

Working Paper

**Directions for national and international  
data collection on forced labour**

Michaëlle De Cock

**International Labour Office  
Geneva**

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## Foreword

In June 1998 the International Labour Conference adopted a Declaration on Fundamental Principles and Rights at Work and its Follow-up that obligates member States to respect, promote and realize freedom of association and the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.<sup>1</sup> The *InFocus Programme on Promoting the Declaration* is responsible for the reporting processes and technical cooperation activities associated with the Declaration; and it carries out awareness raising, advocacy and knowledge functions – of which this Working Paper is an example. Working Papers are meant to stimulate discussion of the questions covered by the Declaration. They express the views of the author, which are not necessarily those of the ILO.

As part of ILO activities to promote the Declaration, a Special Action Programme to combat Forced Labour (SAP-FL) was created by the ILO Governing Body in November 2001. Since then, SAP-FL's work has included research, awareness raising and technical cooperation, working with governments, employers, workers and others to abolish forced labour. And in all of these activities, particular attention has been given to the forced labour outcomes of human trafficking. The Special Action Programme to Combat Forced Labour (SAP-FL) has also provided special attention to the quantitative dimensions of forced labour. In 2005 it produced – jointly with the Policy Integration Department - the ILO's first ever global estimate of forced labour and human trafficking, with indications of its regional distribution and broad forms. The main results of this effort were published in the Director General's 2005 Global Report *A Global Alliance against Forced Labour*, showing that forced labour affects at least 12.3 million people in the world, of which 2.4 million are victims of human trafficking.

Despite this global estimate, there remain very significant gaps in our understanding of the quantitative dimensions of forced labour. The 2005 ILO Global Report 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”. The present paper provides some ideas and directions as to how these gaps could be reduced. The paper discusses three areas in which future work is most urgently needed. The first is the improvement of country-level data collection on identified cases of forced labour and human trafficking. Such administrative databases would allow for a better follow-up of all reported cases, including for law enforcement and assistance programmes to the victims. They would also provide much qualitative information to be used as a preliminary step to design quantitative methods. The second is the need to develop better national estimates of forced

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<sup>1</sup>The text of the Declaration is available on the following web site : <http://www.ilo.org/declaration>

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labour through surveys or other statistical methods. This would provide information for more efficient policy making and also create benchmarks by reference to which progress can be measured over time. Finally the paper also proposes that the ILO should continue to maintain its global database and develop a number of indicators by which to measure global progress towards the ultimate objective of eradicating modern forced labour.

Roger Plant  
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Programme on Promoting the Declaration

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## Introduction

The effective elimination of forced labour can only be the result of a continuous process in which observation, analysis and action feed each other. There is a need to observe and to understand the mechanisms of forced labour and to estimate its extent in order to design effective action plans at a local, national or global level. This report assesses the feasibility of designing new tools, or adapting tools designed for similar phenomena, which could be used by governments, social partners and the international community to enhance their knowledge and understanding of forced labour, including the forced labour outcomes of human trafficking.

There are three levels at which observation and analysis must take place and lead to action. First, there is the individual victim of forced labour who must be protected, offered social and legal assistance to sue his/her exploiter, and offered some options for his/her future. This whole process can take place in a consistent and efficient way only if all the stakeholders who are in contact with the victim are able to share information. Second, there is the national level, where policy makers and law enforcement officials would benefit from a precise knowledge of the forced labour situation in their country. This knowledge consists of a combination of: a) a comprehensive view of all the cases of forced labour found within the borders, or concerning people from the country caught in forced labour abroad; b) a qualitative analysis of forced labour which would provide information about the mechanisms of recruitment, the sectors of activity at risk, the vulnerable groups, the means of coercion, and other relevant information and if possible; c) a quantitative estimate of the magnitude of forced labour in the country, by type of forced labour and sectors of activity. Third, there is the international level with the ILO and other international institutions trying to obtain an estimate of the extent of forced labour, trends in the magnitude of forced labour and/or in the law enforcement and other efforts made to prevent and combat forced labour worldwide.

The tools presented in the present report are designed to answer some of the specific needs regarding these three levels of observation and analysis. At the national level, where both individual follow-up and national analysis must take place, the proposed tools are: a) a national database to collect and store individual data on victims and perpetrators from the various organizations who are in contact with potential victims of forced labour. The same database will allow individual follow-up of the victims and national analysis. Analytical tools will provide reports on the national situation based on the cases collected. Results of this analysis can be used as inputs for qualitative research; and b) statistical methodologies to derive some quantitative estimates of specific forms of forced labour, including the forced labour outcomes of human trafficking. To understand the situation at global level, the proposed tools for the ILO are a) to continue its centralized database of all reported cases and estimates of forced labour published worldwide; b) statistical methodologies to derive global estimates from the national or

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regional estimates and c) a set of indicators on forced labour, built by using the results of the analysis of the national and international databases. All these tools may be developed by the ILO in collaboration with the countries where they will be tested and implemented.

## **1. Data collection at the national level**

### ***1.1. What can be collected?***

Information related to forced labour and/or trafficking refers to “victims” and “perpetrators”. From a legal point of view, a person can be named “victim” or “trafficker” or “forced labour employer” only after this has been determined by a court. From the point a view of an assistance organisation, any woman asking for help after relating her story of forced labour may be called “victim”. For this report, we will use the name “victim” or “perpetrator” as a generic name, bearing in mind that the status of a person will change during his/her life along two dimensions:

- The time dimension: a person is first *Vulnerable* to forced labour, before becoming a *current victim* of forced labour, and then an *ex-victim* of forced labour (rehabilitated or not)
- The legal status dimension: potential or possible victim, under investigation, recognised victim (after prosecution). The fact that various stakeholders use different definitions and criteria to recognize the status of victim must not prevent governments from centralising data, but make it necessary to spell out the origin of the registration of victims as well as their current legal status.

Various types of information refer to forced labour and can be systematically collected and stored in a database:

- Individual data on victims: name, sex, age, origin, language, precise description of the type of forced labour, etc.
- Reported case of forced labour: a group of people found simultaneously working in a forced labour situation for the same employer. The level of detail is usually low: number of people, sex ratio, age ratio (number or percentage of minors if any), country of origin (region if several countries), etc.
- Aggregate data on victims: number of people by type of forced labour sex, age, origin, etc
- Individual data on perpetrators: name, sex, age, origin, etc.
- Qualitative information on forced labour such as:
  - Geographical data: location of forced labour, routes of trafficking



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- Data on the process of forced labour or trafficking: type of work, working conditions, ways of recruitment, border crossing, means of coercion
  - Economic data linked to forced labour situations

The type of data published by an organisation dealing with victims depends on many factors, the most important being the safety of the victims. It also varies according to its objective: does the organisation want to have a qualitative understanding of forced labour? A quantitative estimate of the magnitude? An economic analysis? The next paragraph reviews the models used in countries that implement national data collection.

### ***1.2. Data on victims and perpetrators***

The lifecycle of a victim of forced labour begins with a first phase where he/she remains unknown from the authorities as “victim of forced labour”: this phase of “anonymity” starts with the recruitment and ends with the first contact with some organisation dealing with victims of forced labour. By definition, there can be no database of such persons before the first contact. The first contact of a victim with an “organisation” may be:

- A cross-border officer if he/she is caught without legal documents or if the official suspects a case of trafficking or smuggling;
- A police officer if the victim comes into contact with the police during a control or because he/she looks for help in a police station
- A labour inspector, a trade union, a help centre or an NGO
- In a few cases, the first contact with somebody other than the employer may be with a researcher or a journalist.

Thereafter, the victim will be in contact with non-governmental or public assistance centres (if material help is needed), the police, and the prosecution office (if he/she decides to go to court). In the case of victims of international trafficking for forced labour, the victim may be taken care of in his/her country of origin when he/she is repatriated. Help centres for returnees are run by some countries and information on the victims is collected. The police, prosecution offices or assistance organisations usually maintain registers of victims. Those registers may be centralized or not (at national or regional level). One can note that all these organizations can only collect data on identified and/or freed victims. A discussion on that point can be found in chapter 3 on national estimates to see how the figures from databases of victims can be extrapolated to estimate the actual number of victims in a country.

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The data that is collected, whether anonymously or not, is almost never published extensively, for two main reasons. First, because in most cases, data is not centralized and remains in the form of handwritten lists and, more importantly, because the security of the victims, which is essential, makes it difficult to publish individual data as it could allow criminal gangs to trace them or their family. By contrast, some organizations publish local or national aggregate data, giving the number of victims they have been in contact with. The aggregation is usually made by sex, age groups, origin, type of work or other broad categories. Some countries have started to centralize all the information related to trafficking and/or forced labour and to establish national databases of victims. The next section presents in detail the Dutch experiment, followed by other experiments. The last section of the chapter provides a proposal for national data collection plans.

