INTERNATIONAL LABOR STANDARDS: QUALITY OF INFORMATION AND MEASURES OF PROGRESS IN COMBATING FORCED LABOR

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... we worry that the study of contemporary slavery is more of a protoscience than a science. Its data are uncorroborated, its methodology unsystematic. Few researchers work in the area, so the field lacks the give and take that would filter out subjectivity. Bales himself acknowledges all this. As we debated his definitions of slavery, he told us, “There is a part of me that looks forward to being attacked by other researchers for my interpretations, because then a viable field of inquiry will have developed.”

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I. INTRODUCTION—THE CHALLENGES

Social science data is notoriously loose and slippery. It primarily concerns the behaviors and attitudes of human beings, who are, as a species, unreliable, confused, mercurial, and dynamic. As researchers we benefit from the fact that people act out their erratic ways within remarkably stable patterns—the most stable of which are those universal social institutions of government, religion, economics, education, and family. Slavery is not itself a universal social institution, as it has not been found in all societies, but it nearly made the list. In the very recent history of our species (meaning the last 5,000 years) it has been a constant. For much of that history, slavery was much easier to measure than it is today. When it was commonly accepted as a “natural” social and economic relationship, even

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governments took part in detailed record-keeping of slaves and their treatment, an activity only diminished by the relative lack of social importance of the individual slaves.

In the 20th century, slavery was generally criminalized and forced underground. This had direct consequences for the construction of our understanding of it. Its hidden nature, for example, concealed the dramatic changes that took place in its economic character after 1950. In parallel with the population explosion of the same period, slaves became more numerous and less costly. The modernization process has pushed significant numbers of people in the developing world into social, economic, and political vulnerability. In that context, when governmental corruption allows the criminal to use violence with impunity, slaves can be harvested. The high levels of vulnerability produced a glut of potential slaves, and obeying the rule of supply and demand, the price of slaves fell precipitously. Slaves are now less expensive than at any point in recorded history. This cheapness is a boon to criminals, and has also altered the way that slaves are treated and used. These changes mean that while slavery remains a criminal activity, both the law and researchers are forced to confront new manifestations of slavery.

The criminalization of slavery leads to a number of problems in measuring slavery or other abusive labor practices. The first is the basic fact that criminals conceal their activities, often going to great lengths to do so. Second, following a long history of more visible and legal slavery, societies (as well as social scientists) have been slow to clearly define what now constitutes slavery. A lack of agreed definitions on the phenomenon under study is a recipe for confusion at best. Third, crime is best understood in its context, but in some places where slavery occurs, it is not thought of as a crime. In areas with stable forms of debt bondage, euphemisms are common. In parts of India, for example, bonded workers who have no freedom to walk away and are not paid for their work are often referred to as “attached workers,” concealing their actual status. Fourth, without agreed definitions, it is impossible to collect information systematically in a way that can be shared and tested. The International Labour Organization (ILO) Standards that initiated the project at hand are an innovation and very useful, but note that those definitions have been usually arrived at through a political process rather than a process of analysis and refinement.

That political input into how we might define an ongoing social and economic relationship points to other forces, outside observation, and analysis that might shape working definitions. Ideological,
political, moral, and cultural issues are linked to data on abusive labor practices. These issues bring controversy to collection, analysis, and interpretation of information. For example, some governments have a vested interest in demonstrating low levels of violations of core labor standards. Meanwhile, some non-governmental organizations have an interest in demonstrating the opposite. When slavery as an economic activity enters into areas with a high potential for moral outrage and controversy, such as prostitution, apparently simple measures become battlegrounds. Many a good researcher has been wounded on that battleground, and retired to pursue other, less dangerous subjects. That loss of good researchers is especially regrettable because the phenomenon under consideration is a rapidly evolving, moving target. Criminals are inventive! Criminals work in a context of intense competition, they must be flexible, and they must adapt quickly or (at times literally) die. The pace of social research, especially large-scale research, is glacial by comparison.

Criminals also came to understand globalization before most of us. They have already mounted large-scale operations to traffic and enslave people utilizing the attributes of the newly globalized world economy. The rapidly evolving context of globalization means that the fit between the abusive labor practices and the economy, both local and global, is dynamic. This is important, in part, because these are economic activities, albeit criminal, and one of the dimensions of their measurement must be economic. Two key themes of economic globalization are first, the erosion of control by nation-states, and second, the functional integration of dispersed (economic) activities. These characteristics have suited human rights organizations admirably, creating a context for potential growth. These characteristics have also fostered non-state actors that might be thought of as anti-human rights, especially criminal organizations.

These two themes, dispersed economic activity and the loss of governmental control, are true of the newer forms of slavery as well. Slaveholders disperse both slaves and slave-based activities. In Brazil, slaves are “recruited” in densely populated, economically depressed regions and then shipped over 1,000 miles to the fields where they will make charcoal. The charcoal, in turn, will be shipped another 1,000 miles to steel mills for use. In Southeast Asia, women are enslaved in Burma or Laos for use in Thailand or trans-shipment to brothels in Japan or Europe. Capital from Hong Kong funds the brothels of
Thailand, investment from Europe indirectly funds the charcoal operations of Brazil. Slaves from Mali are found in Paris, slaves from the Philippines are found in London and Saudi Arabia, and Eastern Europeans, especially women, are being dispersed as slaves around the globe. The profits generated by slavery also flow indiscriminately across national borders. Governments (like many individuals) that still conceptualize slavery as a legal status of titled “ownership” linked to the nation-state, are at a loss to regulate this trade. It was only in early 1999 that the United Nations met to begin developing new conventions to address this globalized “trafficking of persons.”

The importance of these two themes for those who would come to gain a better understanding of forced labor is that both tend to obscure the phenomenon and make the collection of information more difficult. Dispersal hinders the researcher’s ability to trace the links between slavery in one place and the economic impetus for that slavery in another. The loss of governmental control also means the loss of a government’s means to record and investigate the crime of slavery. That said, both of these negative outcomes of the globalization process in terms of collecting information on forced labor are counter-balanced by the increased flow of human rights information from the global south to the global north, which is also an outcome of globalization.

Organized criminal groups are globalized non-state actors of significant scale having an important role in slavery and human trafficking. The United Nations estimates that human trafficking now ranks as the third largest profit center for trans-national criminal groups, after the trade in drugs and in weapons. The number of organizations in Russia alone is estimated to be between 5,000 and 8,000, involving up to three million people. Organizationally, however, these groups are simply businesses, some bureaucratic in nature and others centered on a “leader.” While they operate within a context of increased risks and threats to the stability of the organization, they also work to shorter timescales and are able to achieve goals (profits) quickly. In addition, they meet challenges and competition through diversification and concentration, and they consciously make the most of transcending nation-state boundaries. The rapid and dispersed movement of

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5. What is especially interesting is the gray area between non-state actors that are criminal businesses, and non-state actors, like human rights organizations, that are organized according to moral values. The groups in this gray area can become especially potent when they combine criminal means with the high levels of conviction and strategic moral certainty that characterize
organized criminal groups has outdistanced the data collection systems of most national law enforcement agencies, and international agencies like Interpol spend significant resources getting national forces to increase the information they share. Unfortunately, what information on forced labor is held by these agencies is unavailable to most researchers.

All of these difficulties, especially the reality that we are normally dealing with a criminal activity, point up the fact that careful definition is necessary and measurement will be a challenge. In writing about crime and globalization, Findlay noted that “[o]ne of the difficulties associated with accurate contextualization of crime is the diverse manner in which it is represented. This is not simply a problem of distortion or misinterpretation; the basic sources from which crime becomes known are so varied.” What follows is a discussion of some of the topics that must be resolved conceptually before we move to quantify and measure more objectively.

