

# Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria

**Written by:**

This handbook was written by Rebecca Surtees, NEXUS Institute, in 2008 within the framework of the *Programme for the Enhancement of Anti-trafficking Responses in South-Eastern Europe – Data Collection and Information Management*.

Legal inputs in phase I were provided by Jean Lanoue (Senior Legal Advisor, ICMPD) and Stephen Warnath (Director, NEXUS Institute, Washington).

ICMPD project team updated the handbook, in particular Part 1 and Part 6, within the framework of the second phase of the programme: *Data Processing, Maintenance and Analysis (DCIM Phase II)* from 1 September 2008 to 31 August 2010.

**ICMPD team:**

Melita Gruevska Graham, Mariana Martins, Tobias Metzner, Elena Petreska, Martijn Pluim, Mariyana Radeva Berket, Enrico Ragaglia, Irma Salihovic, Danijela Srbic, Elisa Trossero.

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ICMPD  
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Vienna, Austria  
A-1010  
[www.icmpd.org](http://www.icmpd.org)

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# Foreword

In recent years a number of improvements regarding policy development in combating trafficking in human beings have taken place in South-Eastern Europe. One of the main open issues in relation to the development and revision of national responses to trafficking in human beings is the lack of systematic collection and management of relevant statistical data. This shortcoming has recently been highlighted as a priority to be addressed at the European level, recognising that governments need to have tools for the collection of data and information related to trafficking in human beings in order to monitor trends and shape evidence-based anti-trafficking policies.

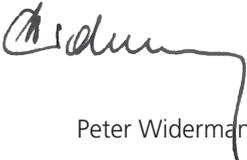
The *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria* was developed in the framework of the *Programme for the Enhancement of Anti-trafficking Responses in South-Eastern Europe – Data Collection and Information Management*, implemented by ICMPD in ten countries/territories in South-Eastern Europe and financially supported by the Norwegian Royal Ministry of Foreign Affairs and the Swiss Agency for Development and Cooperation has aimed to contribute to this endeavour. Additionally, this handbook has been updated in the framework of the second phase of the programme: Data Processing, Maintenance and Analysis (DCIM Phase II).

The *Handbook* contains a list of indicators utilised in two databases: one on victims of trafficking and one on traffickers and criminal justice, which have been updated according to the recommendations from the institutions participating in the second phase of the programme. According to the principle of national ownership, the indicators have been developed

in close cooperation with partners from the governments of the ten countries/territories, as well as in consultation with international experts and representatives of international and non-governmental organisations.

The active involvement of national administrations is indispensable for the collection and utilisation of data. Hence, this document aims to be a useful tool for anti-trafficking actors engaged in the development of current and future policy responses in this regard.

We trust that the *Handbook* could thus serve as a foundation for targeted and sustained efforts in data collection across South-Eastern Europe and become a valuable contribution to the anti-trafficking efforts of actors in this region and beyond.



Peter Widermann

ICMPD Director General

# Acknowledgements

This handbook was developed as part of the International Centre for Migration Policy Development's (ICMPD) Data Collection and Information Management (DCIM) programme, being implemented in the ten countries/territories of South-Eastern Europe (SEE). The project is funded by the Norwegian Royal Ministry of Foreign Affairs (MFA) and the Swiss Agency for Development and Cooperation (SDC). As such, I would like to begin by thanking the Norwegian MFA and SDC for their generous funding of this project in support of anti-trafficking data collection in SEE. I would also like to thank ICMPD for initiating and implementing this project. In particular, thanks to the ICMPD DCIM team in Vienna – Enrico Ragaglia, Mariana Martins, Mariyana Radeva, Tobias Metzner – and other ICMPD colleagues – Jean Lanoue, Galina Vadaskaya, Gabriela Abado, Danijela Srbic, Elisa Trossero, Gerda Theuermann – for their assistance and support, both substantive and logistical, in the preparation of the handbook. In addition, ICMPD's committed local team members in the ten countries/territories provided support in the course of field missions. Thanks to: Ajli Bahtijaragic (BiH), Snejina Marinova (Bulgaria), Dunja Skenderovic-Bonacci (Croatia), Melita Gruevska-Graham (Macedonia), Tatiana Fomina (Moldova), Aleksandra Draskovic (Montenegro), Madalina Manea (Romania), Irma Lutovac (Serbia), Valbona Tahiri (UN Administered Territory of Kosovo), and to the ICMPD country representatives: Tamara Agolli (Albania), Nadya Dimitrova (Bulgaria), Vjekoslav Brajovic (Croatia) and Brankica Grupkovic (Serbia). Special thanks also to the DCIM Information Technology consultant Christian Herbst for his commitment to the project implementation. Thanks also to the team of translators: Alban Matohiti (Albanian); Gergana Alyakova and Denitsa Abadjieva (Bulgarian); Darko Putilov and Jane Bozinovski (Macedonian); Diana Lesanu (Romanian) and

Marija Culina and Neven Pajdas (Bosnian, Croatian, Montenegrin, and Serbian).

In addition, many people and organisations throughout SEE contributed to this handbook – providing inputs and suggestions about what type of data should be collected in the context of the project, both for victim-centred data as well as data about the criminal justice process. Indeed, this handbook builds on the existing data collection efforts in each of the ten countries/territories. As such, I would like to thank all of those governments, NGOs and international organisations who participated in DCIM meetings in-country as well as provided feedback into the project. I would also like to acknowledge the hard work and contribution of participants at the DCIM regional seminar, held in Zagreb, Croatia in June 2007. These were valuable contributions in the development of the project and design of the handbook. In particular, offices of the national anti-trafficking coordinators have been very supportive of the project and important partners during field missions in-country. Further, I would like to thank the government ministries and departments in each of the countries/territories of SEE who have agreed to host and maintain the trafficking databases foreseen under this project, a full list of whom appears in section 1.2. Their support for and implementation of the database initiative is essential in efforts to better understand and, therefore, combat human trafficking in SEE. In particular, I would like to acknowledge the National Coordinator's Office in Albania and the National Agency Against Trafficking in Persons in Romania which have already initiated data collection in their countries and whose sharing of their current work and experience benefited the project and the handbook.

In addition, some organisations merit particular thanks for their support of the project. This includes members of the project advisory board and partner organisations – International Organisation for Migration (IOM), MARRI (Migration, Asylum, Refugees Regional Initiative), International Labour Organisation (ILO), United Nations Office on Drugs and Crime (UNODC), LEFÖ-IBF, Terre des Hommes (Tdh), ACTA (Anti-Trafficking, Anti-Corruption Network), NEXUS Institute, Europol, the Dutch National Rapporteur– who have been helpful and supportive in different ways,

including providing inputs at various stages of the project and into the project handbook. Particular thanks to IOM which was a key member of the advisory board and an important resource and contributor in the development of the databases and handbook. In addition to IOM's support in the context of field missions in SEE, the handbook benefits from IOM's extensive experience with data collection on trafficked persons in the SE region as well as globally. Terre des hommes was also supportive of the project, including in terms of sharing information about its own database and data collection efforts in the region. My thanks finally to Stephen Warnath, Executive Director of the Nexus Institute, for his involvement in the project and development of the handbook, most particularly in terms of the trafficker-centred criminal justice component which relied heavily on his legal expertise.

It is hoped that this handbook can be a helpful tool in collecting data about how trafficking takes place to, through and from SEE at a national level which, in turn, can provide the information needed to act and react effectively in efforts to combat human trafficking in the SEE region.

Rebecca Surtees  
Senior Researcher  
NEXUS Institute  
Vienna, Austria  
2008

**ICMPD acknowledges and appreciates** the input and support given by a large number of persons and organisations, without whose dedicated efforts the second phase of the programme: Data Processing, Maintenance and Analysis (DCIM Phase II) could not have been implemented. Many thanks to the database users of twelve dedicated participating institutions from Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Kosovo (UNSCR 1244); the National Anti-Trafficking Coordinators from participating countries/territories, Project Partners and all other actors involved in the implementation of the Programme.

**Database Users:** Maja Bukša, Svetlana Cvetkovska, Saša Gošić, Samira Hunček, Almina Jerković, Zlatko Koštić, Daliborka Mugoša, Munirka

Papović, Blagica Petkovska, Nebojša Pusara, Edmond Sinojmeri, Rrahim Ternava, Biljana Zoranović Avlijaš.

**Project Partners:** The Office of the Dutch National Rapporteur on THB, Europol, the International Organization for Migration (IOM), the Migration, Asylum, Refugees Regional Initiative (MARRI), and the Southeast European Cooperative Initiative (SECI Center).

**ICMPD Project Team:** Tamara Agolli, Ajli Bahtijaragić, Melita Gruevska Graham, Brankica Grupković, Elva Luca, Tobias Metzner, Elena Petreska, Thomas Pfaller, Martijn Pluim, Mariyana Radeva Berket, Enrico Ragaglia, Elisa Trossero, Marko Volkov.

ICMPD Anti-Trafficking Team  
Vienna, Austria  
2010

# Acronyms and abbreviations

AT	Anti-trafficking
BiH	Bosnia and Herzegovina
CoE	Council of Europe
CSW	Centres for social work
CT	Counter-trafficking
CTM	Counter-trafficking Module
CTS	Counter-trafficking Services
DCIM	Data Collection and Information Management
DoB	Date of birth
EC	European Commission
EU	European Union
GO	Governmental Organisation
ICITAP	International Criminal Investigative Training Assistance Programme
ICMC	International Catholic Migration Commission
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organisation
IO	International organisation
IOM	International Organisation for Migration
IRCP	Institute for International Research and Criminal Policy
MFA	Ministry of Foreign Affairs
Mol	Ministry of the Interior
MOU	Memorandum of understanding
NGO	Non-governmental organisation
NAPs	National action plans
NWGs	National Working Groups
ODIHR	Office for Democratic Institutions and Human Rights

OSCE	Organisation for Security and Cooperation in Europe
RCP	Regional Clearing Point
SAP-FL	ILO Special Action Programme to combat Forced Labour
SDC	Swiss Agency for Development and Cooperation
SEE	South Eastern Europe
SPTF	Stability Pact Task Force in Trafficking in Persons
TACT	Together against child trafficking
Tdh	Terre des hommes
THB	Trafficking in human beings
TIM	Total information management system
TIP	Trafficking in persons
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
VoT	Victim of trafficking

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# Introduction and project information<sup>1</sup>

## 1.1: Executive Summary

Trafficking in human beings (THB) has drawn increasing public attention in the past decade, especially in South Eastern Europe (SEE). However, as with all criminal phenomenon it is extremely difficult to quantify and qualify. This is firstly due to the fact that detection rates, i.e. the percentage of crimes committed versus those actually identified, investigated and prosecuted, is always a matter of estimation at best. Secondly, and especially relevant for THB crimes, they require the involvement of a wide variety of actors, the resulting inter-agency statistics are reported in non-standardised formats and with variable chronological increments.

To overcome these challenges the International Centre for Migration Policy Development (ICMPD), in cooperation with The Office of the Dutch National Rapporteur on Trafficking in Human Beings, Europol, the International Organization for Migration (IOM), the Migration, Asylum, Refugees Regional Initiative (MARRI), and the Southeast European Co-operative Initiative (SECI Center) has implemented the Programme for the Enhancement of Anti-trafficking Responses in South Eastern Europe: Data Collection and Information Management – Phase II Data Processing, Maintenance and Analysis (DCIM Phase II). The Programme was funded

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<sup>1</sup> This chapter was initially drafted by the NEXUS Institute in the context of ICMPD's DCIM project in SEE. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been revised and updated by the ICMPD project team in the context of Phase II of the project (2008-2010).

by the Royal Norwegian Ministry. Specifically the programme sought to provide policy makers with a tool that would allow for a transnationally inter-comparable set of data that would facilitate the development of knowledge-based policies, which could be integrated into the regional context. The programme did not aim to produce a case management system or an investigative tool.

In the first phase of the project a harmonised list of indicators was produced, these were sub-divided into two sets, on centring on victims and another centring on traffickers. These indicators were the product of a year-long series of round tables with local stakeholders, and relevant international organisations and international non-governmental organisations. They reflect those data points which were already being collected at the time implementation of the first phase began in 2006. These indicators, listed in Parts 3 and 4 of this publication, were then used as the foundation for two distinct database systems, one dealing with traffickers and criminal justice system and one dealing with victims.

In the second phase of the project an emphasis was placed on the production of standardised reports and related data analysis and on laying the groundwork for transnational information exchange, especially with regards to criminal justice related information. The DCIM software was re-worked and up-graded to be more user friendly, especially with regards to the reporting function, which was significantly stream-lined. Also the updated version of the software offered users and system administrators full access to the source code, and was programmed with a view to functioning as a web-application, without further investment in the software. Two technical guides for the DCIM database reporting functions were produced, one dealing with victims the other dealing with traffickers. In terms of data exchange users produced country reports that may be shared transnationally, and draw on aggregate level data only. In terms of future transnational information exchange a *Feasibility Study Concerning the Development of a DCIM Module for THB Criminal Record Exchange* was conducted.

The purpose of this Handbook is to provide users of the DCIM databases with guidelines on the use of the DCIM database and advise them on the analytic conclusions that may be drawn from the information contained therein.

## **1.2: About the project**

### ***Project background***

In 2004 and 2005 within the framework of the EU CARDS Programme for the Enhancement of Anti-trafficking Responses in South Eastern Europe, SEE countries supported by ICMPD joined forces to tackle the problem of trafficking in human beings by elaborating regional standards and guidelines for the development and implementation of comprehensive National Anti-trafficking Responses. 2006 through 2008 the concrete recommendations made by the participating institutions were implemented in the Programme for the Enhancement of Anti-trafficking Responses in South Eastern Europe: Data Collection and Information Management. The results of which were bifurcated locally owned databases, divided into trafficker and victim-centred repositories.

The DCIM Phase 2 Project, launched on 1 September 2008 and funded by the Royal Norwegian Ministry of Foreign Affairs, aimed to extend continued technical support to 12 dedicated participating institutions from the preceding project. It combined capacity building relevant to the presentation, maintenance and analysis of the information contained in the databases, with a study concerning the transnational exchange of THB records.

### ***Scope of the project***

The project is being implemented in Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Kosovo (UNSC1244).

### 1.3: About the handbook

#### *What is it?*

This handbook provides the practical tools needed to work with the two databases developed under the ICMPD’s DCIM Phase II project in SEE. The handbook provides an overview of the two databases – the victim-centred database and the trafficker-centred, criminal justice database – including the range of information to be collected in each context and standardised methodologies and terminologies for collecting this information from a wide range of data sources. This handbook also aims to equip national data repositories with some basic skills in the inputting, maintenance and analysis of this data in accordance with legal and ethical parameters at a national and regional level.

#### *Who is it for?*

The handbook is intended for the specific government institutions responsible for the collection, maintenance and analysis of the victim-centred database and the trafficker-centred, criminal justice database in each of the SEE countries/territories. The chart below indicates the specific government institutions which host the databases.

Country/territory	Victim-centred database repository	Trafficker-centred and criminal justice database repository
<b>Albania</b>	Office of the National Coordinator,  Ministry of the Interior*	General Prosecutor Office of the Republic of Albania
<b>BiH</b>	Ministry for Human Rights and Refugees	The State Investigative and Protection Agency (SIPA)
<b>Croatia</b>	Office of the National Anti-Trafficking Coordinator – Office for Human Rights of the Republic of Croatia*	Ministry of the Interior of the Republic of Croatia
<b>Kosovo (UNSCR 1244)</b>	Anti-Trafficking Secretariat	Anti-Trafficking Secretariat

<b>Macedonia</b>	Office of Coordination of National Mechanism for Victims of Trafficking of the Republic of Macedonia*	Department for Combating Organised Crime, Ministry of Interior of the Republic of Macedonia
<b>Montenegro</b>	Office of the National Coordinator to Combat Trafficking in Human Beings  Government of the Republic of Montenegro	Office of the National Coordinator to Combat Trafficking in Human Beings  Government of the Republic of Montenegro
<b>Serbia</b>	The Agency for Coordination of Assistance to Human Trafficking Victims, Ministry of Labour, Employment and Social Policy*	Office of the National Anti-Trafficking Coordinator, Ministry of the Interior

\* This designates ministries and institutions which are currently undertaking data collection as part of their current work and which, in some cases, have already established a database. For more detail about current data collection efforts in SE Europe, please see section 6.2: Current data collection initiatives and efforts in SEE.

### ***How to use it?***

The handbook is divided into seven main parts, with each section outlining a different component of the data collection process:

- *Part 1: Introduction and project information*
- *Part 2: Data collection and project implementation*
- *Part 3: Victim-centred database*
- *Part 4: Trafficker-centred and criminal justice database*
- *Part 5: Issues in data quality, analysis and presentation*
- *Part 6: Resources, initiatives and projects concerning collecting trafficking data in Europe*
- *Part 7: Annexes*

### *Part 1: Introduction and project information*

In part 1, the handbook introduces both the project – its background, objectives and scope – and the handbook itself, including the target audience and how the handbook is to be used in the implementation of the data collection process.

### *Part 2: Data collection and project implementation*

This section presents the step-by-step data collection process, including the methodology to be used for both the victim-centred database and the trafficker-centred database. Also discussed in this section are reporting obligations and requirements as part of the data collection process and some of the legal issues involved in data collection and information management as they relate to human trafficking.

### *Part 3: Victim-centred database*

Part 3 focuses on the collection of data related to victims of trafficking, collected directly from victims themselves. There are 53 indicators collected in this section and for each indicator a brief description is provided about what information is being sought and why as well as the possible values for each indicator. In addition, for each indicator there are notes on the significance of this indicator (what it potentially reveals about trafficking) and its relevance in terms of anti-trafficking efforts.

### *Part 4: Trafficker-centred and criminal justice database*

Part 4 focuses on the collection of information about individual traffickers who are being processed in the legal/judicial process. The process maps individual trafficking cases from the initiation of a case against the trafficker through the investigation, trial, appeal and final outcome. There are 45 indicators collected in this section and for each indicator there is an explanation of what information is sought, possible responses for each field and the significance of this indicator in considering trafficking patterns and anti-trafficking efforts.

### *Part 5: Issues in data quality, analysis and presentation*

This section discusses issues of data quality and the possible means to ensure this quality through data cleaning and validation. As importantly, this section discusses some key issues in the analysis and presentation of the datasets (both victim-centred and trafficker-centred) to be collected in each of the databases.

