

Analysis on the Role of Corporate Law for the Modern Slavery and Human Trafficking

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Abstract: *The role of corporate law in addressing modern slavery and human trafficking is a critical aspect of ensuring corporate accountability and responsibility in today's globalized world. This abstract explores the various legal frameworks and mechanisms that have been put in place to combat these heinous crimes, with a specific focus on the obligations and responsibilities of corporations. By examining the intersection of corporate law, human rights, and ethical business practices, this abstract aims to shed light on the importance of holding corporations accountable for their supply chains and operations to prevent and eradicate modern slavery and human trafficking. Modern slavery and human trafficking are grave violations of human rights that persist in various industries worldwide. Corporate law plays a crucial role in addressing these issues by imposing legal obligations on corporations to prevent, detect, and mitigate risks of modern slavery and human trafficking in their operations and supply chains. One key aspect of corporate law in this context is the requirement for companies to conduct due diligence to identify and address any potential risks of modern slavery and human trafficking within their business activities. This includes assessing suppliers, subcontractors, and business partners to ensure compliance with anti-slavery laws and regulations. Moreover, corporate law often mandates transparency and reporting requirements for companies to disclose their efforts in combating modern slavery and human trafficking. This transparency not only holds corporations accountable but also empowers stakeholders, including consumers, investors, and civil society, to make informed decisions and advocate for ethical business practice. In addition to legal obligations, corporate law also provides avenues for victims of modern slavery and human trafficking to seek redress and compensation from corporations that have been complicit in these crimes. By holding corporations liable for their involvement in such practices, corporate law serves as a tool for justice and accountability in the fight against modern slavery and human trafficking.*

Overall, the role of corporate law in addressing modern slavery and human trafficking is multifaceted, encompassing prevention, detection, accountability, and redress. By enforcing legal standards and promoting ethical business practices, corporate law plays a vital role in combating these egregious human rights violations and promoting a more just and sustainable global economy.

Keywords: Corporate law, modern slavery, human trafficking, justice, human rights violations, regulations

I. INTRODUCTION

The role of corporate law in addressing modern slavery and human trafficking. These are serious issues that continue to affect individuals across various industries globally. Corporate law plays a crucial role in combating these violations by imposing legal obligations on companies to prevent. Here are some key aspects: Due Diligence: Corporate law often requires companies to conduct due diligence to identify and address risks of modern slavery and human trafficking in their operations and supply chains. This involves assessing potential risks, implementing policies and procedures to prevent these abuses, and monitoring compliance. Transparency and Reporting Requirements: Many jurisdictions have laws mandating companies to disclose information about their efforts to combat modern slavery and human trafficking. This transparency helps stakeholders, including consumers, investors, and civil society, hold companies accountable for their actions. Accountability: Corporate law holds companies accountable for human rights violations, including

modern slavery and human trafficking. Companies may face legal consequences, such as fines or legal action, if they fail to comply with relevant laws and regulations. Stakeholder Engagement: Corporate law encourages companies to engage with stakeholders, including employees, suppliers, and communities, to address modern slavery and human trafficking effectively. Collaboration with stakeholders can help companies identify risks, implement best practices, and promote ethical business conduct. Compliance with Anti-Slavery Laws: Companies must comply with antislavery laws and regulations that prohibit modern slavery and human trafficking. These laws set out specific requirements for companies to prevent, detect, and address these abuses within their operations and supply chains and mitigate risks of modern slavery and human trafficking within their operations and supply chains. Corporate law serves as a crucial framework for promoting ethical business practices, ensuring compliance with legal obligations, and seeking redress for victims of modern slavery and human trafficking. By upholding these standards, companies can contribute to the fight against these human rights violations and work towards a more just and sustainable business environment.

II. HISTORICAL BACKGROUND

In the 19th century, the abolitionist movement gained momentum, leading to the formal abolition of slavery in many countries. However, despite legal prohibitions against slavery, forms of forced labour and human trafficking persisted in different forms and contexts. The 20th century saw the emergence of international conventions and treaties aimed at combating slavery and human trafficking, such as the Universal Declaration of Human Rights and the United Nations Convention against Transnational Organized Crime.

In recent decades, there has been increased awareness and advocacy around modern slavery and human trafficking as global interconnectedness and economic globalization have created new opportunities for exploitation. The rise of supply chains, migration patterns, and digital technologies has also presented new challenges in identifying and addressing these abuses.

Today, modern slavery and human trafficking remain pressing human rights issues that affect millions of people worldwide, including vulnerable populations such as migrants, refugees, and marginalized communities. Efforts to combat these abuses involve a combination of legal frameworks, enforcement mechanisms, corporate responsibility, civil society engagement, and international cooperation.

By understanding the historical background of modern slavery and human trafficking, we can appreciate the complex and interconnected factors that contribute to these issues and work towards effective solutions that uphold human dignity, promote justice, and prevent exploitation.