II. WHAT ARE WE TRYING TO UNDERSTAND?

Let me concentrate on slavery as a violation of core labor standards, this is the area of my own work and the one I know best. At the most basic level, slavery is a social and economic relationship that is played out in systematic ways. It has patterns of expression; it is grounded in cultures and societies. Many patterns of enslavement have been in use for long periods, though small or large changes over time in those patterns are to be expected. Slavery has history, and this can be a problem if that history leads the observer to hold preconceived notions about the form slavery should take. In fact, you

non-governmental organizations. While the U.S. government has worked hard to lead public perception to a moral definition of Osama bin Laden’s organization as evil incarnate, it is, after all, a non-governmental organization with an agenda focused on (according to its definitions) moral goals. It has also shown itself capable of transcending state boundaries and carrying on highly dispersed activities. Likewise, it faces the challenge before most human rights organizations, the need to convince a sufficient proportion of the global public to redefine certain geopolitical or economic problems as moral issues. Osama bin Laden, himself, is a leading example of the increased salience of globalized non-state actors, being the first individual to be the recipient of a United States cruise missile attack (as if he were another nation-state) in the late 1990s. The survival of the Al-Qaeda organization depends on many factors: how much it relies on the leadership of a single individual, how it has balanced conviction and ideological fervor with organizational structure and stability, the resilience of its bureaucracy, and whether it can alter a sufficient proportion of opinion of its chosen audiences in its favor. Yet, in terms of survival, Al-Qaeda has one advantage: unlike most non-governmental organizations with a moral agenda, it has worked very hard to design an organization resistant to attack.

can no more expect historical forms of slavery in contemporary societies than you can expect to find 19th century forms and expressions of social class. The economic underpinnings of both have irrevocably altered. Slavery is a relationship between individuals (as is marriage, for example), but it exists primarily within communities and is governed by those communities (also like marriage). The slave/slaveholder relationship is marked by a much more extreme power differential than most marriages. Again, like marriage, an observer should not expect to view previous historic forms in a contemporary society—a person who marries today would never dream that their marriage would be organized and played out in the forms of marriage extant in the 18th century.

Another dimension that must be considered in attempting to come to grips with slavery is that it is conceptualized as a social problem, and virtually all social problems are seen as problematic and controversial to a greater or lesser degree. Fortunately, with slavery, there is a strong consensus that this is a significant problem that does real damage to human beings, and that it should be brought to an end as quickly as possible.\(^7\) In a sense, there already existed what Majchrzak termed a “model that appeals to ‘higher-order values’”\(^8\) for slavery. What has been needed is to build a more precise model of the social problem of slavery as the first step in formulating and testing research questions. Such research questions obviously require measurable variables. This is immediately difficult with a phenomenon like slavery that may have an essential core but varies dramatically from place to place (and from time to time).

This essential core rests on three factors: loss of free will, the use of violence to control the slave, and economic exploitation that normally precludes the slave receiving any recompense for their work. In a simple, conversational, way I define\(^9\) slavery as: “A social and

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7. There is a regular question asked by a minority of commentators: Are not these slaves better off being cared for by their slaveholders than being turned out to fend for themselves? No one has answered this question systematically, but all anecdotal or qualitative information suggests that slaves are better off when liberated. This has certainly been the consistent view of slaves and liberated slaves I have met.


9. It is important to include here some of the points critiquing my definition made by Ann Jordan of the International Human Rights Law Group on an earlier version of this paper. She has expressed a very reasonable concern that my definition would not include cases in which psychological coercion or traditional practices are employed to control victims. I suspect that, in fact, we are not in disagreement, for I would argue that psychological coercion and traditional practices are normally backed up by violence. In the field, we see, for example, that those women who resist the pressure toward unfree marriage and the psychological coercion that supports it will ultimately suffer physical force to overcome their resistance. I am happy to include such forms within my working definition of enslavement when they lead to a lack of self-
economic relationship marked by the loss of free will where a person is forced through violence or the threat of violence to give up the ability to sell freely his/her own labor power.”

This definition has something in common with all definitions of slavery used in both laws and international conventions; it also encompasses most of the forms of slavery covered by them. There have been over 300 agreements written since 1815 to combat slavery, and many of them also defined it. The definition of slavery in international instruments has evolved over time. Note, for example, the changes occurring in the 20th century in just some international instruments shown in the following table.

determination and exploitation. I would emphasize the point that I introduced this definition as a working definition, in order to open exactly such a debate about how we understand, define, and thus study, slavery, forced labor, and human trafficking. I thank Ann Jordan for her helpful contribution to this debate.

### Table 1. Summary of the Evolution of Slavery Conventions

<table>
<thead>
<tr>
<th>Convention</th>
<th>Definition/Declaration Regarding Slavery</th>
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</thead>
</table>
| **Slavery Convention (1926)** | **Slavery defined:** It is the “status or condition of a person over whom all of the powers attaching to the right of ownership are exercised.”  
  **Forced Labor added:** States should “prevent compulsory or forced labour from developing into conditions analogous to slavery.” |
| **Universal Declaration (1948)** | **Servitude added:** “No one shall be held in slavery or servitude; slavery and the slave trade should be abolished in all their forms.” |
| **Supplementary Convention (1956)** | **Servile Status added:** Practices referred to as servile status should be abolished:  
  a) debt bondage  
  b) serfdom  
  c) unfree marriages  
  d) the exploitation of young people for their labor |
| **Economic, Social and Cultural Covenant (1966)** | **Freedom to choose work added:** Recognizes “the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.” |
| **Rome Final Act (1998)** | **Trafficking added:** Slavery defined as “the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children.” |
The ILO has not defined slavery per se; ILO Convention 29 on forced labor defines it as “all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” This contains the elements, noted above, of coercion and loss of free will, but it only implies the element of economic exploitation. ILO Convention 105, also concerning forced labor, does not define slavery or forced labor but refers to the U.N. 1926 Slavery Convention. ILO Convention 182 on the worst forms of child labor likewise does not define slavery or forced labor, but it does prohibit “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.” This follows the trend noted above of broadening the conceptualization of the issue in policy. In fact, other international conventions expand the activities coming under the aegis of slavery even more widely. The following table looks at some of these to examine how they fit within my working definition.

**TABLE 2. PRACTICES DEFINED AS FORMS OF SLAVERY IN INTERNATIONAL CONVENTIONS OR BY INTERNATIONAL AGENCIES**

<table>
<thead>
<tr>
<th>Practice/Criteria</th>
<th>Loss of free will</th>
<th>Appropriation of Labor Power</th>
<th>Violence or Threat of Violence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>( \sqrt{\ } )</td>
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<tr>
<td>“White Slavery”</td>
<td>( \sqrt{\ } )</td>
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<tr>
<td>Forced Labor</td>
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<tr>
<td>Debt Bondage</td>
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<tr>
<td>Child Prostitution</td>
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<tr>
<td>Forced Prostitution</td>
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<tr>
<td>Sexual Slavery</td>
<td>( \sqrt{\ } )</td>
<td>( \sqrt{\ } )</td>
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<tr>
<td>Migrant Workers</td>
<td>( \sqrt{} / \times )</td>
<td>( \sqrt{} / \times )</td>
<td>( \sqrt{} / \times )</td>
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<tr>
<td>Prostitution</td>
<td>( \sqrt{} / \times )</td>
<td>( \sqrt{} / \times )</td>
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<tr>
<td>Forced Marriage</td>
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<tr>
<td>Apartheid</td>
<td>( \sqrt{} / \times )</td>
<td>( \times )</td>
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<tr>
<td>Incest</td>
<td>( \sqrt{} / \times )</td>
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<td>Organ Harvesting</td>
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<td>Caste</td>
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<tr>
<td>Prison Labor</td>
<td>( \times )</td>
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Those activities shown at the top of the table are those that, by my working definition, are equivalent to slavery, or may be thought of as a form of slavery. The others may sometimes be equivalent, and other times not. Clearly, when the experts of international agencies find it a challenge to arrive at any uniform definition of an activity that they all agree exists, and that they all agree should be eradicated, it is not surprising that researchers face a similar challenge in developing measures of forced labor or slavery.