### *Part 6: Resources, initiatives and projects concerning collecting trafficking data in Europe*

This section provides an overview of other data collection efforts and initiatives in the area of human trafficking in Europe, both by international organisations and SEE governments. It is not an exhaustive compilation of data collection initiatives but rather flags some on-going efforts in this area. Also included is a preliminary list of documents and studies with different data collection methodologies, intended as resources for the national repositories.

### *Part 7: Annexes*

This section is comprised of the practical tools to be used for the implementation of the data collection process, including a glossary of standardised terms and definitions. In addition, templates are provided for the data collection process as well as a sample consent form for the collection of personal data, a confidentiality agreement for staff working with the databases and sample MOUs, which map out the legal roles and responsibilities of the various actors and institutions involved in the collection of victim-centred and trafficker-centred data.

## Da+ta collection and project implementation<sup>2</sup>

This data collection and information management project seeks to collect and manage information both about victims of trafficking in one database and about perpetrators of trafficking (traffickers) in the other database. The project involves the collection and sharing of information from individual organisations (NGO, IO, and GO) and various government institutions as well as the sharing and consolidation of this data at the national level. The information to be collected is disaggregate (single case) data.<sup>3</sup> As such, the data collection process involves a number of steps as follows:

- Collection of data by different data sources,
- Data transfer from data sources (NGO and GO departments) to the national repository,
- Data entry and processing at the national repository (including data validation and cleaning),
- Analysis of the data at the national repository on a regular basis,

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<sup>2</sup> This chapter was drafted by the NEXUS Institute in the context of ICMPD's DCIM project in SEE. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. Please note, section 2.4 (Legal issues related to data collection and databases in SEE) benefited substantially from the legal advice and inputs of Jean Lanoue, Senior Legal Advisor, ICMPD.

<sup>3</sup> Because the objective of the database is to collect disaggregate, single case information about both victims and traffickers, the software has been designed to accommodate this type of data and cannot accommodate aggregate data.

- Presentation and dissemination of the data for programmatic and policy responses.

Each of these stages will be discussed in the course of this handbook. Issues related to the collection and transfer of data are found in this section (*Part 2: Data collection and project implementation*); issues related to the entry, analysis and presentation of the data are found later in the manual (*Part 5: Issues in data quality, analysis and presentation*).

To ensure the quality of the data being collected (whether for victim or trafficker-centred data), it is important that the data collection process adheres to a standardised methodology and employs standardised definitions and terminologies (see annex 1). Where these standardised terms and methodologies are not used, the data will not be sufficiently “clean” and reliable, which will have an impact on the database information and, by implication, the conclusions which can be drawn from it. The quality of the data drawn from the database is directly dependent on the quality of the data inputted. As such, strict adherence to the methodology and database parameters is of the utmost importance.

The methodology for data collection differs according to the data being collected. Outlined below are the methodologies and steps to be followed in the collection of:

- 1) victim-centred data and,
- 2) trafficker-centred data.

## **2.1: Data collection for the victim-centred database**

This section will outline the various steps involved in the collection of data for the victim-centred database. These include:

- 2.1.1: Data type – what information is collected for the victim-centred database
- 2.1.2: Data sources – who collects victim-centred data
- 2.1.3: Data collection methodology for the victim-centred database
- 2.1.4: Limitations in data collection for victim-centred data

### 2.1.1: Data type – what information is collected for the victim-centred database

The data collected for this database is victim-centred in that trafficking victims are the focus of the information being collected. The intention is to collect victim-specific information about individual cases – personal information about the individual; details of their trafficking experience (from recruitment, through transportation to exploitation) as well as their subsequent identification and assistance.

Data is to be collected about identified victims of trafficking – those who either fall within the legal category of “trafficking victim” or “presumed trafficking victim”.<sup>4</sup> A victim does not need to have been assisted to be included in the database. Some thought should be given at a national level whether to include in the database cases where victims decline to be identified and/or assisted but sufficient information exists to classify them either as a trafficking victim or a presumed trafficking victim. However, in all cases where personal information (like the name of the victims) is to be recorded in the database, this should only be done with due consideration to legal and ethical obligations to protect victim’s right to privacy and confidentiality and ensure victim security. The collection of victim data will be undertaken in conformity with national legislation on data collection and the protection of personal information and, where legally required, written consent of the victim will be required to have their data included in the database.

Full information is not required about each victim for inclusion in the database. However, there is a minimum amount of information required

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<sup>4</sup> A presumed (or suspected) victim of trafficking is someone who has met the criteria of the Palermo protocol but who has not been formally identified by the relevant authorities (police or prosecutor) as a trafficking victim or who has declined to be formally or legally identified as trafficked. NGOs may assist victims who are not willing to be in contact with government authorities but who still conform to the definition of trafficking. By contrast, a victim of trafficking is a person who conforms to the Palermo protocol definition of trafficking and is legally identified as trafficked by relevant authorities. The distinction is made to attempt to address the tension between official legal/government numbers which require formal identification and the number of victims who are not formally identified but whose experiences nevertheless constitute trafficking. To fail to document both ‘actual’ and ‘presumed’ cases would be to miss a significant number of trafficked persons.

about each victim to ensure the integrity of the database. The number of compulsory indicators as well as which indicators would be compulsory will be decided by each data repository based on their specific needs and the dynamics of how data is collected in that country. The minimum information required for a person/case to be recorded in the database might include the following basic indicators, which allow for adequate identification of a trafficking case and to avoid duplication:

- name and/or code<sup>5</sup>
- date of birth
- sex
- contributing agency
- citizenship
- country of residence
- trafficking designation (information that they are either a VoT or a presumed VoT)
- form of exploitation/trafficking
- country where exploited

### **2.1.2: Data sources – who collects victim-centred data**

Information will be collected from anti-trafficking actors who come into contact with trafficked persons. Possible sources of information about trafficking victims are:

- law enforcement (i.e. border authorities, anti-trafficking units, prostitution police, etc.),
- government institutions (i.e. social services, health sector, labour department, etc.),
- legal professionals,
- anti-trafficking NGOs and organisations (shelters, assistance programmes, helplines, outreach programmes, day centres, etc.), and
- international organisations.

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<sup>5</sup> A code (primary key) is a unique numerical value that is automatically generated by the software, and is assigned to each person and case upon record set creation in order to distinctly identify them within the scope of the database. This code will not influence the five following identifiers. The code can neither be provided nor changed by the user.

Importantly, data collection depends on cooperation and coordination between the different data sources and problems of cooperation and coordination cannot be resolved technically with the implementation of a database. Issues of trust, cooperation and coordination need to be considered as separate and important issues and will need to be considered and resolved as part of the implementation of the project.

### 2.1.3: Data collection methodology for the victim-centred data

There are four main steps involved in the collection, transfer and processing of victim-centred data. These are as follows:

#### *Step 1: Data collection*

Data is collected by the various data sources according to a standardised template, developed in collaboration with stakeholders in each of the countries/territories in SEE, based on their experience and need (see annex 4). Anti-trafficking actors who come into contact with trafficked persons – i.e. law enforcement, service providers, government authorities, IOs, NGOs (see section 2.1.2) – in all countries/territories of the region will be asked to complete this standardised template about each victim that they come into contact with and who consents to be included in the database. Data will be collected using comma-separated values (CSV) file format (see annex 4).<sup>6</sup>

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<sup>6</sup> Please note, this handbook is not intended as a resource on how to interview individual trafficking victims nor does the structure of the database reflect the flow of questions in the interview process. Rather, this handbook provides the framework for the collection of data (the type of information to be collected, how and by whom) and reflects the structure of the database itself rather than an interview format. In terms of implementation, it is assumed that the various anti-trafficking organisations have the requisite skills and capacities to sensitively and ethically interview trafficked persons. Resources which provide some guidance in terms of interviewing trafficked persons include: Fafo (2004) *Manual for Rapid Assessment: Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*. Geneva: ILO-IPEC; Laws, S. (2002) *Research for Development, A Practical Guide*. UK: Sage Publications Ltd.; Surtees, R. (2003) *Documenting Trafficking in Indonesian Women and Children: a Research Manual*. Indonesia: ICMC, ACILS & USAID; UNICEF & UNMIK (2005) *Let's Talk: Developing Effective Communication with Child Victims of Abuse and Human Trafficking*. Pristina, Kosovo: UNMIK & UNICEF; World Health Organization (WHO) (2003) *Ethical and safety recommendations for interviewing trafficked women*. Geneva: WHO.

### *Step 2: Data transfer*

Once data is collected from the various institutions and organisations, this information will be submitted to the national repository, in accordance with laws on the transmission of personal data. Most countries have rules about the data transmission of personal information over the internet, which will generally preclude the possibility of emailing personal data to the national repository even when encrypted. As such, transmission may involve data being sent to the repository either in paper form or in electronic form (via memory stick, floppy disc). Where data is imported electronically, it will be important to ensure that the data was successfully (and accurately) transmitted/imported into the database.

### *Step 3: Data validation*

Upon receipt of the datasets from the sources of the data, the national repository will validate the data. This involves, for example, verifying that characters come from a valid data set or ensuring that the user has entered valid data (see section 5.2.1 for more detail on data validation). In the collection and validation of victim-centred data, information about individual cases will be cross-referenced with other cases to avoid duplication. The database software also has a mechanism to guard against duplicate cases, notifying the person entering the data about possible duplications based on an overlap of these pre-determined identifying indicators, like date of birth, name (where applicable), area of origin, etc. In cases where information about a single victim was provided by more than one organisation or institution, the case will be entered only once in the database. Because victims may experience re-trafficking, the database has been designed to accommodate multiple trafficking experiences for each victim, as needed. Where a victim already exists in the database, entry of the new trafficking experience (recruitment, transportation, exploitation, identification and assistance) will be linked to this existing case file. Where personal information (section 1 of the database) has changed (such as education, area of residence, marital status, numbers of chil-

dren, etc.), this information will also be entered. Some fields, however, will not change, such as name, date of birth, sex, etc. The trafficked person will, therefore, appear once in the database but with multiple trafficking experiences.

#### *Step 4: Data entry*

Having validated the data, the dataset will then be entered into the database, either manually or electronically imported into the database, using the import function developed as part of the project.

Data entry may also occur at a later stage when more (or more precise) information becomes available about the individual case. Additional information may become available when the trafficked person trusts the assisting agency and, therefore, is willing to reveal more details about their trafficking experience. The database software manual will outline how to (manually) update case files to avoid duplication and problems in the database.

#### **2.1.4: Limitations in data collection for victim-centred data**

- All data collected within the database will be based on the assessment of the anti-trafficking actor who collects and submits the data rather than a re-assessment of each case by the repository based on individual case facts. While most organisations use the UN Protocol (or the relevant and generally related national legislation) as guidance in identification, criteria may be applied unevenly and misidentification may take place. Further, counter-trafficking actors have varying levels of skill and experience in the identification of trafficking victims. This can potentially result in an over or under identification of cases;
- The database will be complete – that is representative of the situation in the country – only in as much as each relevant organisation or institution collects and shares data about trafficking victims according to the standardised methodology. Where agencies or institutions do not participate in the initiative, data

about victims will only be partial and should be presented as such in reports and documents, noting gaps and issues in data collection and sharing;

- Lack of trust between NGOs and the government may inhibit the sharing of information about trafficking victims. Some anti-trafficking organisations may be concerned that if they share personal information about victims, these individual will be contacted by authorities or that they, as an organisation, will be pressured or obligated to share their case files. These issues can significantly inhibit the flow of information about victims and, as such, there may need to be a discussion of these concerns as part of the implementation phase. Where required, this issue might also be addressed in the MOU (see annex 2);
- In cases where the database does not use personal information there is a risk of case duplication. This will be largely addressed by cross-referencing other identifying information (date of birth, citizenship, area/country of origin) about victims to check for possible duplication. However, there remains the possibility of duplication where names and further person-identifying information, such as sex, are not used;
- Because the information documented in this database is from the perspective of the victim, it is informed by their individual subjectivity and perceptions. As such, more subjective questions, like economic situation and experience of abuse, must be understood and thus presented in reports in this light. Data drawn from these more subjective categories must clearly state issues of perception and subjectivity in the presentation of the data;
- Information from victims may also be informed and influenced by the context of and persons/organisations involved in information-gathering. Where victims are asked highly sensitive questions – such as about experiences of abuse – they may underreport these incidents due to discomfort with the questions, shame or lack of trust in the person asking the questions. Linguistic, cultural and inter-personal barriers may also lead to underreport-

ing or may, in other ways, impact the extent and quality of data being collected.<sup>7</sup> As such, the information in this database must be read and analysed with this caveat.

## 2.2: Data collection for the trafficker-centred database

This section will outline the various steps involved in the collection of data for the trafficker-centred database. These include:

- 2.2.1: Data type – information collected for the trafficker-centred database
- 2.2.2: Data sources – who collects trafficker-centred data
- 2.2.3: Data collection methodology for the trafficker-centred data
- 2.2.4: Limitations in data collection for trafficker-centred data

### 2.2.1: Data type – information collected for the trafficker-centred database

This database takes as its point of origin the traffickers – perpetrators of trafficking crimes or of crimes related to trafficking in human beings. Data is collected according to a standardised template, developed in collaboration with legal and judicial stakeholders in each of the countries/territories in SEE (see annex 5). This standardised template seeks to collect personal information about traffickers as well as document their case through the legal and judicial process – from the initial stages of complaint and investigation, through all components of the legal proceedings, including the appeal stages and the implementation of sentencing (where applicable).

Data is to be collected about traffickers – that is, someone against whom a trafficking or related charge has been registered, either in the form of complaint or an actual arrest. At a national level and based on the

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<sup>7</sup> Kelly, L. (2002) *Journeys of Jeopardy: a review of research on trafficking in women and children in Europe*. IOM: Geneva, Available at: [http://www.old.iom.int/documents/publication/en/mrs\\_11\\_2002.pdf](http://www.old.iom.int/documents/publication/en/mrs_11_2002.pdf); Surtees, R (2005) *Second annual report on victims of trafficking in Southeastern Europe*. Geneva: IOM; Surtees, R. (2003) *Documenting Trafficking in Indonesian Women and Children: a Research Manual*. Indonesia: ICMC, ACILS & USAID.

national legal framework, national repositories need to determine if an alleged trafficker needs to have been arrested to be included in the database. Some countries may include data about persons against whom complaints have been lodged and investigations pursued. The collection of this data will be in line with national legislation on data protection for alleged perpetrators of crime, which generally differs from and is less restrictive than that for general citizens.<sup>8</sup>

Full information is not required about the trafficker for the case to be included in the database. However, there is a minimum amount of information required about each trafficker to ensure the integrity of the database. The number of compulsory indicators as well as which indicators would be compulsory will be decided by each data repository in-country, based on their specific needs and the dynamics of how data is collected in that country and associated legal issues. The minimum information required for a person/case to be recorded in the database might include the following basic indicators, which allow for adequate identification of a case and to avoid duplication:

- name and/or code<sup>9</sup>
- trafficker aliases
- date of birth
- country of birth
- citizenship
- country of residence
- trafficking/criminal charge

## 2.2.2: Data sources – who collects trafficker-centred data

Legal and judicial actors involved in investigations and cases against traffickers in all countries/territories of the region will be asked to complete

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<sup>8</sup> For further discussion of this distinction and the specific legal parameters, please see EC Directive 95/46, articles 3.2 and 7. Please also refer to section 1.4: *Legal issues related to data collection and databases in SEE*.

<sup>9</sup> A code (primary key) is a unique numerical value that is automatically generated by the software, and is assigned to each person and case upon record set creation in order to distinctly identify them within the scope of the database. This code will not influence the five following identifiers. The code could neither be provided nor changed by the user.

this standardised template about each trafficker that they encounter in the legal/judicial process. Data will be collected by the various institutions using an excel spreadsheet (see annex 5).

Possible sources of information about traffickers are:

- law enforcement (i.e. border authorities, anti-trafficking units, prostitution police, etc.),
- prosecutor's office,
- judicial and court system (civil and criminal procedures),
- legal and human rights NGOs.

Importantly, data collection depends on cooperation and coordination between the different data sources and problems in this arena cannot be resolved technically with the implementation of a database. Issues of trust, cooperation and coordination need to be considered as separate and important issues and will need to be considered and resolved as part of the implementation of the project.

### **2.2.3: Data collection methodology for the trafficker-centred data**

There are four main steps involved in the collection, transfer and processing of trafficker-centred data. These are as follows:

#### *Step 1: Data collection*

Legal and judicial actors involved in investigations and cases against traffickers in all countries/territories of the region will be asked to cooperate in the data collection process. Data will be collected by the various institutions using a comma-separated values (CSV) file format (see annex 5). Data about traffickers will come from a range of different sources – from law enforcement during the investigation stage, from prosecutors and courts during the trial phase and appeal phases. As such, different institutions will be providing information about one trafficker at different stages of the legal/judicial process.

### *Step 2: Data transfer*

Once data is collected from individual departments and institutions, this information will be submitted to the national repository, in accordance with national laws on the transmission of personal data, which, in the case of criminal data can generally be transmitted electronically.<sup>10</sup> Alternatively or in countries where electronic transmission is not possible or legally permissible, this may involve sending data to the repository either in paper form or in electronic form (via memory stick, floppy disc).

### *Step 3: Data validation*

Upon receipt of the datasets, the national repository will validate the data. This involves, for example, verifying that characters come from a valid data set or ensuring that the user has entered valid data. See section 5.2.1 for more detail on data validation. Once all data is collected, information about individual cases will be cross-referenced with data from other sources to avoid any possible duplication of cases. The database itself also has a mechanism that will guard against duplicate cases, notifying the person entering the data about a duplicate case based on an overlap of these identifying indicators (name, date of birth, citizenship, etc.). In cases where information about a trafficker was provided by more than one organisation or institution, the case will appear only once in the database. Traffickers may have perpetrated more than one trafficking crime and may face charges on a range of trafficking-related violations. Therefore, the database software has been designed to accommodate multiple trafficking crimes for each trafficker. Where a trafficker already exists in the database, entry of the new trafficking crime/charge will be linked to this existing case file. The trafficker person will, therefore, appear once in the database but with multiple trafficking crimes/charges.

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<sup>10</sup> Some of the restrictions which apply to transmission of personal information for victims of crime or general citizens do not apply in the case of criminals. In the absence of national legislation on this issue, please see EC Directive 95/46, articles 3.2 and 7.

#### *Step 4: Data entry*

Having validated the data, the dataset will then be entered into the database. It will either be manually or electronically imported into the database, using the import function developed as part of the project.

