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Building the Infrastructure of Anti-Trafficking, Part II: Why measurement matters¹

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Response to the ATR Debate Proposition: ‘Global Trafficking Prevalence Data Advances the Fight against Trafficking in Persons’

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Having worked on human trafficking issues since the late 1990s, I have been fortunate to observe the rapid development of the infrastructure necessary to respond to these crimes. In 1999, a time of much concern about ‘mail order brides’ and debates about the differences between human trafficking and smuggling, I published a report noting that:

In Australia, as in other countries of the world, limited evidence is available about the nature and incidence of trafficking in persons. There is some anecdotal evidence of trafficking activity occurring in various industries, including hospitality, manufacturing, and agriculture. The sector that has received the most media attention, however, is the sex industry.²

At that time, there was no agreed international definition of ‘trafficking in persons’ as the UN Trafficking Protocol was still being negotiated. Few countries, including Australia, had laws that addressed this issue, let alone a dedicated anti-trafficking response or a community of NGOs working actively on them. Systematic research on human trafficking was almost non-existent.

Since that time, we have seen rapid progress. National responses have developed markedly since 1999. In 2016, UNODC reports that the percentage of countries who have legislated against trafficking in persons has increased, in thirteen years, from 18% to 88% in 2016.³ *The Global Slavery Index* notes that out of the 161 countries assessed, 124 have criminalised human trafficking in line with the UN Trafficking Protocol and 96 have national action plans to coordinate the government’s response. A total of 150 governments provide some form of services for victims: this ranges from provision of general services for all victims of violence (including trafficking), to fully specialised services for men, women and children who have experienced various forms of modern slavery.⁴ The data that sits behind these assessments is available free and online for verification and validation.⁵

Research and data collection on human trafficking and related issues has both expanded and deepened. This has included a shift from research based entirely on *reported* instances of human trafficking, to research based on estimated *prevalence in the overall population*. Over the course of the last 15 years, organisations including the International Labour Organization (ILO) have trialled the use of surveys, often alongside qualitative methods, to better understand the scale of forced or bonded labour in specific populations, such as sharecroppers in Pakistan and returned migrants in Moldova.⁶ This process of learning by doing, testing and refinement culminated in the ILO’s 2011 guidance on how to undertake quantitative surveys on forced labour at the national level, in *Hard to See Harder to Count*.⁷ If the Guidelines were followed, surveys would produce data that looks beyond the limited reach of recorded crime, and provides insight into the ‘dark figure’ of crime. While a major step forward, the list of indicators

¹ This title builds on analysis undertaken in an earlier article: F David, ‘Building the Infrastructure of Anti-Trafficking: Information, funding, responses’, *Criminology & Public Policy*, vol. 9, issue 2, 2010, pp. 235–243.

² F David, *Human Smuggling and Trafficking: An overview of the response at the federal level*, Australian Institute of Criminology, Canberra, 1999, pp. v–vi.

³ UNODC, *Global Report on Trafficking in Persons 2016*, United Nations, New York, 2016, p. 12, available at http://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf

⁴ Walk Free Foundation, *Global Slavery Index*, Walk Free Foundation, 2016, p. 40.

⁵ See further Walk Free Foundation, *Global Slavery Index: Government response data*, for the full database of government responses, country by country, retrieved 30 March 2017, <http://www.globalslaveryindex.org/data/>

⁶ See for example, A Ercelawn and M Nauman, *Bonded Labour in Pakistan*, ILO Working Paper 01, 2001; and E Mihailov, M van der Linden and S Scanlan, *Forced Labour Outcomes of Migration from Moldova: Rapid assessment*, ILO Working Paper 38, 2004.