The classic work on unobtrusive social research measures by Webb et al. neatly describes this challenge, stating that measures should enjoy: “multiple operationism, that is, for multiple measures which are hypothesized to share in the theoretically relevant components but have different patterns of irrelevant components. Once a proposition has been confirmed by two or more independent measurement processes, the uncertainty is greatly reduced.” To achieve that “triangulation” requires thinking through how slavery fits within society and community, where it occurs in the social matrix. Given its hidden character, it also requires thinking through how unobtrusive methods and other non-representative methods might be brought to bear. This, in turn, requires us to consider both the levels and units of analysis to be pursued.

Slavery is a social action that generates measurable phenomena at all three levels of social measurement—the individual (micro), the group or community level (meso), and the societal or aggregate level (macro). That said, slavery is primarily a phenomenon of the meso-level. The power differential between slave and slaveholder reflects what is allowed in the community, and the economic activity that is the aim of enslavement feeds into the local economic base. In many parts of the world, slavery has a relatively overt place in the community. Like prostitution, it may be tacitly accepted and managed by community leaders but relegated to a position of official invisibility. The maintenance of slavery in the face of illegality requires some community acquiescence or at least ignorance. The position of any community on the continuum between acquiescence and ignorance is strongly related to the level of corruption of local

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11. Unobtrusive measures are those that have no impact on the research subject. This may be anything from physical trace analysis to archival research. Because slavery is usually hidden, it is often necessary to explore the use of such secondary and unobtrusive approaches. Unobtrusive measures are never used alone, but normally serve as complementary techniques allowing some form of triangulation. There is an obvious potential application in the investigation of hidden activities like slavery.

officials. But in any community that harbors slavery there will be some people, not including the slaves and slaveholders, who are aware of it. They will interact with slavery in some way and will have some knowledge of it. This knowledge and possibly records of that interaction are data that can be collected.

At the micro-level are the narratives of slaves and slaveholders, as well as basic factual information about each. This can be basic demographic information, or information of some subtlety, such as data gathered on the social psychology of the slaveholder-slave relationship. In the case of slavery, macro-level information is normally aggregations of micro- and meso-level information, as few governments or international agencies are able to collect representative data. Even the few criminological variables that aggregate apprehensions or prosecutions fail to adequately represent slavery. What may be sought at the macro-level are national or regional aggregations of information about labor standards and practices. But what is available, given its universal legal status, are crime statistics that concern labor standards and practices. This being the case, it is important to consider how these data are conceptualized by criminologists.

The researcher seeking to understand labor standards and practices as linked to slavery faces many of the same challenges that criminologists face. One of the aims of exploring the ILO Standards is to gather macro-level, aggregate information, and this is also one of the dreams of many criminologists. One example, however, demonstrates the difficulty of measuring criminal economic activity. The State Department estimates that around 50,000 women and children a year are trafficked into the United States, but in mid-May 2002, federal prosecutions of this crime had increased 50% on the year before, to 111. The discrepancy between these two figures is what criminologists call the “dark figure” of crime statistics. The “rule of dark figures” is that the gap between actual and reported or prosecuted crimes decreases as the severity of the crime increases. Normally the crime with the smallest “dark figure” is murder; bicycle theft, on the other hand, has one of the largest “dark figures.” What is sobering is that slavery, human trafficking, and other abusive labor practices are crimes of extreme severity, but they have the large “dark

figures” normally associated with misdemeanors. The more reliable measures of criminal activity are the representative population sample victim surveys being regularly carried out in the developed world. These have proven to be the best way to achieve estimates of the “dark figures” of crime. Slaves, however, are normally invisible, unsurveyable, victims, hidden away because the criminal has total control over them.

This is not, however, an impossible situation. Most exploratory social research faces similar challenges. In the social sciences, we have at least a way to approach this—to start from both ends and work toward the middle. At the micro level, it is possible to begin with qualitative exploratory research that aims at discovering the texture of social interaction. Ideally, exploring a series of individual social interactions or relationships (the slaveholder/slave relationship, for example) in depth will lead the researcher to perceive emerging themes in the nature of these relationships. These themes and other information generated can then be used to build the questions and variables needed for more representative work at the meso- and macro-level. At the same time, any information that can be gained at the macro level might help build a contextual understanding that will also inform and guide meso- and micro-level research.

My own research into slavery began in this way—with a close reading of the accounts of individuals who had been enslaved, coupled with an attempt to collect information at the aggregate level. When I felt I had learned what there was to be learned, I began, in 1996, to build case studies exploring the meso-level of slave-based businesses, one interview at a time. I chose to use case studies for two key reasons. The first follows the advice of Robert K. Yin, an authority on this research technique, that “[c]ase studies are the preferred strategy when how or why questions are being posed, when the investigator has little control over events and when the focus is on a contemporary phenomenon within some real-life context.” I also chose this technique because it was my aim to make some comparisons between the five countries in which I gathered information. To the best of my knowledge, this was the first time that the same set of guiding research questions had been asked of situations of slavery in more than one place. I am convinced that the global nature of contemporary slavery requires such an approach. It

14. This being exploratory, case study, research I developed a series of "guide questions" that I attempted to answer for each case in every country and industry. In each of five countries, I used these questions to guide interviews as I researched types of businesses that used slave labor. These guide questions are attached in Appendix 1.

was my aim to gather all possible information on slavery in each country, as well as large amounts of background information on the history, culture, and economics of each country, which would then be fleshed out and illustrated through the case studies of specific economic activity.

The specific economic activities using slavery were: brick-making in Pakistan; agriculture in India; charcoal-making in Brazil; prostitution in Thailand; and water selling in Mauritania. In each country I was testing ideas about the changing economic equation of slavery, trying to measure the profitability of these enterprises and the “cost” of using slaves. The slavery research guide questions (given in the Appendix) were used to question informants, slaveholders, slaves, government officials, and other respondents. Interviews would often require asking many other questions besides those listed. For example, in Pakistan my co-researcher and I presented ourselves as economists (we do both have degrees in economics) who were seeking to understand the nature of the brick market and to “set the record straight about the realities of the brick business.” This would require extremely detailed discussions of the various factors affecting the brick business, and sooner or later the talk would come around to the “labor problem.” Whenever possible, in all countries and businesses, I tried to let the respondent raise the issue of labor first. My aim was to answer those guide questions for each physical site where a slave-using business was operating. Not all questions applied to every country or business, but having uniform questions allowed comparisons between geographical regions.

The research had to be exploratory because in many ways contemporary slavery is almost completely neglected in the social sciences. The interviews generated a great deal of qualitative information (and some quantitative information) that had to be ordered. Some of that, and much of the aggregate information collected earlier, I began to conceptualize as ordinal variables. The meso-level research provided portraits of slave-based businesses, their roles in local communities, and the methods of control exercised over slaves. This information was used to test various hypotheses I had developed about the realities of contemporary slavery, but it must be emphasized these were not statistical or precise tests. My first step had to be to determine whether several of the factors that I theorized were supporting contemporary slavery were, in fact, present when slavery was observed. This is a type of hypothesis testing more akin to work in political science or anthropology than in my own discipline of sociology. It does not provide the reassurance of statistical tests or the
opportunity for replication. On the other hand, it follows widely-accepted logic in social research—that when the object of study is relatively unknown, little understood, difficult to observe, and previously unquantified, then qualitative research is the appropriate first step. Ideally, such qualitative research will provide the necessary understanding for the construction of measures that are applicable in broader, more representative, research. At the same time as working at the micro- and meso-level to develop a more sophisticated understanding of slavery, I began to build macro-level estimates linked to existing macro-level data.

The conversion of difficult-to-measure phenomena into measures that can be statistically manipulated is common in sociology. Many of these phenomena are much less visible than slavery and yet are generally and readily accepted by the public and social scientists. Social class is a good example. The empirical reality of social class as a distinct social group or set has never been demonstrated. It is an ordinal construct of a large number of variables, some “hard,” some “soft.”

