

Advance, create, innovate: harnessing legal mechanisms and networks to fight slavery

Modern slavery exists within and across jurisdictional boundaries. Although national laws prohibit and criminalise modern slavery or create civil avenues of recourse to pursue abusers, all too often these mechanisms are poorly enforced and organisations seeking to use them are too poorly resourced.

For multinational corporations that profit indirectly from forced labour of workers in their global supply chains, establishing liability is an even greater challenge. Because such exploitation usually happens many levels down the supply chain - often in countries where minimal protections and law enforcement exist for vulnerable workers - perpetrators and those benefiting from their crimes are rarely held to account.

Law is an essential tool in the fight to end slavery. It punishes perpetrators, provides survivors with access to remedy and acts as a deterrent to would-be traffickers. It can also compel corporations to change their business practices; a growing number of high profile civil cases targeting multinationals for involvement in forced labour have created a credible risk of financial and reputational damage. And regardless of the outcome of a case, negative press associated with lawsuits – for instance class action suits in the US against leading brands Nestlé, Costco and Walmart - has led to rising consumer awareness and calls for greater transparency and accountability. The implications of such litigation extend beyond a particular company to impact business practices within and across sectors.

The Freedom Fund's strategic plan for the Legal Strategies to Fight Slavery global initiative seeks to support the development of new avenues of accountability and strengthen existing legal frameworks on modern slavery. In particular, we will capitalise on the breadth of knowledge and experience of frontline NGOs in our hotspots to inform legal and policy developments at global level. Building on our existing portfolio of grants, future programming will target three key areas:

- Strategic litigation;
- Criminal justice and law enforcement;
- Movement building

Furthermore, future grants will follow a new overarching goal to: advance existing legal mechanisms and frameworks; create new avenues of accountability; and innovate by supporting cutting-edge legal efforts.

Strategic litigation: ensuring corporate accountability for involvement in slavery

Since 2017 the Freedom Fund has provided funding for anti-slavery strategic litigation. These grants are supporting ground-breaking legal efforts across the world – from criminal proceedings against European companies implicated in widely publicised abuses of South Asian workers on construction sites in Qatar; to supporting migrant workers and activists in Thailand being sued for criminal defamation by corporations against which they have alleged forced labour practices. Strategic litigation has increasingly become a fundamental element of our legal strategy with the potential to scale for further impact.

Future programming will seek to advance our portfolio of strategic litigation grants, with a focus on pursuing litigation in a range of jurisdictions where there is an opportunity to establish important legal precedents to eliminate modern

slavery. We will support NGOs and lawyers that are seeking to pursue innovative legal strategies, and commission research into potential new avenues of accountability.

Strengthening criminal justice approaches to ending slavery

Domestic legislation criminalising trafficking and slavery offences exists in the majority of countries, but enforcement is patchy at best and successful prosecutions are rare. The perpetrators of modern slavery therefore face little or no risk that the human rights violations that they commit will result in criminal penalties.

Our strategic plan envisages a new strand of work to explore the criminalisation of modern slavery and the effective use of criminal justice approaches to pursue its perpetrators. In doing so we aim to advance and complement frontline criminal justice interventions being carried out in the Freedom Fund's hotspots, and promote the development of norms of corporate criminal responsibility for modern slavery.

Building networks and partners

Alongside strengthening our support for legal initiatives, we seek to collaborate and coordinate with other donors to raise awareness of the role of the law in tackling modern slavery as well as increase funding in this space. Simultaneously we envisage developing strategic partnerships with key organisations from around the world that are already engaged in legal work to reduce duplication of efforts and encourage a collaborative approach.

Going forward we will seek to support and enhance existing legal networks, including by enabling frontline civil society organisations and litigators to participate in and benefit from them. And we will investigate ways to increase our convening role in the legal space to bring together a range of stakeholders to discuss legal strategies to fight slavery.