### ***1.3. The Dutch National Rapporteur***

#### **1.3.1. History, mandate and structure**

The National Rapporteur on Trafficking in Human Beings (NRM) has been appointed in April 2000 to report to the Dutch government on trafficking in human beings in the country. Her task is to collect all available information related to the subject, analyse it and publish a report to the government, including recommendations on how to (improve the) fight against trafficking. She is assisted in her task by a team of four persons: a lawyer and three researchers. From 2000 to 2005, the mandate was limited to trafficking in women for sexual exploitation. In January 2005, the Dutch Penal Code on trafficking was broadened and the scope of the NRM mandate was enlarged accordingly to include all cases of trafficking for labour exploitation. The fifth report of the NRM will, for the first time, contain information on this topic.

To produce its report, the Rapporteur has access to the files of the main stakeholders: the centralised victim registration system (run by the Foundation against Trafficking in Women, STV, which coordinates the providing of shelters to victims), the police registration system, police investigation files, applications for temporary visa and the Public Prosecution Service office. In addition, the NRM can decide to run specific surveys to obtain more information on a subject. All the information collected yearly is then analysed, both with a qualitative and quantitative objective, and presented in the annual report. Below, we discuss each set of data separately. The NRM does not run a unique and centralized database of victims of trafficking in the Netherlands but - instead - uses these different sources to present a global picture of the problem.

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### 1.3.2. Data about victims of trafficking in the Netherlands

The central element of the network is the STV (*Stichting Tegen Vrouwenhandel* or Dutch Foundation against Trafficking in Women). STV is a decentralized, government funded, organisation with 15 regional or local networks covering all areas of the country. It is responsible for finding a place in a shelter for trafficking victims and to register them in a database. Victims at STV are usually referred to STV by the police (56% of the total number of cases in 2003), reception centres, private individuals, institutions for refugees and asylum seekers, and youth welfare organisations. In 2003, 253 victims were registered by STV, which runs a centralized database with details about the victims and the trafficking case. Although this data is not published in detail, the STV provides once a year (or every two years) an excel file to the NRM with aggregate data on the number of victims grouped by sex, age, and place origin. Since 2006, STV can also provide some level of individual information about the victims.

A second element of the network is the police victim tracing system. Altogether, twenty-five regional police forces cover the country. When a woman enters in contact with a police station (at her initiative or during a police check in a brothel or on the street), she is heard by policemen who have been trained to detect possible cases of trafficking. During the hearing, police officials use a list of indicators as an instrument to help identifying victims. Any relevant indication given by the woman is translated into an indicator which scores a certain number of points. Any woman with a score greater than 10 points is treated as a possible victim of trafficking and must be referred to STV. For example, a combination of “Sleeping the night at the work place” which scores 6 points and “Somebody else arranged the journey or the visa” which scores 8 makes a total of 14 and places the women in the status of “possible victim of trafficking”. The police officer must then refer the victim to STV. In 2002, 153 new possible victims were registered in the police tracing system. One aim of the system is to detect victims who have been registered in different police stations when their pimps move them from one place to another. NRM concludes in its analysis of the data that “it is not clear whether police forces that do register possible victims in the system are consistent in this”.

A third source of information on victims is the so-called B-9 regulation. The B-9 regulation (section B-9 of the Aliens Act Implementation Guidelines) allows aliens who are or may be victims or witnesses of human trafficking to remain legally in the Netherlands temporarily during the investigation and prosecution, thus remaining available to the police and the Public Prosecution Service (PPS). The police has the obligation to inform the victim about her right to a B-9 visa, but the victim does not need to decide immediately whether she wants to report the offence (and get a visa under the B-9 regulation). She has a three month reflection period, during which the deportation of the victim from the Netherlands is temporarily suspended. If she decides not to file a case, she must leave the country

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immediately thereafter. Victims who decide to report the offence benefit from reception and accommodation facilities, medical and legal assistance and provisions relating to maintenance. The victims who make a report are registered by the Aliens Administrative System and the Immigration and Naturalisation Service (IND). The NRM has access to the IND files, with detailed information on all the registered persons. In 2002, 160 applications for B-9 permits were registered and 127 permits were issued. These files allow the NRM to undertake a detailed analysis of the profiles of those victims, which is presented in the annual report.

### **1.3.3. Data about perpetrators of trafficking in the Netherlands**

Information on perpetrators can be collected from the police investigations that are completed and sent to the Public Prosecution Office. So far, every year, the NRM has contacted all the police units and inquired about the investigations that were completed and referred to the Public Prosecution Service (PPS) during the year. In addition, a set of questions are asked to the police official by telephone about those files. The results are both qualitative and quantitative and include: modalities of recruitment, means of coercion, number of suspects in each investigation, nationality of suspects, travel routes, and the number of completed cases (55 in 2002). It also gives a new indication of the number of victims, as NRM can compute the number of victims who reported an offence or made a statement as a witness in any investigations referred to the PPS. In 2002, there were 226 reports of international trafficking and 32 of national trafficking. The NRM uses this information extensively to better understand the whole process of trafficking and the possible implication of criminal gangs. Significant other information is collected from these files, which are relevant to the understanding of the phenomenon, but do not provide an indication on its magnitude.

The Public Prosecution Service (PPS) also provides data on perpetrators. Each year, the NRM receives a file which contains information from all the Public Prosecution Services offices in the country. The NRM then extracts the sub-file related to human trafficking. Criminal cases against individual suspects may involve several criminal offences. The analysis of the data provides the NRM with information on the number of suspects and on their socio-demographic characteristics, the settlement for most serious crimes, the sentences imposed, and the appeals lodged.

### **1.3.4. Changes required to take into account trafficking for labour exploitation**

Since April 2005, the NRM is also mandated to report on trafficking for labour exploitation. Several challenges have arisen with this extension of mandate. In particular, STV is responsible for registering “new” victims but, being an organisation for women, they have no shelter to propose to men and it is

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therefore likely that the rate of reporting on labour exploitation of men will be low. Secondly, the police expert group on trafficking, which meets every two months, has so far mainly dealt with trafficking for sexual exploitation and therefore will not be in a position to provide NRM with information on the trafficking of men. In addition, although the B-9 regulation system applies to trafficking for labour exploitation, no differentiation is made in the type of exploitation the victim underwent.

### **1.3.5. Comments**

- The NRM is a unique experience and the collaboration with the various actors makes the publication of the annual report possible. One key reason for the success of the collaboration is the high degree of involvement of the NRM in all the meetings with the police and the Public Prosecution Office. The NRM is present in every police experts meeting which take place every two months and where the new issues on trafficking are discussed. Trust building and sensitisation are essential to make the structure active and the network communicate.
- Police reports mainly come from brothel or street inspections, which have been authorized since the end of the ban on brothels (2000). The police, however, have less access to secret prostitution circuits where trafficked women may be found.
- In spite of the resources provided by the government and in spite of the high level of communication tools in the Netherlands, it appears that only a fraction of the victims are known and registered in the STV database. An analysis of police data shows that not all possible victims are referred to STV, in spite of the clear mandatory procedures. A 2001 survey of NGOs dealing with victims revealed that not all of them report the women to STV, even though the large publicity given to STV and its role has considerably improved the situation in recent times.
- The NRM does not link the various sources of data that they analyse. The same victim may appear in the different files (shelters, police, and eventually B-9 and PPS) but the NRM is not in a position to identify her in the different records. This is why the report presents four different tables of the profiles of the victims, and not a single one.
- Trafficking for labour exploitation is now part of the mandate of the NRM, but awareness of this type of trafficking is still limited. New networks need to be developed, both for victim detection and to provide assistance to the male victims.
- The type of data which NRM has at its disposal is not sufficient for performing an in-depth analysis of the actual extent of trafficking in the country. Recently a study has been carried out on the applicability of different techniques for estimating the scale of illegality in the Netherlands. The study was commissioned by the Research and Documentation Centre of the Dutch Ministry of Justice and carried out by Utrecht University.

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#### *1.4. Other centralized organisations on trafficking*

A number of developing or in transition countries are setting up centralized data collection systems to centralise information on trafficking that is currently dispersed. The following paragraphs provide some examples of such initiatives.

In Nigeria, under the anti-trafficking legislation adopted in 2000, a National Agency for the Prohibition of Trafficking in Persons (NAPTIP) has been set up with the mandate to investigate and prosecute all cases of trafficking for sexual and labour exploitation, to organise the rehabilitation of victims and to take preventive measures against trafficking. With the help of UNODC, UNICRI, UNICEF and ILO, a national monitoring centre has been set up with the following functions: a) receive and maintain records of data from all the units in the agency, other government agencies, IGOs, and NGOs; b) analyse the information and respond to ad-hoc requests by the agency as well as provide in-depth technical analysis of data from regional offices; c) provide support to prosecutors or legal officers, investigators, rehabilitation/guidance and counselling officers and other staff of the agency in carrying out their duties all over the country. The database is not yet operational and most of the information received from the six zonal offices is in hard copy. Initially, the plan was to include only information that was necessary to prosecute offenders. Following a workshop organised by the ILO in 2004, the database will now include other socio-economic factors relevant for improved victim protection and rehabilitation. It was also agreed that information from research carried out by international agencies and civil society organisations would be integrated into the database. An interactive website has been set up as a first step towards a fully computerized data management system.