Slavery as a variable is also a construct, but a much less complex construct, one that requires only three or four variables to estimate (following the working definition given above). This simplicity may be due to the fact that its origins are in the emerging societies of some 5,000 years ago. These are societies that we can only imagine, but which we know did not have the complex social differentiation or extensive hierarchies of modern societies. But if slavery is a construct, how can information estimating it be collected? How could effective measures of slavery and human trafficking be made at the aggregate level?

III. ASSESSMENT OF EXISTING MEASURES

All the preceding discussion has been an elaborate contextualizing exercise that aims at concealing the fact that my methods of data collection were simplistic and driven less by epistemological concerns than by practicalities. While it may sound as if I have brought the surgical precision of the scalpel to bear, in fact I simply employed the social science equivalent of the vacuum cleaner, sucking up data from every possible source. I began my work at the macro-level, by drawing up a large data collection form, a “systematic

16. There are many other examples: attitudes that are measurable through human activity but exist only in human minds; self-esteem; and the operational definition and measurement of “love” that has occupied many lonely data-crunchers.
protocol” in the jargon. My unit of analysis was the nation-state. For each country, I recorded basic economic and demographic information as is available from the U.N. and other sources. Then I and several research assistants began to troop through (physically and electronically) every store of information that might bear on slavery. At this point let me examine several of those sources in more detail:

(a) **Reports of U.S. Government Agencies.** The State Department *Country Reports on Human Rights Practices* were useful as background materials, but had worrying political influences. The clear discrepancies, for example, between what I had observed on the ground in Mauritania and what the Report had to say about that country gave me pause. A period of *rapprochement* has been initiated with the Mauritania regime by the U.S. Government, and this has led to a willingness to interpret the human rights situation in that country charitably. It is playing politics with slavery and with knowledge in exactly the way discussed earlier. This is not surprising, but it doesn’t aid data collection. The State Department *Trafficking in Persons Report 2001* was not available when I first compiled my data set. It is also useful for the background information given on the eighty countries listed. The system of “tiers” is an interesting variable, but does not actually measure human trafficking, rather the response of a given country to trafficking. (This variable is highly correlated with trafficking from countries.) The 2002 Report should include more countries. The materials collected from State Department staff around the world by the Office to Monitor and Combat Human Trafficking must be a mother lode of information, but it is seen as politically sensitive and not available at this time to other researchers, to my knowledge.

(b) **Reports by the ILO.** such as the *Stopping Forced Labor Report*, are again useful for gleaning out pieces of information that can be assembled in a country-by-country data set. However, in many ways, the non-synthesized, non-aggregated information generated by the ILO is more useful. The Reports on each Session of the ILO, which include the reports of the Committee of Experts on the Application of Conventions and
Resolutions, and the Report of the Committee on the Application of Standards, run to many volumes and contain the transcripts of reports by country, labor, and employer representatives. These reports contain large amounts of obfuscation and justification by countries that have been criticized (Sudan, for example, consistently, and at length, insists that they have “abduction” not “enslavement”). There is also useful information, but it requires a great amount of sifting to uncover it. Once again we see the political influence; information is “edited” before release to meet demands, primarily of member states, to reduce criticism. I have watched this process close at hand in the working and in the Report of the United Nations Working Group on Contemporary Forms of Slavery.\footnote{See, e.g., Report of the Working Group on Contemporary Forms of Slavery on its twenty-third session, U.N. Commission on Human Rights, 50th Sess., Agenda Item 6, ¶ 22 passim, U.N. Doc. E/CN.4/Sub.2/1998/14 (1998), which includes an Anti-Slavery International sponsored report reviewing slavery conventions.}

Here presentations and reports are made by NGOs and others of documented incidences of slavery around the world. The annual Reports of the Working Group consistently water down these presentations and reports to lessen any criticism of specific countries. In short, there is much more information to be gained by sitting in the sessions, information that never reaches the official reports. This points up a distinction for researchers—that between “raw” information available in meetings and the “cooked” version of that information that exists for public consumption. At the same time, we have to welcome the new series of investigations that are being carried out and supported by the Forced Labour Unit of the ILO. These investigations, leading in part to the global report on forced labor scheduled for late 2004, will be a very important contribution to our knowledge, both of forced labor and of the research techniques and data sources needed.

(c) \textbf{Reports by Experts.} If there is information coming from the United Nations structure that is not tainted with political tampering, it is in the reports
commissioned from experts. These are not usually made generally available. Let me mention two as examples. First, the ILO Social Finance Unit commissioned the Institute for Human Development in India to prepare a report on vulnerability to debt bondage.\(^\text{18}\) These researchers developed and tested a Vulnerability to Debt Bondage Scale, which is a significant step forward in our understanding of this form of slavery. It used aggregated information for agricultural workers and multivariate analysis to test the Scale. Second, the work of researchers Roger Ouensavi and Anne Keilland\(^\text{19}\) for the World Bank on child trafficking in West Africa is probably the best research on this topic I have ever seen. Carefully sampled, sensitively carried out, precisely analyzed, it also dramatically moves forward our understanding of this phenomenon. This report is yet to be published, and as I understand it, may only reach the public in an abbreviated form.

(d) **Reports by Non-Governmental Organizations (NGOs)** are a narrower, but rich source of information. Like the reports of consultants to U.N. bodies, they are often not generally available, but for different reasons. “Publication” for an NGO may simply mean printing up a number of copies on the photocopier. Likewise, since NGOs are concerned with moving public opinion, the only version of a research report that reaches the public may be a press release. With NGO reports there is also the need to separate outrage and analysis. While countries often try to diminish reports of labor abuses within their borders, NGOs are sometimes tempted to overstate the same abuses (though this may also be an indication of a lack of agreed definitions). Of course, some NGOs have a long history of careful and precise reporting. Anti-Slavery International is the clear leader in this, and Human Rights Watch, with their legalistic bent, provides sound information. The smaller and

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more local NGOs are more problematic and are less careful in documenting their assertions. Not surprisingly, they see their job as righting wrongs, not preparing detailed documentation. With all NGOs it is most fruitful to go physically to the staff working on a particular issue to discover what reports are available. This points up the need for a proactive collection and repository of these often informal human rights and labor rights investigations. The archives and library of Anti-Slavery International in London are a very rare exception, as are their publications,\(^{20}\) being well-organized and cared for. Most NGOs are dealing with today's crisis and neglecting the solid information they may have collected yesterday.

It is worth mentioning a very positive step, though it might not immediately appear so, and that is the recent criticism published by Human Rights Watch\(^{21}\) of the State Department's Trafficking in Persons (TIP) Report. The criticisms are, for the most part, calls for more and more detailed information. LaShawn R. Jefferson, executive director of the Women's Rights Division of Human Rights Watch stated that “[i]t’s crucial that each country chapter relay basic information about how many people are trafficked into, through, and from it; the types of forced labor for which people are trafficked; the number of actual prosecutions and convictions for trafficking; and how many state agents have been investigated, tried, and convicted for trafficking-related offenses.” As we know, these are difficult pieces of information to gather, and especially so through embassies and consulates. The U.S. government is not, in many countries, given access to such information, nor allowed to collect it independently. Given that gathering this information requires research infrastructure that may not exist, it is somewhat unfair to expect that embassies would be able to discover what national and international agencies are

\(^{20}\) A good example is ALISON SUTTON, SLAVERY IN BRAZIL: A LINK IN THE CHAIN OF MODERNISATION (1994).

unable to determine. That said, the more thought and attention being given to research methods, and the possible influence of political concerns on the reporting of trafficking information, the better. Senator Brownback, one of the authors and sponsors of the legislation that established the Office to Monitor and Combat Trafficking in Persons, has also criticized the TIP Report, calling for more clear recommendations for sanctions. Clearly, the original mandate of the report, which concentrates on the preventive or remedial programs set up by foreign governments, is part of the problem, and I feel sure that the authors of the TIP Report must feel a certain frustration at the narrowness of their terms of reference. Yet altogether this is a positive step, it is not yet two years into a major research and development exercise, and both important new information is forthcoming and a public debate on that information has begun. Over time, this exchange can only serve to improve the quality of information—especially if organizations like Human Rights Watch also agree to feed their data into the TIP Report.\(^{22}\)