Data entry may also occur at a later stage when more information becomes available about the individual case. Because information is collected from different agencies and institutions at different stages of the legal/judicial process (at the stage of investigation, trial, appeal, etc.), data entry may need to occur for one case on multiple occasions to effectively document and track each case. The database software manual will outline how to update case files to avoid duplication and problems in the database.

#### **2.2.4: Limitations in data collection for trafficker-centred data**

- Because the trafficker-centred, criminal justice database collects data from different anti-trafficking actors – law enforcement, prosecutors and judges – there is a requirement that for a case to be fully and efficiently tracked, all actors must cooperate and share data about the case. Where this is not done, the dataset will be incomplete;
- This database documents only complaints and investigations that are initiated as trafficking cases. Where trafficking occurs but is not recognised as such – seen instead as facilitation of prostitution, smuggling, etc. – these cases will not be captured in the database. However, where cases are started as trafficking cases but are subsequently reclassified to a lesser charge, such cases will appear in the database, unless they are manually deleted by the users;
- The database will be complete – that is representative of the situation in the country – only in as much as each relevant institution collects and shares individual case data about traffickers according to the standardised methodology and definitions;

- In the initial stages of database implementation, the data will not be complete because of the time required to complete a criminal justice process which can be months and, in many SEE countries, even years. That is, a trafficker arrested in 2007 may not go to trial until 2008 and a final determination of guilt or innocence, the appeal process or sentencing may not happen for some time after that. The collection of complete trafficker-centred data will, therefore, take time.

### 2.3: Reporting obligations and requirements

The collection of trafficking-related data is not sufficient in and of itself to realise anti-trafficking objectives. Rather, this data must be consolidated, analysed and presented to practitioners and policy-makers to allow them to make decisions and take actions to combat trafficking. As such, an essential component of this work is to report on the data collected. In so doing, the project will seek to address objectives within the European Union *Action Plan*<sup>11</sup> on combating and preventing trafficking in human beings, which calls for an “evidence-based approach to trafficking in human beings”. The project will specifically address two objectives of the EU action plan, namely:

- Objective 2.1a: To improve knowledge on the scale of human trafficking (including links to other forms of criminality) effecting the EU, including developing common guidelines for the collection of data including comparable indicators;
- Objective 5.1: To improve the strategic and tactical intelligence picture on trafficking in human beings and enable an intelligence-led approach.

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<sup>11</sup> EU (2005) *European Union Action Plan on Best Practices, Standards & Procedures for Combating and Preventing Trafficking in Human Beings* (2005/C 311/01). Developed within the framework of the Hague Programme “Strengthening Freedom, Security and Justice in the European Union” (Section 1.7.1), endorsed by the European Council in November 2004, Brussels. Available at: [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/c\\_311/c\\_31120051209en00010012.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/c_311/c_31120051209en00010012.pdf).

In exchange for the data received from relevant anti-trafficking actors, the national repositories for victim-centred data and trafficker-centred data will prepare and distribute analysed aggregate data about trafficking victims and their experiences as well as about traffickers and the relevant criminal cases. Reporting obligations will generally be guided by national legislation or, in their absence, the EC Directive on Data Protection (see Articles 30, 33).<sup>12</sup> Alternatively, the national repository may determine a specific reporting framework in discussion with contributing data sources from the government and civil society. Parameters of reporting will be determined in-country based on the needs of the various anti-trafficking actors and institutions as well as the resources (both human and financial) available to the national repository.

To ensure the smooth operation of this information exchange and reporting process, relevant actors in each country may wish to prepare an MOU which clearly outlines the roles and responsibilities of each party in terms of the flow of information and sharing of data. This MOU might include details of how and when information will be provided to the various national repositories as well as how and when the national repository will share the aggregate data compiled from the various in-country data sources. Sample MOUs for both the victim-centred and the trafficker centred databases appear in the Annexes (see Annex 2 and 3). This can be adapted to the national legal framework and specific needs in each country.

In terms of reporting, there may be a legal obligation under national legislation to inform the data subject – in this case, victims of trafficking – about reporting and afford him or her access to the information about himself/herself, including ensuring the correctness of the information. Victims should be fully informed about the various reporting obligations and possible uses of data at the time of consenting to be included in the database. In the absence of national legislation, please see the EC Directive on Data Protection, Articles 10 to 15, on this subject. In terms of the trafficker-centred, criminal justice database, there is not the same obliga-

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<sup>12</sup> *EC Directive on Data Protection (Directive 95/46/EC)* of the European Parliament and of the Council of 24 October 1995 Available at: [http://ec.europa.eu/justice\\_home/fsj/privacy/docs/95-46-ce/dir1995-46\\_part1\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/95-46-ce/dir1995-46_part1_en.pdf).

tion to inform traffickers (as criminals) about reporting and the use of this data as there is with regular citizens or victims of crime. That being said, national legislation should be the guiding principle in this regard.

## **2.4: Legal issues related to data collection and databases in SEE**

There is a range of legal and ethical issues associated with the collection, transfer and sharing of sensitive data, like that being collected for this project. Each country in SEE has its own legal framework with regard to data protection and information exchange activities and these should be adhered to in the implementation of the project. In the absence of any specific national legislation pertaining to the processing and protection of personal data, it is recommended that countries refer to the principles and the letter of the *EC Directive on Data Protection (Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data*. In addition to these legal parameters, there are also ethical guidelines to be considered, most notably in the *United Nation's Recommended Principles and Guidelines on Human Rights and Trafficking*,<sup>13</sup> the overarching principle of which is the primacy of human rights, including that anti-trafficking measures not adversely affect the human rights and dignity of trafficked persons.

Among the critical issues which need to be considered in terms of anti-trafficking data collection and information management initiatives are:

- The right to privacy and confidentiality
- Consent
- Data storage and maintenance
- Transmission of sensitive data
- Information-sharing and exchange
- Security issues and considerations

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<sup>13</sup> United Nation (2002) *Recommended Principles and Guidelines on Human Rights and Trafficking*. Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council. Available at: [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument).

Importantly, there will likely be differences in terms of the legal parameters for the victim-centred database and the trafficker-centred, criminal justice database. Whereas the database for victim-centred information will need to strictly adhere to parameters of data protection laws, there are exceptions (related to security and criminal culpability) which may exempt the trafficking-centred database from some or all of these data protection parameters inasmuch as the data is processed by an official authority. Here again, reference should be made to national legislation and, in its absence, to EC Directive 95/46.<sup>14</sup>

#### 2.4.1: The right to privacy and confidentiality

The database of victim-centred information must pay careful attention to victim's right to privacy and confidentiality, to ensure that their inclusion in the database does not publicise their experience and/or further victimise them. While this is an ethical and legal consideration, it can also be considered from a practical perspective. Where victims fear that their personal information and experiences may become public, they will be less likely to come forward to accept assistance or report their case to law enforcement which, in turn, limits the information available in efforts to combat human trafficking from both a protection and prosecution perspective.<sup>15</sup> In this vein, guideline 6.6 of the UN's *Recommended Principles and Guidelines on Human Rights and Trafficking* calls on states to:

ensure that trafficked persons are effectively protected from harm, threats or intimidation by traffickers and associated persons. To this end, there should be no public disclosure of the identity of trafficking victims and their privacy should be respected and protected to the extent possible, while taking into

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<sup>14</sup> For example, in the EC Directive 95/46 articles 3.2, 8.2 and 13 outline these exemptions in cases of state security and criminal culpability.

<sup>15</sup> For a discussion of the importance of confidentiality on victim's decision-making, please see: Brunovskis, A. & R. Surtees (2007) *Leaving the past behind: why some trafficking victims decline assistance*, Oslo, Norway: Fafo Institute; IOM (2007) *Asean and Trafficking in Persons: Using data as a tool to combat human trafficking*. Geneva: IOM; Surtees, R. (2007) *Listening to victims: experiences of identification and assistance in South-Eastern Europe*, Vienna, Austria: ICMPD.

account the right of any accused person to a fair trial. Trafficked persons should be given full warning, in advance, of the difficulties inherent in protecting identities and should not be given false or unrealistic expectations regarding the capacities of law enforcement agencies in this regard.<sup>16</sup>

In many countries, national legislation exists on a victim's right to privacy and confidentiality and this will form the basis of how the database is to be implemented at a national level. It is also important to note that there is some personal information which may not be legal to obtain and maintain at a national level. For example, generally, it is not permissible to keep information on one's sexual practices/orientation or on one's race/ethnicity and religion (see EC Directive, Article 8.1). However, there are exceptions to this under Article 8.2 of the EC Directive in cases where consent is given.

Laws may not specifically outline different rules or parameters related to data protection and privacy for victims of crime (i.e. victims of trafficking) as opposed to someone in the general public. However, it is generally deemed advisable that those involved in legal cases seek a court order about non-disclosure of the victims'/witnesses' name to afford them as much protection as possible. Further, judges in criminal and family courts often take measures to safeguard the identity of the parties, witnesses and victims in court procedures. If one should transgress such a court order, the sanction would usually be a citation for contempt of court, with a fine, jail sentence or a combination of both. Some SEE countries also implement witness protection programmes, which have the intention of providing such protections, although the implementation of these measures has been uneven for victims of trafficking in SEE.

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<sup>16</sup> Further, guideline 8.9 of the UN's *Recommended Principles and Guidelines on Human Rights and Trafficking* calls on states to protect, as appropriate, the privacy and identity of child victims and taking measures to avoid the dissemination of information that could lead to their identification.

Information on criminals can usually be shared and the same privacy stipulations do not apply as “convicted criminals” generally fall within the exceptions with regard to data transmission. For example, see Article 3.2 in the EC Directive 95/46 which notes that the same rules of data protection “shall not apply to...the activities of the State in areas of criminal law” and is usually allowed without the person’s consent. However, according to Article 8.5, the processing “may be carried out only under the control of an official authority”. Data can also be exchanged for state security reasons or in the public interest, as noted in Article 7 of the EC Directive 95/46. Reporting on public events (criminal procedures being public unless otherwise specified), would not be contrary to the law. Where criminal trials are public, information resulting from such a court case would also be public, unless under some sort of publication restriction from the court. However, it will be important at a national level to determine if and how issues of privacy and confidentiality are to be handled in the collection of information about accused criminals (prior to a conviction), in ways that adhere to this legal framework.

As important as the legal framework is how, in practice, the privacy and confidentiality of individuals is guarded in the databases. There are a number of technical solutions to ensure confidentiality which will be built into the database software itself such as passwords and an encryption container software. However, confidentiality and privacy must be equally guarded by the staff who have access to this information, whether about victims or traffickers. Strict protocols are needed to ensure privacy and confidentiality, including parameters for censure and sanctions of staff when this confidentiality is breached, as this constitutes a serious professional and legal violation. Annex 7 includes a sample confidentiality agreement, to be signed by relevant staff of the national repository and data sources, which outlines the confidential nature of the database (for both victims and traffickers) and the obligation of staff working with the database and data to respect this confidentiality. The objective of the confidentiality agreement is to reinforce the importance of confidentiality and try to establish a legal, professional and ethical framework for its protection

## 2.4.2: Consent

Consent should be gained from victims about the inclusion of their personal information in the victim-centred database where outlined by national legislation. In the case of minors, consent will be needed from minor's parent or legal guardian, although the minor him/herself should also be informed about the data collection process. Depending upon how specific and encompassing the consent is, it could allow for the processing of a range of personal data, including race, religion and sexual history of the person concerned. Where no such legislation exists, it is nonetheless preferable that consent from victims be gained. Consent should be provided in written format and this written consent should be kept on file at the national repository. In general, the consent would be for the processing of personal data, which includes collection, storage, consultation, use and disclosure by dissemination. In national legislation, the consent should refer to the term used in the law for "processing" or its equivalent. For a definition of "processing of personal data", please refer to Chapter 1, Article 2(b) of EC Directive 95/46.

As part of the process of gaining this consent, victims should be fully informed about what the data will be used for, who will have access to it, how it will be stored and any other associated issues which may have an impact on their decision regarding consent. It is vital that victims are fully informed of the potential impact of being included in a database. Giving consent for the national repository to maintain their personal information, particularly in the context of a socially stigmatized experience like trafficking, is not an uncomplicated decision and victims may require time to come to a decision. Time should be afforded to individual victims and no pressure exerted to gain this consent. Further, victims should be informed that they can withdraw their consent at any time, review the collected data, have access to it and/or request corrections.

In terms of the need for consent for the trafficker-centred database, this may not be an issue, although this will depend on the national legislation in each country involved in the project. Generally data about convicted criminals usually falls within some exceptions about personal data (see

Article 3.2 and 8.5 of the EC Directive) or within other legal instruments. However, it will be important at a national level to determine if consent is needed in the collection of information about accused criminals (prior to a conviction) and how this can be handled in ways that adhere to this legal framework.

### 2.4.3: Data storage and maintenance

In some countries, there are limits to how long personal data can be stored in databases, specific details of which are outlined in relevant national legislation. This is intended as protection of individual fundamental rights and freedoms, most notably the right to privacy of individuals, as recognized in Article 8 of the *European Charter of Human Rights and Fundamental Freedoms* and in the general principles of Community law. As such, national repositories will need to be clear about the legal framework for data storage in their country to ensure compliance with the law.<sup>17</sup> That being said, it will also be important to determine the extent to which this would apply to the trafficker-centred database as the personal data collected and stored therein refers to accused and convicted criminals and, as such, may be subject to different rules. Similarly, caveats may apply in the case of victims of trafficking, given their status as victims of crime, although this will need to be considered at a national level.

In the event that there are limits to how long data can be stored, the national repository will likely wish to develop a means of preserving aggregate data when the single case personal data is to be destroyed. This will generally be allowable under national legislation, although the precise parameters of this will need to be ascertained. Certainly, the option to preserve aggregate data can be inferred from Article 6(e) of the EC Directive on Data Protection. See also Article 13.2.

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<sup>17</sup> The EC Directive does not foresee any time limitation for the storage of personal data, although this does not mean that an individual country could not impose one with regard to certain types of data. However, Article 6(e) states that data should not be kept for a longer period than is needed.

#### 2.4.4: Transmission of sensitive data

The EC directive focuses on the processing of data, which includes the actual transmission of data both within and between countries. The overall purpose of the EC Directive and correlative national legislation creates a framework allowing for the processing of data. In addition, please see Articles 25 and 26 of the EC Directive, which provide a framework for the transmission of data to third countries.

Given that the data collection initiative involves the collection of personal information (unless otherwise determined at a national level), attention must be paid to how this data is transmitted to ensure individual's right to privacy and confidentiality. Some countries explicitly prohibit the transmission of personal data over the Internet except with special legal dispensation. As such, national repositories will need to identify data transmission techniques which are consistent with the national legal framework. Some national laws may allow for the use of encryption programmes for the encryption and transmission of personal information, although the EC Directive is silent about encryption. In many situations, transmission may involve data being sent to the repository either in a paper form and manually entered into the database or in electronic form (via memory stick or disc) and electronically imported into the database.

In terms of the trafficker-centred database, "convicted criminals" fall within the exceptions with regard to data transmission and it is likely allowable without the person's consent, insofar that it is carried out by an official authority. The EC Directive states that data can also be exchanged for state security reasons or when in the public interest (see Articles 8.4 and 8.5). How the transmission of data may take place for accused criminals, however, may differ and should be considered at a national level.

Regarding transmission from one EU to a non-EU country and transmission in general, the following principle applies – it is the responsibility of the body wishing to transmit the data to ensure that the recipient has sufficient safeguards, at least at the level encompassed by the EC Directive, before transmitting the data (see Article 25). In addition, should the

parties be aware that the data will be transferred onward, this principle also applies to any other country where the data may be sent. Exceptions (mentioned in Article 8 of the EC Directive) particularly concern offences and criminal convictions as well as national security and public interest. Combating trafficking of human beings could very well be construed to lie within the parameters of assuring the public interest. More generally, Articles 25 and 26 of the EC Directive are relevant with regard to data transfer to third countries, although here too actions should ultimately be guided by national legislation.

#### **2.4.5: Information-sharing and exchange**

The victim-centred database is intended as a tool to allow national institutions in SEE to analyse trafficking trends and patterns, to ensure that services and assistance are available to victims and to monitor anti-trafficking efforts in the country, including the identification, return/referral and assistance of trafficked persons. It is not intended as a tool to hold data about victims for future follow-up, contact or involvement in legal proceedings. Where personal information is maintained, this is done to accurately track cases, not for various government institutions to be able to contact victims. As such, the sharing of information from the database should be strictly controlled and only undertaken according to strict parameters which should include, but not be limited to, the following:

- no personal or identifying information is to be shared outside the national repository without the knowledge and consent of the victim;
- the institution will not answer questions or inquiries or provide identifying information about the status of individual cases;
- information provided about cases in the victim-centred database will be shared with relevant actors only in aggregate form and individual case information will not be shared without the knowledge and consent of the victim.

Victims should be aware of these parameters at the time of consenting to the inclusion of their personal information in the database. Access to data will be strictly controlled by the relevant institution and access to all personal information will be limited to the relevant staff tasked with the entry and analysis of data. These staff will be guided in their work by strict protocols regarding privacy and confidentiality. Where national regulations and legislation exist about access to information about victims of crime, these legal provisions should be implemented. In the absence of national law, reference should be made to EC Directive 95/46, which strictly limits access, stipulating that besides the authority in control (the data controller), only the person concerned has access to his data (please see Article 12 regarding access of the person). Where information is needed about victims, this will be provided only in aggregate form.

With regard to sharing information from the traffickers-centred database, this will be guided by the specific national legislation on how data on criminals can be accessed, used and shared. There is generally more leeway for data sharing in the case of criminals and Article 13(d) of the EC Directive 95/46 foresees that States can adopt legislation to restrict the general scope of data protection principles, with individual States required to create a proper legislative framework allowing for the sharing of criminal data. The sharing of data about accused criminals will be in adherence to national laws.

#### **2.4.6: Security issues and considerations**

With regard to both database components (victim-centred and trafficker-centred databases), there are security issues and considerations which need to be discussed and agreed upon as part of the implementation phase of the project. Because the information being collected – particularly in the case of victims – is very sensitive, there are important security measures that are required to ensure that the information is kept in a secure way. Each database should be housed within the relevant government institution, within a secure office space. The computers, where the database and information are to be stored, will need to, at minimum, be protected with passwords and access limited to only essential, authorised

personnel. Additional security protocols may be implemented as needed, with the ultimate objective in all contexts to ensure the privacy, security and safety of the data and persons about whom data is collected. There are different factors which may impact the level of security required, including different security regulations and legal frameworks in the various countries, issues of corruption within the government; past experiences of information being leaked to the press, other authorities or traffickers; etc. The issue of security is something which should be regularly considered and evaluated within the relevant institutions, based on changes in the situation in-country, with adjustments made to ensure the requisite security for all data collected and stored on trafficking victims and traffickers.