In Thailand, the National Secretariat on Trafficking in Women and Children was established in 2000 under the Department of Public Welfare. With the establishment of the Ministry of Social Development, and the need for additional resources in this area, the Government expanded the Secretariat into the Bureau of Anti-Trafficking in Women and Children (BATWC). The Bureau is responsible for providing assistance to victims and protection and coordination with anti-trafficking networks. BATWC also works to raise awareness through a range of media including TV, radio, newspapers, publications, leaflets, posters and brochures. BATWC administers a database containing individual case information on cities of origin and places of destination. The information is shared with Thai embassies and other relevant Ministries. BATWC has also established a network group with NGO's in Japan; including Bang Sala, a Japanese NGO working exclusively with Thai women.

In Belarus, Bosnia, Bulgaria, Czech Republic, Macedonia, Moldova, Poland, and Ukraine, data is collected by a network of NGOs called La Strada, which is also active in the Netherlands. Each member organisation has its own registration system for the victims of trafficking, and it has recently been

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decided to develop a common template, based on the experience of the Netherlands. Once approved, this common model will be implemented in all the nine countries. It includes some information on trafficking for forced labour. Much attention has been given to the legal status of the victims, allowing a strict follow-up of each victim, from the first contact with an assistance organisation to the court where his/her case is discussed.

### ***1.5. Proposal for national data collection plans***

#### **1.5.1. The objectives of a national data collection plan**

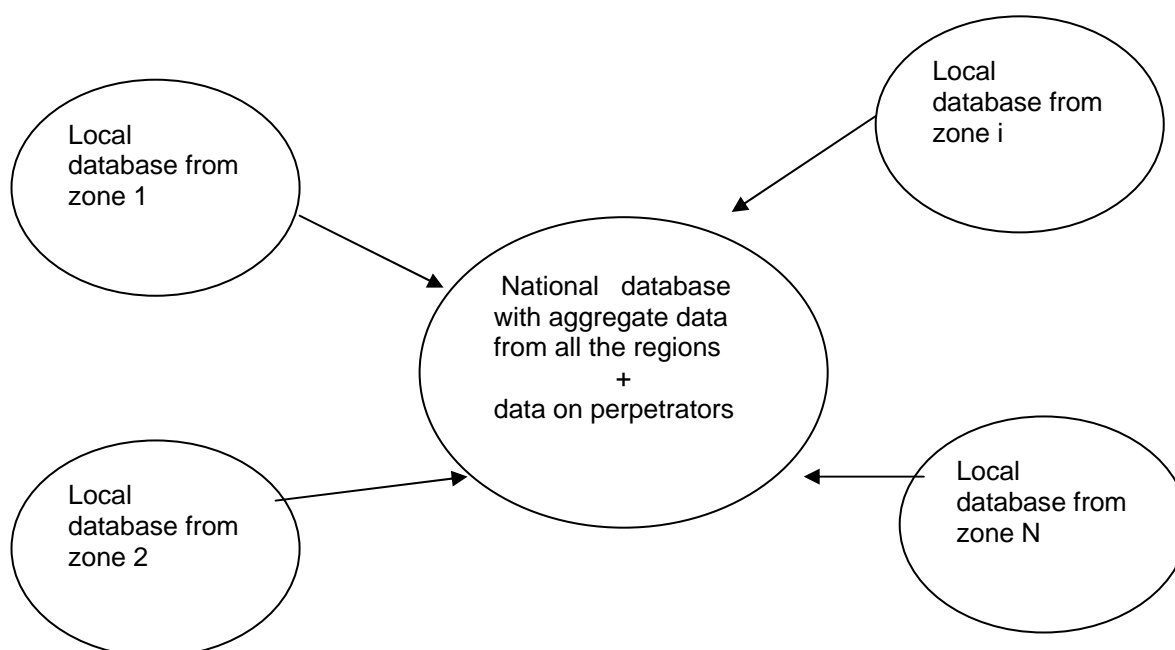
A national data collection aims at centralizing all data relating to forced labour so that i) follow-up of all reported cases can be ensured, including law enforcement and ii) responsible agencies can have a comprehensive view of the situation of forced labour in the country. Ideally, a national database should include information about:

- The victims
- The perpetrators
- The immigration data (personal and aggregate)
- The police data (personal and aggregate)
- The judiciary data (personal and aggregate)
- The labour inspectorate data (personal and aggregate)
- The social services data (personal and aggregate)

A database should be used to keep track of all the freed victims, ensuring that a proper social and legal follow-up is offered to each of them, and aggregate data can be the source for national reports and statistics describing the national situation. Both individual and aggregate data provide information related to law enforcement, assistance programs offered to the victims and indications on trends. If possible, a qualitative analysis of such a database can be a preliminary step to design quantitative surveys for the country.

#### **1.5.2. Possible structures of the databases**

The implementation of a national database is specific to each country and should be as close to the judiciary organisation as possible. If law enforcement is under the responsibility of a geo-political division, such as States, Cantons or Departments, a database can be held at the same level. Aggregate data could be sent by each geographical division to a national database.



Such an organisation does not prevent exchanges to take place between regional databases, as it may be necessary to check whether a victim has already been registered in another part of the country. Various models can be designed to allow those checks while preserving the anonymity of the victims for safety reasons. In many countries, there is a centralized database of perpetrators for some types of crimes, especially when there is a risk of recidivism in different parts of the country. This is not incompatible with the proposed data structure on victims. The individual cases can be registered and managed at the local level, while the data concerning perpetrators can be centralised at national level. In other countries, with a more centralized organisation, there may be a single database storing the information on all the victims, court cases and perpetrators of the country.

The databases of victims (local or national) are designed to store information related to the victims, from the detection and registration to the situation chosen by the rehabilitated victim. This can include:

- Personal data such as name, sex, date of birth, place of origin, family, etc.
- Socio economic background (for qualitative analysis of vulnerability to forced labour)
- Description of the forced labour situation in which the victim was trapped, from the recruitment to the liberation. This segment of information includes the duration in forced labour which is necessary for some statistics.
- Present situation: accomodation, means of living, needs, and wishes.
- Legal situation: status of complaint, status of court case, damages, conviction of the perpetrator.
- Situation of the victim when the case is closed.



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At any moment, any authorized agency can be informed of the current situation of a victim, in terms of social and legal procedures. These databases are fed by all the agencies which are in contact with potential victims: police, labour inspectorate, trade unions, social services, immigration, etc. The procedures to exchange information between these stakeholders and the database need to be set up in each country. If the organisation that runs the database has some assistance to offer to the victims, as is the case in the Netherlands (see paragraph 2.3), then the exchange between police, labour inspection or social services and the centralized organisation can be on an ongoing basis. Each time a victim is identified, by any of the stakeholders, he/she is referred to the centralized body where he/she will be registered and offered some help, including shelters when necessary and available. If this is not the case, or if it is not possible for the service which has been in contact with a victim to refer him /her to the centralized agency, then only a report will be sent and follow-up procedures will be launched. In the same way, the prosecution office can exchange information on an individual case or on a regular basis, sending every week/month/quarter information on the cases dealt by the judiciary. The data related to court cases, perpetrators, judgements, fines and sentences can be centralized in a database that is linked to the databases of victims. This would allow prosecution offices and law enforcement agencies to use it as a tool for their tasks.

### **1.5.3. A set of criteria to recognize a victim of forced labour**

One major difficulty for the staff dealing with potential victims is to be able to assess the situation of the person in terms of “forced labour”. The purpose is not to officially declare a person as a “victim of forced labour”, which only a court can do, but it is crucial that all stakeholders use the same criteria to assess the situation of a person before registering him/her. This assessment of the forced labour situation is made with a set of criteria which are built on the fundamentals of the ILO convention no. 29 on forced labour. All lists of criteria rely on the proposed set of indicators, as given in the latest Global Report in 2005:

#### **Lack of consent to (involuntary nature of) work (the “route into” forced labour)**

- Birth/descent into “slave” or bonded status
- Physical abduction or kidnapping
- Sale of person into the ownership of another
- Physical confinement in the work location – in prison or in private detention
- Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance
- Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges, etc.)
- Deception or false promises about types and terms of work
- Withholding and non-payment of wages

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- Retention of identity documents or other valuable personal possessions

**Menace of a penalty (the means of keeping someone in forced labour)**

Actual presence or credible threat of:

- Physical violence against worker or family or close associates
- Sexual violence
- (Threat of) supernatural retaliation
- Imprisonment or other physical confinement
- Financial penalties
- Denunciation to authorities (police, immigration, etc.) and deportation
- Dismissal from current employment
- Exclusion from future employment
- Exclusion from community and social life
- Removal of rights or privileges
- Deprivation of food, shelter or other necessities
- Shift to even worse working conditions
- Loss of social status

When implemented, these criteria may need to be operationalised and translated into questions. Several methods exist to assess a situation with a list of criteria. The ILO could propose a standardized one to the countries, but customization at national level should be allowed to reflect local realities. The following examples are some possibilities among the existing tools:

- A list of binary questions with “yes” or “no” answers translating into a number of points. The interviewer adds the points and any score above an “acceptable” threshold qualifies the interviewee as a potential victim. This is the method used by the police in the Netherlands.
- A (short) list of essential binary criteria and one “Yes” is enough to qualify as a potential victim.
- A list of indicators with a range of possible values from 0 to MAX. A flat or weighted sum of the answers gives a “score” that can be used as an indication of forced labour on a graded scale from none (free labour) to maximum coercion.