(e) **Reports by national governments** that are immediately useful are not common. Of course, more governments may be carrying out research than is being disseminated. But the resources of governments are so much larger than those of NGOs that when they bring them to bear, the results can be very fruitful. Two examples show this. First, the *Incidence of Bonded Labor in India, Area, Nature and Extent*, carried out by Lal Bahadur Shastri, National Academy of Administration in India,\(^ {23}\) is one of the most comprehensive studies of debt bondage ever undertaken. The National Academy of Administration is a central training school for social workers, and students were deployed across the country to collect

\(^{22}\) I understand that one view of the role of the NAS Committee is that it might confine its work to documenting available data on: whether or not laws exist in each country relating to involuntary labor and the definition adopted in such laws; and data, if any, on the extent of such labor in that country as per its definition—I would point out that this is much the current mandate of the U.S. State Department’s TIP Report, which is now criticized for having much too narrow a focus.

data. It is a remarkable snapshot of a very dynamic situation of debt bondage in India in the late 1980's. Sadly, no follow-up has been carried out. Second is the report on *International Trafficking in Women to the United States*\(^{24}\) written by Amy O'Neill Richard. Being able to call upon the resources of the information and analytical capabilities at CIA headquarters for data collection may be many researcher's fantasy, and when it does occur it produces remarkably deep information. It may seem a situation of strange bedfellows to bring the CIA into the same research exercise as human rights organizations, but given that human trafficking is both a crime and a potential threat to security, it seems a reasonable use of this agency. Would that other governments and agencies within our own U.S. government would devote such resources to research. Of course, they do, but we are unlikely to see much of it. I have two reports that shed new light on conditions of slavery and trafficking in two countries, but I was given them with the express condition that I could not share them with other researchers.

\(^{(f)}\) The work of academic experts tends to be most important in contextualizing and organizing the interpretation of more specific reports on labor abuses such as slavery. Few academics study slavery or trafficking up-close.\(^{25}\) Their work is more likely to be synthetic and interpretive. This is still important as the greater preponderance of factual reports very much need lodging within theoretical frameworks. On the other hand, it can be discouraging to find a group of extremely talented academics devoting their time to rather arcane discussions of the ways that one might intellectually subdivide information about slavery (if one ever collected it). I have been drawn into debates on several occasions concerning the precise conceptual differences between feudalism, debt bondage, and indentured servitude, and whether any or all of these


\(^{25}\) There are exceptions, of course. See generally, Global Human Smuggling: Comparative Perspectives, *supra* note 4, for ethnographic studies of communities of origin for trafficked or smuggled people.
are a form of slavery. It is important to understand the past, and the relation of different forms of exploitation, but the key, to my mind, is that if these discussions concern contemporary slavery then they must be grounded in research that tests assumptions and debates against the realities found in the field. Perhaps most exciting is work like that of Jok Madut Jok, the Sudanese historian based in the United States, who has written about contemporary enslavement in Sudan; or the work of Bianca Le Breton, who lives and studies labor exploitation in Brazil.

(g) Press reports, however, are by far the largest source of information on labor abuses, but are utterly without organization. The listserv “Stop-Traffic” generates several news reports per day concerning human trafficking and enslavement. The important point is that journalists are normally recording facts or government statements of facts that do not make up large reports, but that, when aggregated, present larger pictures. The investigative reports of large newspapers are often superior to all but the most extensive academic research. The resources devoted to, and the international travel and investigation behind, a single news story may be extensive. Recent investigations by the New York Times have illuminated the links between slave labor in Brazil and its key export products. In its voracious hunger for information the media also scoops up the work of academics and NGOs, relaying it to other academics and NGOs in a way that is much more efficient than their own organs.

All of these types of sources I canvassed in order to build up data on slavery. Whatever the case, every number, estimate, guess, and suggestion was logged on the large sheet for each country (or sometimes, for very populous and well documented countries, a sheet was assigned for a region of a country, to be aggregated later). The result, after nearly three years, was a great hodge-podge, but one that

concentrated information and organized it by nation-state. Overlapping this process was the fieldwork that provided the case study data, and some information collected from secondary sources in the countries visited were added to the mix. Otherwise, the on-the-ground observations were used, where possible, as a check on the reports logged.

IV. MACRO-LEVEL ANALYSIS

After the assembly of that great hodge-podge, I began the process of analysis and estimation. The information collected for each country had to be judged according to its validity, but, of course, there was no baseline or benchmark against which to do so. To answer this challenge, I looked back to one of the pioneers of sociological measurement, L.L. Thurstone.30 Recall that his seminal 1928 article was entitled “Attitudes can be measured,” demonstrating that attitudes, though highly fluid, interior intellectual constructs, could be located and measured across a population (at the time many sociologists believed this to be an impossibility). Thurstone generated the first scales for the measurement of attitudes by calling on “experts” to judge whether each individual item-statement in an attitudinal scale was, in their opinion, indicative of the attitude concerned, and if it was, whether they felt it was positively or negatively, weakly or strongly related to that attitude. He compiled these judgments from a large number of “experts,” as many as one hundred people from many walks of life that he believed would have an educated and reliable viewpoint. I followed much the same procedure, though I was forced to do so with even less focus than Thurstone enjoyed. “Experts” with personal knowledge of a country, a region, or an industry were canvassed, often with a promise of anonymity. They compared the information I had collected with their own knowledge and suggested which points might be exaggerations, which might be under- or overestimates, and which might be indicative of the social reality. In the process, they often suggested further sources of information.

Two things helped the “experts” in their deliberation. One was the working definition of slavery that I had developed31 and that I

30. L.L. Thurstone, Attitudes Can Be Measured, 33 AM. J. SOC. 529-554 (1928). Thurstone’s ideas were specified most clearly in L. THURSTONE, & E. CHAVE. THE MEASUREMENT OF ATTITUDES (1929).
31. At its most basic, I defined slavery as “A social and economic relationship in which a person is controlled through violence or its threat, paid nothing, and economically exploited.” I
believed got at its irreducible nature. Asking the “experts” to use this definition meant that, probably for the first time, they were comparing apples with apples. Secondly, I made an estimate, an educated guess really, about the extent of slavery for each country. I have always presented these estimates for what they are: very rough, if informed, guesses. But the usefulness of these estimates is that they focused the minds of the “experts” giving them a point to consider and challenge. That response led to a refining of the estimates. When I felt I had exhausted both the number and the goodwill of “experts” that I could find for each country, I adjusted the estimates for each country and began to aggregate them. This aggregation produced the figure of twenty-seven million slaves for the world, using my working definition to determine who would be included in that estimate.  

At this point one becomes involved in the history of a number. Being highly appreciative of the old computer programmer’s rule of GIGO, 33 I was very nervous about going on record with my estimate of twenty-seven million slaves. So why do so? In part because the existing estimates for the number of slaves in the world ranged from the low millions up to 100–200 million. These numbers were wildly divergent and very often apparently groundless. I was operating from the supposition that a number that is a rough estimate based on aggregation is better than a wild guess. I traced one oft-repeated estimate of 100 million slaves back to the person in India who had originally offered it. He explained that this really was a “top of the head” guess and not based on any aggregation or formal estimation. It had taken hold in the literature because he had voiced it in the context of a meeting within the United Nations. When the report of the meeting included this figure, it was taken as an estimate somehow supported by the U.N., thus giving it credence.

I hoped that publishing numerical estimates would lead others to challenge and, more importantly, test them. There is nothing I would like more than to be proved wrong. (Welcoming criticism tends to make it less threatening, and realistically I was sufficiently advanced.

noted that, for many academics, the issue of defining slavery took precedence over any other concerns, while among practitioners working in NGOs or the ILO, the definition was merely incidental. One of the challenges was that a large number of definitions were in use. I have dealt with this problem in Bales & Robbins, supra note 10.

