and *consequences*. However, there are significant challenges to identifying what exactly affects the likelihood of modern slavery (both overall and by specific types), and what exactly the consequences might be (both to a victimised population and to a foreign deployed military). Regardless, these challenges do not negate the necessity that a risk assessment methodology must be grounded in these two dimensions. When confronted with a lack of information about likelihood and consequences, we must still account for both dimensions.

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[74] Frosdick, S. (1997) 'The techniques of risk analysis are insufficient in themselves, *Disaster Prevention and Management: An International Journal*, 6(3), 165-177, p. 176
[75] Dowie, J. (1999) 'Communication for better decisions: Not about 'risk'', *Health, Risk & Society*, 1(1), 41-53, p. 41
[76] Dowie, J. (1999) 'Communication for better decisions: Not about 'risk'', *Health, Risk & Society*, 1(1), 41-53, p. 42
[77] Dowie, J. (1999) 'Communication for better decisions: Not about 'risk'', *Health, Risk & Society*, 1(1), 41-53, p. 53

As a general rule, the degree of information available relating to modern slavery in conflict/crisis contexts corresponds to the granularity of the questions that can be asked in the risk assessment. If, for instance, insufficient evidence results in a lack of clarity about exactly what the potential consequences of each type of modern slavery might be for the UK military, Project Solebay's risk assessment tool must still include the *variable Consequences for the UK military*, even if the only valid question posed to a risk assessor might sit at a very low granularity: 'How severe are the consequences of this type of modern slavery for the UK military?' Through discussions within the Project team and with the MOD, we recognise that a high degree of transparency about the granularity (or lack thereof) of our questions in fact provides added value to the military by highlighting the knowledge gaps to be addressed – the 'known unknowns' – through additional information and intelligence collection processes.

- **Data and professional judgement: an alliance**
  As mentioned above, risk assessment in the social world is less a science and more an art. In addition, there is a clear dearth of data around modern slavery, with even less regarding the particularities of modern slavery in conflict/crisis contexts. As such, Project Solebay's risk assessment will not be exclusively data-driven; there will be a significant recognition of the need for the assessment to be underpinned by professional, experienced and reasoned judgements. Current efforts to explore available datasets are in progress (See Chapter 4).

  Once again, this principle aligns with that which is already well recognised within the NATO and UK military doctrinal space. As *NATO AJP5 Allied Joint Doctrine for Operational-Level Planning (2013)* notes, '[t]he level of risk cannot be determined with any degree of confidence; assessing it is mainly a matter of judgement.'[78] It is not possible at present to determine the balance of data-to-judgement, but this should become clearer between the time of this report and the handover of the final report and deliverable. The risk assessment will include a confidence measure to ensure transparency in this regard.

- **Risk-Informed Decision-Making**
  We recognise two important decision-making philosophies regarding the use of risk assessments. **Risk-Based Decision-Making (RBDM)** refers to making decisions on the basis of the outcome of a risk assessment. Because this decision model relies almost exclusively on the results of the risk assessment, it therefore assumes that a sufficient quality, quantity, and accuracy of data will be fed into the assessment from the outset. For the reasons outlined throughout this section, this model is inappropriate for Project Solebay.

  Instead, the Project assumes the **Risk-Informed Decision-Making (RIDM)** model. This is an 'approach to decision-making representing a philosophy whereby risk insights are considered together with other factors to establish requirements that better focus the attention on design and operational issues commensurate with their importance to health and safety.'[79] We assume that the military would not make decisions exclusively on the basis of a risk assessment, but will instead consider the assessed risk level in combination with a multitude of other factors and considerations.

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[78] NATO (2013) *AJP-5 Allied Joint Doctrine for Operational-Level Planning*. [Online] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/393699/20141208-AJP_5_Operational_level_planning_with_UK_elements.pdf p. 44
[79] Rausand, M. (2011) *Risk Assessment: Theory, Methods, and Applications*. New Jersey, US: John Wiley & Sons, Inc., p. 25

This approach underpins our emphasis on developing a risk assessment that helps *inform* rather than *determine* decision-making. This in turn requires a methodology that is transparent, accessible, scalable, adaptable and evidence-based.