Articles 16 and 17 in the EC Directive 95/46 stipulate issues related to the security of the database with personal information and sanctions are foreseen in Articles 23 and 24 of EC Directive 95/46. In each country, issues of security should be discussed based on the specific country and trafficking context and such parameters and sanctions exist within many national legislation. For example, in the Romanian Data Protection Act, articles 19 and 20 address the issues of security and articles 31 to 34 foresee sanctions where this security is not assured. Where additional security measures are needed to ensure the security of the data and, by implication, safety of those involved, these should be discussed and implemented.

## **2.5: Legal resources on data protection on the Internet**

Below are some links to web-based sites with material about SEE and European level legislation related to data protection and privacy to serve as reference for individual country institutions. Please note that not all laws from SEE are available on the Internet.

Further, in some countries in SEE, laws are not currently in place with regard to data protection. This is the case in Montenegro and Serbia. In the UN Administered Territory of Kosovo, there is not a specific law on data protection. However, there is a Directive regarding the Central Civil Registry, which contains some provisions about personal data (Administrative

Directive 2002/16. 19 July 2002). In Moldova, a draft law was approved on 15/02/2007.

*EC Directive on Data Protection (Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995*

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/95-46-ce/dir1995-46\\_part1\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/95-46-ce/dir1995-46_part1_en.pdf)

*Albania Data Protection Act, Act No. 8517 (22.07.1999) on the Protection of Personal Data*

<http://www.dataprotection.eu/pmwiki/pmwiki.php?n=Main.AL>

*Bulgaria Personal Data Protection Act, 2002*

<http://aip-bg.org/pdf/pdpa.pdf>

*Law on the Protection of Personal Data in Bosnia and Herzegovina, 2001*

<http://www.privacyinternational.org/article.shtml?cmd%5B347%5D=x-347-63545>

*Croatia Act on Personal Data Protection, 2003*

<http://www.dataprotection.eu/pmwiki/pmwiki.php?n=Main.HR>

*Macedonia Law on Personal Data Protection, 2005*

<http://www.dataprotection.eu/pmwiki/pmwiki.php?n=Main.MK>

*Romania Data Protection Act 677/2001, 2001*

<http://www.avp.ro/leg677en.html>

PART 3:

# Victim-centred database<sup>18</sup>

Contents:

- Overview of the chapter
- General issues and comments on the victim-centred database
- Section 1: Personal information
- Section 2: Recruitment experience
- Section 3: Transportation and travel
- Section 4: Trafficking experience
- Section 5: Identification and assistance
- Section 6: Other

## **3: Victim-centred database**

The victim-centred database takes, as its point of origin, the experiences of the individual trafficking victim. It maps individual's general background, recruitment, transportation and exploitation as well as their experience of identification and assistance, where applicable. In many countries, this will be the first time that national level data is being collected, consolidating information about many different trafficking victims from a wide range of organisations and institutions. It is an important starting point in the standardisation and collection of correct and verifiable victim-centred data.

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<sup>18</sup> This chapter was drafted by the NEXUS Institute in the context of ICMPD's DCIM project in SEE. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD.

## *Overview of the chapter*

The victim-centred database is divided into the following sections:

### *1. Personal information*

This section records general, identifying information about the victim related to his/her situation prior to trafficking, both socially and economically. This information can be helpful in terms of identifying sites of vulnerability to trafficking based on personal profiles and, as such, can be useful in terms of designing and targeting prevention efforts, whether information campaigns or more systemic prevention initiatives, like income generation projects and job creation. This information is also helpful in terms of identifying the need for and nature of assistance – i.e. what areas assistance programmes might be located; developing targeted interventions like job creation to support reintegration; training relevant institutions in anti-trafficking interventions; mapping where security may be needed for returning victims; etc.

### *2. Recruitment experience*

This section documents some specific details about recruitment – in what country the victim was recruited, what were the conditions at recruitment (i.e. offer, proposed country of destination, etc.) and details about the recruiter from the perspective of the victim. This information is helpful in understanding what factors, conditions and promises can be enticing to potential migrants and, by implication, what prevention efforts can be most relevant and helpful. It can also provide some details about recruiters for law enforcement actors, albeit from the perspective of the victim, which may constitute less reliable information.

### *3. Transportation and travel*

This section specifically details the victim's means of transportation and travel – how victims were transported, what documents were used and how borders were crossed (where relevant). This information has particular relevance for law enforcement in terms of considering how best to

intercept and identify victims while in transit. It also provides some information about vulnerability in that victims moved illegally and with false or falsified documents may be fearful of identification, which must be considered in terms of how identification efforts are undertaken. Where victims travel on public transportation, there is also a potential opportunity for identification by transportation or tourism personnel, where appropriate training and support is provided.

#### 4. *Trafficking experience*

This section maps the specific trafficking experience of the individual victim – what forms of exploitation were endured as well as conditions related to this exploitation (period of time, country of exploitation/trafficking, etc.). This section also explores whether the victim had any previous trafficking experiences and, where this was the case, some details of this previous exploitation. Understanding trafficking experiences – past and recent – is important information in terms of the development of appropriate interventions (whether in the country of destination or origin) and in documenting trafficking trends and patterns. Recording rates of re-trafficking can, arguably, also be a (partial) measure of the impact and success of anti-trafficking interventions.

#### 5. *Identification and assistance*

This section looks at the victim's experience of identification (how, when and by whom they were identified) as well as experiences of assistance (services received, period of assistance) and the victim's interaction with the legal process (statement given, protection provided). With such indicators, it is possible to draw some preliminary conclusions about identification and assistance in terms of the impact and success of anti-trafficking efforts.

*General issues and comments on the victim-centred database:*

- The database for victims charts many aspects of a victim's life – pre, during and post trafficking. In one reporting period full information may not be available about all stages of a victim's life, particularly in cases where they have not completed the full assistance process. As such, it will be necessary in some cases to add more data into the case file as the situation progresses.
- Victims may experience more than one exploitation/trafficking situation. Therefore, the database has been designed to accommodate multiple trafficking experiences for each victim, as needed. Where a victim already exists in the database, entry of the new trafficking experience should be linked to this existing personal information file. The trafficked person will, therefore, appear once in the database but with multiple trafficking experiences<sup>19</sup>.
- The data collection process is dynamic and information about victims may change over time. As such, there will be the need to make additions, adjustments or corrections in the data collection process. For example, a victim may not be formally seen as a victim of trafficking upon initial entry in the database, but rather designated as a presumed victim. However, over time this individual may be formally designated as a trafficking victim as more information is gathered about the case, a change which will need to be noted in the database. Similarly, information received at initial identification on sensitive issues like "abuse prior to trafficking" or other personal information may need correction or amendment if fuller and/or more accurate information is provided at a later stage.
- The victim-centred database relies on information from a range of different organisations and governmental institutions throughout the country. As such, there may be time lags in the provision of victim-centred information as well as delays caused

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<sup>19</sup> Different trafficking/exploitation experiences at different times are meant to represent different cases for a person already entered into the database.

by the heavy workloads and limited resources of organisations working with victims.

- Institutions requested to submit information for the victim-centred database may not have a tradition and/or a mandate of sharing information and may not fully trust one another. As such, a key issue will be how to facilitate the cooperation and trust between the institutions and organisations, particularly given the sensitivity of the data kept in the victim-centred database.

## Section 1: Personal information

### *1a) Name or identifying information*

This section documents the name (or where personal information is not to be collected, a distinct code) specific to each trafficking victim.<sup>20</sup> This should be considered a requisite field in the database.

Each country in SEE will determine how best to complete this question based on the legal framework in the country and agreement between the various NGO and GO institutions about the use of names in the victim-centred database. Decisions will be based on a victim's right to privacy and confidentiality and, where names are documented, special protocols and parameters will be implemented to ensure the confidentiality and security of the individual victim.<sup>21</sup>

- Where names are used, the database collects both the last and first name of the individual. This can be very important in avoiding duplication and accurately tracking cases;
- A cross-check will be needed in the event of different or incorrect spellings of names to avoid duplicate cases. The software

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<sup>20</sup> A code (primary key) is a unique numerical value that is automatically generated by the software, and is assigned to each person and case upon record set creation in order to distinctly identify them within the scope of the database. This code will not influence the five following identifiers. The code could neither be provided nor changed by the user.

<sup>21</sup> See section 2.4 for a discussion of the legal and ethical issues related to privacy and confidentiality, consent and security.

- will detect similar names already entered, allowing the operator to determine if that person is already in the database;
- Where agencies prefer not to use names in the database, it is possible to use an automatic generated code.

*Possible value:* Last name and first name

### **1b) Contributing agency/institution**

This category documents from what agency or institution this case information was received. This might be an NGO, a government department, an international organisation, etc. This information is important in terms of cross-checking cases for possible duplication as well as any follow-up or clarification that is needed with regard to the case. This should be considered a requisite field in the database.

*Possible value:* This is an open text field in which the name of the relevant agency is to be inserted.

### **1c) Sex**

This refers to the sex of the trafficking victim.

This information is an essential component of developing victim profiles, which can be important in identifying potentially at-risk groups as well as designing assistance options for different profiles of victims. While a good deal of attention has been paid to female victims of trafficking, systematic data collection (such as that foreseen in this project) has also noted a not insignificant number of male victims, which has relevance for prevention, assistance and policy development.

*Possible values* may be male, female, transsexual<sup>22</sup> or unknown. The selection of sex should be based on the individual's self-stated sex. Only one value is possible for this question.

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<sup>22</sup> Transsexual refers to a person having a strong desire to assume the physical characteristics and gender role of the opposite sex.

### **1d) Date of birth (DoB)**

This question asks about the birth date – the day, month and year – when the victim was born. This should be considered a requisite field in the database.

Information about the victim's age is important in terms of situating their trafficking and assistance experience, whether as a minor or an adult. It also provides a baseline against which to document the victims' age at other stages of their trafficking or post-trafficking life.

Valuable date-based cross correlates for data analysis are:

- Date of birth – date of recruitment = age at recruitment
- Date of birth – date of exploitation = age at exploitation
- Date of birth – date of exit from trafficking = age at exit from trafficking
- Date of birth – date at time of identification = age when victim was assisted
- Date of birth – date of exit from assistance = age when victim exited assistance

Date of birth can also be an important means of cross-checking possible duplications in the database, especially in situations where the database lists codes or initials rather than names. When combined with other identifying fields which are individual and case specific (like area of origin, citizenship, ethnicity, marital status), date of birth can help to detect duplicate cases.

*Possible value:* The questionnaire requests information about all age related indicators by recording the day, month and year. Where it is not possible to know the precise day of birth, it is possible to enter only the month and year rather than the full date. When the victim does not know the exact date, the user will employ a default code for day (15<sup>th</sup> of the month). The user will also check the box to note if it is the precise date or not.

Ideally, date of birth should be recorded according to the legal documents of the identified individual. However, where victims do not have this documentation or they are in contact with anti-trafficking actors for only a short period of time, it may not be possible to be this precise. In such a case, anti-trafficking actors may have to rely on the self-stated details of the individual. When details are initially entered and then additional information becomes available, adjustments and amendments to the database should be made. In some cases, persons may not know their exact date of birth. This is particularly likely to be the case for persons who have not officially registered their birth, which is not uncommon amongst some socially vulnerable populations in the SEE region. In such a case, it may be necessary to rely on their self-stated age/date of birth. Where the appearance of the individual suggests that s/he is a minor, it is important to take time and effort to clearly establish their correct age. In the interim phase, until their legal age is established, it is important that they are assumed to be a minor and afforded all of the rights and protections that this entails.

### **1e) Citizenship**

This question refers to the country where the victim holds citizenship. This may be the same as or different from the country in which the victim resides. In some situations, victims may hold multiple citizenships, in which case all citizenships should be listed.

Citizenship can reveal not only how many of a country's citizens have been trafficked but also whether other nationalities are trafficked to or through the country. It is also important information in terms of facilitating the return process of trafficking victims.

*Possible values* may be any country or combination of countries from the predefined list of countries. There is also the option for "statelessness" in cases where individuals do not have legal citizenship in any country and "unknown". More than one value is allowable for this field.

### **1f) Country of residence**

This question refers to where the victim regularly resides. Generally this will be the country where the victim was recruited, although this is not always the case. Some victims may have been recruited outside of their country of residence. The country of residence may be the same as or different from the country in which the victim holds citizenship.

Documenting the country of residence is helpful in learning about where the victim originated and also is likely to be returned. It also reveals information about trafficking patterns and routes – from what countries victims are trafficked and how they may have travelled to the destination/site of exploitation.

*Possible values* may be any country on the pre-defined list of countries. Only one value is allowable for this field.

### **1g) Ethnicity**

This question seeks to document the ethnicity of the trafficking victim. This question should be voluntary, given social discrimination in some countries against ethnic minorities and should only be completed based on the individual's statement. Individuals should also be informed about the possible risks and negative implications of stating their ethnicity in the database. Where victims do not state their ethnicity, this should be completed as "unknown". In addition, in countries where it is not legally permissible to record data about ethnicity, this field should not be completed.

There has been much discussion of the acute vulnerability of ethnic minorities to trafficking and by documenting this indicator an effort is being made to collect more precise information on this subject. That being said, it is likely that ethnicity will be underreported because of the social discrimination experienced by many ethnic minorities. It may also be the case that ethnic minorities are underrepresented in the database (i.e. if they do not trust institutions and do not seek to be identified or assisted, if their

trafficking experience is dismissed as “cultural practice”, etc.) or over-represented in the database (i.e. where identifying actors profile one specific ethnic minority as prone to trafficking, etc.). Therefore data on this subject should be read and used with some caution and analysis should include analytical parameters to accurately (and sensitively) present findings. Further, at a national level, national repositories may chose not to complete this indicator given the sensitivities and implications involved as well as legal issues related to national legislation.

*Possible values:* unknown; Albanian; Ashkali, Bosnian; Bulgarian; Croatian; Egyptian; Gorani; Hungarian; Macedonian; Moldovan; Montenegrin; Pomak; Roma; Romanian; Russian; Serbian; Turkish; other; N/A. As victims may have more than one ethnicity, there is the option to fill in more than one indicator for this section.

### **1h) Economic condition**

This question considers the economic situation of victims prior to being trafficked.

This question seeks to provide some measure of the economic situation of the victim, both as a site of vulnerability and as information necessary for the assistance and reintegration process. This question is based on the individual’s assessment of their economic situation in their home country, rather than on an objective measurement of economics – i.e. salary/income relative to number of dependents, property ownership, personal and family assets, etc. As such, answers will be subjective and, when presenting this data, it is important that findings are presented and analysed with this caveat. As well, it will be important to avoid placing undue emphasis on this indicator given its subjective nature. That being said, while this category is highly subjective, the data does provide some insight into the individual’s perception of their economic situation, which may have had an impact on their decisions about migration and may be presented in this light.

*Possible values:* unknown; very poor; poor; average; affluent; no response.

### **1i) Household income**

This field notes how many members of the household contribute economically, whether through a salary, pension, stipend or some other economic means. This question seeks to establish whether the household income was reliant on one only household member or whether more than one person was working or receiving some economic support. The objective is to provide some alternative measure of the victim's economic situation in that a household with multiple sources of income is, arguably, more economically viable than one with a single income source.

*Possible values:* These are two numerical input fields (accepting only numbers), one accepting the number of persons that contribute to the household income<sup>23</sup> and the other accepting the total number of household members. For example, if both parents are working in a family with three children and the paternal grandmother receives a pension, the answer would be 3 of 6.

### **1j) Area/region of origin**

This question refers to the area or region in the country from where the victim most recently originates (where they were living at recruitment) and to where they will potentially return to live. This may or may not be the same as the area or region where the victim was born and/or is registered.

This information is relevant for prevention work in that it identifies high sending areas within a country. It is also salient in terms of mapping the need for social protection and assistance programmes in specific areas to which victims may return.

*Possible values:* this is an open text field. Designations used in the database should be consistent with the specific administrative structures of the individual SEE country/territory.

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<sup>23</sup> Income is defined in the database as either a salary or a stipend or a pension or social benefits.

### **1k) Marital status when trafficked**

This question refers to the victim's marital status at the time of trafficking.

This question seeks to establish whether there is anything within the victim's family situation which may have contributed to their trafficking situation and to which attention should be paid in terms of assistance and reintegration. It is also another indicator in the construction of victim profiles for prevention work.

The victim's marital status at trafficking may differ from that at identification, such as in cases where the victim has married (voluntarily or forcibly) while trafficked or when the identification occurs some time after trafficking and the individual has since married, divorced or had other changes to his/her marital status. Ideally, it would be helpful to also document the victim's marital status at identification to note any changes in status, although this is not possible within the scope of this database project.

*Possible values* for this section are: married, unmarried, divorced/separated, widowed or common-law relationship.

#### *Definitions:*

- *Married* refers to someone who has formally married another person;
- *Unmarried* refers to someone who has never been married;
- *Divorced and separated* are grouped together and refer to a situation in which the victim has formally been living in a relationship (whether through marriage or in a common-law partnership) but has since ended the relationship and is living separately;
- *Common-law relationship* refers to persons living together in a relationship but who have not formally married;
- *Widowed* refers to someone who was married but whose spouse has died.

### **1l) Number of children when trafficked**

This question refers to the number of children that the victim had at the time s/he was trafficked. Where the victim (or victim's spouse/partner) was knowingly pregnant at the time of trafficking, the (unborn) baby should be counted as a child.

This question seeks to establish whether there is anything within the victim's family situation which may have contributed to their trafficking situation and which needs to be paid attention to in terms of assistance and reintegration. Parents may have different assistance needs than non-parents which may have impacted their original trafficking as well as potential risks of re-trafficking.

The number of children at trafficking may differ from that at identification, such as in cases where the victim had children while trafficked or since leaving their trafficking situation. It would be valuable to document the number of children both at trafficking and identification to note any changes in status, although this is not possible within the scope of this database project.

*Possible values* would be any number, from 0 to 50 and unknown.

### **1m) Experience of abuse**

This field considers whether the victim was exposed to any form of abuse – sexual, physical or emotional – prior to being trafficked. This abuse may have been inflicted in childhood or more recently, at any time prior to trafficking. It may have been inflicted by someone known or unknown to the victim and may (or may not) have been reported to a trusted someone or legal authority.

