University of Nottingham
Rights Lab

Modern Slavery Meaning and Measurement: New Approaches

Partnership for Conflict, Crime & Security Research

Community Mural created in collaboration with Joel Bergner

Foreword

For the past twenty years much forward movement in the field of anti-trafficking and anti-slavery has been blocked by conflicts over definitions, and the lack of a shared approach to measuring the scale of the problem.

The findings and recommendations in this report bring the perspective and participation of contemporary survivors of trafficking and slavery to bear on these issues of definition and measurement. The idea of defining a criminal act which does not include the perspective of victims of that crime seems inadequate. We believe that active survivor participation improves the quality and depth of the research and its findings.

There are two dimensions to the *Modern Slavery: Meaning and Measurement* project reflected in this report. First, through the collecting of first-hand contemporary survivor narratives, and an analysis of how formerly enslaved people who became antislavery leaders during past abolitionist movements understood and used definitions of slavery, the findings bring new depth and integrity to legal, operational and popular definitions.

Second, the findings address the measurement of modern slavery, re-testing the application of Multiple Systems Estimation (MSE) techniques to the hidden population of slavery and trafficking victims and exploring ways in which its uptake and use can be promulgated to inform better policy-making and enforcement.

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Findings

Modern slavery, and its conduit activity human trafficking, are well known as enterprises in which trans-national organised crime is active. Yet, the response, in law, policy, and voluntary action, to this crime is confounded by two fundamental challenges: 1. an inability to achieve a clear and agreed definition of the crime itself (especially across national jurisdictions); and 2. an inability to achieve valid and reliable measurement of its incidence.

1. The Meaning of Modern Slavery - Definitional Challenges

Definitional disagreement in national and international law

 a. In a reactive response to the 'discovery' of human trafficking in the 1990s, governments brought in a number of anti-trafficking/anti-slavery laws, all having different definitions of the crime being addressed.

 b. The lack of agreement between these instruments generates a lack of conceptual clarity when confronting activities that may or may not be considered within the wider category of trafficking/slavery.

 c. Courts have issued rulings that either set down divergent definitions or interpreted the same definition very differently.

 d. While international law sets out that the prohibition of slavery is *jus cogens*, various international instruments, including UN Conventions, are in definitional disagreement.

Lack of consensus about an operational definition

 e. Likewise, governments, policy makers, research institutions, and enforcement agencies have no shared operational definition of this criminal activity confounding mutual effective identification and interdiction.

Survivors voices are central yet currently marginalised in debates around definition, measurement and post-enslavement wellbeing

 f. We find that the voices and views of those who have been enslaved have been excluded from the construction of both legal and operational definitions.

 g. Slavery is first the experience of an individual person, and secondarily a relationship between at least two people, the slave and the slaveholder.

 h. Slavery, in its many types and settings, also exists within larger cultural, political, and social meanings, meanings that are important to understand if we are to grasp the context of slavery and the factors that might best be addressed to reduce its prevalence.

 i. Slavery is a lived experience, not a single criminal 'event'; survivors of slavery are the best witnesses to and interpreters of that experience, their voices are critical to building useful legal and operational definitions.

 j. Dimensions of wellbeing include self-acceptance, personal growth, autonomy, purpose in life, and positive relationships. We find that survivors suggest that these five dimensions are recurring themes: their loss is a consequence of slavery, and their restoration is a focus for survivors after enslavement.

2. The Measurement of Modern Slavery – Operational Challenges

Estimations of trafficking and slavery are made more difficult by the 'indeterminate duration' of the crime

a. The estimation of the 'dark figure' for any crime primarily rests on the ability to conduct random sample crime surveys.

b. For the purpose of victimisation surveys, it is assumed that most crimes are discrete, time-bound events of relatively short duration.

c. Slavery, however, is more a process than an event; it is an open-ended victimisation. In one legal definition it is a 'crime of indeterminate duration'.

d. This has generated the paradox that while the indeterminate length of enslavement over time is included in its definition, it also goes unacknowledged as to its effect on the estimation of slavery within criminal statistics.

Multiple Systems Estimation (MSE) is an effective technique for estimating levels of slavery and can be applied at city, country and regional level

e. One answer to this measurement challenge came with the application of Multiple Systems Estimation (MSE) to modern slavery crime in the UK. This technique has previously been used for a number of hard to reach populations from fish stocks to illegal drug users to the victims of mass atrocities in war.

f. The successful identification of a 'dark figure' for slavery crime in the UK, along with an estimate of the total number of victims, has meant that MSE might be applied in other settings where slavery occurs.

g. We find that MSE estimation technique can be used at different levels. While the first test of the method was for the UK, we find it can also be used at the level of a single city, county, or region.

There is a need to provide better guidance and instruction to Governments in the use of MSE and other statistical approaches to the quantification of modern slavery

h. What is now lacking is a clear dissemination of the technique in both popular and detailed methodological formats. Governments and other administrative units need transparent and useful descriptions and instructions to bring this technique to broad adoption thus generating reliable estimates of slavery crime across populations.

i. MSE is only one possible approach, and there is a clear need for further research and information sharing to allow the development of more granular approaches to the quantification and understanding of Modern Slavery. A crucial aspect is a change of culture towards open data and reproducible research and methodology. Serious thought needs to be given to ways of doing this without compromising ongoing investigations and the anonymity of victims (and of possible perpetrators).

Recommendations

Meaning

1. Survivor scholars are now fully prepared to engage in the academic and policy work of the global anti-slavery movement – government, the voluntary sector, and the academy should actively solicit and receive their assessments, viewpoints, and unique expertise. The relatively new Global Survivor Alliance (https://survivoralliance.org) exists, in part, to facilitate such collaboration and is available for consultation.

2. Those engaged in "victim-centred" social and protective services need to work closely with survivors of slavery to ensure that their support is appropriate and needed.

3. One of the key needs and aspirations expressed by survivors of slavery is to pursue and complete their education. All educational institutions should plan for and support, through scholarships, fellowships, and appropriate services, survivors accomplishing their educational goals.

Measurement

4. The National Statistical Office, the Home Office, along with academic partners and the Human Rights Data Analysis Group, should convene a meeting to work through the next steps in the refinement and application of Multiple Systems Estimation (MSE).

5. All stake-holders should contribute and share data that enables the production of an agreed upon and common version of MSE so that it may be tested using 'like with like' calculations.

6. Counties, cities, and the nations of Wales and Scotland should be encouraged to use MSE in their own estimation of the prevalence of modern slavery.

The Project

Modern Slavery: Meaning and Measurement (2016-18) was led by Prof. Kevin Bales CMG (University of Nottingham Rights Lab). This cross-disciplinary project used analytical tools from the humanities (narrative analysis) and the social sciences (multiple systems estimation) to address key questions and obstacles to the modern anti-slavery movement and linked scholarship. The team members were Minh Dang, Dr. Andrea Nicholson, Prof. Bernard Silverman, and Prof. Zoe Trodd, also from the University of Nottingham's Rights Lab. (www.nottingham.ac.uk/rights-lab)

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