- **Risk assessment vs. risk management**
  In light of the issues and challenges mentioned throughout this section of the report, as discussed with the MOD, it is deemed beyond the scope of Project Solebay to develop a full risk management tool. The project thus aims to focus more upon delivering a turnkey *risk assessment* methodology, rather than attempting to deliver what would likely amount to an incomplete *risk management* package.

  Moreover, we recognise that the development of a risk management tool entails additional, nuanced conceptual challenges regarding, at the very least: a) capturing the tolerability of different risks at different levels of the UK military; b) identifying the numerous causal pathways between specific variables and specific risks, such that certain causalities (of combinations thereof) might be mitigated with a reasonable degree of reliability; and c) capturing the specific modalities of modern slavery in specific locations, along with the specific causalities in those locations. Once again, the lack of data presents the greatest obstacle.

  However, our approach here is not out of step with existing UK military guidelines. For instance, the UK government's 'National Element' addition to *NATO AJP-3.14 Allied Joint Doctrine for Force Protection (2015)* notes that "[a]pplying risk management requires assessing sufficiency to be a function of a risk manager's (RM) judgement, which often requires a risk manager to accept tolerable risks. Therefore, the condition created by commanders will vary depending on local circumstances."[80] While Project Solebay's risk assessment methodology should allow for the identification and assessment of modern slavery-related risks, it is not within the scope of the project to predetermine or otherwise assume how much risk would or should be tolerated, whether in a given context or by a particular decision-maker.

3.1.6   Project Solebay: mitigation

In modern slavery studies one quickly notes that there are no easy answers or easy paths to follow to alleviate the situation. The need for ongoing, consistent and data backed discourse is obvious in order to develop influential solutions – the emphasis on the plural. One solution could include the use of risk mitigation, defined as taking steps to reduce adverse effects. Our research found that there are some mitigation strategies that the military could incorporate that may aid in lessening the likelihood and/or impact of modern slavery. Our research on this is still in infancy however a number of responses seem to dominate. Currently we find that addressing modern slavery necessitates:

- A more prominent role in developing specialized expertise on conflict and modern slavery
- Adequate training in all aspects of mission operation that may include confronting elements of modern slavery;
- Regular monitoring, reporting and evaluation of progress made and obstacles encountered, as well as systems for holding the operation accountable to achieving its goals;

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[80] NATO (2015) *AJP-3.14 Allied Joint Doctrine for Force Protection.* [Online] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/454616/20150804-AJP_3_14_Force_Protection_Secured.pdf p. 25

- Compilation of data and sharing of the same;
- States sharing efforts to ensure a more consistent approach to combating modern slavery in the military;
- Training soldiers patrolling borders on land and sea to be able to distinguish between smuggled migrants and modern slavery victims;
- The military working with The Office of the Special Representative of the Secretary-General for Children and Armed Conflict. This office works with armed groups, listed in the Secretary-General's annual report on CAAC, to design context-specific action plans that outline measures to bring the respective group's behaviour in line with international law;
- Aiding in providing safe and regular pathways for crossing borders;
- Inclusion of counter modern slavery experts when mounting a crisis response and carrying out related assessments. Those assessments – together with any other research, information and intelligence that suggests a risk of slavery – can form the basis for measures to prevent such crimes;
- Training of UK forces to conduct risk assessments of modern slavery and instigate appropriate mitigations;
- Setting up of mobile, multidisciplinary anti-trafficking teams similar to those deployed in response to natural disasters, but adapted to situations of conflict;
- Transparency on how operations are conducted;
- An independent military group that would oversee the work of soldiers and monitor the supply chains / military procurement. This groups would also engage with local populations, where the military is present, to better understand the situation;
- Cooperation across forces – forces can share good practices, develop international mentors and advisers;
- Resources to deliver the above.