32. One of the aims of the NAS Committee is to assess the quality of data in various countries concerning forced labor and other violations of the ILO Fundamental Principles. The Committee itself represents a small group of experts in much the same way as I used experts to review information. Using Thurstone’s methods, the Committee might consider building a much larger base of “experts,” most of whom were specialists in a single country or region, and use them to make first assessments of the quality of information available.

33. Garbage In, Garbage Out.
in my academic career so that if my reckless posting of estimates became a disaster I could just fade into [tenured] obscurity.) What was remarkable was that the estimate was seized upon with alacrity and I found myself an “expert.” Much more important was the way that an accepted estimate focused minds and altered the public agenda of discussion from debate over definition to a consideration of responses. This was heartening but worrying. It was heartening because the response was to use the estimate in many informative ways, worrying because of an often uncritical acceptance of the estimate.

In preparing an article for Scientific American, I was able to revisit the estimates I had made and refine them once again with advice from the experts. I endeavored to expand the number of countries for which I could give an estimate. I also hedged slightly by publishing a range, rather than a single number, as the estimate (see a table of the estimates and ordinal measures in the Appendices). I felt trepidation at publishing these estimates as I knew how “mushy” (as one Scientific American editor put it) they were. I worried that many countries and experts would round on me, as much as I welcomed correction, new information, and the challenge of debate. In the event, the response was muted. The editor of the Brazilian edition of Scientific American felt that I had overestimated the number enslaved there, and offered the official prosecution and conviction rates and the work of an NGO as evidence. A man in Uruguay wrote to say he had never seen slaves there, and the Estonian government got in touch to ask for more details as they were facing similar difficulties in estimating the number of people trafficked in the Baltic region.

In order to make these data more usable I went further out on a limb and for each country (for which I had any sort of indicative data) assigned them a categorical point on an ordinal scale of slavery:

0 = no slavery
1 = very little, occasional slavery

34. I had, at least, a notion of this process. I wrote my doctoral thesis on Charles Booth, who in the late 19th century had “invented” the poverty line and “discovered” the “precise” extent of poverty in Victorian London. His methods of investigation and aggregation were not unlike those I used, and his amazement at being propelled into being a “world expert” on poverty presaged my own. In the past year, I found that one academic commentator has designated me the “Charles Booth of the 21st Century.”


36. Publishing in a popular journal meant other responses came as well. One explained that we have all been secretly enslaved by television; another was from a U.S. prison inmate asking to be added to the estimates of those enslaved.
Similarly, I assigned each country to a point on similar ordinal scales of human trafficking to or from that country:

- 0 = no trafficking
- 1 = rare cases of trafficking
- 2 = occasional, but persistent cases of trafficking
- 3 = regular cases of trafficking in small numbers
- 4 = regular cases of trafficking in large numbers

Once again, I asked experts to suggest whether I had categorized each country correctly, admitting and agreeing that the ideas of “occasional,” “regularly,” “small,” and “large” were insufficiently defined and imprecise. At this point, I appreciated that I was potentially building upon bad estimates to construct worse ordinal or ranking estimates. Even worse, at present, there is no way to know if this is the case or not. Devereux and Hoddinott discussed this problem with reference to collecting quantitative information in the developing world: “[T]he problem... is that a number ‘calcifies’ at each stage—from questionnaire to coding sheet to analysis—until it is one of several hundred numbers contributing to the production of a percentage, in which uncertainty over the accuracy of each individual number is buried forever.” Their response to this problem is to carefully mix qualitative and quantitative information in order that each would help to check the other—the very “triangulation” mentioned earlier. This is more difficult when launching a “protoscience” due to a sheer lack of research results. On the other hand, as we know, data are everywhere, and sometimes the strategy must be to recombine what is already available and convert the experience and memories of observers into data. At the risk of “calcifying” numbers, I used qualitative information to help me assign estimates to levels of enslavement and trafficking. Hence my little data set of slavery and trafficking and its use in the following exercise.

V. A MODEST TEST

What predicts human trafficking from a country to other countries? Given the general and anecdotal nature of our understanding and the very low level of prosecutions and thus official estimates of the crime, it is still fair to say that there is a theory of trafficking. This theory has not been formally stated, but circulates among practitioners and academics. Most of those working in the field, and the evidence we have, points to poverty, social unrest, government corruption, population pressure, the perception of opportunity (of lack thereof), the lack of means for legal migration, the lack of knowledge of conditions in the destination country and hence a need to depend upon third parties, and the presence of friends, relatives, or other trusted individuals who are in fact criminals as determinants of trafficking from a country. These are often referred to as the “push” and “pull” factors underlying human trafficking. Of course, many of these factors are related. If a country has a “young” population profile, that is, a large proportion of the population is below the age of eighteen, there will be intense competition for employment and a concomitant lack of perceived opportunity. Likewise, there are well-known links between poverty and higher levels of fertility. In this test, given macro-level variables, we might graphically posit a partial hypothesis\textsuperscript{38} or model of the factors that drive trafficking from a country in the following way:

\textsuperscript{38} In comments on an earlier version of this paper, Ann Jordan of the International Human Rights Law Group expressed concern that my “theory” of trafficking insufficiently specified the factors that drive human trafficking and she noted that: “Some of the main factors that people working with trafficked persons have identified as leading to a higher probability of being trafficked are the lack of means for legal migration, lack of knowledge of conditions in the destination country and hence a need to depend upon third parties, and the presence of friends, relatives or other trusted individuals who are in fact criminals who prey upon vulnerable people.” She noted as well that my model did not include these factors. She is absolutely correct in this criticism; I incorrectly used the term “theory” when I meant “hypothesis” or model. In this modest test, I have included those factors that were available for analysis; unfortunately those factors named by Ann Jordan were not available (two of the factors being data that would be collected at the individual rather than aggregate level). I ask only that this test be seen for what it is: a demonstration of how questions of forced labor or human trafficking might be investigated using macro-level data. It is decidedly not a statement of a general theory of trafficking. I am indebted to Ann Jordan for these helpful comments.
This then is the general hypothesis of trafficking from a country that we can test with statistical estimates. Put into this form, the testing of our hypothesis or model of trafficking requires that we find measures of each of the factors or variables and examine the statistical estimates of their ability to influence or predict trafficking from a country. We must also include any other factors that might conceivably predict trafficking. The point of interest here is that the only variable coming from my own, questionable, estimate is the measure of trafficking from a country. All the others come from “official” sources, though one, the measure of corruption, is more
anecdotal and dubious. The information came from a number of sources, but primarily the United Nations Statistical Handbook.

Using multiple regression, the following individual variables were found to be statistically significant predictors of trafficking from a country, and are given in order of their power to do so:

- governmental corruption
- the country’s infant mortality rate
- the proportion of the population below the age of fourteen
- the country’s food production index
- the country’s population density
- conflict and social unrest

Given these results we can then specify the precise relationships between our predictive factors and trafficking in this way:


40. In calculating the regression I included, through several iterations, all of the various types of information I had collected on the world’s countries. For example, while I was doubtful that the number of television receivers per 1000 of population in the country of origin was a significant predictor of trafficking from that country, I still treated it as a predictor until it was excluded statistically by the regression procedure. The factors listed below, then, are those that have “survived” and have been denoted as significant predictors of trafficking from a country.
The fractional numbers in the small boxes are the beta coefficients; these give the relative strength of each of the predictive factors. All of the beta coefficients shown are statistically significant at the .05 level or better. For these data, the factors shown explain 57% (r-square) of the variation in trafficking between countries.

In terms of understanding the nature of trafficking, this test confirms many of the assumptions generally held about what predicts trafficking, and it also adds new information—if we accept that the dependent variable is in fact an acceptably valid measure. We see that population pressure and poverty (shown by infant mortality and food production) are important push-factors in trafficking as suspected.
But a key finding is the importance of governmental corruption in predicting trafficking. This analysis suggests that reducing corruption should be the first and most effective way to reduce trafficking. In other words, potential traffickers need to understand that their government perceives trafficking as a crime and that they cannot bribe their way out of prosecution or through the border if they commit the crime. This finding also implies that government actions to reduce corruption could lead to improved information about trafficking and enslavement, as well as actual reductions in slavery. Human Rights Watch also called for better information on corruption in their critique of the TIP Report: “although many country chapters mention government corruption and complicity, they should be consistently clearer about exactly which type (border guards, police, immigration officials, etc.) of government officials are implicated.”