#### **1.5.4. Possible outputs of the databases**

A database is designed to provide policy makers with relevant information on the situation at national level. Some examples are given below but precise lists of outputs have to be designed in each country according to the specific needs. This can include:

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- Statistics on the victims: number by sex, age group, place of origin
  - Statistics on the situations of forced labour by sector of activity and means of recruitment and coercion
  - Statistics on the detection of the cases, by type of stakeholder
  - Statistics on the perpetrators
  - Statistics on the judiciary, with number of complaints, court cases and judgements
  - Statistics on the legal issue of the cases
  - Statistics on the status of the victims after the case is completed (what do the victims do?)
  - Statistics on a regional basis in the country
  - Statistics on duration in forced labour, by date of entrance and sector of activity.

Analysis of these statistics can provide information on law enforcement (the ratio of court cases/complaints, sentences/court cases, fines and sentences compared with other crimes, etc.), regional disparities and therefore needs for additional training for some stakeholders, vulnerable groups at risk for which specific prevention programmes could be developed, economic sectors at risk for which specific training programmes should be designed for labour inspection services, employer organisations and trade unions. Moreover, some specific analysis on the types and locations of forced labour reported in the database can be used to design surveys aimed at estimating the extent of forced labour nationwide. The sectors of activity to be scrutinized or the locations to be surveyed can be decided according to the analysis of the cases reported in the database.

## **2. National estimates**

### ***2.1. Different tools and measures for different forms of forced labour***

Forced labour occurs in prostitution and in sectors of activity such as agriculture, food processing, garment industry, construction, etc. It can be hidden, with the workers locked away or living in remote protected places, or in the public eye, the most typical of this form being bonded labour in agriculture in India or Pakistan. Adapting classical survey tools may be possible for public forms of forced labour, but new estimation methods must be created for the hidden forms. Human trafficking should also be measured, both within borders and between countries. This introduces a new parameter which has to be included in the design of a survey, namely the place where the measure must be done in case of trafficking. If a country wants to know how many people are in forced labour within its borders, regardless of the origin of the victims, it can design a survey of workplaces. But a country may be interested in knowing also how many (or what proportion) of its nationals have been victims of forced labour, either somewhere in the country or abroad. This information is very important to design

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prevention programs among people at risk. To estimate this figure, the survey should probably take place in the places of origin, in a household survey, as it is unlikely that one country can run estimates in all the foreign countries where its people are trafficked for forced labour.

A survey may be designed to estimate prevalence or incidence of forced labour. Prevalence of forced labour is the number of persons, within a given population, who are subject to forced labour at a given time. It is sometimes used to estimate the number of people who have been subject to forced labour over a specific period of time: during their adult life up to now or in the last five years. The incidence of forced labour is the number of new cases over a period of time. Trafficking is usually estimated in terms of incidence, and the formulation of the result gives the number of persons who have been trafficked during a given year. In fact, it may be meaningful to measure the “incidence per 100” of forced labour, which is defined as the number of new cases of forced labour (or trafficking) over a period of time divided by the number of people at risk of becoming a victim of forced labour or trafficking. Prevalence can be measured in absolute terms, providing the total number of people in forced labour at a given time, or in reference to a specific population, giving a ratio a people in forced labour among the specific group. The advantage of giving prevalence using groups at risk is that it allows comparison between different countries or between two measures in time. For the same reason, incidence is usually measured among specific groups where forced labour is likely to happen.

Moreover, the notion of duration is a major factor which has an impact on the results. If the incidence of trafficking for forced labour has been very high in year N, and the people trafficked are forced to stay more than one year, the prevalence of forced labour in year N+1 will be very high, even if the incidence rate is low in the year N+1, because of new restrictive laws on immigration for example. Conversely, low prevalence and high incidence may happen when trafficking takes place for short periods of forced labour. Although many persons will have fallen into forced labour, there will be few people at any given time because they will have been freed shortly after the beginning. These precisions illustrate the necessity to define clearly what should be measured, as even true figures, or good estimates, can easily be misunderstood.

In the following sections, the paper presents some methodologies which have been used for other phenomena. The Delphi method is based on an expert judgement and has been used for example in Switzerland to estimate the magnitude of illegal workers. The capture-recapture method has been used for the first global estimate of forced labour in 2005, and other uses of this methodology are presented. Surveys of secondary sources of information have been run for other social fields and could be applied to labour inspection records, or placement agencies. The classical survey method within a given population may be implemented but the margins of errors are difficult to compute, as the size of the universe is itself unknown. This is the case of surveys to estimate the percentage of forced prostitution

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among the estimated total number of prostitutes, or the percentage of victims of trafficking among the estimated total number of illegal migrants. The multiplier method is a classic tool for hidden phenomena, and some examples of its uses for HIV-prevalence among drug-injection users will be described. Eventually, adaptations of the classical household, workplace or mixed surveys are summarized for a potential use for estimating forced labour.

## *2.2. Delphi method*

The Delphi method is used in a wide range of research where specific data are difficult to collect. It produces a result based on a consensus from a group of experts, which is obtained through a structured process for collecting and distilling knowledge within the group by means of a series of questionnaires interspersed with controlled opinion feedback. Initially, a set of questions is sent to the experts, and each of them answers independently from the others, using his/her own knowledge of the subject. The answers are then analysed, synthesised and sent to all the participants who are invited to react. During this process, the answers may or may not be anonymous. There can be one, two or many more iterations if the “dialogue” is constructive. The main differences with a classical “expert judgement” lies in the fact that the experts never meet and, possibly, do not know each other. It allows experts from very different backgrounds and competencies to participate in a common exercise, while avoiding the strong influence that a good “speaker” can have on the group.

Many criticisms have been made of this method, which, of course is subjective and not statistically rigorous. Nevertheless, it is often used, especially as preliminaries for social fields where no other research is available. This methodology was used for example in 1994 to estimate the number of illegally employed foreigners in the Netherlands and in 2002 in Switzerland. In Switzerland, the group of experts consisted of 5,500 employers randomly selected from different sectors of activity. They were asked to give their estimate of the percentage of illegal foreign workers in their sector of activity. The survey was anonymous and included other questions related to the employment of foreign people. About 25% of the employers answered the questionnaire, but only 15% answered the specific question on illegal migrant workers. The results showed a wide disparity in the answers, even within a same sector of activity. No second round was done. In the Netherlands study, employers and employees in selected activity sectors were asked to estimate the number of illegal workers in their company and in the sector of activity as a whole. The companies were selected within sectors which were suspected of hiring illegal workers. The main criticism to this estimate was that the companies were selected among the ones which are registered, which excludes small companies where illegal work is more likely to happen.

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One key point for the relevance of the results is the choice of the experts and their willingness to share their knowledge honestly. It has often been stated that key informants' opinion on figures had to be read very carefully, because of the presupposed impact of their answers. While some assistance organisations may be tempted to overestimate the number of victims they are protecting, some other actors may underestimate it for political reasons. This is why it is important to use several iterations during which the experts will "moderate" or correct their view in light of the other's opinion.

Applicability for forced labour estimates: it is unlikely that accurate national estimates of forced labour can be made by relying exclusively on the Delphi method, but it may be interesting to combine it with other methods. Some proposals are formulated below. The selection of the experts is of the most importance for the accuracy of the results, and closely depends on the parameter to be estimated by the method.