We acknowledge that the mitigation policies will not essentially have the same effects everywhere and that to assess how they may work, one needs to consider the context and apply impact assessments. *N:B We ask readers to note that future deliverables and publications will address mitigation to a greater extent.*

4 Evaluation of open data

In this section we summarise the open data sets collected thus far within the project and provide an initial evaluation of these in relation to the Project Solebay. Going forward, these data sets will be used to weight risk and visualise insights in the analysis of modern slavery. Data capturing one or more forms of Modern Slavery that has been collected by international institutions, as mentioned in Section 1.1.4, was considered relevant. We selected data capturing the prevalence of modern slavery directly as well as indirectly. The former type of data (e.g. UNODC; National Referral Mechanism) deals with officially recognised victims of modern slavery, while the latter is individual-level data (e.g. MICS, DHS, STEP) which captures a particular form of modern slavery, i.e., bonded child labour, although it does not make reference to modern slavery directly. In summary, both official data on victims of modern slavery, as provided by UNODC, the UK's National Referral Mechanism and IOM, as well as individual-level data on particular countries (e.g. MICS, STEP, DHS and UNHCR data) that allows to measure forms of slavery indirectly was selected. Regarding the individual-level data, data sets on Kenya were chosen to provide an example of the data available. In Kenya there is a UK military's training facility, the British Army Training Unit, and this country may thus be relevant for the purpose of this project. Moving forward, individual-level data sets on more countries will be selected, following consultations with the UK military. The Global Slavery

Index was not included in our review due to several issues with the data underpinning it, i.e., bias towards wealthy country and poor sampling, as highlighted by Gallagher (2017). Nonetheless, as we move along with the risk assessment, we may use it as a benchmark to assess our results.

Name	Location	Time	Source	Link	Rows	Columns	Size Mb	Description
2016 UNODC Global Report on Trafficking in Persons Dataset	Global	2012-2014	UNODC	Link	100	17	6.3	Number of victims of Modern Slavery by crime typology for each country and region in the sample. Underpins the 2016 *UNODC Global Report on Trafficking in Persons.*
UNHCR's Refugee Data- Kenya	Kenya/ Other countries available	1975-2012	UNHCR	Link	526	7	0.072	Record of countries of arrival of UNHCR-registered Kenyan refugees.
Missing Migrants Project's Data	Global	2014-2018	IOM's Global Migration Data Analysis Centre GMDAC Media & Comms Division MCD	Link	4,355	19	1.2	Incidents involving migrants, including number of deaths, survivors, sex, cause of death, location (including co-ordinates).
National Referral Mechanism Statistics NRM	UK/ Global	2018 Q1	National Crime Agency	Link	14	9	0.342	Framework for identifying victims of human trafficking or modern slavery in the UK. Shows where the Modern Slavery was committed and recorded.
Multi Indicator Cluster	Kenya, i.e. Bungoma,	2013/14	UNICEF, University of	Link	953,573	654	2.891	International household survey which

Sampling (MICS) – Bungoma County, Kenya	Kakamega and Turkana Counties / Other countries available		Nairobi's Population Studies and Research Institute, Kenya National Bureau of Statistics					measures key indicators for use in policies and programmes as well as to monitor progress towards the Millennium Development Goals (MDGs).
Demographic and Health Survey (DHS)- Kenya	Kenya/ Other countries available	2014	USAID	Link	31,079	4,769	166.2	Household survey. Covers most developing countries. Three different sets of questions are asked: one for women, one for men and one for the whole household. Geographical data is collected and so is health data through bio-markers.
Kenya-STEP Skills Measurement Household Survey 2013 (Wave 2)	Kenya/ Other countries available	2013	World Bank	Link	13,254	119	5.8	Gathers information on supply, distribution and demand for skills in labour market of low-income countries. Surveys measure cognitive skills (reading, writing and numeracy), socio-

									emotional skills (personality, behaviour and preferences) and job-specific skills (subset of transversal skills with direct job relevance) of a representative sample of adults aged 15 to 64 living in urban areas, whether they work or not.