Noting abuse potentially establishes the extent to which abused persons may (or may not) be vulnerable to trafficking, including the potentially differential impact of different forms of abuse. This field can also be important in terms of identifying the need for services for abuse victims

and in anticipating any risks which may be associated with return and reintegration.

However, discussing experiences of abuse is very difficult and the issue is likely to be sensitive for many victims. As such, it is not only informed by the victim's individual subjectivity, but also linked to the victim's relationship with the interviewer, with victims less likely to provide intimate details about violence and conflict in the absence of an existing relationship of trust. Individuals also have different perceptions of what constitutes abuse, making responses to this field subjective. Further, it is important that care is taken in the analysis process, given the different ways that this information may be presented and used.

*Possible values* are sexual, physical, psychological and unknown. It is possible to provide multiple values in cases where the victim was exposed to different/multiple forms of abuse, although it is not possible to mix "unknown" with another value. "Unknown" should be used in cases where the value is "unknown" or where the victim declines to answer this question.

*Definitions:*

- *Sexual abuse* is the forcing of unwanted sexual activity by one person on another, as by the use of threats or coercion. It also includes sexual activity that is deemed improper or harmful, as between an adult and a minor or with a person of diminished mental capacity. It need not refer only to penetrative sexual contact.
- *Physical abuse* refers to physical force or violence that results in bodily injury, pain, or impairment. It includes assault, battery and inappropriate restraint.
- *Psychological abuse* refers to any behaviour, verbal or non-verbal, that negatively impacts another person's emotional or psychological well-being. Psychological abuse can take the form of physical intimidation, controlling through scare tactics and oppression.

**1n) Perpetrator of abuse**

This question seeks to identify the perpetrator of the abuse suffered by the victim prior to being trafficked.

This is important in identifying any patterns of abuse which may lead to trafficking vulnerability. In addition, where the perpetrator is within the victim's immediate family or social environment, this information can impact the design of reintegration efforts.

*Possible values* refer to persons known to the victim as well as persons not known to the victim. Categories include: spouse; sibling; father; mother; other relative; partner/boyfriend/girlfriend; friend; community member; other; unknown. This field should only be completed if the victim reported being subjected to a form of abuse prior to trafficking. In cases where the victim has been exposed to more than one form of abuse by more than one perpetrator, please list all perpetrators of abuse.

**1o) Education level**

This question refers to the victim's formal schooling and seeks to establish how many years the victim received formal education.

Not only will this field help to identify the extent to which education is a potential causal contributor to trafficking but it is also helpful in the design of appropriate educational and vocational programmes for returned victims as well as victims integrated in destination countries.

*Possible values* include: unknown, 0 years (no formal schooling), 1-4 years, 5-8 years, 9-10 years, 11-12 years, technical/vocational school, college/university.

**1p) Reason for migrating/leaving home**

This question is meant to determine the victim's motivation for migration/leaving home— what offer was made, how they came to leave and/or what ambitions they had in migrating. Victims may have more than one

reason for migrating and all relevant answers should be completed. Migration refers to movement both within the country of origin and abroad.

This question is quite general and tries to understand the broader contributors and motivations for trafficking beyond simply those of economics or poverty. Understanding these different and often multiple motivations can be helpful in better understanding the decision-making processes of victims and, as such, in designing prevention and assistance initiatives. In cases where victims have more than one reason for migrating, multiple answers should be provided.

*Possible values* include: job opportunity; study opportunity; wanted adventure; chronic economic need; forced/kidnapped; crisis in the family (i.e. illness); marriage; family conflict/problems; to escape violence; unknown; other.

### **1q) Activity at recruitment**

This question refers to the victim's activity – work, study or another activity – at the time they were recruited.

This question reveals information about the victim's employment and/or education background, which is informative in terms of vulnerability but, as importantly, in terms of identifying training and employment opportunities required within the assistance framework.

*Possible values* include: study; study and work; unemployed; paid work; unpaid work; unknown; none; other.

### **1r) Living situation at recruitment**

This field documents the victim's living arrangement at the time of recruitment – more specifically with whom they were living and in what type of residential pattern.

This question is asked in an effort to understand the victim's specific social living arrangement and the extent to which it may have played a role in

trafficking vulnerability. It also has direct relevance in terms of assistance and reintegration – where the victim can return to and issues which may be involved in this return and reintegration option.

*Possible values* include: parents and/or siblings; spouse and/or children; extended family; friends; alone; in an institution; other; unknown;

### **1s) Demographic setting**

This question examines what type of city/town/village/settlement that the person was living in at the time of recruitment.

This section looks at whether the victim was living in a rural, urban or peri-urban setting, in an effort to establish any link to trafficking risk as well as the location to where victims are returning. Comparing this information with the location of existing services can be helpful in identifying any gaps in assistance and developing additional interventions.

*Possible values* include: national capital; city; town; village; isolated; nomadic; other; unknown.

*Definition:*

- *National capital* is the country's official capital and seat of government;
- *City* is an urban area that is differentiated from a town or village by size, population density, importance or legal status. A city usually consists of residential, industrial and business areas together with administrative functions and, for the purpose of the database, should also include suburbs;
- *Town* refers to a thickly populated area, usually smaller than a city and larger than a village, having fixed boundaries and certain local powers of government;
- *Village* refers to a small community or group of houses in a rural area which is smaller than a town;

- *Isolated setting* refers to a setting in which persons live some distance away from others, in single settlements and/or in a small settlement of only a few households and far from an official village;
- *Nomadic* refers to an arrangement with no fixed residence, where movement may take place according to season or access to work, food/water and/or grazing land.

## Section 2: Recruitment experience

### 2a) Date of recruitment

This field documents the date (day, month and year) when the victim was initially recruited. This would refer to the individual's first contact with the recruiter when the initial offer of migration/work/marriage/etc is made. Where the victim was not formally recruited, this would instead refer to the date when the individual was forcibly taken (i.e. kidnapped) and/or sought out migration opportunities (i.e. answered a job advertisement, contacted a job agency).

Information about age at recruitment notes whether s/he was a minor or an adult at recruitment, which can reveal information about the different vulnerabilities of minors vs. adults. It also provides a baseline against which to document the victims' age at other stages of their trafficking or post-trafficking life.

Valuable cross correlates for data analysis:

- Date of birth – date of recruitment = age at recruitment
- Date of recruitment – date of exploitation = time between recruitment and exploitation
- Date when exited trafficking – date of recruitment = length of time from recruitment to end of trafficking
- Date of exit from assistance – date of recruitment = period of time spent away from family/community

*Possible value:* List day, month and year. The value will ideally be noted in day, month and year. Where it is not always possible to know the precise date, it will be possible to list only the month and year or only the year rather than the full date.

## **2b) Country of recruitment**

This section documents the country where the trafficking victim was recruited. In some cases this will also be the victim's country of residence and/or country of citizenship. However, in other cases, victims may have been recruited either while in the process of migration or in the destination country.

This question maps situations in which the individual may have migrated independently but was subsequently trafficked. This, therefore, considers trafficking vulnerability in the migration process. It is also helpful in documenting countries in which recruitment of foreign nationals take place.

*Possible value* would be any country provided on the pre-defined list of countries. Only one value is possible for this field.

## **2c) Means of recruitment/entry into trafficking**

This field documents the means by which the victim was initially contacted and recruited. This may be an actual recruitment process (via person contact, agency, advertisement) or a "forced entry", such as in the case of kidnapping/abduction.

Essentially this field seeks to document how the person entered (or was made to enter) their trafficking situation. Understanding the means of recruitment/entry into trafficking is valuable for different types of prevention work, including in terms of information about safe migration messages. It can also be helpful in terms of how government authorities – like labour inspectors or law enforcement – can better target their efforts, such as monitoring job or travel agencies.

*Possible values* include: via personal contact; via advertisement; via agency; abduction/force; other; unknown. Where the value is via personal contact, there is a sequence of related questions (below) about the recruiter's relationship to victim, recruiter's sex, recruiter's citizenship and recruiter's country of residence. Where the value is not 'via personal contact', the subsequent questions should not be answered.

*Definitions:*

- *Via personal contact* = cases when victims were approached by an individual (a "recruiter"), someone know or unknown to them. This may be a stranger who offers 'opportunities' to the victim such as migration, work, marriage, etc. It also may be a family member or friend who informs the person about these opportunities;
- *Via advertisement* = when a victim sought out a migration opportunity after seeing an advertisement in the newspaper, on television or some other form of media;
- *Via agency* = when a victim contacted an agency (i.e. a travel agency, employment agency, marriage broker) for possible work and/or migration opportunities;
- *Abduction/force* = where a victim was forcibly taken (whether by someone known or unknown, related or unrelated, with or without promises of marriage).

**2d) Victim's relationship to recruiter**

This question seeks to better pinpoint the precise recruitment process for persons recruited *via* personal contact. The question focuses on the recruiter himself/herself and their pre-existing relationship, if any, to the trafficked person.

This information (as well as other questions about the recruiter) is helpful in understanding recruitment patterns – who is involved, their relationship to the victim, their personal details, etc. For example, some individuals are actively recruited by a recruiter who offers "opportunities" to the victim such as migration, work or marriage. Others are recruited by

friends who may or may not have the intention to exploit the individual but who provide them with information about these opportunities.

It is also important in terms of conveying messages about what constitute potentially risky migration situations and who may (or may not) be trustworthy in this context. Tracking this category over time affords a longitudinal perspective of changes in recruitment patterns, including the mobilisation of different profiles of recruiters in response to anti-trafficking efforts. However, this information is based on the impression of the victim as well as their definitions of relationships and closeness and, as such, is subjective. The analysis of this information should therefore be read and presented against this backdrop.

*Possible values* include: immediate family member; extended family member; close friend; acquaintance; stranger; other; unknown. Where more than one recruiter was involved, multiple values are required for this question.

## **2e) Sex of recruiter**

This question records the sex of the recruiter.

While a common assumption has been that men are most commonly recruiters in SEE, recent research has indicated the presence, and in some countries even the prevalence, of female recruiters. This indicator is helpful in sketching general profiles of recruiters and noting changes in profiles of recruiters, which can be important in terms of prevention work and developing safe migration messages. In some situations, recruitment is done by more than one person – men and women – which is also a pattern worth noting.

*Possible values* are either male, female, transsexual, unknown or a combination of these, depending upon the number of recruiters involved. Where more than one recruiter was involved, multiple values should be completed for this question.

## **2f) Recruiter's citizenship**

This field records the citizenship of the recruiter (that is, in what country s/ he has status as a citizen). This may be the same as the recruiter's country of residence (noted in next section); it may also be different.

This information (as well as other questions about the recruiter) is helpful in understanding recruiter profiles and behaviours, including how these may change over time and in response to anti-trafficking efforts. However, victims may not always have precise or accurate information about some details of the recruiter's life, even when that person is known to them. They may not, for example, know the recruiter's legal citizenship and/or may not be aware whether that person has multiple citizenships. Camouflaging their real identity may be a strategy used by recruiters to evade law enforcement identification. Therefore, the extent to which traffickers/recruiters reveal personal information to victims varies considerably. The analysis of this information should be read within this context.

*Possible values* are any country or combination of countries from the pre-defined list of countries, or "unknown", or "stateless". Where more than one recruiter was involved, multiple values will be required for this question. This may also require multiple values where persons hold multiple citizenships.

## **2g) Recruiter's country of residence**

This question asks about the recruiter's country of residence, which may be the same as or different from their citizenship.

This information (as well as other questions about the recruiter) is helpful in understanding recruiter profiles and patterns. And by analysing this information over time, it may also be possible to note any changes in recruiter's profiles or strategies. However, victims may not always have precise or accurate information about the recruiter, including, in some cases, the recruiter's country of residence, even when the recruiter is known to the victim. Victim's information about the recruiter will generally only be

that which they have been permitted by the recruiter to know. Recruiters may seek to camouflage personal information as a strategy to evade identification and arrest by law enforcement authorities. Therefore, the extent to which traffickers/recruiters reveal personal information to victims varies considerably and this should be borne in mind in the analysis of this information.

*Possible values* are any country in the available country list. In the case of multiple recruiters, more than one value will be required.

## **2h) Recruitment conditions**

This question determines what promises were made to the victim at the time of recruitment which persuaded or encouraged them to migrate. That being said, this question also notes circumstances in which the victim was forcibly recruited – i.e. by abduction or forcibly taken.

Knowing what offers and promises were made and have proven successful in the recruitment process can be helpful in the design and tailoring of information campaigns and safe migration efforts. It is also helpful in noting the degree to which recruitment is undertaken forcibly (i.e. kidnapping) as opposed to more subtle recruitment or promises.

*Possible values* include work offer; marriage; travel/tourism; forced/kidnapped; unknown; other.

## **2i) Proposed destination country at recruitment**

This field documents the country to which the victim was told they would migrate, whether for study, work, marriage, tourism or another purpose. This may involve promises of more than one country, in which case all promised destinations should be noted.

In some cases, victims are taken to the country where they are promised work/marriage/study/etc, whereas in other cases they are taken to a different destination country. Understanding what countries are enticing to

potential migrants is helpful in terms of prevention work and safe migration initiatives.

*Possible values* would be one country or a combination of countries from the predefined list of countries or “unknown”. Where more than one destination country was promised, all should be noted. In the case of forcible recruitment, this field should be completed only in a situation where the victim was provided information about the intended destination, which may or may not have been the case. “Unknown” would be entered where the victim was not aware of the intended destination.

## **Section 3: Transportation and travel routes**

### ***3a) Means of transportation***

This question documents the means of transportation by which the victim was moved to the site of trafficking/exploitation. This may be one form of transportation or multiple forms. It may involve transportation within one country or across borders.

This information can be helpful in terms of identifying the means by which victims are being moved within countries and across borders and, by implication, developing possible entry points for interception by law enforcement. Noting whether victims travelled by public or private means reveals, to some extent, who comes into contact with victims in transit. It may also provide helpful insight in terms of potentially mobilising public transportation companies who may be (knowingly or unknowingly) involved in the transportation of victims and an opportunity to equip transportation personnel with tools for identification and appropriate referral information, as needed.

*Possible values* include: private car; taxi; commercial plane; private plane; train; charter/private bus; public bus; on foot; boat; other; unknown. Where multiple means were used, all should be documented.

### **3b) Use of documents**

This question considers whether the victim used legal or false/falsified documents during the travel/transportation process.

In some cases victims may have used legal documents during trafficking (i.e. while crossing borders, at destination countries, within their origin country); others may have used false or falsified documents. Noting the extent to which documents are false or legal reveals much about the trafficking process itself, including when it takes place with facades of legality. It also potentially flags the involvement of actors (i.e. government authorities, criminal syndicates) capable of providing false or falsified documents, arguably suggesting a degree of organisation and coordination which may be symptomatic of organised criminal activities. Where victims travel across legal border crossings (see next field) and use false or falsified documents, this may also signal corruption of border officials. In addition, whether or not victims have legal documents may impact their ability or willingness to access assistance or seek exit from trafficking. Those with false/falsified or no legal documents may be fearful of arrest, deportation or other sanctions should they contact law enforcement or other authorities for intervention or assistance.

*Possible values* are legal, false/falsified, none, unknown. Multiple values are allowable in this section as victims may have different experiences when crossing different borders. Where victims were trafficked internally within their own country, this field should still be completed, as they will likely have been provided with documents and may have been required to present identity information at some stage.

*Definitions:*

- *Falsified documents* are legal documents which have been tampered with and data changed (such as age or name);
- *False documents* are not legal documents but rather forgeries;
- *Legal documents* provide correct and accurate information about the individual, have not be tampered with and are legally recognised by the country;

### **3c) Border crossings**

This question considers whether national borders were crossed at a legal/formal border crossing or without passing a formal border crossing. These borders refer only to borders crossed between sovereign states and not borders within a country. The one exception to this is with regard to the UN administered territory of Kosovo which, while not an independent country, ideally should be treated separately from the Republic of Serbia in the context of this project to allow for more precise information about how border crossings take place in the SEE region.

Some victims may have crossed borders at legal crossings; others may not. By looking at the extent to which victims crossed at legal border crossings is indicative, to some extent, of current trafficking routes and patterns. It reveals whether trafficking takes place with facades of legality and potentially flags situations of missed identification (where victims crossed legal border crossings) as well as illegal movements (across illegal border crossings). Whether or not victims have entered or exited countries legally may have an impact on their ability or willingness to access assistance or seek exit from trafficking, fearful of the implications of their illegal activities.

*Possible values* are legal; illegal; no border crossed; unknown. Multiple values are allowable in this section as victims may have different experiences when crossing different borders.

#### *Definitions:*

- *Legal/formal border crossings* refer to manned borders at which the victim passed with the knowledge of border officials;
- *Illegal border crossings* refer to a situation in which a person crossed into another country without formally exiting one and entering the new country;
- *No border crossing* refers to when victims were trafficked internally within their own country and did not move across international borders;
- *Unknown* should be completed in a situation when there is not clear information about the border crossing process.

## Section 4: Exploitation experience

### 4a) Trafficking designation

This question seeks to draw a distinction between persons who are legally identified as victims of trafficking by the relevant authorities – i.e. either the police or prosecutors – and persons who are mostly likely victims of trafficking but who have not been formally identified by the relevant authorities or have declined to be identified. This might include persons assisted by NGOs who do not wish to give statements to the police or prosecutor and, therefore, by law cannot be formally and legally designated as trafficked. This should be considered a requisite field in the database.

This designation is made in the database to try to address the tension between official legal/government numbers, which require formal identification by authorities, and victims who are not formally acknowledged within the government system. Victim's suspicion and fear of police and legal actors (and fear of being involved in legal proceedings) may mean that they will prefer to be assisted by NGOs but not legally identified or, in other cases, not receive any assistance at all. To not document both "actual" and "presumed" cases would miss an important portion of the trafficking picture. Noting the difference between "actual" and "presumed" victims is also interesting in terms of documenting the extent to which victims may be uncomfortable with or suspicious of authorities and/or the formal anti-trafficking structure.

*Possible values:* victim of trafficking; presumed victim; unknown

*Definitions:* The following definitions are proposed definitions. However, each country may have its own definitions for these categories in which case these national definitions would take precedence.

- *Victim of trafficking:* a person who conforms to the Palermo protocol definition of trafficking and is legally identified as a victim of trafficking by the relevant authorities – i.e. police or prosecutors
- *Presumed or suspected victim of trafficking:* persons who are mostly likely victims of trafficking (having met the criteria of the

Palermo protocol) but who have not been formally identified by the relevant authorities (police or prosecutors) or have declined to be formally or legally identified.

#### **4b) Form of trafficking/exploitation**

This question looks at the form of trafficking suffered by victims, both for “presumed” and “actual” victims of trafficking. This should be considered a requisite field in the database.