### *2.3. Capture-recapture*

#### **2.3.1. The capture-recapture method**

This method was developed to estimate the size of animal populations in biological research<sup>2</sup>. In its simplest form and in the context of estimating the abundance of fish in a lake, the method consists of two parts: capture and recapture. In the capture part, an initial sample of fish is drawn, their number counted, and each fish marked with a special ink marker before being released back in the lake. After a sufficient but short period of time, a second sample is independently obtained (the recapture part), and the number of fish with ink-marks and the number without ink-marks are counted and noted. These numbers are then used to estimate the total number of fish in the lake. The argument goes as follows: If the second sample is representative of the fish population in the lake, the ratio of marked to unmarked fish in that sample should be the same as in the fish population as a whole. From this relationship, the total number of fish in the lake can thus be estimated. The method also gives estimates of margin of errors, from which confidence intervals can be constructed. More elaborate procedures are also available to deal with more than two catches and with capture probabilities varying from sample to sample, and detection probabilities. Several possible variants of this methodology could be used at national level to estimate the number of victims of forced labour in a specific activity or in a specific place.

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<sup>2</sup> From "ILO Minimum Estimate of Forced Labour in the World", Patrick Belser, Michaëlle de Cock, Farhad Mehran, 2005

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### 2.3.2. Direct use with individuals

Recent publications in social science show quite a number of estimates of hidden populations made with a direct use of the capture-recapture methodology with individuals. They are limited in space, usually to one town. This is very important since one requirement of the methodology is that the universe (to be estimated) must be closed, which means that no one enters or leaves the “universe” between the two samplings. The most frequent examples of populations are street children, where the assumption of the use of capture-recapture method in one city is that the children can move from one area of the town to another one between the two sampling phases, but do not leave (or enter) the town. Another requirement of the capture-recapture method is the possibility to recognize that a unit from sample 1 is the same individual as a unit from sample 2. In the case of human beings, this means to be able to recognise that a person has already been sampled. There are many reasons why this is not easy to ensure in the case of forced labour, one of the most obvious being the fear of being recognised and identified by authorities. Therefore, respondents will not give their true name and the researcher has to create other ways to identify and recognise individuals. The literature for the identification of children and prostitutes provides some examples of solutions to these problems.

Two recent uses of the direct capture-recapture method are the following:

- Street children in forced illicit activities, such as drug selling or forced begging. The identification method can be a combination of names (or nicknames) and token (or small present) given during the first sampling. During the re-sampling phase, the respondents are asked if they have already answered the same questions a few days before, and in this case to show the token they received.
- Prostitutes acting in streets, bars or brothels. This method has been used without a direct contact with the prostitutes, which means the identification was only based on observation and description of the people. This methodology gives an estimate of the total number of prostitutes in a given place, and other methods must be used to estimate the ratio of those who are in forced prostitution.

Applicability for forced labour estimates: it seems difficult to use this method at a national level, but it can be interesting to use it in limited areas and/or for one specific form of forced labour. A typical field of application is the estimate of street prostitution in one city, which can be coupled with questions to limit the scope to minors or forced prostitution. It may be possible to use a capture-recapture method for workplaces (such as a construction site) where workers in forced labour are sent on a daily or weekly basis. Those estimates obtained by capture-recapture at micro-level would then have to be extrapolated through other methods to obtain national estimates.

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### 2.3.3. Capture-recapture with lists of victims

When direct observation is not possible, another use of the method relies on the assumption that the population to be estimated has contacts with various organisations by which they are registered. It can also be contacts with a same organisation at different periods of time. The comparison of those two (or more) lists - looking for the same individuals in different lists - is made possible only if clear identifiers are stored that allow the matching of two occurrences of the same individual. This method was used in the following cases:

- To estimate illegal population in four cities in the Netherlands, using the police apprehension data and other municipal statistics on arrests. The underlying idea is that the same person may be apprehended several times for various reasons. The “universe” consisted of 7,000 files that documented the apprehension of all illegal immigrants made in 1995 within the boundaries of four cities.
- To estimate the number of drug users (including sellers) comparing the lists of police and hospitals.

Applicability for forced labour estimates: the difficulty in using this method for forced labour estimates is to find and choose carefully the lists where victims may appear. To our knowledge, no such lists exist that clearly show the status of victims of forced labour. In some countries where the cover rate is high enough (to be determined), the lists of labour inspection and work accidents may provide valuable information. A possible use would be to estimate the number of illegal migrant workers in a given place, or working for a specific activity, and to choose another survey method to estimate the ratio of those illegal migrants who are in forced labour.

### 2.3.4. Capture-recapture with reported cases combined with a Delphi method

The use of capture-recapture with reported cases of forced labour has been described in detail in the ILO publication<sup>3</sup> which accompanied the 2005 global estimate of forced labour. In this research, the basic statistical unit of sampling was a “reported case of forced labour” defined as a piece of information in a secondary source that contains the following four elements:

a = an activity recognized as a form of forced labour;

x = a numerical figure indicating the number of persons engaged in that activity;

h = a geographical area where the activity is reported to have taken place; and

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<sup>3</sup> Ibid.



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t = a date or a time period in which the persons were recorded as having been engaged in that activity.

The calculation gave an estimate of the total number of reported cases for different forms of forced labour and different regions which was multiplied by the average number of victims per case to produce the global estimate.

Applicability for forced labour estimates at national level: the same exercise could be done at national level where two teams would be asked to collect all reported cases which took place in the country, or with people from the country (in the cases of trafficking outside the country), all the cases having taken place during a given period of time. The calculation would then provide the total number of persons in forced labour during this period of time who have been included in any kind of report. We may use the Delphi method to estimate the ratio reported/non-reported for each type of source of reports. For example, if the reported cases come from police, immigration, NGOs and labour inspection, four Delphi exercises would be run with four different expert groups to estimate the probability for a forced labourer to be reported by each of these four organisations. One limitation of this use of capture-recapture with reported cases is that it does not provide trends on forced labour, but only on *reported* forced labour. In the case of combining capture-recapture with Delphi, which can give indications on trends of forced labour, it would be impossible to calculate margins of errors for the trends, as the Delphi is not statistically robust.

#### ***2.4. Survey of secondary sources of data***

The underlying concept of this methodology is that relevant information on the subject of the estimate may be found in available sources which have not yet been exploited. This approach was applied in Canada in 1997 to estimate the incidence of violence against children<sup>4</sup>. At the date of the study, there was no global source of statistics on children and families who had been subjects of an enquiry because of presumed abuse and neglect on children. But social centres keep track of all these enquiries and this information was used for a survey. The research team selected in all provinces a representative sample of centres in charge of the protection of children. Then, they sampled the cases treated in each of the selected centres<sup>5</sup>. A standardised questionnaire was then applied to each of the selected case of children. The questionnaire aimed at detecting and reporting the cases where abuse and violence existed and had been reported in the file. This questionnaire had to be filled by the social workers who were working in the centre. A first validation phase took place in the research team and complementary information was

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<sup>4</sup> “Etude canadienne sur l’incidence des signalements de cas de violence et de négligence envers les enfants”, Rapport final, Nico Trocmé et al.

<sup>5</sup> 51 centres had been selected among the 327 existing in the countries, and 9’909 cases were sampled among the 51’320 cases.

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requested from the social workers in cases of inconsistency or lack of mandatory fields (sex, age of the child for example). The results of the survey done with this stratified sampling were then extrapolated to the whole country using the size of the population covered by the selected centres. The result is an estimate of the incidence of individual reports on violence and abuse of children in Canada in 1998.

Applicability for forced labour estimates: police (partially), shelters, rehabilitation centres, special immigration offices for victims of trafficking, and courts are only aware of men or women who have escaped their situation of forced labour. On the other hand, while being in forced labour, victims come into contact with various organizations which keep track of their contact, often without realising that these people are victims of forced labour, either because they are not aware of this problem or because this is not their main focus. Nevertheless, these sources of data are of utmost importance to estimate the number of victims because they are usually the only ones who are in contact with current victims of forced labour. These organisations can be health centres (especially for forced prostitution) but also hospitals for work accidents, immigration offices (for foreigners crossing borders with false identity documents or without papers), embassies, consulates, labour inspectors, trade unions or job placement agencies. All these organisations maintain files which describe the work which has been done with each “client”. Therefore, according to the form of forced labour to be estimated, a stratified sampling of files maintained by those centres could be made, on which a standardised grid would be applied to report the potential cases of forced labour.

A test could possibly be run to estimate forced labour in a specific sector of activity, such as construction, using the files maintained by labour inspection. Because the coverage rate of labour inspection is known, the extrapolation factor could be calculated. One limitation is that forced labour is more likely to happen in companies which are not registered and therefore not subjects to labour inspections. The advantage of this method is that the cost is limited as it does not imply a first hand survey on workplaces. Another source of information are the registers maintained by the placement agencies which are responsible for finding employers for job seekers. This process has been widely documented in the case of domestic work where women are recruited in Indonesia or the Philippines to be placed in Gulf States. As it has been shown that forced labour occurs in this type of placement, it would be interesting to survey the files of the agencies, possibly crossed with the files of the embassies in destination countries, to estimate the number of those workers in forced labour.

### ***2.5. Extrapolation method: from the number of known victims to the global figure***

Whatever is being implemented to register the victims of forced labour, the number of the registered victims remains a subset of the total number of victims of forced labour. Some methods can be used to estimate the total number of victims from the number of identified ones.