⁷ ILO, *Hard to See Harder to Count*, ILO, 2011, available at http://www.ilo.org/global/docs/WCMS_182084/lang-en/index.htm. See also M De Cock, *Directions for National and International Data Collection on Forced Labour*, ILO Working Paper 30, 2007.

recommended was lengthy and complex, resulting in long survey instruments, and recommended sample sizes were very large, with corresponding implications for cost. In 2014—2016, the Walk Free Foundation piloted and developed a survey programme, that sought to use far shorter survey instruments as part of omnibus surveys, with smaller sample sizes that were nonetheless nationally representative. This enabled us for the first time to bring in comparable, nationally representative data on estimated prevalence of both forced labour and forced marriage across 26 countries. In 2016, the Walk Free Foundation joined forces with the ILO to repeat the survey process—adding in some new questions on duration and children—in a further 27 countries. As at March 2017, we have collectively undertaken random sample, nationally representative, face to face surveys in 54 countries, and a further three surveys are in the field. This provides a key part of the dataset for preparation of the Global Estimate of Modern Slavery, to be released in September 2017.

Why is measurement of prevalence important? As a researcher who has studied various forms of crime for many years, I think measurement of prevalence (and its related dynamics) is crucial. I have seen the very real difference that crime statistics—carefully collected and continually improved over a long period of time—can make, through informing and driving debate on the need for reforms of laws, policies and operating procedures.

For example, in my own country, Australia, a national monitoring programme that has collected data on every death in custody since 1992 provides critical data on the circumstances, number and patterns and trends observed in these deaths. While providing data on many important issues, the database has been a critical source of primary data on the specific issue of Indigenous Australian deaths in custody. For example, analysis of the database has helped to confirm that it was not the case that Indigenous Australians were more likely than non-Indigenous Australians to die in custody—rather, the fundamental issue was that Indigenous Australians were significantly over-represented in all forms of custody. It followed that efforts to reduce Indigenous deaths in custody could not stop at simply efforts to make custody settings safer—they had to focus on the larger issue of reducing the incarceration rate of Indigenous Australians.⁸

As another example, Australia's national monitoring programme on homicide—again, recording detailed information about the number and characteristics of every homicide in Australia—helped achieve a better understanding of the incredibly gendered dynamics of intimate partner homicide. Data on the gender and relationship between victims of homicide (typically female, seeking to leave a relationship) and offenders (typically her male partner) for example, has helped to explain one of the most troubling questions of our society, why do women remain in violent relationships? The data shows clearly, in some situations, leaving a violent partner literally involves risking your life.⁹ Telling women to simply leave—without adequate safety planning and services—is literally life threatening.

Is the case for the need for data on prevalence of modern slavery—forced labour, human trafficking, slavery—any different? I don't see why this would be so. We are talking about serious crimes that involve a victim, an offender, and a context that can be studied and understood just as surely as we can study and seek to find solutions to other complex crimes, whether this is domestic violence, homicide or child abuse. Equally, as with other crimes, case studies and other qualitative research provide vital insights but findings necessarily cannot be generalised. Without data on how often this crime occurs and to whom (both victims and offenders), it is very difficult to know if the observations being made are unique or part of a broader trend.

Perhaps the real question is why in 2017, are we still debating the value and need for prevalence estimates of modern slavery? Certainly, there are concerns about fabrication, distortion or exaggeration of statistics. There are also concerns about misuse or misrepresentation of data to pursue political agendas, whether this is a desire to criminalise the sex industry or ban women from migrating. These are all serious, legitimate concerns—but concerns that I think speak to the need to carefully examine the quality and validity of data, more than they make a case to not seek the data at all.

Human trafficking, forced labour and slavery are serious crimes that demand an equally serious, evidence-based response. Responses—whether it is the implementation of laws, national action plans, victim support services, or police responses—require funding and funding requires accountability. As the demand for responses grows and funding increases, it follows that the demand for data will grow. It is both predictable and reasonable to expect that funders will require data on prevalence, as part of understanding the scale of the problem and impact of responses

⁸ Australian Institute of Criminology, '20 Years of Monitoring Deaths in Custody', Media Release, 15 April 2011, retrieved 20 October 2016, <http://www.aic.gov.au/media/2011/april/20110415.html>

⁹ See for example, J Mouzos, *Femicide: The killing of women in Australia 1989–1998*, Australian Institute of Criminology Research and Public Policy Series No. 18, 1999, pp.11–12, available at http://www.aic.gov.au/media_library/publications/rpp/18/rpp018.pdf

on overall efforts to prevent and reduce the harm of these crimes. While not the only measure of progress, data on prevalence is a critical part of the infrastructure required to respond to human trafficking and related crimes.

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