This is essential information in terms of understanding trafficking trends and patterns to, through and from the country. This also provides information about individual’s trafficking experiences, which is vital in the development of appropriate assistance and protection responses.

*Possible values* include: sexual exploitation, forced labour, begging, delinquency, adoption, removal of organs, other (to be specified in section 6, point 6a). In some cases, victims may have suffered multiple forms of exploitation, in which case they will need to provide more than one answer in this field.

While the Palermo protocol lists only trafficking for sexual exploitation, forced labour and organ trafficking, this database includes more possible values based on the options available in national anti-trafficking legislation in SEE as well as in an effort to be more specific about victim’s exploitation experience. Where these categories are not consistent with national legislation, government national repositories may wish to close the fields which are not applicable in their country. Each country has its own legal definitions for these different forms of trafficking which would apply for the data collection process in the country.

#### **4c) Country(ies) of exploitation**

This question documents the country to which the victim was trafficked and exploited. This may be within the victim’s own country or in a foreign country (or countries).

Mapping countries of destination is essential in understanding trafficking routes and patterns and, when analysed over time, can be helpful in noting emerging and/or changing countries of destination. It can also provide valuable information to destination countries in terms of understanding the extent, forms and experiences of trafficking occurring within their country. By comparing the victim's country of residence and the country of trafficking it is also possible to note the rate of internal trafficking. Where the answer to the two queries is the same, the victim is a victim of internal trafficking.

*Possible values* are any country or combination of countries from the pre-defined country list. Where victims were trafficked to and exploited in more than one country, all countries should be listed.

#### **4d) Date when trafficking exploitation began**

This field documents the date (day/month/year) when the victim's trafficking began. That is, when they were first exploited – whether sexually (which would also include being raped and/or forced to provide sexual services to the recruiter or transporter), for labour, for begging, etc. In some cases, this will have occurred prior to the victim's departure from home; in other cases in a country transit and/or during the transportation phase; and in still other cases in the country of destination. This should be considered a requisite field in the database.

This date is helpful in measuring a range of time specific information related to trafficking. The date of exploitation reveals whether s/he was a minor or an adult at the time of exploitation, which can reveal information about vulnerability relative to age and other identifying indicators, and can contribute to the identification of appropriate assistance responses. It also provides a baseline against which to document the victims' age at other stages of the trafficking or post-trafficking life. It is also important to note the date/year in which an individual was trafficked/exploited in that it allows for an analysis of trends in patterns in terms of forms of exploitation and other patterns.

Valuable cross correlates include:

- Date of exploitation – date of birth = age when the victim was trafficked
- Date of exploitation – date of recruitment = time elapsed between recruitment and exploitation
- Date of exit from trafficking – date of exploitation = time spent trafficked
- Date entry into assistance – date of exit from trafficking = time between exit from trafficking and accessing assistance

*Possible value:* List day, month and year. The value will, ideally, be noted in day, month and year. Where it is not possible to know the precise date, there will be an option to list only the month and year or only the year rather than the full date.

#### **4e) Debt incurred**

This section considers whether the victim incurred any debt as a result of or during their trafficking experience. Debt may have been incurred to the trafficker (i.e. for travel, for documents, because they “bought” the victim, etc.), to the family (i.e. for travel, for documents), to a formal or informal monetary institution (i.e. bank, credit union, money lender), to a friend, neighbour or community member.

Where debt has been incurred this may impact the victim’s perceived ability to exit their trafficking situation, even where physical escape may be possible. That is, victims may not feel they can leave their trafficking situation until their debt to the trafficker has been paid (traffickers may also threaten victims about leaving prior to repaying their debt) or until they have earned sufficient money to repay debts incurred at home. Debt also has implications in terms of the feasibility of the return and reintegration process where debts must be paid back and/or where interest has accrued.

*Possible values:* yes; no; unknown

#### **4f) Date exited trafficking/exploitation**

This question refers to the date (day/month/year) when the victim's trafficking/exploitation ended. This may be when an anti-trafficking actor intervened; when a victim exited or escaped independently or with the help of another party; or when the victim was released by the trafficker.

This date is helpful in measuring a range of time-specific information related to trafficking. Information about the date of exit from trafficking reveals whether s/he was a minor or an adult, which impacts return and assistance options. It also provides a baseline against which to document the victims' age at other stages of their trafficking or post-trafficking life.

Valuable cross correlates include:

- Date of exit from trafficking – date of birth = age when victim exited trafficking
- Date of exit from trafficking – date of exploitation = time spent exploited
- Date entry into assistance – date of exit from trafficking = time between exit from trafficking and accessing assistance

In some cases, the date of exit, date of identification and date of assistance will be the same. However, some victims may exit trafficking and not be recognised as victims of trafficking. For example, some victims will be identified at the same moment that they exit trafficking – for example, through a police raid or by going to a drop-in centre – and so the date/year for both will be the same. However, other victims may exit trafficking – for example, with the help of a client – and only be identified as trafficked when they cross a border while trying to return home or upon their return home after a period of weeks, months and even years. Where exit, identification and/or assistance differ, it is important to record.

*Possible value:* List day, month and year. The value will ideally be noted in day, month and year or only the year. Where the precise date is not known, it will be possible to list only the month and year.

#### **4g) Means of exit**

This question inquires about the means by which the person's trafficking came to an end. This, for example, may be when an anti-trafficking actor intervened; when a victim exited or escaped; when they were assisted by a third party; or when the victim was released by the trafficker.

Knowing more about the means of exit from trafficking can potentially be important information for anti-trafficking actor's interventions and action. Where victims have been assisted by third parties – i.e. clients, neighbours, other private citizens – it may be deemed advisable to consider these persons in future anti-trafficking work. Where victims escaped on their own, it would be helpful to collect more qualitative information about such cases to learn what factors led to being able to leave trafficking. Where the intervention of social workers, outreach workers or law enforcement played a role in exit, it would be helpful to understand how and why this was able to occur.

*Possible values* include: released by trafficker; escaped on own; escaped with help of third party; intervention of law enforcement; intervention of social worker (from GO, NGO, IO); intervention of outreach workers (from NGO, IO, GO); finished work contract; died; other; unknown.

#### **4h) Year of previous trafficking<sup>24</sup>**

This question collects additional detail about the victim's previous trafficking experience, in this case the year of his/her previous exploitation.

This indicator – along with the previous ones – tries to draw a general picture of the victim's past trafficking experiences. By looking at this indicator it may be possible to note any spikes in trafficking during certain times or amongst a specific profile of victim.

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<sup>24</sup> In case there have been one or more instances of previous trafficking it would be preferable to complete a new case for this person that will contain all relevant information about the previous trafficking experience(s). Where full and sufficient information is not available about previous trafficking, this section seeks to capture some basic aspects of these previous trafficking experiences.

*Possible value* will be a specific year. Where the victim was trafficked previously on more than one occasion, each year should be listed.

#### **4i) Form of previous trafficking**

This field seeks to collect details about the victim's previous trafficking experience, in this case the form of trafficking suffered.

Understanding past trafficking experiences – including forms or exploitation, country of destination and year of trafficking – is important in terms of mapping multiple trafficking experiences as well as who may be particularly at risk.

*Possible values* include: sexual exploitation, forced labour, begging, delinquency, adoption, removal of organs, other (please specify in section 6, point 6a). Victims may have suffered multiple forms of exploitation in which case more than one value should be given. Where the victim was trafficked previously on more than one occasion, each form of trafficking should be listed.

While the Palermo protocol lists only trafficking for sexual exploitation, forced labour and organ trafficking, this database includes more options based on national anti-trafficking legislation in SEE as well as in an effort to be more specific about victim's exploitation experience(s). Where these categories are not consistent with national legislation, government national repositories may wish to close the fields which are not applicable in their country. Each country has its own legal definitions for these different forms of trafficking which would apply for the data collection process in the country.

#### **4j) Country of previous trafficking**

In an attempt to collect additional detail about the victim's previous trafficking experience, this question documents the country in which the victim was previously exploited.

This indicator – along with the previous ones – tries to draw a general picture of past trafficking experiences and can potentially be used to sketch profile of victims who have suffered multiple trafficking experiences.

*Possible values* are any country or combination of countries in the pre-defined list of countries. Where victims were exploited in more than one country, all countries of exploitation should be listed. For each previous trafficking experience, a country should be listed. Where the victim was trafficked previously on more than one occasion, each country of trafficking should be listed. Where trafficked more than once to the same country, this should be entered as such.

#### **4k) Identification/assistance during previous trafficking**

The field documents whether the victim was ever identified and assisted as a result of their previous trafficking experience.

This section allows us to note the extent to which persons were identified and/or assisted during their previous trafficking experience. It is also possible through this section to see when/if identification led to assistance and when identification or assistance may have been accepted or declined.

*Possible values* will be: identified; assisted; unknown, not identified; not assisted; decline identification; declined assistance. Multiple values are allowable in this field.

## **Section 5: Identification and assistance**

### **5a) Country of identification**

This field notes in which country the victim was first identified as a trafficked person. In some cases, this may be the country where they were trafficked; in other cases, this may be in a country of transit; and in still other cases victims may only be identified upon return to or within their own country.

This question helps to chart where identification takes place and can tell us much about current issues in identification procedures. By comparing this indicator with that of the victim's country of residence, it is also possible to note how many victims are identified at home rather than in a destination or transit country. In addition, by considering this information in light of the country of trafficking, it is also possible to note patterns and scope of identification in different destination countries. It may be the case, for example, that victims trafficked to some countries are more likely to be identified there than others, which can be read (at least partially) as an indicator of identification efforts.

*Possible values* are any country from the list of predefined countries in the database. Only one value is possible in this section.

### **5b) Date victim was identified**

This question refers to the date (day/month/year) when the victim was identified as a trafficking person. Identification may take place by a range of different actors equipped to assess a person's status as a trafficking victim.

This date is helpful in measuring a range of time specific information related to trafficking. Information about the date of identification reveals whether s/he was a minor or an adult when identified and also provides an important baseline against which to document the victims' age at other stages of their trafficking or post-trafficking life.

Valuable cross correlates include:

- Date of birth – date of identification = age when victim was assisted
- Date of identification – date of end of exploitation = time elapsed between leaving trafficking and identification
- Date of identification – date of exploitation = time in which the individual was subjected to exploitation/trafficking but not recognised as such

- Date of identification – date entered assistance = whether victim received assistance upon identification

In some cases, the date of exit from trafficking, identification and even entry into assistance will be the same. However, some victims may exit trafficking and not be immediately identified as a victim of trafficking. Similarly, a victim may be identified as a trafficked person but access assistance only at a later stage. In some cases victims will decline to be identified but then may accept intervention at a later stage. The differences and/or similarities between these dates are important to note.

*Possible value:* List day, month and year. The value will ideally be noted in day, month and year. Where this is not possible, it will be possible to list only the month and year or only the year rather than the full date.

### **5c) Identifying institution/actor**

This field notes what individual or institution was involved in victim identification. This refers to the first point of contact with the anti-trafficking framework. For example, when a border official stops a victim and then refers them to an NGO, the answer to this question would be border official, not NGO.

Through this indicator, it is possible to map who (as individuals or agencies) are currently involved in identifying victims as well as who might be valuable interlocutors to engage in the identification process. Considering annual fluctuations in identification (by combining this indicator with the year of identification) can also be a partial measure of AT identification activities. It may also be interesting to consider how identification takes place in different countries by comparing this indicator with the country of identification.

*Possible values* include: border authorities; police officers; outreach workers/programme; social workers; labour inspectors; help line; transportation personnel; client; private citizen; medical personnel; lawyer; other; unknown.

### **5d) Date entered assistance**

This question refers to the date (day/month/year) when the victim initially entered the assistance framework. Assistance refers to any type of assistance provided to the victim – whether part of a residential or non-residential programme, provided at home or abroad, provided by an anti-trafficking agency or not, etc. This might include shelter, medical care, counselling, humanitarian assistance, legal assistance, transportation, document processing, education, job placement, vocational training, financial support, etc.

This date is helpful in measuring a range of time specific information related to trafficking. Certainly it tells us about the age of the victim at assistance which can also indicate other programmatically valuable information about victim's needs. This date is also a valuable marker against which to measure other significant dates in the victim's trafficking and post-trafficking life. Importantly, assistance to victims may begin prior to their exit from trafficking – for example, where victims received assistance and support as part of outreach programmes or by accessing social services.

Valuable cross correlates include:

- Date of birth – date entered assistance = age when assisted
- Date of identification – date entered assistance = whether victim received assistance upon identification
- Date entered assistance – date of exploitation = time elapsed from trafficking until assistance at home
- Date entered assistance – date exited assistance = time in assistance programme

In some cases, the date of trafficking exit, identification and assistance will be the same. However, some victims may exit trafficking and not be recognised as a victim of trafficking and/or assisted for some time. For example, a victim may be identified as a trafficked person but access as-

sistance only at a later stage. In some cases, victims will initially decline to be assisted but then seek out assistance at a later stage, when faced with a crisis or an urgent need. Noting the differences and/or similarities between these dates can be important in mapping patterns in the provision of and/or willingness to accept assistance.

*Possible value:* List day, month and year. The value will ideally be noted in day, month and year. Where this is not possible, only the month and year or only the year will be recorded.

### **5e) Date exited assistance**

This question refers to the date (day/month/year) when the victim left the assistance programme. Assistance refers to any type of assistance provided to the victim – whether part of a residential or non-residential programme, provided at home or abroad, provided by an anti-trafficking agency or not, etc. This might include shelter, medical care, counselling, humanitarian assistance, legal aid, document processing, transportation, education, job placement, vocational training, financial support, etc.

This date reveals the age when the victim exited assistance and also indicates the period of time in assistance when cross referenced with the date of entering assistance. It is also helpful in measuring a range of time specific information related to trafficking.

Valuable cross correlates include:

- Date of birth – date exited assistance = age when victim completed assistance upon identification
- Date entered assistance – date exited assistance = amount of time in assistance

*Possible value:* List day, month and year. The value will ideally be noted in day, month and year. Where this is not possible, only the month and year or only the year will be recorded.

### **5f) Type of assistance**

This section documents the different forms of assistance received by the victim in the country where the database is maintained. In many cases, this will refer to the victim's country of origin but it may also refer to a foreign victims being assisted in one of the SEE countries involved in the project. Assistance refers to any type of assistance provided to the victim – whether part of a residential or non-residential programme, provided at home or abroad, provided by an anti-trafficking agency or not, etc. Victims will likely have received multiple forms of assistance and all relevant services/assurances should be noted.

Information from this field tells us about the type of service provided to victims in the country where data is being collected as well as victim's consumption of these services. By extension, it can also potentially tell us about gaps in the provision of services and/or in situations where victims are not offered or chose not to consume certain services.

*Possible values include:*

- short term shelter
- mid to long-term accommodation assistance
- emergency medical care
- longer term medical services
- emergency psychological assistance
- longer term psychological assistance
- housing subsidy/assistance
- education
- vocational training
- job placement
- reintegration grant
- business training
- family mediation
- financial assistance
- humanitarian assistance (i.e. clothes and food packets)
- transportation
- other (please specify in section 6, point 6a)

*Possible values:* Multiple values are accepted in this section and all forms of assistance should be noted. This could be assistance available through the anti-trafficking framework; it might also be assistance available through other mechanisms like social services, community-based programmes, NGOs not specialised in trafficking, religious organisations, etc. This refers to assistance received in the country where the data is being collected – one of the SEE countries involved in the project.

### **5g) Assistance received abroad**

This field notes whether the victim received any assistance in the country of destination or transit. This question would only be completed in instances of national victims (i.e. about a Macedonia case being recorded in the Macedonian database); it would not apply to foreign victims assisted in the SEE region (i.e. a Macedonian victim being assisted in Serbia) as this information is captured in the previous question. In some cases, victims may also have been assisted in the country where the victim was trafficked and/or identified. In other cases, victims have only been assisted in their home country.

This question helps to chart whether victims had access to assistance at different stages of their post-trafficking life while abroad and/or chose to accept these services. By comparing this indicator with that of the victim's country of residence, it is possible to note how many victims were assisted at home and/or in a destination country.

*Possible values* are any country from the list of predefined countries in the database. Where victims were assisted in more than one country (apart from their home country) all countries should be listed. Where victims were not assisted abroad, no value should be specified.

### **5h) Statement to police**

This section documents if the victim gave a statement to the police related to their trafficking experience.

This information can be helpful in noting the level of victim involvement in the legal process and could be cross-correlated with information about testifying in legal proceedings as well as a victim's access to protection. This can help to present a picture of how this legal cooperation plays out for trafficking victims in real terms.

*Possible value* would be yes, no, unknown.

### **5i) Testified in legal proceedings against the trafficker**

This question considers whether the victim testified in legal proceedings against the trafficker or others complicit in their trafficking/exploitation.

This information can be helpful in noting the level of victim involvement in the legal process, particularly in terms of giving formal testimony in trafficking cases. This section could be analysed in combination with other relevant indicators, such as whether the victim testified in legal proceedings or had access to protection. This affords at least a partial picture of how this involvement plays out for victims, including in terms of security.

*Possible value:* yes, no, unknown.

### **5j) Protection pre, during or post trial**

This field determines whether the victim received some form of protection at some stage of their post trafficking life. Protection may be available to trafficked persons pre-trial, during trial and post trial, depending upon the specific case.

This information helps to establish protection options for victim/witnesses at different stages of the legal process. It should be analysed in combination with other relevant indicators, such as whether the victim gave a statement or testified in legal proceedings.

*Possible value:* pre-trial, during trial, post trial or a combination of these when victims have had protection at more than one stage. Victims may have received protection during more than one of these stages, in which case more than one value should be provided.

### **5k) Victim compensation**

This field notes whether the victim received any compensation from their trafficking experience.

This is valuable information in terms of noting the extent to which victims have received any form of compensation in countries in SEE.

*Possible values:* yes, no, unknown, not applicable.

## **Section 6: Other**

### **6a) Comments on the case**

This is an open text field which can be used to enter additional details, clarification or comment about the case. Each national repository will determine what type of information is to be included in this field and how this information may be used.

### **6b) Date of record-set creation**

This is the date and time when the person/case data has been initially stored within the database. This field cannot be changed by the user and it is automatically filled in by the software.

### **6c) Date of most recent update**

This is the date and time of the most recent update made to the person/case data. This field cannot be changed by the user and it is automatically filled in by the software.