Where the test of this hypothesis fails is in its inability to specify several of the factors, such as the perception of opportunity (or lack thereof) and the lack of knowledge of conditions in the destination country, that a more complete investigation would attempt to measure.

This little exercise simply demonstrates the fact that there are many basic questions to be answered that might be answered at the macro-level. For example, with the data set used above, I have looked at the relationship between international debt loadings and the incidence of enslavement, but this is just one small question among many. Analysis of slavery per se using my data set has been less conclusive, but in different attempts to get at the underlying factors supporting slavery statistical support has been shown for the assumption that poverty and governmental corruption also strongly predict the incidence of slavery.

VI. CONCLUSIONS AND RECOMMENDATIONS

All of the foregoing raises the question of predictive validity. Following Jack Gibbs, I feel that the primary criterion for the assessment of social science should be predictive validity. But how
can predictions be made and tested when there is no way of being sure that the variables under consideration are valid? I have no clear answer to this question, except to point to the fact that all exploratory, newly opened fields of inquiry (“proto-sciences” in the words of the Scientific American editors) must face this problem. The small test of what predicts human trafficking shows that generally accepted notions of causation and relationship gathered from the field can be examined. Yet, even in that test the dependent variable is the most problematic, being constructed of hundreds of unrelated pieces of information.

To address that fundamental question of how to build greater validity in our work, at least six steps could be taken. These represent trends to coordinate and harmonize research, and grow from the same motivation as the desire to find ways to measure core labor standards. This, in turn, is part of a wider globalization process. As Findlay puts it, “[i]n its harmonious state, globalization tends to universalize crime problems and generalize control responses.”

44 It would also be reasonable to say that this process also generalizes detection responses—the ongoing construction of an elaborate database that will measure human trafficking flows globally by the U.N. Center for International Crime Prevention is an example of this. Yes, the globalization of slavery and trafficking crime is a threat, but a key attribute of the globalization process is the increased mutual comprehension of information and its immediate and wide-ranging dissemination. The first recommendation is precisely concerned with increasing mutual comprehension.

A. Defining Variables

One of the great achievements of the ratification of the United Nations Convention on Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children is that it established a uniform definition of “trafficking in persons.” One of the worries concerning that definition is that it represents some political compromises, rather than simply the search for precision in exploration. For slavery, no such generally agreed definition exists. The same is true for debt bondage, which seems to be even more confusing to researchers and policy makers since few realize that there are at least two types of

44. FINDLAY, supra note 6, at 224.
debt bondage. Any real progress will require the careful construction of working definitions of key variables.

I do not know precisely the work of the Committee on Monitoring International Labor Standards, I am hoping that it will foster the process leading to agreed definitions. The definitions given in the ILO standards, like those in U.N. Conventions, require greater specificity for use in social science. The sooner a debate and a collective decision occur among researchers on key definitions, the better. I am happy to offer up my working definition to the Committee and any other researchers who might wish to use it as a jumping off place, a stalking horse, or even a sacrificial straw-man.

B. Bring in the Economists and Business Analysts

Slavery is, and always has been, an economic activity. The practice of business and the organization of the economy have changed dramatically in the past forty years. The economics of slavery have also altered, as have the nature of slave-based businesses. Much of my work on slavery to date has focused on the analysis of slave-based businesses. This was based, in part, on the assumption that one of the most potent means of intervention would be to make slavery unprofitable. We aim for a world where labor standards are respected, in the meantime the activities of the criminal businessman need to be disrupted. The flow of people, drugs, and arms through illegal channels are the main sources of income for international criminal organizations. This is crime, but it is also a business, and the analysis of business, at the local, regional, national, or global level can help uncover ways to intervene, collect evidence, and prosecute. As one Interpol anti-trafficking official told me, “the key is to follow the money, traffickers leave a trail of transactions, all of which can be used in evidence.”

C. Study the Lived Experience of Slavery and Forced Labor

The rapidly expanding “proto-science” studying slavery and forced labor is driven, in large part, by the demands of governments and international agencies who want numbers on which to build policy. This is right; sound policy needs good estimates on which to determine the needed level of resources, the location of needed

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interventions, and the appropriate administrative mechanisms to be brought into play. The nature of a person’s life in slavery, however, may not be captured in these aggregated numbers. The broad literature of slavery and forced labor is full of work that expresses outrage and concentrates on graphic depiction of the suffering of victims. Outrage is appropriate in the face of slavery, but it can dim our perception and insight. Demographic and economic change has brought changes in the nature of enslavement. The qualitative texture of slavery must be understood just as much as the aggregated reality of slave numbers.

D. Centralizing Information

Disciplines of inquiry rise and fall over time. We are witnessing the growth of “human rights” as a discipline, and of the consideration of such a phenomenon as contemporary slavery as a discipline or sub-discipline in its own right. In time, all disciplines develop centers of expertise and archives of information. At this moment, there are few places collecting information crucial to answering questions on labor conditions. The Committee on Monitoring International Labour Standards would not be undertaking this project if it were not so. To build such a collection and organize it will require significant resources. It will also require a very catholic approach. The current tendency of international agencies to refer primarily to the work only of national governments, other international agencies, and a handful of NGOs must be radically enlarged. I urge throwing the widest possible net, and then using agreed definitions to filter and order the information collected.

E. Victim Surveys

To my knowledge there have been only three surveys that might be considered representative (albeit roughly so) of populations in slavery. They are Ouensavi and Keilland’s study of child labor in West Africa (a survey of villages and families); the State Department/CIA study of human trafficking into the United States (precise methods are not clear but assumed to be a canvass of law enforcement and social service agencies, as well as a review of news and other public sources); and the Indian study of debt bondage carried out by the National Academy of Administration (a combination of village surveys, case studies, and interviews with officials and informants). None of these are representative in the same manner as victim surveys as they are normally accomplished. If
we are to ever achieve a broad understanding of the incidence of violations of core labor standards, it will require that broad victim surveys be carried out, using representative population samples. The drawback is that such surveys are costly. They rely on a sufficiently large general sample of a population to illuminate those parts of the population that have been victimized. When the crime includes control and concealment of the victim, the methodological problems loom large. There are research agencies that are experienced in conducting victim surveys, and these might be supported to expand their terms of reference to include questions linked to forced labor.

In December of 2001, the Heads of State of the countries of the Economic Community of West African States agreed on a joint Plan of Action to combat human trafficking in the region. One key point of this Action Plan is that:

States shall establish direct channels of communication between their border control agencies. They shall initiate or expand efforts to gather and analyze data on trafficking in persons, including on the means and methods used, on the situation, magnitude, nature, and economics of trafficking in persons, particularly of women and children. States shall share such information, as appropriate, within ECOWAS, and with law enforcement agencies and other agencies of countries of origin, transit and destination, as well as with the United Nations Center for International Crime Prevention and other relevant international organizations.

Clearly such efforts will require financial and/or technical assistance to developing nations to help them in detecting criminal slavery and trafficking activities. If the countries of the global North are committed to achieving useful measures of core labor standards, and if NGOs such as Human Rights Watch are equally committed, both must do what they can to promote and develop a competent research infrastructure in all countries.

**F. Building a Proto-science**

I submit that building a proto-science is a rather different activity than conducting “normal” science. In my own work I have found the need to step back, return to first principles, and consider how one goes about building from a very small foundation. My “normal” expectations of how I would proceed with approaching any research questions have often needed to be shelved. In a commonly used phrase, we “are thinking outside the box.” We have to; we are building a new box.
APPENDIX 1

1. SLAVERY RESEARCH QUESTIONS USED IN CASE STUDIES

Demographics

For each unit (that is, a farm, a brothel, a brick-works, etc.; the local and specific unit of “production”):

1. SIZE:
   How many slaves/unfree laborers are held in the unit (kiln/factory/brothel/farm, etc.)?
   How does this unit compare with others of its type (same “business”) in the same geographical area in terms of total number of “employees” and the amount of business/production?
   Is it big, small, or average when compared to other such units?
   What is the range of sizes of such units within the same geographical area?
   Are such units known to be different in size in other geographical areas?

