

## ILO expert workshop on Measuring Modern Slavery

New York, 8-10 December 2015

### Objectives

This technical meeting was planned as a follow-up to the first two meetings in April and September 2015 in the framework of the work on the SDGs indicators. The main objectives were:

- Reviewing the work done during the first two meetings
- Working on the operational definition and measurement framework of forced labour of children
- Pursuing the work on sampling design and short prevalence surveys for national level
- Sharing with Member States the work done for the ICLS resolution and discussing the SDGs indicators on child and forced labour
- Planning next steps

### Update on ICLS process

The first meeting of the ICLS working group took place in Geneva, in April 2015, with the objective to review the concepts and definitions used by stakeholders and methods used by the participants. Key indicators to be measured through surveys on forced labour were discussed. This was followed by a more technical meeting in Lisbon, in September 2015. Statisticians and researchers from the various organisations shared their survey tools and discussed the measurement framework they used. List of indicators of involuntariness and penalty was drafted and list of forms of modern slavery was reviewed.

In Lisbon, Farhad Mehran made a presentation and led a discussion on “National measurement of forced labour: Survey designs and uses of administrative records”. The main points of the discussion were 1) the distinction that should be made in terms of survey tools between prevalence surveys and surveys designed to understand characteristics of forced labour in a particular sector or area and 2) some considerations on what should be the minimum sample size for a prevalence survey in forced labour in situations where the expected rate of forced labour varies from 0.1% to 1% of the target population.

### Measurement of forced labour at national level

The second session of the first day was a follow-up of the Lisbon discussion on measurement of forced labour at national level, in the case of prevalence surveys. The presentation of Farhad Mehran gave details on precision requirement and various type of sampling for household surveys, as well as a detailed explanation on the conditions under which Multiple System Estimation methods could be used in the case of administrative data on victims of forced labour or trafficking. The last part of the presentation addressed sampling issued in the case of surveys designed to measure characteristics of forced labour, and a detailed explanation of the use of Response-driven sampling, in cases such as the Bulgarian immigrants in the Netherlands.

This presentation led to a very lively discussion on how these various methods could be applied and could become part of the ICLS resolution. It was noted that further work is needed on sample design in the case of surveys designed to measure trends. The minimum set of questions used in Gallup surveys for prevalence surveys was presented and led to a series of questions and clarifications of the measurement framework.

## Forced labour of children

The working session started with a presentation of the legal framework by Deepa Rishikesh from the NORMES department of the ILO. In her presentation, in addition to the presentation of conventions No 29, No 105 and No. 182 Deepa explained the ILO supervisory system and detailed some of its comments related to forced labour of children. In particular, she mentioned the cases of children in bonded labour, forced child labour in domestic work, compulsory labour within the school system and forced or compulsory recruitment of children in armed forces and/or armed groups.

After some clarification questions, the discussion moved to the comparison with the definition of child slavery in the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956). Article 2 (d) states defines, among the institutions and practices similar to slavery, *“Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.”*

Three main topics of the discussion arose :

1. How does the notion of coercion or threat/penalty apply to children? Are there different indicators (compared to the ones defined for adults) or do the same indicators apply with lower degree?
2. In Slavery Convention 1956 definition, exploitation is not defined. Therefore, how should this definition be compared with the definition of forced labour of children? In the slavery definition, there is no mention of coercion. But we could interpret the fact that the child is “delivered” as a mean of coercion per se.
3. In the framework of ICLS resolution, the focus and starting point is on forced labour, which is a subset of labour situations. Forms of exploitation which are not related to labour cannot

be counted under child forced labour, even if they are forms of slavery. But how should early marriage or forced marriage of children be considered?

Given the difficulty in clarifying the links between these various concepts, it was decided to follow-up with legal advisers.

## Briefing for Member States

Beate Andrees, Head of FUNDAMENTALS, gave a presentation on the importance of indicators for the SDGs and the Alliance 8.7, and explained the objective of the ICLS resolution and working group. One important point in the presentation and in the following discussion was about the involvement of Member States in the process. Beate Andrees made it clear that ILO and other UN agencies are here to support Member States in their work, if needed. Measurement standards, as worked out by ICLS member States-driven process on employment, unemployment, child labour and now forced labour provide Member States and their National Statistical Offices with operational definitions and measurement tools that can be used at national level.

## Traditional forms of slavery

The participants quickly agreed on the type of situations this form of forced labour covers: all countries in which whole families (or certain family members) are working for those who are ancestors of the masters of their own ancestors. In most cases, the “employer” also intervenes for many dimensions of the workers lives, creating a multi-dependency relationship. This goes from housing to deciding whether or not the children of the workers should go to school, when and who they should marry, etc. Although slavery has been abolished in all countries, there are still forms of employment relationship in some countries which do not respect the national labour laws because of tradition or lack of alternatives for these workers. Specific indicators of unfree recruitment should be developed as there is no formal recruitment in most cases. It is typically the case from the children of workers’ families (ex-slaves) who are forced to work for the same employer, without any type of recruitment process. Similarly, the threats imposed to workers for preventing them from leaving that type of situations must be analysed in each specific context.

Participants agreed that this form of forced labour should be dealt separately from debt bondage, although both forms may take place in the same countries.

As a conclusion, there was an agreement that the general measurement framework applies for these forms of forced labour, but the questionnaire must reflect the specific terms and concepts from the country in which traditional forms of slavery are rampant.

## Conclusions and next steps

1. Those who have data will send them for ILO to do a discrimination analysis (among questions used to define forced labour – which is the best discriminator?) so that the results can be discussed in the next meeting.
2. Questions will be submitted to our legal experts on C182 and UN convention on slavery from 1956 and how is exploitation defined/interpreted in that context, so that the relationship between child slavery and forced labour of children can be clarified. This should also take into account the question of child marriage should
3. ILO will work on how should sample size be adjusted to measure change across time
4. The operational definition of forced labour of children as presented by the ILO is acceptable to all participants
5. More discussion and evaluation of ethical guidelines are needed for conducting interviews for forced labour of children, appropriate data collection methodologies for children and child labour; particularly for younger children under the minimum age for cognition
6. The experience of IBGE in using filter questions in a large household survey is very interesting and should be taken as a starting point for further developments.
7. NSOs need to be integrated into future meetings; Member States will make final decision on resolutions to adopt and how to implement the resolution
8. A tripartite technical meeting will take place prior to ICLS, and a report will need to be prepared for this meeting, in first half of 2018; the report needs to support its recommendations with findings/data and pilot experiences, country cases; there will be a set of resolutions at the end of the report; a committee will be established to review and discuss the report and resolutions, modifications will be made and then the ICLS votes, it is formally issued 6 months later and becomes nonbinding guidance for member states. This is why the tools developed by our working group must be tested and piloted before recommendations are made to the ICLS.
9. Two bilateral ILO UNODC meetings will be held to develop agreement and proposals for the next ICLS working group meeting which will be about trafficking for forced labour;