III. LEGISLATIONS REGARDING MODERN SLAVERY & HUMAN TRAFFICKING

1. The Modern Slavery Act 2015 ("the 2015 Act") consolidated previous legislation criminalising offences of slavery and trafficking for all forms of exploitation. It came into force on 31 July 2015 and does not apply to offences committed before then.
2. The offences arising under the 2015 Act are:
3. Section 1 – Slavery, Servitude and Forced or Compulsory Labour Section 2 – Human Trafficking
4. Section 4 – Committing an offence with intent to commit an offence under section 2 of the 2015 Act.
5. Section 28 Youth Justice and Criminal Evidence Act 1999 (YJCEA)
6. The Indian Slavery Act, 1843, also known as Act V of 1843.
7. The Constitution of India by the virtue of article 23 (1) bans beggary and other forms of bonded labour.
8. The Government of India penalises trafficking for commercial sexual exploitation through the Immoral Trafficking Prevention Act (ITPA).
9. Indian Penal Code, 1860;
10. Bonded labour system (Abolition) Act, 1976;
11. Child labour (Prohibition and Regulation) Act, 1986; 9. 3
12. Juvenile Justice Act, 2000;
13. Goa Children Act, 2002;
14. Prohibition of Child Marriage Act, 2006 and
15. Protection of Children from Sexual offences (POCSO) Act, 2012.

IV. METHODOLOGY

The methodology adopted for this study is doctrinal method. It includes the content analysis of legislations. It is not a method of data collection but is a research strategy or a doctrinal inquiry that studies modern slavery and human trafficking.

V. DISCUSSION

Modern slavery and human trafficking are grave human rights violations that continue to persist globally, affecting millions of individuals, including men, women, and children. The corporate sector plays a crucial role in combating these abuses by implementing ethical business practices, complying with antislavery laws, and promoting transparency and accountability. By addressing modern slavery and human trafficking, companies can not only uphold their legal obligations but also contribute to a more just and sustainable business environment. One key aspect of this discussion is the significance of corporate responsibility in preventing and addressing modern slavery and human trafficking. Companies have a moral and legal duty to respect human rights, including the right to freedom from slavery and forced labour. By conducting risk assessments, implementing policies and procedures, and engaging with stakeholders, companies identify and address risks of modern slavery within their operations and supply chains. Companies that disclose information about their efforts to combat modern slavery and human trafficking demonstrate a commitment to accountability and ethical business conduct. Transparency not only builds trust with stakeholders but also enables greater scrutiny and oversight, ultimately driving positive change within the corporate sector.

VI. FINDING OR RESULT

Studying the role of corporate law in addressing modern slavery and human trafficking can lead to several key insights and outcomes. One primary result is the recognition of the significant impact that businesses and corporations can have in preventing and addressing these human rights abuses. By understanding the legal obligations and responsibilities that companies have in relation to modern slavery and human trafficking, stakeholders can work towards developing effective strategies and mechanisms to combat these issues within corporate operations and supply chains. Furthermore, studying the role of corporate law can also highlight the importance of collaboration and partnerships between governments, businesses, civil society organizations, and other stakeholders in addressing these complex challenges. By fostering multistakeholder engagement and dialogue, efforts to combat modern slavery and human trafficking can be more coordinated, impactful, and sustainable. It can also inform policy development, advocacy efforts, and corporate initiatives aimed at preventing and mitigating the risks of exploitation and abuse in global supply chains and business operations.

VII. CONCLUSION

This Research shows the role of corporate law in addressing modern slavery and human trafficking is crucial for promoting ethical business practices, protecting human rights, and combating these serious global issues. By understanding the legal obligations and responsibilities that companies have in relation to modern slavery and human trafficking, stakeholders can work towards developing effective strategies and mechanisms to prevent and address these abuses within corporate operations and supply chains. This research can lead to recommendations for strengthening regulations, promoting corporate accountability, and fostering multi-stakeholder collaboration to create a more sustainable and ethical business environment.

Addressing modern slavery and human trafficking requires a multi-faceted approach that involves legal compliance, ethical business practices, stakeholder engagement, collaboration, and transparency. By prioritizing these efforts, companies can make a meaningful impact in the fight against modern slavery and human trafficking, contributing to a more ethical and responsible business landscape.

Ultimately, by taking proactive measures and implementing robust legal frameworks, businesses can play a significant role in eradicating modern slavery and human trafficking, contributing to a more just and equitable society for all. Studying the role of corporate law in addressing modern slavery and human trafficking can contribute to a deeper understanding of the legal, ethical, and practical considerations involved in promoting responsible business practices, protecting human rights, and advancing social justice. Governments must now work together to deliver harmonised

national legislation that builds on existing effective action to create a robust international environment that combats modern slavery and human trafficking.

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