**Technical consultation on forced labour indicators,
data collection and national estimates**

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<u>**Summary Report**</u>

Background and aims of the meeting

As increasing attention is focused on the severe problems of forced labour and human trafficking (often referred to as a form of "modern slavery"), there is also a growing need for governments to know the extent of the problems within their own countries. Where is forced labour being detected? In which sectors of the economy? Which sectors of the population, whether citizens or migrant workers? Does trafficking take place for sexual exploitation, or for other forms of exploitation, or for a mixture of both? And, not least, h*ow large is the problem*, in terms of the numbers affected? It is perhaps only by understanding the real extent of the problem that legislators and the media can be persuaded to call for adequate resources, enabling governments to carry out the prevention and law enforcement responses that are needed to eradicate modern forced labour.

In 2005, to focus the world's attention on these serious concerns, the ILO produced its first-ever global estimate of forced labour and human trafficking. The main results of this effort were published in the Director General's 2005 Global Report, *A Global Alliance against Forced Labour*. This showed that forced labour affects at least 12.3 million persons throughout the world, of whom 2.4 million are victims of human trafficking. 9.5 million of these are in Asia and the Pacific, followed by 1.3 million in Latin America and the Caribbean, and 660,000 in sub-Saharan Africa. There are also 360,000 cases of forced labour in the industrialized countries of Europe, the north Americas, East Asia and Australasia. In brief the estimate showed what has long been suspected, that modern forced labour is a truly global problem, affected almost every country and every kind of economy.

Despite this global estimate, there remain significant gaps in understanding of the quantitative dimensions of forced labour. The ILO's 2005 Global Report itself indicated that "available national estimates are often disparate, concerning one or two particular forms of forced labour, generally calculated on the basis of secondary information", and made clear that its own global estimate "must be seen as part of an ongoing process of generating more and better information"

For this reason the ILO invited a group of high-quality experts to a technical consultation, to discuss how to improve indicators and data on forced labour, including the forced labour outcomes of human trafficking, with a view to promoting better law enforcement and monitoring the impact of national and international policies. In particular, the consultation aimed to discuss the feasibility of developing: (a) a set of

criteria for identifying forced labour situations, including the forced labour outcome of trafficking (b) systems of national data collection and analysis on victims and perpetrators (c) methodologies for national estimates and for monitoring and evaluation of policies and trends (d) a global database on reported cases of forced labour and human trafficking, and (e) the development of appropriate methodologies to assess global and regional progress in detecting cases of forced labour and human trafficking, and in consequent law enforcement. The ultimate objective was for the ILO and its partners to design a set of tools and training modules that can be tested by select countries in an initial pilot phase before being implemented on a wider global scale through technical cooperation projects.

Participants included members of the European Commission (EC), United States Government Accountability Office (GAO), Brazil's National Commission against Slave Labour (CONATRAE), Pakistan's Ministry of Labour and Manpower, Niger's National Institute of Statistics (INS), the Swedish Ministry of Industry, Employment and Communications, the United Kingdom Home Office, the Dutch Bureau of the National Rapporteur on Trafficking in Human Beings, Ukraine's Department of Labour Statistics, Moldova's National Bureau of Statistics, Bahrain's Ministry of Labour, Belgium's Trafficking in Human Beings Network as well as its Centre for Equal Opportunities and Opposition to Racism, the Northeastern University in Boston (U.S.A.), the United Nations Office on Drugs and Crime (UNODC), the International Center for Migration Policy development (ICMPD), the International Organization for Migration (IOM) as well as EUROPOL.