As an example of the information available, the plot and table below show the *2016 UNODC Global Report on Trafficking in Persons* data set. The plot shows the number of detected victims of THB by form of exploitation between 2012 and 2014. The form of exploitation with the highest number of detected THB victims is sexual exploitation (14,622); the form of exploitation with the lowest number of THB victims is organ removals (20). The *Other forms of exploitation* category includes: begging, trafficking for the commission of crime, for mixed exploitation, for pornography, and trafficking of pregnant women for the purpose of selling their babies. It should be noted that in our research we did not find cases of modern slavery for begging, for pornography, and exploitation of pregnant women for the purpose of selling their babies.
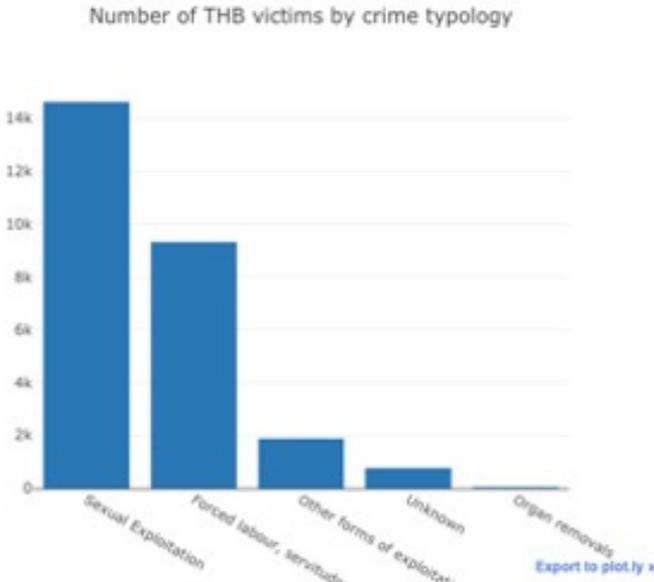

Figure 3: Number of human trafficking victims by crime typology

Region	Total victims detected - Forms of exploitation reported as known	Detected victims in trafficking for sexual exploitation	Detected victims in trafficking for exploitation in forced labour, servitude and slavery like forms	Detected victims of trafficking for organs removals	Detected victims of trafficking for other forms of exploitation	Detected victims of trafficking for exploitation countries reported as unknown
0 Central and South-Eastern Europe	1596.0	1037.0	363.0	2.0	194.0	0.0
1 Western and Southern Europe	3597.0	2397.0	1066.0	0.0	134.0	256.0
2 Western and Central Europe	5193.0	3434.0	1429.0	2.0	328.0	256.0
3 Eastern Europe and Central Asia	2958.0	929.0	1884.0	8.0	137.0	0.0
4 South Asia	NaN	NaN	NaN	NaN	NaN	NaN

Figure 4 Number of detected victims per area

Existing datasets on human trafficking and modern slavery, i.e. *2016 UNODC Global Report on Trafficking in Persons* Dataset, National Referral Mechanism Statistics, etc., provide valuable insights on the global prevalence of the crime typologies we linked to human trafficking and Modern Slavery, broken down by country and region. Since we conceptualised the risk of modern slavery as a function of both the likelihood and the impact of these crime typologies on the military and the population, the prevalence of a given crime might indeed shed light on the likelihood of that crime to be committed.

A military deployment in a country characterised by a historically high prevalence of sexual exploitation may be correlated with a high likelihood of this crime typology affecting both the military and the population. These data-driven insights on prevalence, nonetheless, should not be taken as face value for multiple reasons. Firstly, it may be that what we observe is a spurious correlation: a high likelihood of a crime typology in a country may not be affected directly by military presence; there may be factors linked to such crime typology which may not be captured by our data. Secondly, data-driven insights are affected by the quality of the data.