# Trafficker-centred and criminal justice database<sup>25</sup>

## Contents:

- Overview of the chapter
- General issues and comments on trafficker-centred and criminal justice database
- Section 1: Personal information
- Section 2: Complaint and investigation phase
- Section 3: Trial phase
- Section 4: Appeal phase
- Section 5: Post-trial phase
- Section 6: Other

## **4: Trafficker-centred and criminal justice database**

The trafficker-centred database takes as its point of origin the criminal actions of the individual trafficker against whom a complaint and/or charge has been registered. This database maps the trafficker's general background and then charts their case through the stages of complaint, investigation, trial, post-trial and sentencing, where applicable.

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<sup>25</sup> The chapter was originally drafted by the NEXUS Institute in the context of ICMPD's DCIM project in SEE. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been up-dated by ICMPD with new indicators according to the recommendations of the institutions participating in the DCIM Phase 2 project.

Because the information documented in this database is from the perspective of the trafficker, it provides some of the first disaggregated information about traffickers in the SEE region. It also consolidates information about the efforts of a range of anti-trafficking legal and judicial actors – from law enforcement, through prosecution, to the judiciary – from a range of locations around the country. It constitutes a valuable starting point in the standardisation and collection of correct and verifiable trafficker-centred data. It also, importantly, seeks to orient the focus of attention from the action of trafficked persons (the victims of crime) to those of the traffickers (the perpetrators). Addressing trafficking requires attention to how traffickers operate; this is vital in developing the most effective methods of tackling this crime through the strategic use of the criminal justice system.

### *Overview of this chapter*

The trafficker-centred and criminal justice database is divided into the following sections:

#### *1. Personal information*

This section records general information about the trafficker, which can be helpful in mapping traffickers' profiles. To date, very little information has been documented about traffickers in SEE and that which does exist is based on information collected from victims. This information represents objective detail about traffickers accused and/or charged within the criminal justice process for trafficking-related violations.

#### *2. Complaint and investigation phase*

This section documents the period of investigation – from the lodging of the initial complaint to the finalisation of the investigation and charges being filed against the trafficker. As such, it provides information about the length of investigation, the types of charges brought as a result of investigations, victim statements during this phase, etc.

### 3. *Trial phase*

This section looks specifically at how trafficking trials take place, including the types of charges laid, the involvement of victim/witnesses, the use of victim protection and the eventual conclusion of the trial.

### 4. *Appeal phase*

The appeal process is mapped in this section and includes questions about the results of the appeal, involvement of victims in the appeal phase, issues related to victim protection and the final conclusion of the appeal process.

### 5. *Post-trial phase*

Information about the post-trial phase considers the implementation of any sentencing as well as opportunities for post-trial protection for victim/witnesses and victim compensation.

*General issues and comments on data entry for trafficker-centred and criminal justice database:*

- The trafficker-centred database relies on information from different government institutions – various law enforcement agencies, prosecutors' offices, the court system, etc. – as well as institutions from local, regional and national levels. Information is also time bound in that it only becomes available as the case progresses through the legal process which is often time consuming. As such, there will necessarily be a time lag in the national repository receiving information at different stages.
- Institutions required to submit information to the trafficker-centred database may not have a tradition and/or a mandate of sharing information. As such, a key issue will be how to facilitate the cooperation and trust between the relevant institutions and data sources. The sample MOU (Annex 3) can provide some assistance in this regard.

- Prior to completing the database, the repository must determine what crimes will be recorded therein – whether it will involve only THB charges or charges that also resemble and/or relate to THB, such as illegal migration, the facilitation of prostitution, etc. This determination will be made in each country and based on the needs and resources of the individual repository.
- In some cases, the author of the crime – like an illegal migrant or prostitute – will be re-designated as a victim of trafficking once full information is available about how their crime (i.e. illegal migration or prostitution) came about. In such instances and where the case was not pursued, the data should ideally be removed from the trafficker-centred database and the information shared with the national repository for victim-centred data. Where the case was pursued and a formal charge/conviction secured, the information could remain in the trafficker-centred database but notation made about the fact that this crime was committed in the context of a trafficking situation.
- Traffickers may be complicit and, therefore, charged for more than one trafficking related crime. Therefore, the database has been designed to accommodate multiple trafficking crimes for each trafficker, as needed. Where a trafficker already exists in the database, entry of the new trafficking crime will be linked to this existing personal file. The trafficker will, therefore, appear once in the database but with multiple trafficking crimes/charges.
- The trafficker-centred database charts criminal cases over a long period of time and through an often lengthy criminal judicial process. In one reporting period full information about a case is not likely to be available and it will be necessary to add data to case files as the situation progresses over subsequent months and even years. Because of this informational time lag, a stopgap measure to allow for some continued reporting would be for institutions to continue to collect and prepare aggregate data until the database is fully operationalised.
- The legal systems in each of the countries/territories of SEE vary and the implementation of the database and the accompanying handbook will need to take into account and make adjustments

according to these national variations and differences. For example, trafficking categories and definitions should reflect those articulated in national law; data protection and sharing mechanisms should adhere to national legislation.

## **Section 1: Trafficker's profile**

### ***1a) Name of accused trafficker***

This field documents the full name – first name and last name – of each trafficker.

Each country in SEE will need to determine how best to complete this question based on the legal framework in the country and agreement between the various institutions about the use of names in the country database. Given that generally criminals are not afforded the rights of protection of personal information (see EC Directive 95/46), countries will generally be legally entitled to record the name of the accused. However, this will need to be determined on a country-by-country basis, in adherence with national legislation. Where names are documented, special protocols and parameters will be implemented to ensure the confidentiality and security of the individual, as required by national law.<sup>26</sup>

The use of last and first names is important to avoid duplicate cases and accurately track each case. However, even with full names, there is a risk of duplication. For example, there is a possibility of traffickers having the same name or one trafficker using different names/identities. In addition, misspelling a name may mean that the same case is entered twice. A cross-check will be needed in the event of different or incorrect spellings of names to avoid duplicate cases. The software will detect similar names already entered, allowing the operator to determine if that person is already in the database. Duplication can also be addressed by cross referencing the name with other identifying information like date of birth, citizenship, etc.

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<sup>26</sup> See section 2.4 for a discussion of the legal and ethical issues related to privacy and confidentiality, consent and security.

*Possible value:* First name and surname.

### **1b) Trafficker aliases**

This field records any known nicknames or aliases for the trafficker.

It is important to consider the possibility that criminals may use more than one name or identity and/or have nicknames. Law enforcement records would want to track all known aliases for each trafficker.

*Possible value:* This is an open text field. Multiple values can be specified.

### **1c) Sex of the trafficker**

This refers to the sex of the trafficker involved in the specific case.

This indicator is helpful in the development of trafficker's profiles, which can be used in prevention work with at-risk groups. While there is a common assumption that traffickers are male, recent research has suggested that both women and men are involved as traffickers at different stages of the trafficking chain and in a variety of different roles. The answers to questions like this may also help reveal patterns of what roles individuals tend to have within criminal enterprises engaged in human trafficking; for example, information about the extent to which criminal enterprises use women or men primarily to recruit or to transport victims.

*Possible values* may be male, female, transsexual or unknown.

### **1d) Date of birth (DoB)**

This field documents the trafficker's date of birth – specifically the day, month and year when the trafficker was born.

Information about the trafficker's date of birth is valuable in sketching trafficker profiles, which can be used in the design and implementation of information campaigns and other prevention work. It may also be helpful information in terms of documenting trafficker's age at different stages

of trafficking and the legal and judicial proceedings. Date of birth is also important identifying information and, as such, can be a means of cross-checking possible duplications in the database, where traffickers have the same names and/or other personal details.

*Possible values* are the day, month and year of the trafficker, in this sequence. The exact date of birth should be based on the trafficker's identity documents rather than their self-stated date of birth. Where the exact date of birth is not known initially (i.e. at the stage of the initial complaint), this should be added and/or corrected at a later stage when the exact information is available.

### **1e) Trafficker's citizenship**

This question refers to the country where the trafficker holds citizenship. This may be the same or different from the country in which the trafficker resides. Traffickers may have one or multiple citizenships.

This information can be helpful for legal actors in terms of noting what nationalities operate criminal activities in the country as well as potentially identifying where criminal networks of foreign or country nationals may be present. Noting citizenship is also relevant for the development of trafficker profiles which can be helpful in prevention work.

*Possible values* may be any country or combination of countries available on the databases' predefined list. In some situations, traffickers may hold multiple citizenships, in which case all citizenships should be listed.

### **1f) Trafficker's country of residence**

This question refers to where the trafficker regularly resides. The country of residence may be the same as or different from the country in which the trafficker holds citizenship.

Knowing the trafficker's country of residence is valuable information for legal actors in terms of determining who operates criminal activities in the country as well as, potentially, identifying where networks of foreign or

national criminals may be present and operational. The trafficker's country of residence may also be relevant in the development of trafficker profiles for use in prevention work.

*Possible values* may be any country listed in the database's pre-defined country list. There should only be one value to this question.

### **1g) Country of birth**

This field documents the trafficker's country of birth. The country of birth may be the same as or different from the country in which the trafficker holds citizenship or is resident.

Knowing the trafficker's country of birth is valuable information for legal actors in terms of determining who operates criminal activities in which country as well as, potentially, identifying where networks of foreign or national criminals may be present and operational. The trafficker's country of birth may also be relevant in the development of trafficker profiles for use in prevention work.

*Possible values* may be any country listed in the database's pre-defined country list. There should only be one value to this question.

### **1h) Trafficker's ethnicity**

This section denotes the self-reported ethnicity of the trafficker. However, in some countries, it may not be legally permissible to record a victim's ethnicity, in which case this field should be left blank. Where it is legal to record this information, this section should be voluntary, given the possibility of discrimination in some countries against ethnic minorities.

There has been much discussion about ethnically-based crime groups and documenting this indicator is an effort to identify where and when ethnicity may have relevance in the activities of criminals/traffickers. That being said, it is important that ethnicity is not used to explain criminal action in ways that create or compound existing social discrimination. Therefore data on this subject should be treated and used with some caution. While

ethnic minorities may constitute a large percentage of arrested traffickers, it may also be the case that this group are specifically targeted or identifiable to law enforcement precisely because of their ethnicity (and the associated assumptions of criminality), which may account for this high representation. Such caveats and clarifications should be clear in the analysis and presentation of information related to socially sensitive categories.

*Possible values:* Albanian; Ashkali, Bosnian; Bulgarian; Croatian; Egyptian; Gorani; Hungarian; Macedonian; Moldovan; Montenegrin; Pomak; Roma; Romanian; Russian; Serbian; Turkish, N/A; other. As many persons will likely have more than one ethnicity, there is the option to fill in more than one indicator for this section.

### **1i) Role in the trafficking chain**

This question refers to the individual's role/task in the trafficking chain. This should be based on the trafficker's self-stated roles (where possible) and/or on an assessment of information collected in the course of the investigation. This information may change in the course of intelligence gathering and should be adjusted accordingly.

Documenting the individual's role in the chain is helpful in terms of noting the structure of various criminal enterprises, specifically those within the trafficking network who are being investigated/arrested and whether investigations/trials are impacting low, medium or high level trafficking/criminal actors. This information is also helpful in analysing patterns relative to trafficker profiles. For example, combining this indicator with country of residence can reveal patterns in terms of where "bosses" of trafficking organisations reside. It also can provide profiles of persons with different roles in the trafficking chain.

*Possible values* include: document processor, recruiter, transporter, exploiter, "boss", other (please specify in section 6, point 6a) or unknown. The trafficker may have more than one role in the trafficking chain, in which case multiple values should be included.

*Definitions:*

- *Document processor* = An individual responsible for preparing and processing documents (legal, false or falsified) for use by traffickers and/or trafficking victims. In some cases, this person may be fully aware of the intent to trafficking; in other cases, they may not.
- *Recruiter* = An individual engaged in recruiting victims into trafficking. This might include offering work, study or marriage. It would also include persons who work in “fronts”, like employment agencies, travel companies, modelling agencies, etc. For the purpose of this database, in cases where victims were forcibly taken, this would also be the recruiter.
- *Transporter* = An individual responsible for the transportation of trafficking victims, including arranging the transportation component. In some cases, the transporter may accompany the victim in the transfer process (including crossing borders, arranging the transport, holding documents). In other cases, the transporter may be involved only in dispatching or receiving the victim.
- *Exploiter* = An individual who exploits victims, whether sexually or for labour, begging, delinquency, adoption, organ trafficking or for another form of trafficking.
- *“Boss”* = The boss has overall oversight for and profits from the trafficking activities. The boss may be actively involved in one or more of the various tasks below. S/he may also simply oversee, organise, fund or direct these activities.
- *“Other”* = This refers to all other categories not captured in the above definitions. Wherever possible, a note should be made in section 6, point 6a of the specific role that this person has played. It may be advisable to add new categories in a revised or updated version of the database.

**1j) Criminal record**

This question is about the trafficker’s existing criminal record, whether these were convictions or unresolved charges. The individual’s criminal record need not be specific to trafficking but can apply to any violation

under the country's criminal code. Ideally, this section would also capture any criminal record this individual may have from another country.

While the past or outstanding criminal charges need not be specific to trafficking, it is illuminating to note where such charges have occurred previously. This can denote a pattern of trafficking as well as, potentially, help target future pro-active investigations and law enforcement initiatives against the trafficker. Where other crimes (i.e. involving drugs or guns) are noted, it may be possible to sketch a pattern of criminals who cooperate in multiple criminal arenas to gain a picture of their activities and joint fields of operations.

*Possible values* are unlimited. This section is an open field of text to list all past charges, warrants or convictions. It is important to note when it is a conviction or charge. For example, "conviction for murder" or "charged with theft". Where no past criminal convictions exist, the value should be "no criminal record". Where incomplete information is available about this issue, the value should be "unknown". There may also individuals with "unresolved" charges or with "charges pending".

## Section 2: Investigation phase

### 2a) *Date case initiated*

This refers to the date – day, month and year – when the case against the trafficker was initiated (i.e. the initial complaint or filing related to the case). This is different from the date when an investigation started, which is noted later in this section.

This start date affords a baseline against which to measure future dates and timelines in this case and can potentially map where delays occur within the criminal justice process in trafficking and related cases.

Valuable cross correlates include:

- Date case initiated – date investigation initiated = time elapsed from initiation of a case to the start of the investigation

- Date case initiated – date of arrest = time elapsed from the initiation of a case to formal arrest
- Date case initiated – date of trial = time elapsed from the initiation of the case until the commencement of a trial
- Date case initiated – date of appeal result = duration of the criminal process

*Possible value* is day, month and year.

## **2b) Location case was initiated**

This field documents the precise location (administrative unit and country) where the case was initiated.

This allows legal actors to track where complaints and case are initiated within a country and, arguably, sites within a country where trafficking is more prolific. It may also be used as a measure of the actions and capacities of law enforcement in certain geographical areas – for example, where some institutions may be more proactive in anti-trafficking cases than others.

*Possible values* this is an open text field. Designations used in the database should be consistent with the specific administrative structures of the individual SEE country/territory.

## **2c) Initiation method**

This question documents how the case/file was originally initiated and refers to facts leading to the initiation of this criminal justice response.

This indicator documents how a case was started and can map the degree to which responses were reactive or proactive. It may also be possible to note patterns of success (or failure) related to how cases were initiated. That is, higher conviction rates may (or may not) be linked to cases of proactive investigation as compared to reactive responses. In turn, this information can provide detail about the respective advantages and disadvantages of different strategies.

*Possible values* include: complaint lodged; tips; proactive investigation; reactive investigation; unknown; other.

## **2d) Date investigation commenced**

This is the date – day, month and year – when the initial trafficking investigation started.

This start date affords a baseline against which future dates and timelines can be measured and, arguably, can help to map where delays occur within the criminal justice process in trafficking and related cases. For example, this date can be cross referenced with other dates – such as the date the case was initiated or the end of the trial – to note time elapsed between these criminal justice initiatives. This information is essential in terms of understanding in what departments or sectors delays occur and also situations in which certain institutions work with more or less efficiency. This information has the potential to assist anti-trafficking actors in addressing time delays in the criminal justice process, which may, at least in part, assuage some victims' concerns about participating in the process.

Valuable cross correlates include:

- Date investigation commenced – date case initiated = time between when the case was initiated and the start of the investigation;
- Date investigation commenced – date investigated completed = time required for the investigation phase;
- Date investigation commenced – date trial commenced = time elapsed between initial investigation and trial;
- Date investigation commenced – date of final appeal = time elapsed from investigation to final completion of the case.

*Possible value* is day, month and year.

## **2e) Date investigation completed**

This is the date – day, month and year – when the trafficking investigation was completed.

This end date provides a baseline against which future dates and timelines can be measured and helps to map if and where delays may occur within the criminal justice process. For example, this date can be cross referenced with the date that the investigation started to provide information about the length of the investigation process, which can be helpful to better understand the actual functioning of the criminal justice process and the sectors where delays do (and do not) occur.

Valuable cross correlates include:

- Date investigation initiated – date investigated completed = the investigation period;
- Date investigation completed – date trial commenced = time elapsed between conclusion of the investigation and commencement of the trial;
- Date investigation completed – date of arrest = time elapsed between the conclusion of the investigation and the arrest of the trafficker;
- Date investigation completed – date of final appeal = time elapsed from initial investigation to the final completion of the case.

*Possible value* is day, month and year.

## **2f) Date of arrest**

This is the date – day, month and year – when the arrest of the alleged/suspected trafficker took place.

The date of arrest provides a baseline against which future dates and timelines can be measured. For example, it can be cross referenced with the date of the initial filing to provide information about the length of

time between initial filing and formal arrest. Similarly, this date can be cross referenced with the date when the trial started to mark elapsed time between the arrest and the start of the trial. Understanding the time required at each stage of the criminal justice process is important in providing full and reliable information to victims/witnesses about the legal process, which may lead to their increased willingness to participate in the process. It is also important that legal and judicial anti-trafficking actors are aware of where, when and why delays occur in order that improvements can be made.

Valuable cross correlates include:

- Date of arrest – date case initiated = time elapsed between complaint and formal arrest;
- Date of arrest – date investigation commenced = length of time between the initial investigation and the formal arrest;
- Date investigation ended – date of arrest = time elapsed between conclusion of the investigation and the arrest of the suspect;
- Date of arrest – date of final appeal = time elapsed between formal arrest and the completion of the full trial process.

*Possible value* is day, month and year.

## **2g) Charges at arrest**

This section lists all of the charges brought against the trafficker at the time of the arrest. This may include trafficking charges; it may also include non-trafficking charges. There may be situations in which the initial case and charges were designated as trafficking but are subsequently reclassified to a non-trafficking charge. In other case, some or all of the charges at arrest will be related to trafficking.