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## **The multiplier method**

The multiplier method relies on having information from two sources that overlap in a known way: the first is usually an institution or service with which the population to be estimated is in contact, and the second is the population at risk itself. Estimates are derived by multiplying the number of people who attend the institution or service over a certain period by the inverse of the proportion of the population who say they attended over the same period<sup>6</sup>. One example of the use of this method is crossing the number of sex workers who attend STD clinics (known by the registers on the clinics) in one town with a survey among sex workers with a question about their visits to STD clinics.

Applicability for forced labour estimates: if a national database of victims is set up, it could be used as the reference list. If it does not exist, a survey among a limited number of victims of forced labour will replace it. The other list has to be chosen according to the type of forced labour to be estimated. For forced prostitution, the “service list” will be provided by health centres, which provide preventive and curative help to the prostitutes. For labour exploitation, labour inspections could be a valuable source of information. The survey would check what percentage of recorded victims in the global database has ever crossed a labour inspector and this would be crossed by the number of labour inspections in this sector of activity. This would have to be carefully crossed with a study to check if there is a causal effect between labour inspections and the registering in the database, which would invalidate the results.

## **The Delphi method**

In all cases where the number of reported victims of forced labour can be estimated (either with a capture-recapture or with a national database on victims), the Delphi method could be used to provide estimates of the ratio reported/non-reported. The question which is the subject of the Delphi exercise is the following: “From your knowledge of this sector of activity in this area, what is the probability for a forced labourer to be detected by police/labour inspection/immigration service/social or health services/etc...” For each of these questions, a specific group of experts would be formed with a good knowledge of the specific point to address. This question has often been discussed in the case of illegal migration where border officers are asked to estimate what proportion of illegal migrants they are able to detect. The same question in a Delphi form may provide more precise estimates of the ratio.

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<sup>6</sup> From “Estimating the size of Populations at risk of HIV, Issues and Methods”, A joint UNAIDS/IMPACT/FHI workshop : Report and Conclusions, Elizabeth Pisani, May 2002

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## **2.6. Ratio method: from a total number of people among which some are in forced labour**

If the “forced labour status” is considered as a characteristic that workers may or may not have, then classical survey methods may be used with a questionnaire designed to identify the workers who have this “forced labour status”. The method will be a two-fold process:

- Estimating the total number of the workers in the sector/area studied
- Estimating the percentage of those who are in forced labour

Some possible implementations are listed below with indications of how the global size could be estimated. The questions used to recognize the situations of forced labour have to be sector-specific, as the means of coercion and the vocabulary is highly dependent on the activity. In all cases, this list of questions will be derived from the general list of criteria, as discussed in paragraph 2.5.3 of this report.

### **2.6.1. Percentage of victims of forced labour in a job sector**

#### 2.6.1.1. Forced prostitution

Some countries have recently tried to estimate the extent of prostitution within their borders. The following methodologies were found in the recent literature:

Telephone survey of sex establishments: based on telephone directories, an exhaustive list of massage parlours and brothels is made. Then, a random sampling by type of establishment is run to estimate the average number of prostitutes in each of them. In addition, a survey of personal “sex lines” where only one prostitute answers is made.

Sampling of sex establishments in a city: the city is divided in blocks and a random list of blocks is selected. In each selected block, a complete census of sex establishments is run, using a visit to the brothel and an interview with the owner. In some countries, the census was made with the help of taxi drivers who are the most likely to know all the addresses as they bring the clients.

Road prostitution is estimated along roads or highways where lorry drivers can visit prostitutes in bars or hotels. Estimates are made by a census of some kilometres and a multiplication by the length of the road.

Street prostitution is estimated using a capture-recapture, respondent-driven sampling or snowball method.

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Prostitution at national level is usually estimated by a combination of all these methods according to the types of prostitution known to exist in the country. In some countries where prostitution was estimated in several cities, a “tourism” ratio was applied to cities where tourism is known to increase prostitution.

Total number of sex workers can be estimated via the demand side. Household survey include a question about a visit to a prostitute, which is completed by a behavioural surveillance survey to understand the frequency of the visits to prostitutes according to the age and other social factors of the clients. Then, a behavioural surveillance survey among prostitutes estimates their average number of clients per year. The two results are combined to estimate the number of prostitutes.

Some estimates of forced prostitution have a second step which is to estimate the percentage of foreign prostitutes. This was made by direct observation, questionnaires, or identification of the accent in the case of the telephone surveys. There is a high level of imprecision in these estimates. Moreover, not all foreign prostitutes are in forced prostitution and a third step must estimate the percentage of those foreign prostitutes who have been trafficked or are in forced prostitution.

#### 2.6.1.2. Forced domestic work

The total number of forced domestic work can be estimated by household surveys, being done by visits to the household and questionnaires on persons living or working in the house, or by telephone surveys. The case of children who are placed in a family as domestic workers has already been studied and presents some major difficulties as the household master does not identify the child as a domestic, especially if he or she is a relative. In some countries where all the domestic workers are foreigners and registered by the immigration offices, the estimate must include a special module for those who leave the family in which they were placed and become irregular migrants in the country.

#### 2.6.1.3. Bonded labour in agriculture

In countries where bondage is known to exist in the traditional relations between land owners and workers, through manipulation of a debt or traditional links, special survey methods can be designed to address this population. The sampling of the villages to survey takes into account the probability of finding bondage in the village. The model of the Gandhi Peace Foundation survey in 10 States of India in 1978 can be replicated with some adjustments. The assessment of the bondage is not easy in the case of traditional forms of bondage, especially in countries where entire families work for a master.

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#### 2.6.1.4. Forced labour in construction or other industrial sectors

Labour force surveys are a source of information about the extent of each type of industry. They could possibly be completed by a module on recruitment and working conditions to estimate the percentage in forced labour. In Belgium, the Ministry of Social Affairs and the Ministry of Employment undertook a research to estimate the percentage of illegal workers in Belgium in terms of both residence and work status. The survey targeted sectors of activity which are known to employ illegal migrant workers, and the choice of the companies was done using information from the labour inspectorate. The surveyed provided much information about the origin of the illegal migrant for each sector of activity but it is not clear how extrapolations could be made to estimate the total number of illegal migrant workers.

#### 2.6.2. Percentage of victims of trafficking among illegal workers or residents

It has been documented that some victims of trafficking have a legal resident permit and, similarly, not all illegal migrant workers are victims of trafficking. Nevertheless, it may be interesting to estimate the total number of illegal migrant workers and to make a survey among them to estimate the percentage of those who are in forced labour. Much attention has been given recently to the methodologies to estimate illegal migration in the developed countries. A research paper<sup>7</sup> published by the Home Office in the United Kingdom compiles and compares all the existing methods. This paper reviews and complements the Delaunay and Tapinos (1998) study<sup>8</sup> which reviewed studies and data sources in European countries. The information in the box below is extracted from this report.

Delaunay and Tapinos (1998) propose a distinction between indirect and direct methods.

##### **Direct measurement**

Administrative statistics: Files from government administrative bodies, including information on refusals for entry visas, work and residence visas and rejected asylum seekers, can be used as data sources to indicate potential illegal migrants. Data from police checks and apprehensions or labour inspections might also be useful.

Regularisation statistics: An amnesty allowing illegally resident persons to regularise their status is one of the main data sources used as an indicator of numbers of illegally resident persons. Regularisation programmes have been carried out in several European states and the US; These results are limited by

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<sup>7</sup> "Sizing the illegally resident population in the UK", 2nd Edition, Charles Pinkerton, Gail McLaughlan, John Salt, Home Office Online Report 58/04

<sup>8</sup> « La mesure de la migration clandestine en Europe », Delaunay, D. and Tapinos, G. (1998), Population and Social Conditions Working Paper 3/1998/E/no.7, Eurostat, Luxembourg.

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the fact that many programmes only target certain sectors and occur infrequently, and by the fact that once the process is complete, new illegal migrants are likely to replace them.

Special surveys: Many research projects are based on specially designed surveys using representative samples. Surveys are frequently on illegal employment or could be longitudinal with the aim of creating statistical biographies of migrants.