The plot above based on UNODC data suggests that sexual exploitation is more prevalent globally than forced labour. However, due to the lack of data on South Asia (see row 4 of the dataset caption in Figure 4 above), a very densely populated region where the prevalence of forced labour has been historically high[81], it may be that forced labour is actually more prevalent globally than sexual exploitation. Moving forward, in order to overcome issues related to missing data, we may integrate survey data (individual-level data) to aggregate-level data such as the UNODC dataset displayed above. MICS, DHS, STEP Skills survey datasets, for instance, may capture forced labour in South Asia, i.e. in India, Bhutan, Afghanistan, Pakistan, and thus constitute a valuable source of information to complement UNODC data.

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[81] Musa, S. and Olsen, W. (2018). 'Bonded Child Labour in South Asia: Building the Evidence Base for DFID Programming and Policy Engagement' *University of Manchester*, [online] https://www.gov.uk/dfid-research-outputs/bonded-child-labour-in-south-asia-building-the-evidence-base-for-dfid-programming-and-policy-engagement#citation p.80

As far as the impact component of risk is concerned, for example the impact of forced labour on the military or a country's population following a military deployment, this is often subjective and is thus more difficult to estimate using secondary data. Moving forward, we may combine data-driven insights on the likelihood of a crime typology estimated using multiple secondary data sources on crime prevalence, with primary data on the more subjective impact component of risk that we will collect using an online risk assessment. The questions of the online risk assessment will address the risk factors identified and will be designed to estimate the subjective impacts of such factors. In addition, questions will be linked to multiple open data sets on crime prevalence providing insights on the likelihood of each risk factor as mentioned above.

5   Conclusion

Although modern slavery has gathered momentum, and several international organizations have developed approaches to address this phenomenon from the angles of prevention, protection and prosecution, the crime remains largely disregarded in conflict situations by both military and non-governmental actors. Including a risk assessment tool that focuses on modern slavery is a first step towards addressing phenomenon that can fuel and is fuelled by conflict and can undermine the very foundation of efforts at conflict resolution, peacekeeping, and establishing enduring post-conflict societal stability. Project Solebay aims to achieve this goal and will present its output at a conference in May 2019. However as already noted, in light of the issues and limitations stated throughout this deliverable, it is deemed beyond the scope of Project Solebay to develop a full risk management tool. The Project thus aims to focus more upon delivering a turnkey risk assessment methodology, rather than attempting to deliver what would likely amount to an incomplete risk management package.

1. In your opinion is the topic of human trafficking / modern slavery discussed within the context of military work?

2. Does human trafficking / modern slavery occur in areas with military operations / presence?
   a. Can you think of any specific examples?

3. Can you please explain the impact that human trafficking has on the military?

4. Why do you think human trafficking / modern slavery occurs in areas with military operations / presence? *I.e. what contextual factors contribute to increase in THB/MS.*

5. Why do you think the military should take an interest in Modern Slavery?

6. What are the factors that could lead the military to inadvertently engage with / lead to / propel the demand for services provided through human trafficking / modern slavery?

7. Who do you think is in danger of being a victim of human trafficking / modern slavery in areas with military operations / presence?

8. What is it about context where the military is present that raises the risk of an individual becoming a victim of human trafficking / modern slavery?

9. What actors operating in areas with military operations / presence do you think should or could concern themselves with human trafficking / modern slavery, i.e. address the issue? *I.e. because of a legal obligation v because of context.*

10. How should the military engage with combating human trafficking?

11. What is a risk assessment?

12. Have you come across any good practices of risk assessment methodologies?

13. Discussion around the use of risk assessment methodologies in addressing human trafficking.

14. Once you have identified a risk, how do you think the military should manage or mitigate that risk?