2. SCALE OF ENSLAVEMENT:
   What proportion of local workforce in that sector are enslaved/unfree?
   What proportion overall in the workforce in that particular village/region?
   What is the population of the nearest geographical unit (village/town/district)?
   What is the best estimate of the number of enslaved/unfree laborers within that geographical unit?

3. GENDER AND AGE BREAKDOWN:
   What proportion of the unfree laborers in each unit are male/female?
   What proportion are children, what is the age breakdown?
   Is the work they are doing specifically categorized for men or women?
   Is there segregation of tasks (that is, if the ultimate “product” requires several steps of stages in its production, are these jobs segregated to different groups—men, women, or children)?
   Are the slaves/unfree laborers held as individuals or as families?
4. ETHNIC DIFFERENCES:
What ethnic backgrounds are the slaves?
Are the slaves from a different ethnic group than slaveholders?
Are there ethnic differences between others involved in slavery (e.g.,
the community around the unit, or users of products of slavery—
e.g., brothel users)?
Is there a history of domination by one of these groups over another?

5. RELIGIOUS DIFFERENCES:
Are there religious differences between slave and slave holder and/or
the consumer of slave products?
What is the nature of the religiosity of all the people in the context?
That is, what is the religious context within the
village/city/country—a predominant religion?, regular practice?,
institution of religious law?

6. LOCATION OF SLAVERY:
Are the units using slave labor mainly in rural or urban settings or
both?
Are they geographically or otherwise isolated?
Do they tend to exist in places where “modern” norms and ideas do
not prevail?
Do local people know of the existence of slavery in their area?
Does the local/national government know?

7. EFFECT OF THE WORK ON SLAVES:
How does enslavement affect their life expectancy?
Does the production process bring any specific health dangers?
At what age are slaves normally not able to continue the work, and
what happens to them then?

8. THE SLAVEHOLDERS:
Who are they: Ages, sex, education level, class/caste background?
How do they fit into the society/community? What is their role?
How are they perceived by other members of the community?
How long have they lived in this community?
Do they have other jobs/enterprises?
Is slaveholding an inherited occupation?
Why are they slaveholders compared to others of similar background
who are not?
If they were not slaveholders, what would they be likely to be doing?
How do they/would they explain their holding of these laborers?
Forms and Processes

1. ECONOMICS OF SLAVERY:
How much capital is needed to establish this form of production?
Details on overheads:

- What is the cost of a slave?
- What costs are there in addition to the purchase price/loan?
- What is the subsistence cost of a slave?
- What rents are paid by the slaveholders?
- What other expenses do they have connected to labor?
- What is the cost of any necessary raw materials?
- What is the cost of the legitimating mechanism which conceals the illegality?
- What kinds of permits, bribes, etc. are needed to start and maintain production/operation?
- What other workers are needed, and how much are they paid?

What is the cost of “free labor” if hired to do the same work?
What is their estimated total turnover?
What profit does the owner make?
What is the competition?
Is the market for the product or service increasing or decreasing?
Do they pay any taxes and/or bribes?
What is the potential for mechanization to replace slaves?
Is the production unit part of the formal or informal economy?
If the item is also produced through mechanized rather than slave production, does the mechanized production serve a different market?
Is mechanized production becoming more economic?
What are the obstacles to mechanization?

2. PROFIT ON INVESTMENT:
How does the profit from slave production compare with profit from paid labor production? Are there other ways that the slaveholder could invest their capital?
If so, would they invest their capital elsewhere if given the choice?
Do they have the choice?
How committed are the slaveholders to enterprise using slave labor?
Could they easily and profitably shift to other forms of investment—or is their stake in slaveholding too high?
3. ECONOMIC INDICATORS (for the local area/region/nation):
What are local wage rates and what is the local cost of living?
What are the absolute and relative poverty levels?
What does it cost to keep a person alive?
What is the rate of inflation?
How has the local economy been changing?
What is the unemployment rate?

4. WORK AND PRODUCTION PROCESSES:
What is a full description of the work being done?
Within this area of production, which element of the work is done by slave labor?
Is the work seasonal?
Is it the top end of the product range or the lower end? (That is, is it a “high quality/high cost” product or a “low quality/low cost” product when compared to the same product as produced by others in the same context?)
Is the slave-produced item part of a bigger product? (That is, is the product a “finished” product ready for sale/use, or will it require further processing before sale/use? If a service rather than a product, is it a “final” service or part of a larger/longer service?)
Is the market for the product local, national, or international?
How many processes/steps does the item go through before reaching its end use?

5. CONSUMER CHOICES:
Who is the end consumer of the product?
How does the slave-produced item compare with the product from other sources?
If the consumer chose not to use slave-produced items, where could they get the item from, and what would be the price difference?

6. PROCESS OF ENSLAVEMENT:
Is it debt, trickery, use of contracts, violence? Or a combination?
What would be a typical story of enslavement in this situation?
Is there a legitimating social, cultural, or legal mechanism? If so, what is it?
Is it possible to copy/transcribe any “contract” or debt-bond?
What is the first point of contact between potential slave and slaver?
How is the potential slave approached?
What are the factors which might push or pull a person into enslavement—social, family, economic, cultural? (What is the slaver offering that draws the person into the relationship?)
What are the aspects of the potential slave’s life that are pushing them toward enslavement?
What makes them vulnerable to enslavement?
What alternatives exist to enslavement for the slave?
How would they survive if not enslaved?
How do they seal the bargain?
At what point is it irrevocable?
Is it really irrevocable or is that just the perception of the slave?
Once enslaved, are they likely to be retained by the person who enslaved them, or will they be sold?
Is the slaver a procurer, a middleperson, or the person who uses the slaves?
What is the process until they end up in the place they’re likely to stay?
Once they’re there, are they likely to be later sold on or traded to others?
What makes them attractive slaves—what attributes do they need to have?
Are they enslaved with a view to filling a particular job?
Might they be moved to other work at some stage?

7. THE RELATIONSHIP
How does the enslaved person see the situation they’re in?
Does their perspective change at different points in the relationship?
What is the social relationship between the slave and the slaveholder? (That is, how is it perceived by each of them and how is it perceived by the people around them?)
Does the person who enslaves try to justify enslavement—to themselves, the community, the government? If so, how?
What is the nature of control over the slave, how is violence used or threatened?
What social or psychological violence might be used to control the slave?
What social norms, beyond the threat of violence, bind the slave and the slaveholder?
What is the role of government or official acquiescence or participation in enslavement?
Is the slave/slaveholder relationship “enforced” by local “law enforcement”?
Is there any possibility of manumission? If so, how can that process take place?
If you’ve been a slave, does it affect what you can do afterwards?
If you stop being a slave, are you socially marked or otherwise affected?

8. CHILDREN OF SLAVES:
What happens to any children of slaves?
What control do slaves have over their offspring?
Are children a help or hindrance to the slave?
Do they increase or decrease the value of the slave to the slaveholder?
Do slaves control their reproduction at all?

9. NECESSARY PRECONDITIONS:
Can it be said that violence and its threat are not the monopoly of the state in this local area/region/country? (That is, are people with power or weapons able to use them without a high chance of state intervention, and specifically to use them to capture and/or hold slaves?)
Are there social norms which validate or allow enslavement? (At least for the slaver and those with whom immediate trading of slave-produced goods or services takes place?)
(As above) What is the legitimating mechanism which allows the legal concealment of slavery since slavery is tacitly illegal?

APPENDIX 2

List of Countries, Rankings on the Ordinal Scales for Slavery and Trafficking, and Ranges of Estimated Number of Slaves

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Slavery: 1=LOW to 4=HIGH
Trafficking Variables: 1=LOW to 4=HIGH