Overall approach for data collection:

During this 2-days technical consultation, the ILO's Special Action Programme to combat Forced Labour (SAP-FL) formulated a number of proposals for future technical cooperation to improve forced labour statistics. Participants reacted to these proposals and provided their perspectives and insights based on their own accumulated expertise. Overall, participants agreed that there is a need for better indicators, databases and surveys on forced labour and on the forced labour outcomes of human trafficking. At the same time, participants stressed that national legislation, especially on human trafficking, sometimes go beyond the ILO definition of forced labour as set out in its two relevant Conventions on the subject (Convention No. 29 of 1930 and Convention No. 105 of 1957). Thus, they indicated that data collection should be flexible enough to reflect national legislation, but that forced labour should be clearly defined and distinguished from other forms of labour exploitation. Participants also emphasized the importance of constantly keeping in mind the policy objective of statistics.

Participants strongly suggested that given the technical and political challenges involved, the ILO short-term strategy should be incremental and pragmatic, based on a step-by-step approach, adding modules to existing initiatives wherever possible, involving all possible stakeholders, and aiming at working out "promising practices" rather than "good practices". It must also be understood that this new ILO activity on forced labour statistics is "work in progress".

Criteria for identification:

As a necessary preliminary phase before any data collection, the ILO emphasized the need to develop forced labour criteria based on its conventions and definitions. These criteria are necessary to recognize and identify forced labour situations, which is a prerequisite for policy interventions as well as data collection. The ILO proposed a two-stage methodology:

▪ The first stage is to build a decision tree with three levels of decision nodes: recruitment process (i.e. was recruitment forced or deceptive?), living and working conditions (i.e. are workers exploited?), and termination of employment (i.e. are workers free to leave their jobs?). If each node has three possible answers ("yes", "no", "unclear"), then the decision tree has 27 possible combinations, where each outcome represents a unique situation that can be characterized as either "forced labour" or "not forced labour" or "grey areas".

▪ The second stage is to determine the criteria that allow classification within each decision node (i.e. what are the criteria that identify forced recruitment, exploitative working conditions, and freedom to terminate employment?). Several methods are possible to determine such criteria, but one proposal is to use a "Delphi" approach, in which a selected group of experts – who do not know who else is part of the group - reach consensus through an iterative process. Some questions remained open such as whether the Delphi should be set up with international experts or at national level, or whether there should be a unique exercise or a specific one for each form of forced labour.

Participants reacted positively to the proposed decision tree approach and the Delphi methodology. Participants emphasized the need for both global and national indicators (reflecting the universal definition on the one hand and country-specific realities on the other hand), the need to involve stakeholders in the development of these indicators, as well as the need to include (but nevertheless distinguish from forced labour) other extreme forms of labour exploitation such as work which violates human dignity. The ILO felt that such comments could be integrated into the proposed methodology which is participative (indicators result from a consensus of experts), flexible (indicators can be adapted to reflect local realities), and precise (allowing for a clear distinction between coercion in recruitment, non-decent working conditions, and lack of freedom to terminate employment).

Various participants described their experiences in using these tools. With regard to the Delphi method, they emphasized the importance of selecting high-quality experts. They also described the advantages of using a modified Delphi methodology, in which the experts physically meet in a first phase during which the structure of the list of criteria can be discussed. The iterative phases of discussion take place thereafter to finalize a list of criteria. With respect to the decision tree, several participants expressed their opinion that the decision tree could be a useful tool for training stakeholders at national level. Testimonies of victims could also be used to improve understanding of the particular characteristics of forced labour in a given area.

On the issue of trafficking for labour exploitation, the discussions focused on the need to develop separate criteria for different forms of forced labour, reflecting country-circumstances. For example, the main form of trafficking in some countries may relate to the hidden problem of domestic servitude while in other countries it may be linked to the conditions of foreign contract workers. Experiences were also shared as to how prosecutors in Europe have started to develop criteria to identify conditions that are contrary to human dignity. These include criteria related to movement, identity and travel documents, working conditions and wages, employers' behaviour, housing and the legal situation of workers. Such criteria could be incorporated into the decision tree approach proposed by the ILO.