### **Indirect estimates**

Comparison of sources - population statistics: The comparison of different population censuses and registers can highlight the real populations of migrant-sending and receiving countries. Data can support hypotheses on migration and expected populations. A method that is widely used measures the sex ratio of the sending country that would have existed in the absence of migration, the assumption being that there are likely to be more male than female irregular migrants. The most frequently used is the “residual method” which uses census and immigration data. The census-enumerated figure for the foreign-born population is compared to that of the foreign-born population as calculated from each of its constituent immigration components. The equation below gives the details of the foreign-born population as calculated by using the immigration data.

$$\text{Foreign-born} = [ \text{Legal immigrants} - (M+E) ] + \text{Temporary migrants (legal)} + \text{Residual foreignborn}$$

M = Mortality to legal immigrants E = Emigration to legal immigrants

An analysis of the residual foreign-born component reveals that it has two separate constituents. The majority of the residual foreign-born are unauthorised to be in a country; they are the illegal migrant constituent. A proportion of these persons are quasi-legal in status, for example, they may be in an asylum backlog. To calculate the implied illegal stock it is necessary to examine immigration and asylum statistics on backlog data and to subtract the quasi-legal migrant figure from the residual foreign-born figure.

$$\text{Illegally resident stock} = \text{Residual foreign born} - \text{quasi-legal stock}$$

This method has been used by the United States Census Bureau (2001) to estimate the total number of illegal residents in the USA.

Inferences from secondary events: Statistics collected on secondary events provide an indirect source for calculating numbers of illegal migrants. Data on common crimes, births, deaths, education, social services, health and employment may record the visible manifestations of involvement of illegal

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migrants in society. These data are in many cases of limited use as the processing of the information is frequently unpredictable and they are rarely published.

Applicability to national surveys on forced labour: whenever forced labour is a subset of a form of labour whose magnitude is known or can be estimated by one of the methods described above, the estimate of forced labour will only require a representative survey among the workers from this sector to estimate the percentage who are in forced labour. This survey will use a list of criteria to identify forced labour situations.

### ***2.7. Estimates of people who have left their places of origin and may be in forced labour***

The objective is to estimate the number of people in forced labour who have left their place of origin to work somewhere else, in the country or abroad. The methodology is based on a combination of precise information collected from known victims and data collected through household surveys. Two variants are presented for the survey in the source areas: either returnees are interviewed or the family of the workers who have left. The aim of the interviews is to assess the forced situation of the workers and the place and type of work in which they are.

Hypothesis 1: Victims of forced labour return to their area of origin after a certain period of time in FL. Therefore, ex-victims can be reached by a household survey in source areas

**Phase 1:** In the destination area: survey on forced labour in specifically selected sites (not necessarily representative of the destination area). This phase can be replaced by an analysis of the national database of victims wherever it is implemented.

**Phase 2:** Analysis of the data collected in phased 1 to determine the type of persons at risk and potential source areas.

**Phase 3:** In the source area: representative surveys in the areas revealed by phase 2 to validate the hypothesis that they are sources of trafficking. The surveys target persons who are possible returnees. The result is (a) an estimate of the percentage of victims of trafficking (b) a list of types of work per destination and (c) average duration in forced labour situation.

**Phase 4** In source country: from the socio-economic profile of the studied source areas, sampling of the whole country for (a) a national survey or (b) an extrapolation of the results of phase 3.

**Phase 5:** In destination country: survey to validate the results of phase 4. (if the results of phase 4 are valid, there should be xxx thousands persons from area S in area D).



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Hypothesis 2: The family of current victims of forced labour can assess the possible situation of the absent person of the household (victim of trafficking or not).

**Phases 1 and 2:** Id. to hypothesis 1

**Phase 3:** In source areas: Representative surveys in the areas revealed by phase 2 to validate the hypothesis that they are sources of trafficking. Two possibilities can be explored:

- a sex-ratio analysis of the census (survey) along with the analysis of the other reasons for departures
- Household survey with specific questions to assess the situation of the person absent from the household

**Phases 4 and 5:** Id. to hypothesis 1

## ***2.8. Conclusion***

No single methodology has been identified that could be used to provide a national estimate of forced labour in all sectors of activity. On the contrary, a wide range of tools designed to address specific forms in specific contexts have been presented and discussed to assess their applicability for forced labour estimates. More research needs to be done on this subject, and a network of researchers be created to exchange successes and failures in the use of these methods.

## **3. What can be done at the international level?**

### ***3.1. Centralized data collection of information in relation to forced labour***

#### **3.1.1. The concept**

The Special Action Programme to combat Forced Labour (SAP-FL) was created to spearhead ILO activities against forced labour, including the forced labour outcomes of human trafficking. This role requires an up-to-date knowledge of the national situations worldwide: extent of forced labour, causes and mechanisms, national initiatives to combat forced labour, including law enforcement. The objective of an integrated global database on forced labour is to centralize in one tool all the reports/papers/information published worldwide which describe important facts related to forced labour. Some relevant information would be extracted from these reports and stored in a uniform way so that queries and comparisons can be made regardless of the format of the source of information. This database would provide both ILO headquarters and field offices with an up-to-date set of information at

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country level, on situations of forced labour, estimated magnitude and summaries of law enforcement measures.

The implementation of such a tool could be a web-enabled database, accessible by all the field and headquarters offices, for both input and output. Trained staff would be asked to systematically collect all relevant information published in their geographical area and regularly store it in the database. The database could be queried on request to answer specific questions such as: “Are we aware on any case of trafficking for labour between country A and country B?”, or “What are the latest estimates on forced prostitution in country C?”. In parallel, regular reports would be issued from the database to provide everyone with a summary of the information stored. Some indicators, as described in paragraph 4.3., can be calculated from the data stored in this database. The design of the structure of the database, as well as the regular reports, needs to be done in consultation with all the potential users, to avoid collecting and storing data that will be of little use, or on the contrary missing important information needed by policy makers or project managers.

### **3.1.2. The content of the database**

The list below must be read as suggestions for different modules of the centralized database that need to be discussed by the final users of the database.

- Reported cases of forced labour

Newspapers, NGOs and the police regularly report about groups of people found in a forced labour situation. The report usually states the number of people, along with some other data such as sex, age groups, and a description of their situation. Whenever the source provides sufficient information to the reader to qualify the situation as “potential forced labour”, the situation is considered as a reported case of forced labour. Its description must include information about the victims, the place and date where it took place, and the detailed information about the coercion mechanisms or lack of freedom which characterize the forced labour situation. Such a situation, once it has been checked as real, can be treated as a “reported case of forced labour” and entered in the database. Whenever the information lacks precision to qualify the case as being forced labour, the data will be entered with a flag concerning the doubtful status of the information.

- Judgements

Although very few perpetrators have been condemned up to now specifically for maintaining people in forced labour, it is necessary to compile all available information on such judgements: where they take

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place, what law was used to condemn the perpetrator, what the sentence has been, were damages granted to the victim, etc. This data may be available either on an individual basis, once the judgement is over and the result made public, or as aggregate data when ministries of justice (or equivalent) publish their report.

- Routes of trafficking

A special attention should be given in this database to the mechanisms of recruitment and routes of trafficking. This information, when available, should be collected and stored in a structured way so that analysis may be possible. Similarly, the cases of internal trafficking should be included in the description of the mechanisms of recruitment, and one module of the database will be dedicated to this type of trafficking. Detecting and keeping track of data on both internal and international trafficking is a key element of analysis for policy makers, prevention and action programmes.

- Estimates

Universities, research centres, governments or NGOs regularly publish local, regional or national estimates. They may be restricted to a particular form of forced labour, as forced prostitution, or to a group of vulnerable persons. A compilation of those estimates that have been published with a sound methodology will provide the ILO with a set of figures which can be used as an input for quantitative analysis of forced labour. It may also lead to a compilation of the methodologies that have been used to estimate the magnitude of some phenomena, which could be tested in other parts of the world.

- Public events

The fight against forced labour takes various forms and one of the key elements is the implementation of awareness raising campaigns in the countries at risk. The prevention and awareness raising campaigns can be based on the media (TV, cinema, papers, radio), on public events during fairs, on political events, etc. We suggest keeping track of those events as an indicator of actions taken against forced labour. A short description of the event, and if possible an estimate of the audience would be kept attached to the main data.

- Laws on trafficking and/or forced labour, ratification of conventions

A module of the database would be dedicated to the legal issue, with a special attention given to the laws governments have passed to combat trafficking and forced labour. A brief description of the law, along with a short check-list on a few essential criteria (protection of the victims, resident permit for

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witness, etc.) will allow the follow-up of global indicators on the political will and legal work on forced labour issues.

- Reports

Various organisations conduct studies, rapid assessments, surveys on some items related to forced labour. Some publications are difficult to obtain outside the country where they took place, or are not published on the internet. The centralized database could act as an electronic library where field staff would enter the references to recent studies, with a short description of the content and either an electronic link to the file or an address where it is available. Anyone could query the database before launching a new study in a country to know what has already been published on close subjects.

- The supervisory bodies of the ILO

All annual reports of the ILO committee of experts on the application of conventions and recommendations (CEARCR) could be screened to extract observations and comments relating to forced labour and trafficking. All relevant cases could be stored in a separate module of the database. The level of detail to extract has to be decided according to the needs of the users as it could go from summary information about the cases to a full description of the practices set up to respond to the cases. The same research could be done with other supervisory bodies of the United Nations.

