

ILO expert workshop on Measuring Modern Slavery

Geneva, 27-28 April 2015

Opening session

Corinne Vargha, Chief of ILO Fundamental Principles and Rights at Work Branch, welcomed the participants to the workshop and explained the importance of this workshop for the ILO. She explained that research and knowledge development in the four thematic areas constituting FPRW were key strategic concerns for the branch, particularly in light of the monitoring of Sustainable Development Goals (SDGs) where child labour and forced labour figure prominently.

Beate Andrees, Head of the ILO Special Action Programme to Combat Forced Labour (SAP-FL), presented the international context related to the fight against forced labour, trafficking and slavery and the ILO data initiative on Modern Slavery. In particular, she explained that the 2014 ILO Protocol to the Forced Labour Convention (C29), requires the States to take measures regarding prevention, protection and remedy in giving effect to the Convention's obligation to eliminate forced labour. The Recommendation No. 203, supplementing the protocol, calls on member States to collect reliable statistics on forced labour, including on trafficking. In parallel, the 19th ICLS (international Conference of Labour Statisticians) in 2013 adopted a resolution recommending "that the Office set up a working group with the aim of sharing best practices on forced labour surveys in order to encourage further such data gathering exercises in more countries. The resolution further specified that the working group "should engage ILO constituents and other experts in discussing and developing international guidelines to harmonize concepts, elaborate statistical definitions, standard lists of criteria and survey tools on forced labour, and to inform the 20th International Conference of Labour Statisticians on the progress made."

The workshop was the first event to implement this resolution. The participants were specialists and resource persons representing governmental and non-governmental institutions with experience in having conducted surveys and/or undertaking work on developing estimates of forced labour and slavery, at national or international level (list of participants attached in Annex 1). Beate Andrees noted the immense amount of knowledge and experience of the participants and recalled the importance of building on this common knowledge to jointly move forward.

The first day was dedicated to discussion of concepts and definitions, while the second day addressed the issues of data sources and measurement approaches, identification of key statistical indicators and reaching an agreement on a roadmap with shared responsibilities to move forward on the development of definitions and tools for the measurement of the various forms of modern slavery.

Day 1: Working session 1: Concepts and definitions

A presentation by ILO addressed "Developing statistics of forced labour: ILO experience and challenges". This gave an overview of ILO's work over the past decade, how successive global estimates had been generated and how the ILO had, in the case of forced labour, moved from calculating estimates at global level first to developing methodologies for national surveys and estimation second, rather than vice versa as is more often the case. It presented the ILO indicators of coercion and deception at different stages of the employment experience (recruitment, employment, exit), and outlined other forced labour survey methods currently used by other organisations.

Informal presentations by several participants explained their own experiences of national and global data collection and surveys on forced labour.

Subsequently, a second ILO presentation proposed a simplified “consolidated definition for statistical purposes” of forced labour, as a starting point for discussion by the group. For ease of reference, the proposed consolidated definition was: *“Persons victim of forced labour during a specified reference period are defined as all persons employed during the reference period who were engaged in their activity against their will and worked under menace of penalty.”*

Participants were invited to react to the presentations around the following questions:

- Does the Working Group agree with the need for a unique standard definition of forced labour for statistical purposes?
- Can the consolidated statistical definition [...] provide the base for further development in this regard?
- Should the scope of the ILO Report on statistics of forced labour to be prepared for the 20th ICLS be expanded to cover the related concepts of human trafficking and modern slavery?

The following highlights some key points made in the lively discussion.

The first concern was that ILO standards define the term “forced labour” while other international instruments define “slavery” and “trafficking in persons” and the issue was how a more standardised definition could be obtained. It was also affirmed that there was no “recognized legal definition” of “exploitation” nor of “modern (or contemporary) forms of slavery” and considerable confusion prevails about the precise meanings and ‘boundaries’ of these terms, and the extent of overlap between them. This muddle of definitions is not helpful for anyone, least of all for the people whose lives are blighted by these severe forms of abuse and exploitation.

Some participants viewed the terms as all but synonymous, while others argued that important differences exist; for example, that slavery represents the extreme end of the continuum of human exploitation, and that human trafficking is inextricably linked to the increased vulnerability of people who are moved away from their home settings - thus distinguishing it from “non-trafficked” forced labour. The aim in defining some form of operational definition for statistical purposes would be to identify those elements that are common across all the phenomena/concepts, whilst omitting those that are not.