Administrative databases on *identified* forced labour:

The ILO recalled that individual data on victims and/or perpetrators are recorded by various stakeholders, with various levels of detail, and in systems with various levels of centralization. Different data may be collected by NGOs, the police,

the courts, or the labour inspection services. In some instances, procedures of exchange of information are developed between the various stakeholders, and the data is centralized with a national institution such as a "National Rapporteur". The ILO pointed out that many of the existing databases focus exclusively on sexual exploitation and that data is often not shared among different stakeholders for legitimate reasons of data protection. In such circumstances, the ILO proposed to develop a "forced labour module" which could be used by stakeholders and added to any existing system, whether centralized or de-centralized. Given the difficulties involved, however, no major effort would be made to actively encourage greater centralization of databases. On demand, technical cooperation could also be provided to countries/institutions for collecting and analysing the relevant data.

Participants agreed that the proposed ILO "module approach" was a sensible approach, but expressed some reservations with regard to the feasibility and usefulness of administrative databases. They highlighted that such data only provides a partial view of forced labour (it only includes detected cases and does not include "the immerged part of the iceberg") and can be difficult to interpret as a benchmark (what does more identification mean?). Participants also cautioned against using such databases for the purpose of international comparisons (do countries have the same definitions? If yes, are countries with more identified forced labour or trafficking better or worse than those with less identification?). Furthermore, participants were not very clear on whether such databases should focus on victims, perpetrators or incidents, and were not sure which institutions would have the capacity to collect such data on a sustainable basis. Participants highlighted the difficulty involved in the centralization of administrative data at the country-level, due to the reluctance of NGOs or police to either collect and/or share data (due to data protection issues) and because of the different types of data being collected and the different definitions of victim status being used. It was also mentioned that for the purpose of prevention it would be better to identify *potential* victims than to keep registers of actual and past victims.

National surveys and estimates

The ILO department of statistics presented a comprehensive list of survey methodologies and some suggestions for applying existing methods to the specific problem of forced labour. Among them: household surveys in source areas (where returnees or family of absent workers can be interviewed) and household/establishment surveys for the case of bonded labour or other traditional forms of forced labour which are not hidden. Such surveys could in principle be either stand-alone projects or they could be integrated with other pre-existing national household surveys, like for example the surveys on child labour supported by the SIMPOC programme of ILO-IPEC. Specific survey approaches, however, need to be developed on an ad-hoc basis, depending on the form of forced labour to be estimated and the national idiosyncrasies. The ILO also emphasized that, for technical reasons, comprehensive national estimates of forced labour will most probably be impossible to obtain with a single instrument, but would require appropriate survey tools and estimation methods for different forms of forced labour. Finally, the ILO restated the importance of using estimation methodologies which can be replicated so that trends can be measured in a repeated exercise.

Participants from developing and transition countries expressed high interest in cooperation on national surveys and forced labour estimates as a way to establish benchmarks by which future progress can be measured. They indicated that, with the technical assistance of the ILO, national statistical offices would in principle have the capacity to implement such surveys. Participants highlighted nevertheless that traditional survey instruments would have to be adapted to reflect some special difficulties involved in estimating forced labour. One particular difficulty is that people in

forced labour may be hidden, clustered, and with no contact with the rest of the population. Another difficulty is that people, even if they are surveyed after their return in their places of origin, may be reluctant to report forced labour to enumerators. Given these difficulties participants felt that it was worth starting with a few pilot surveys, that the methodologies would have to be carefully developed and tested at the national level, that enumerators would need to be well trained, that the purpose of the surveys may have to be disguised, and that information may have to be obtained through indirect questions. Some participants suggested that the surveys also cover not only past or present victims, but also "people at risk". Participants also felt that wherever possible it would be better to add a forced labour module to existing national survey instruments and also to coordinate with other regional initiatives, such as the proposed EUROSTAT survey of migrants in 2007-08 and other initiatives.