- Qualitative information on forced labour

A final module could allow the staff in charge of the database to introduce any qualitative information that is considered useful and relevant. It can be anything from a comment on a recent judgement to a political commitment. This information, probably stored in free format, can be used for qualitative analysis as well as for editing reports about the situation in a given country or region.

### **3.1.3. The possible outputs**

There are two types of outputs which must be precisely defined by consensus among the potential users. The first type is “on request” outputs, i.e. queries designed by a staff member who is looking for specific information about one form of forced labour in a given country. The tool must be user-friendly so that any user can ask his or her questions easily. The second type of output is the regular reports which have been designed in a centralized office. At regular times, the office publishes extracts of the database using a format which has been decided by the users. As it explained in chapter 5, this database

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can also provide information for the calculation of global indicators on forced labour, not only on victims but also on law enforcement or public awareness.

#### **3.1.4. Challenges and limitations**

A centralized database can be a very helpful tool, as long as it is fed on a regular basis and contains accurate information. The success of this tool will depend on the effectiveness of the data entry processes as well as the validation phase. It is essential that all the data are checked before being validated in the database and becoming accessible to all the users worldwide. The validation process has to be studied in detail before launching the process. One of the difficulties resides in the language diversity, as the database will be filled in one or two languages, from data found in papers written in many more languages. Headquarters will not have access to the primary source of information and will therefore not be able to validate the data on the basis of the source in which it was found. The database must therefore contain sufficient details about the facts so that the users do not need to go back to the original source.

#### ***3.2. A new global estimate based on capture-recapture on reported cases?***

Although a new capture-recapture could be done on the same basis as the 2005 ILO estimate of forced labour in the world, we do not recommend using this methodology, as it would not provide the ILO with relevant information on trends. A new calculation based on a data collection for N years, starting in 2005, would give an estimate of the total number of reported cases in year 2005+N. This new figure would be as valuable as the 2005 one, but the difference between the two estimates could not be used to draw conclusions on the situation of forced labour. It would only give indications on the new number of reported cases, without indications on how to allocate the difference to the number of cases and to the number of reports. As the latest global report of the ILO and other research have drawn a lot of attention to the forced labour issue, it can be assumed (and probably proven) that the reporting of cases has increased in some parts of the world. Some statistical methods should be used to estimate this increase in reporting.

Moreover, the estimated average duration in forced labour was a parameter used in the calculation of the global estimate in 2005. However, due to the new law enforcement policies of many governments, it is likely that there is now a higher detection rate and as a side effect, one can make the hypothesis that victims now stay a shorter time in a coercive situation. The hypothetical decrease in average duration due to better law enforcement should be taken into account in a new mathematical model to extrapolate from the number of reported cases the total number of cases. Unless new methods are designed and

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implemented to estimate these changes (rates of reporting, average duration in forced labour), no firm comparison can be made between the 2004 figure and a new one derived from the same methodology.

### ***3.3. Indicators of forced labour***

#### **3.3.1. The need for indicators**

Indicators are designed to present information on a specific subject so that the “reader” can understand the importance of some items which have been chosen in accordance to their relevance to the problem.

In the forced labour issue, the new indicators could be expected to:

- Measure the extent of forced labour objectively
- Monitor and evaluate the progress on law enforcement
- Provide information and framework for prevention and action programmes
- Communicate with other organisations

As for other social issues, indicators must respect necessary conditions to be used:

- They must be accurate, which means they must provide information as close to the reality as possible.
- They must be replicable, so that two measures of the same indicator based on the same information gives the same result. An indicator based on statistics on freed victims is replicable. Conversely, an indicator based on “expert judgement” is not.
- They must be verifiable, which supposes transparency in the data and the methodology used for the calculation.

One crucial choice to be made for each indicator is the nature of the result: will it provide binary information or a gradation on a scale. If there is a national indicator on law enforcement for governments, will the indicator provide a “Yes/No” answer or a score on a 1-10 scale? This has to be decided for each indicator independently. Additionally, the choice of indicator must be done keeping in mind its value to measure the specific item related to forced labour. If one wants to measure the severity of judges in the cases of FL, the question to be answered is: “What is the most relevant item which describes best the severity of the judges?” In the case the ILO would decide to produce national indicators, it is essential to be sure that they could be compared between countries. Is the indicator in country A comparable with the value of the same indicator in country B? In the same way, the indicators must also be comparable in a time series, allowing a reading of the evolution along the years.

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### 3.3.2 National or global indicators

There are two types of indicators that could be calculated by the ILO:

- National indicators based on information related to one country, independently from other countries. The indicators can be on different issues, with a quantitative approach such as prevalence or incidence of forced labour, or more qualitative such as an indicator on law enforcement or prevention. These types of indicators are often used to rank the countries according to a given subject, either on specific indicators or as a whole if the method provides a significant way of combining the indicators. Were this option chosen by the ILO, more theoretical research would be necessary, especially in the case of a global indicator.
- International indicators based on the information collected in a large number of countries, which provide information on trends at a global level. Any indicator labelled as “Number of countries where ...” is an international indicator. Such indicators show the trends at regional and global level.

The sources of data to explore to compute these indicators are the following:

- The national databases of victims and perpetrators, as described in chapter 3. They are the more precise view of the observed reality of forced labour.
- The ILO database of reported cases. It provides the ILO with a whole range of information about the fight against forced labour in the countries.
- Other international databases, such as the IOM or UNODC databases are valuable sources of information to be crossed with ILO data.

### 3.3.3 Some examples of national indicators

Many indicators can be derived from the national database of victims/perpetrators, or combining the national statistics on victims with other relevant sources of information.

- Trends on the prevalence

This is a classical indicator for any phenomena, where increases or decreases are estimated. To calculate this indicator, the country would need to process some national estimates on a regular basis.

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- Law enforcement: ratio court cases/reported cases

By measuring the percentage of reported cases which are followed by a court case, this indicator would provide valuable information on law enforcement. It must be presented with other indications to understand why some cases did not lead to a court case: is it because the victims were wrongly identified as forced labour victims, because of fear, because of lack of knowledge or lack of trust?

- Judiciary: ratio judgements/court cases

This indicator will provide information on the way the cases of forced labour are treated by the judiciary, and the ability to sue the perpetrators.

- Awareness raising: number of events and trainings on forced labour

By measuring the number of public events, this indicator gives a picture of the importance given to forced labour and its recognition as a societal problem.

- Trend on duration in forced labour: average number of months for each year of entrance in forced labour

If law enforcement is effective, people should spend a shorter time in forced labour situations before being freed. By examining the cases in the national database, specifically the date at which the victim started and the date of release, such curves could be drawn.

### **3.3.4 Some examples of global indicators**

- Number of countries who ratified the two conventions
- Ratio number of countries with specific laws or Action Plans on FL/number of countries who have ratified the conventions

This ratio is an indicator of the implementation of the conventions on forced labour concerning the legal and policy aspects.

- Number of countries where at least one judgement was made using FL laws

Law enforcement is very low at present and this indicator will monitor the progress in this regard.

- Ratio number of reported court cases/number of reported cases

This indicator would be built from the data stored in the centralized database of reported cases. It provides an indication on law enforcement worldwide, although both numerator and denominator depend on reporting.



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- Number of countries which provide the victims of international trafficking with a resident permit
  - Trend on duration in forced labour: average number of months for each year of entrance in forced labour

This is the same indicator as the one suggested for the national level. In the case of an international indicator, the sources of data would be a combination of the national reports, the centralized database of reported cases and information from other international databases.

### *3.4. Regional extrapolations from a series of national estimates*

Once several countries will have published statistical estimates based on the national databases of victims and perpetrators, national estimates based on surveys and national values for indicators of forced labour, the ILO may work on researching statistical correlations between the national figures and socio-economic data, including migration data. Such studies would “explain” the prevalence of forced labour with more easily measurable parameters, therefore opening the possibility of estimating the prevalence of forced labour in countries where the chosen measurable parameters are known. This is not doable presently due to the lack of reliable national estimates.

## **4. Conclusion**

The present report has presented tools that could be implemented at national or international levels to increase the knowledge on forced labour and provide the policy makers with up-to data information on forced labour. At national level, the tools proposed are designed to help the law enforcement organisations to obtain an individual follow-up of all the victims, from their identification to their rehabilitation, including the legal procedures and eventual damages. At the same time, special attention is given to perpetrators so that information can circulate within the countries and recidivism be tracked and denounced. Some statistical tools have been presented that can be adapted to estimate the magnitude of forced labour in local situations. The feasibility and cost of implementation of these tools by countries must be discussed with experts at international and national level. Some customisation to the local reality is necessary while keeping consistency between countries for the definition of forced labour.



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- No. 1 Bonded Labour in Pakistan, by Aly Ercelawn and Muhammad Nauman, June 2001.
- No. 2 A Perspective Plan to Eliminate Forced Labour in India, by L. Mishra, July 2001.
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