For the purpose of developing a universal statistical standard, the group agreed upon the necessity to establish an agreed-upon statistical or “operational” definition of forced labour or, as some participants rather put it, set of “descriptors” in order to allow for consistent data collection and analysis across countries. Equally, this is essential in order to be able to monitor and report on progress towards the new SDG on the elimination of forced labour.

An important consideration is: what would be the most useful approach (to definitions) in terms of generating the most effective policy responses? The wider the boundaries are drawn, the more people will ultimately be counted, and vice versa. Moreover, what is most helpful in terms of stimulating effective policy responses? Opinion on this was somewhat divided. The continuum of labour exploitation is well recognized, but where in this exploitation should the “forced labour” line be drawn is problematic, given that workers experience varying degrees of ‘unfreedom’ and situations are dynamic, changing constantly over time. For example, should equal “weight” be given to workers who are in forced labour for a day, a season, several years or a lifetime? Or to someone for whom the penalty is loss of a day’s earnings versus loss of their hand or their life? To a current victim or someone who escaped several years ago?

Remaining quite narrow in focus by sticking strictly to the two C. 29 criteria of involuntariness and menace of penalty, some participants argued, might risk breaking the consensus established around the ILO estimates of forced labour. An “expansive” approach to definition, it was suggested, would encompass other aspects of serious labour exploitation; in particular, it should include wages being significantly lower than the legal minimum, which is one of the major outcomes in practice and a defining feature of most forced labour situations today. The notion of working and living conditions “contrary to human dignity” could be another criterion. Other points raised included the concept of “economic coercion” when a person is forced by their impoverished economic circumstances to accept work of very low standards, which otherwise they would refuse. Such outcomes could be generalized as a consequence of specific labour market regimes that create and perpetuate conditions in which forced labour thrives.

It was suggested that “labour market outcomes” (social and economic) could be included as a third defining characteristic of forced labour, along with involuntariness and menace of penalty. These outcomes could be used to help determine whether work was undertaken involuntarily or freely. It was also proposed that coercion should be construed more widely than that applied to the worker by the individual employer to encompass also coercion applied by the community and/or by social custom.

An alternative body of opinion tended towards a narrower definition. This would establish a lower limit on forced labour based upon a minimum set of criteria; an upper limit could also be established using an expanded set of criteria.

There were also a few divergent opinions among the participants with regard to whether, for the purposes of the report on statistics to be prepared for the 20th ICLS, the term “forced labour” should be construed to include also human trafficking and slavery. While a number of participants thought this highly desirable in theory, they recognised that it could be politically sensitive in practice. Others were of the view that it would be much more practical and feasible first to seek to build consensus in a limited number of member States around how to measure the core “forced labour” concept and then later seek to extend or disaggregate this. It was felt that further clarification is needed also around the inclusion, or otherwise, of related issues such as forced marriage and child slavery.

More generally, some participants emphasized the need for flexibility in the measurement approach adopted, so that it could adapt to changes in both the nature and our understanding of these phenomena over time. It could be that what is considered presently, as critical features/indicators of forced labour may not be the case ten years hence. But it was clear that there was a need to be transparent throughout the process of developing the recommendations to the ICLS.

Other considerations of a practical nature included the trade-off between the “quality” of research (for example, in-depth anthropological methods to fully understand forced labour or slavery) and its affordability; the importance of assessing duration in forced labour and “cycling rates”, i.e. the probability of a person returning to forced labour having escaped it, as well as its pure incidence at a single point in time; the need to use proxy indicators and oblique/indirect/nuanced questions; learning the lessons derived from IPEC/SIMPOC experience; the distinction and links between measurement at national and global levels; and the need to be practical and pragmatic so as to be sure that recommended definitions and methods can be applied in practice. The point was made also that national forced labour survey results need to be interpreted in the context of the broader macro political and economic situations in the countries concerned.

Day 2

In the introduction to the agenda on ‘Measurement of FL’ by the ILO, it was highlighted that FL is symptomatic of a special population group, in the main classified by its vulnerability and therefore,

FL surveys must necessarily be targeted surveys. Accordingly, as the sphere/ area of investigation on FL is narrowed, the prevalence rate is likely to rise. Participants were informed that FL surveys, to be made sustainable, could be implemented as a module to another survey, and in that regard, the advantages and disadvantages (laid out in the ILO publication 'Hard to See: Harder to Count') of the modular survey approach to FL estimation was elaborated. The statistical measurement of FL pursued by the ILO in terms of the identification criteria (classification of responses to survey questions on deception and coercion experienced by the respondent in the context of work) detailed in its publication was also explained.