One presentation on human trafficking into developed countries also highlighted the usefulness of surveys of secondary sources in cases where forced labour was encountered by some stakeholder but not registered as such for lack of awareness. The presentation showed, in particular, that many law enforcement agents came in contact with trafficking victims, and that a larger than expected proportion of identified cases involved cases of labour exploitation. Participants recognized that such a method cannot easily lead to national estimates of total (identified and non-identified) victims but indicated that such an approach could be an intermediary step towards full-national estimates. Such surveys are currently being carried out with the police, but participants agreed that they could conceivably be implemented with other institutions such as trade unions, labour inspections, employers associations or non-traditional ILO partners such as health establishments, natural resource institutes, or others. It was felt that such surveys could raise the awareness of the surveyed institutions and that they could motivate new partners to join in the campaign against forced labour. They would also help countries, including industrial countries, to increase their knowledge about the labour dimensions of human trafficking.

Follow-up and next steps:

Taking into consideration the guidance of the experts, in 2007 the ILO will commence a new technical cooperation project on Forced Labour Exploitation Data (FLED), whose objective is to implement global and national initiatives to support the development of better data collection and the monitoring of progress in this field. This project aims to contribute to the overall objective of the ILO's Special Action Programme to combat Forced Labour (SAP-FL) to promote the realization of standards and fundamental rights at work and the reduction of poverty through the elimination of all forms of contemporary forced labour.

A minimum of five countries (ideally covering Sub-Saharan Africa, Asia, Latin America, Eastern Europe/CIS, and the European Union regions) will be selected for a pilot survey on one or more forms of forced labour. These countries should be selected among the so-called "champions" where: 1) there exists a national policy to eradicate forced labour, of which surveys will become a component and an instrument for assessing trends and monitoring impact; and 2) specific forced labour problem (such as bonded labour, slavery-like practices, or human trafficking) have already been well documented through qualitative studies. Whereas prevalence surveys will be implemented wherever possible, the survey of secondary data may also be implemented.

In all countries, the process will be in two steps and involve all relevant stakeholders to ensure national ownership:

▪ First, on the basis of the ILO decision tree approach, identification criteria will be developed jointly with - or at a minimum validated by - national experts and institutions, including national commissions and/or statistical offices. In developing countries with strong country-specific features, the first priority will be to bring together all relevant stakeholders for a national workshop where the decision tree and a standard set of indicators can be discussed, modified or customized, and adopted. On the topic of trafficking for labour exploitation, the ILO may implement a Delphi method with recognized international experts from a variety of disciplines to develop a list of criteria for more precise identification of this problem.

▪ Second, technical workshops will be organised at the country-level with statisticians or other experts in quantitative methods to chose and design a specific survey and plan its implementation. This would include issues related to the elaboration of questionnaires, the sampling methodology, the strategy and timetable for implementation, and institutional responsibilities. Survey methods have to be chosen and designed at national level on the basis of a thorough review of the existing forms of forced labour and a compilation of the existing sources of data that can be used to draw estimates. This technical workshop will be followed by the actual implementation of the survey and by a thorough analysis and detailed publication of the results.

In parallel to the five surveys, the ILO will develop a generic "forced labour module" to be added to existing administrative databases on identified trafficking cases or to be used as a stand alone data collection tool. Practically, that means that the ILO will propose a standard template for the various stakeholders, without imposing one particular way of collecting data. This product could be used in coordination with other international projects which assist governments in setting up administrative databases on human trafficking or by national institutions such as national police forces or labour inspection services. On demand, the "forced labour module" could also be customized and adjusted to reflect specific country-circumstances. The ILO could also provide technical cooperation for data collection and training of database managers to analyse the collected data.

Selected Additional Background Information:

Belser Patrick, De Cock Michaelle, and Mehran Farhad (2005) "ILO Minimum Estimate of Forced Labour in the World", ILO, Geneva

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Kutnick Bruce, Belser Patrick and Danailova-Trainor Gergana (2007), "Methodologies for Global and National Estimation of Human Traffickig Victims: Current and Future Approaches", DECLARATION Working Paper No.29, ILO, Geneva.