Some participants detailed the survey methods that had been applied to measure FL. Among the large-scale attempts, such as the one undertaken by the Walk-Free Foundation -on estimation of global slavery through a module attached to the Gallup Global World Poll, which covered over 160 countries and was a household-based survey- was explained in brief. It was pointed out that in this methodology, questions are also asked about family members not resident in the household. The Gallup Poll is based on a mix of 'regular' probability sampling methods which is pre-dominant, and of 'other' non-probability techniques for the remainder. The Veritas study of FL in electronics in Malaysia was explained as one in which the objective was not prevalence but pervasiveness of FL practices, to decipher the indicators of FL and characteristics of vulnerability, and also to assess if FL was present in isolated cases, or was more widespread. The survey had a mix of qualitative and quantitative approaches, and aimed to capture the diversity of respondents by gender, country of origin, products produced, etc.

In the discussion that followed, attention was drawn to the point that survey methods should depend on the purpose of the study and that for estimating prevalence, probability sampling was required. However, it was appreciated that for FL it might not be possible to obtain precision in estimation exercises, and non-probability approaches could be relevant, given that the victimized workers would be guarded and attempts to interview could be construed as being dangerous. Participants agreed that some estimates, with an accepted methodology that might not strictly be perfect, should be preferred to an absence of data, and that a basic FL survey objective should be to understand the dynamics of the process leading to a FL situation. Important issues in FL measurement through surveys, namely, robust data collection instruments, clear definitions and funds availability were discussed, and since the survey methodology is linked to resources, participants supported that the target should be to obtain good quality results within available resources.

It was noted that the wide divergence which existed some decades ago between the advocates of probability sampling (academics) and quota sampling (practitioners), had narrowed since, and rigorous non-probability sampling may be used for prevalence measurement. Thus, both, probability and non-probability sampling had their respective virtues. Again, for measuring trends over time, precise estimates are not essential. Another view was that ideally FL estimation through a module to a household-based survey could be made effective for capturing robust data by over-sampling of certain areas (suspected of FL prevalence) and by questions added to the main survey instrument. However, it was noted that in a situation where the respondent does not have incentive to provide information on illegal practices such as FL, underestimation of the prevalence rate is a distinct possibility, and mixed methods the best option. Moreover, non-sampling errors are likely to be much higher than sampling errors in large-scale surveys on sensitive issues such as FL. In addition, where mobility is common, data capture through household based surveys are likely to be less useful than sectoral surveys with methods adapted to that sector.

The importance of non-probability sampling was stressed by several participants due to the nature of FL, which does not always cater to probabilistic sampling. Given that FL often is linked to particular production stages within a supply-chain, it was noted that while interviewing the first tier of the supply chain might be feasible, in subsequent stages, conducting interviews at lower levels in the supply chain, where FL may exist, could be missed and often FL is higher in the lower tiers. That the household is, at times, the workplace, was noted, as also the virtue of combining the household-based

and sector-based approaches. Some participants favoured a bottom-up approach, rather than a top-down strategy to identify FL. Learning from the experiences in conducting surveys of domestic/ sexual violence, and of crimes, was also suggested. Techniques of multiplicity sampling, respondent-driven/ network sampling, which could be cost-effective due to small sample size requirements, were also noted as promising approaches to FL data collection through surveys. The potential of adaptive sampling and of capture-recapture as cost-effective survey strategies was also considered.

In discussing the way forward, it was by and large agreed that while some forms of FL may be captured by general household-based surveys, other required focussed sectoral surveys. Participants recognized that different methods would generate different information, such as on sectors where FL may prevail, the nature of the FL problem in specific sectors, and the approximate quantum of FL. Some participants held that cost should not be the primary consideration in choice of survey methodology, and a balance between accuracy and cost was required. In this setting, the meeting noted that the addition of a FL module to an existing survey would be the eventual cost-saving option but that stage has, as yet, not been reached. Many were of the view that one starting point might be to finalize a minimal set of data collection items, i.e. key statistical indicators, to identify FL, and then move forward.

Participants recognized that national statistical offices are generally not amenable to accepting new data collection requests, although ILO would strive to convince them. An issue on which participants agreed was that 'duration' is a very important consideration in FL measurement, and a FL situation might prevail for a very long period, even across a lifetime. At the same time, in cases of self-reporting, the duration in FL, as assessed by the respondent, could be unreliable due to 'loss of sense in time' that sometimes occurs when one finds her/himself in a state of FL.

Overall, the meeting agreed on the following guidelines for FL statistical measurement:

1. the methodology for FL data collection should depend on the purpose of the survey;
2. the issue of a probability sampling approach (essential for estimating prevalence) versus non-probabilistic/purposive sampling (more efficient in locating FL which is a 'rare' event) has to be attended to, and a methodology that gives good precision at affordable cost should be chosen;
3. statistical measurement of FL should include:
 - a. an attempt at prevalence rate estimation,
 - b. acquire diversity in presence of FL by economic sector and geographical concentration,
 - c. measurement of nature/ source of coercion, and
 - d. measurement of outcome;
4. qualitative surveys have an important role in understanding the phenomenon of FL, and at times it may be important to assess the quality of the quantitative FL survey;
5. some importance be accorded to non-sampling errors in adopting the mixed qualitative-quantitative survey approach to FL measurement. It perhaps might be useful to assess the links between existing surveys with FL elements with a view to developing a mixed approach;

In addition, no divergence was perceived between the approaches of the civil society organizations (NGOs), the ILO, academia and other UN agencies on FL measurement.

Among key indicators of FL to be compiled, the meeting took note of the following suggestions from the floor:

1. FL as a per cent of the total labour force/ total population;
2. FL disaggregated by sexual exploitation, economic exploitation, labour exploitation, etc.;
3. FL by branch of economic activity; and
4. FL by particular categories, namely, domestic workers, children, migrant workers, etc.

Other issues discussed included:

- a. The base of analysis could be by either victims (individuals) or household characteristics.
- b. On duration, information details, if available, on 'spells' or 'repeated spells' in FL could be attempted: however, this is not an easy task, as 'what length of time' qualifies as FL is not as yet an agreed time period. In addition, people continuously move in and out of FL, and often the same survey has encountered both current and former victims of FL.
- c. Another aspect is interrupted versus continuous spells in FL. For capturing this perspective, a 1-year reference period would be required. But it was also recognised that such a period would capture both current and former FL, which could complicate the estimate on prevalence.
- d. Other relevant information requirements from surveys would be on discriminatory factors underpinning FL, and the personal attributes/ characteristics of people in FL.
- e. Valuation of FL would become relevant if an economic value was to be assigned to FL.
- f. Miscellaneous points: re-exploitation of same people; contact with authorities; profiling of offenders; involvement of intermediaries/ recruiters; effective interest rates on loans taken which often underpins FL, where to count the incidence (source or origin ?)

The way forward

Views by participants as concluding remarks revealed, among others, suggestions for:

- I. a data collection instrument has to be devised and tested in different settings, with a 'core' set of consistent measurements for all countries;
- II. need for development of data collection instruments/ methods tailored to individual country situations;
- III. need to reduce the major concerns in the data collection framework on FL to a minimum, e.g. involuntariness and threat of penalty;
- IV. some guidance is needed on sampling procedures, i.e. when to use a particular method and for which specific purpose;
- V. to cater to the predictive ability of the selected sampling framework on account of its potential usefulness;
- VI. to consider diverse approaches to data collection and to bring them together to generate a more holistic picture on FL;
- VII. to work towards establishing a globally agreed statistical measurement standard on FL that may be applied to collect country level FL statistics (global data is not helpful);
- VIII. to consider differences required in definitions/clauses when applied to children in FL situations;
- IX. to actively consider a coordinated approach that reconciles FL, human trafficking, and slavery, if possible, and the role that primary research may contribute to the process;
- X. important to address the issue of 'human dignity' (its erosion is fundamental to FL) and incorporating it in data collection;
- XI. to learn from the ILO experience in CL surveys to collect FL indicators; and
- XII. to attempt to obtain evidence for China, for 'work under duress' suspected in the industrial sector.

In closing, it was suggested that the ILO/FPRW should try to negotiate with ILO/STATISTICS to have a Committee at the 20th ICLS (2018) in order that FL Statistics are discussed in greater depth. The background document could be a 'standards-like' mature report with an annex that has a light content on FL and may be used as guidelines by all. The report has to be prepared very judiciously, so that the Committee may request a resolution on statistics concerning FL at the 21st ICLS (2023) [and not throw it out altogether]. The report, thus, may focus on the methodology and categorisation of FL, and table it for discussion at the 2018 ICLS. Finally, there was a general consensus on the need to operationalize definitions to identify FL, and that engagement with governments was essential.