Through this section, it is possible to map the types of charges brought against traffickers as well as any related non-trafficking offences. This field can also be helpful in ascertaining whether in the process of the investigation any charges of trafficking were reclassified to a lesser (or greater) charge. And it is important in terms of understanding the extent

to which complaints and investigations result in arrests on trafficking and non-trafficking cases.

*Possible values* are unlimited. This section is an open field text.

## **2h) Type of trafficking/exploitation**

This question looks at the form of trafficking for which charges of trafficking have been brought.

This is valuable information in terms of understanding trafficking trends and patterns to, through and from the country. This also provides information about trafficking patterns and trafficker's activities.

While the Palermo protocol lists only trafficking for sexual exploitation, forced labour and organ trafficking, this database includes more options based on the forms of trafficking detailed in national anti-trafficking legislation in SEE. Each country has its own legal definitions for the different forms of trafficking, which would apply for the data collection process in the country. Where these categories are not consistent with national legislation, government national repositories may wish to close the fields which are not applicable in their country.

*Possible values* include: sexual exploitation, forced labour and services, begging, delinquency, adoption, removal of organs, other (to be specified in section 6, point 6a). In some cases, victims may have suffered multiple forms of exploitation in which case they will need to provide more than one answer to this question.

## **2i) Number of victims involved**

This field notes the numbers of trafficked persons involved (as victims) in the case for which the trafficker was arrested.

Through this question it is possible to note approximately how many victims were exploited by this trafficker, which provides some (albeit imperfect) measure of the extent to which trafficking occurs within, to or

through the country. It may also be used to shed some light on the organisation of the trafficker's network and/or activities.

*Possible values* are 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

## **2j) Victim statements**

This section notes the number of victims who have provided statements against the trafficker in the course of the investigation.

Victim statements can be an important source of testimony against traffickers and, to date, have often formed the foundation of trafficking cases. While having more victims/witnesses per case may result in a stronger case, this may not necessarily always be true. Noting the extent to which arrests were based on the statement of victims/witnesses (as compared to other forms of evidence) would also be important. Another interesting correlate would be to consider the success rate of trials relative to the victims' statements. Further, cross correlating this indicator with subsequent questions on victim protection – pre, post and during the trial – assesses the extent to which protection is provided to victims who give statements. Also significant would be to examine what impact the combination of victim statements and victim protection (pre, post and during trial) had on conviction rates.

*Possible values* are 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

## **2k) Pre-trial victim protection**

This field notes whether any of the victims involved as victims/witnesses in the cases received any protection during this pre-trial phase.

Through this field it is possible to note the extent to which protection is afforded to victims/witnesses prior to the commencement of a trial when threats and attacks can derail the criminal justice process. It is also possible to compare conviction rates relative to the rate of protection af-

forded in the pre-trial phase as a potential measure of the importance of victim protection. Comparing this indicator with victim protection offered during and after the trial is also a means to chart the continuity of protection available to victims who are involved in the legal process.

*Possible values* are 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

## **Section 3: Trial phase**

### ***3a) Charges at trial***

This field registers all of the charges pending against the trafficker at the trial, which may or may not be different from those charges leading to the arrest. This may include trafficking charges; it may also include non-trafficking charges. There may be situations in which the initial case was related to trafficking but was subsequently reclassified to a non-trafficking charge. In other cases, trafficking charges brought at arrest are the same as those at trial.

Through this section it is possible to map the types of charges being brought against traffickers as well as any related non-trafficking offences. This field can also be helpful in ascertaining whether during the criminal process any trafficking charges were reclassified to a lesser (or greater) charge. That is, this information can be cross-referenced with charges initially filed and charges at arrest to note how charges have changed from the initial investigation phase to the trial phase. This question is also important in terms of understanding the extent to which complaints and investigations result in charges at trial on trafficking and non-trafficking cases.

*Possible values* are unlimited. This section is an open field for text. In the event that the accused pleaded guilty to the charges, this should be noted here. Where this is the result of a plea bargain, please note any changes in the process such as a reduction to lesser charges and/or a reduced sentence.

### **3b) Location of trial**

This field documents the precise location (administrative unit and country) where the trial took place.

This allows legal actors to track where, within a country, trafficking trials do (and do not) take place, which may also be used as an indication of where trafficking is more prolific. It may also be used as a measure of the actions and capacities of law enforcement and/or the judiciary in certain geographic areas.

*Possible values* this is an open text field. Designations used in the database should be consistent with the specific administrative structures of the individual SEE country/entity.

### **3c) Date trial commenced**

This question documents the date – day, month and year – that the trial commenced.

The date when the trial commenced provides a baseline against which other dates and timelines in the criminal justice process can be measured. This helps to map the time required at different stages of the criminal justice process in trafficking cases as well as note what stages of the criminal justice process are more (or less) efficient and expeditious. It is also possible to identify in what sectors delays do (and do not) occur.

Valuable cross correlates include:

- Date trial commenced – date case initiated = time elapsed between the initial complaint and the start of the trial;
- Date trial commenced – date investigation started = time elapsed between the start of the investigation and commencement of the trial;
- Date trial commenced – date investigation ended = time elapsed from the end of the investigation to the start of the trial;
- Date trial commenced – date trial ended = length of the trial;

- Date trial commenced – date of final appeal = time between the start of the trial and the final resolution of the case (the full trial process).

*Possible value* is day, month and year.

### **3d) Date trial ended**

This question documents the date – day, month and year – when the trial ended.

The date when the trial ended allows for comparison with other dates and timelines in the criminal justice process, which, in turn, helps to identify if and where some stages of the process are efficient and expeditious.

Valuable cross correlates include:

- Date trial ended – date case initiated = time elapsed between the initial complaint and the end of the trial
- Date trial ended – date trial started = length of the trial
- Date trial ended – date of final appeal = time between the end of the trial and the final resolution of the case.

*Possible value* is day, month and year.

### **3e) Victim testimony**

This question notes the number of victims who have provided testimony against the trafficker in the course of the trial.

Victim testimony can be vital to the success of a criminal justice case against a trafficker and, to date in SEE countries/territories, victim testimony has often formed the foundation of many trafficking cases. While having more victims/witnesses involved in legal proceedings may result in a stronger prosecution, this may not necessarily be the case. Thus, noting the conviction rate relative to the number of victims who have provided testimony is a valuable comparison in understanding how victim

testimony contributes to convictions. It is also important to see whether any protection was provided to victims in cases where victims did testify. Thus, by crossing this indicator with subsequent questions on the provision of victim protection, it is possible to assess the extent to which this protection is being provided to victims and the impact this may have on a successful legal outcome. Finally, comparing victim statements provided in the investigation stage with victim testimony may tell us something about the victim's willingness to engage actively in the trial proceedings over time and different stages.

*Possible values* are 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

### **3f) Trial victim protection**

This question asks whether any of the victims involved as victims and/or witnesses in the cases received any protection during the trial phase. During the trial, there may be different types of protection available such as the option to provide testimony by video or full time police protection. Wherever some protection is afforded, this should be noted.

Through this field it is possible to note the extent to which protection is afforded to victims/witnesses during the trial, when victims may be required to face their trafficker in the court process as well as come into contact with the trafficker's family and friends. Where protection is not provided during the trial it is possible that threats from the trafficker (or their family or friends) may result in the victim changing or withdrawing their statement. Another important analysis is to compare convictions rates relative to the availability of protection in the trial phase. Further, comparing trial protection with victim protection offered before and after the trial is also a means to chart the continuity of protection available for victims/witnesses. That being said, because this section does not go into extensive detail about the different forms of protection, there are limits to the conclusions which can be drawn from this section. For example, where victims are allowed to testify via video, this is a form of protection.

However, it may not be sufficient in a case where the victim is at risk of physical harm. Therefore, information from this indicator should be presented with such caveats.

*Possible values* are: video testimony, full-time police protection, escort to court, closed court session, witness protection option, none, unknown, other (please specify in section 6, point 6a). Where multiple forms of protection were offered, please note each of these forms.

### **3g) Trial outcome**

This question documents the outcome of the trial – the formal ruling on the various charges, whether trafficking or non-trafficking charges.

Comparing the outcome of the trial with a range of variables/indicators from the database potentially sheds light on many aspects of the criminal justice procedure. Some possible cross correlates include, but are not limited to, the following:

- comparing the trial outcome and the use of victim protection arguably indicates the impact of these protection measures on the success of the case;
- considering the trial outcome relative to the length of the trial (trial commenced – trial ended) may indicate whether success is impacted by the duration of the proceedings;
- contrasting the trial outcome with the number of victims statements and/or testimonies may suggest the significance of victim/witnesses in the criminal justice process;
- comparing the outcome of the trial (where guilty) with the charges and the sentences reveals the types of sentences being received for trafficking related charges.

*Possible values* include guilty; acquitted; mistrial; pending; unknown, not applicable.

### **3h) Sentence imposed (at trial)**

This field notes the sentence imposed in the case of a guilty verdict in the trial.

It is important to note the types of sentences imposed as a result of trafficking convictions. By comparing the sentence with the charges from the trial, it is possible to note what types of sentences are being imposed for trafficking (and non-trafficking charges) and in what types of cases heavier sentences are imposed. Also important are the types of sentences imposed – whether a prison term, house arrest, fines, etc.

*Possible values* include prison; fine; suspended sentence; house arrest; community service; other; unknown; not applicable. This section is only to be completed in the case of a guilty verdict in the trial. More than one value may be required in this section. That is, a sentence like “prison” may be imposed in combination with another penalty like a “fine”. All relevant penalties should be registered.

### **3i) Duration of sentence (at trial)**

This question asks for the length of the sentence imposed when the sentence has been “prison”, “suspended sentence”, “house arrest”, “community service” or “prison” in combination with another penalty like a “fine”.

Through this field it is possible to note the types of sentences and penalties imposed for trafficking and related crimes. Information about sentence length is helpful in evaluating the appropriateness of sentences in individual cases and in considering a country’s record of sentencing in trafficking cases. That is, where traffickers commonly receive short sentences – for example, a matter of months rather than years – the criminal justice process, arguably, will not deter traffickers. Comparing sentences with other indicators – i.e. charges at trial, number of victims involved, provision of victim testimony – can be illuminating in terms of understanding what may contribute to heavier sentences and penalties.

*Possible values:* 0; 1 - 6 months; 7 - 12 months; 1 - 2 years; 3 - 5 years; 6 - 10 years; 11 - 15 years; 16 – 20 years; 20-25 years; 26-30 years; +30 years.

### **3j) Fine imposed (at trial)**

This field notes the amount of the fine imposed, where the sentence/penalty was a fine. In some cases the penalty will only be a fine; in other cases a fine may be imposed in combination with another sentence – i.e. “prison”, “suspended sentence”, “house arrest”, “community service” and or “prison” in combination with another penalty like a “fine”.

Documenting fines imposed for trafficking and related crimes may be seen as a measure of the gravity with which a crime is treated in a particular country. The value of this field is in documenting patterns in the imposition of fines as the basis for an evaluation of sentencing. For example, where traffickers are fined small amounts, this is not likely to prove a disincentive in an industry with huge profits. Comparing fines with other indicators (based upon data collected from all cases) – i.e. charges at trial, number of victims involved, provision of victim testimony – can be illuminating in terms of understanding what may contribute to heavier sentences and penalties.

*Possible values* include: an integral number, representing the local currency unit.

## **Section 4: Appeal process**

### **4a) Conviction appealed**

This section records the appeal process in the case of a conviction.

This field indicates the extent to which trafficking (and related) cases, when a guilty verdict is achieved, are appealed. It may be possible also to determine what types of charges are more likely to be appealed (i.e.

by cross correlating this indicator with trial charges) as well as when sentences/penalties are (or are not) appealed.

*Possible values:* yes, no or unknown

#### **4b) Appeal commenced**

This question documents the date – day, month and year – that the appeal process commenced.

The date when the appeal commenced provides a date against which other dates and timelines in the criminal justice process can be measured, including where delays occur and/or processes are expeditious and efficient.

Valuable cross correlates include:

- Date trial commenced – date appeal commenced = time elapsed between the initial trial and the start of the appeal process
- Date appeal commenced – date trial ended = time elapsed between the initial trial and the start of the appeal process
- Date appeal commenced – date appeal ended = length of the appeal process

*Possible value* is day, month and year.

#### **4c) Appeal concluded**

This question documents the date – day, month and year – that the appeal process was concluded.

Noting the date when the appeal was concluded is helpful as a time marker against which other dates and timelines in the criminal justice process can be measured. It helps to map where delays may occur within the criminal justice process and what stages of the process are efficient and expeditious.

Valuable cross correlates include:

- Date appeal concluded – date case initiated = time elapsed from initial complaint to the conclusion of the appeal
- Date of appeal commenced – date appeal concluded = length of the appeal process
- Date trial commenced – date appeal concluded = time elapsed from the start of the trial to the final resolution of the case (the full trial process).

*Possible value* is day, month and year.

#### **4d) Basis of appeal**

This field registers the grounds upon which the appeal is based.

This section notes what alleged errors have taken place in the trial process which allowed for an appeal of the ruling. This information can be helpful in monitoring and evaluating the effectiveness of trafficking prosecutions and what problems/errors need to be considered/anticipated in future trafficking trials.

*Possible values* are unlimited. This section is an open field for text.

#### **4e) Victim protection during appeal**

This question asks whether any of the victims involved as victims and/or witnesses in the case received any protection during the appeal phase.

Through this field it is possible to note the extent to which protection is afforded to victims/witnesses during the appeal stage. Comparing the availability of protection at the appeal stage with victim protection offered before and after the trial is also a means to chart the continuity of protection available for victims/witnesses.

*Possible values* are 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

#### **4f) Result of the appeal process**

This question asks about the result of the final appeal in the case. While most legal systems have various stages of appeal, this section refers only to the final appeal and, thus, the final result in this case.

Most importantly, this field reveals the rate at which trafficking convictions are overturned in a country. Where the appeal resulted in an acquittal, it may be valuable to further look into the case to identify what specifically led to the acquittal in order that legal and judicial professionals can be equipped for future trials and appeals. This also can be an entry point for monitoring the criminal justice process in terms of trafficking cases.

It is also valuable to compare the outcome of the appeal with a range of variables/indicators from the database to potentially shed light on different aspects of the criminal justice procedure. Some possible cross correlates include, but are not limited to, the following:

- comparing the appeal outcome and the use of victim protection arguably indicates the impact of these protection measures on the success of the case;
- considering the appeal outcome relative to the length of the trial (trial commenced – trial ended) may indicate whether success is impacted by the duration of the proceedings;
- contrasting the appeal outcome with the number of victims statements and/or testimonies may provide some indication of the role that victim/witnesses play in the criminal justice process;
- comparing the trial outcome with the appeal outcome indicates consistency in sentencing;
- comparing the appeal outcome with the specific charges may indicate that it is easier for convictions to be realised on some charges more than others;
- comparing the appeal outcome (where guilty) with the charges and the sentences reveals the types of sentences being received for trafficking related charges.

*Possible values* include guilty; acquitted; mistrial; pending; unknown; not applicable

#### **4g) Sentence imposed (at appeal)**

This question asks about the sentence imposed in the case of a guilty verdict in the final appeal process.

It is illuminating to note the extent to which sentences imposed in trafficking trials are being upheld upon appeal.

*Possible values* include prison; fine; suspended sentence; house arrest; community service; other; unknown; not applicable. This section is only to be completed in the case of upholding a guilty verdict. More than one value may be required in this section. That is, a sentence like “prison” may be imposed in combination with another penalty like a “fine”. All relevant penalties should be completed.

#### **4h) Duration of appeal sentence**

This question asks for the length of the sentence imposed in the final appeal stage when the sentence has been “prison”, “suspended sentence”, “house arrest”, “community service” or “prison” in combination with another penalty like a “fine”.

Through this field it is possible to note the types and extent of sentences and penalties upheld for trafficking and related crimes at the final appeal stage.

*Possible values:* 0; 1 - 6 months; 7 - 12 months; 1 - 2 years; 3 - 5 years; 6 - 10 years; 11 - 15 years; 16 – 20 years; 20-25 years; 26-30 years; +30 years.

#### **4i) Fine amount (at appeal)**

This question asks for the amount of the fine included in the sentence at the conclusion of the appeal process. This line of inquiry considers

whether sentences and/or penalties imposed at trial are upheld as a result of the appeals process.

*Possible values* include: integral number, representing the local currency unit.

## **Section 5: Post-trial phase**

### **5a) Final sentence implementation**

This question considers the extent to which the final sentence (whether prison, house arrest, suspended sentence, community service, etc.) was imposed and implemented.

It is valuable to compare the actual sentence imposed with the implementation of the sentence to note any discrepancies between the two. This serves as a measure of the degree to which trafficking sentences are (and are not) enforced.

*Possible value:* open text section in which the period of the sentence is filled in.

### **5b) Fine implementation**

This question considers the extent to which the final fine was imposed and implemented.

It is valuable to consider the actual implementation of the fine to note the degree to which trafficking penalties are (and are not) enforced.

*Possible values* include: integral number, representing the local main currency unit.

### **5c) Post-trial victim protection**

This question asks whether any of the victims involved as victims and/or witnesses in the case received protection following the final appeal process.

It is important to note not only how many victims received protection after the trial but also to track how many victims received protection for the full duration of the criminal justice process – from pre-trial to the conclusion of the appeal and beyond, as needed.

*Possible values* are 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

#### **5d) Victim compensation ordered**

This question asks about whether the victim received any financial compensation as a result of the trafficking proceedings and, if so, in what amount. There is a difference between being ordered to pay compensation and the actual receipt of this compensation. Ideally, data collection would document both aspects, which would allow for noting any discrepancy between the two indicators and, thus, the implementation of compensation measures. This question refers to the actual receipt of compensation – whether and in what amount compensation was actually received by victims.

*Possible values* include: integral number, representing the local main currency unit.

### **Section 6: Reference Numbers<sup>27</sup>**

#### **6a) Ministry of Interior Reference Number:**

It refers to the primary reference number assigned by the mandated investigative body. This number is cross referenced in the database with all other identical numbers, allowing for a secondary association of many persons with one investigation. It also allows database users to cross-reference the data contained in their database with the original investigation dossier.

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<sup>27</sup> These new set of indicators have been added in the DCIM databases according to the recommendations of the institutions participating in the DCIM Phase 2 project.

**6b) Ministry of Justice Reference Number:**

It refers to the primary reference number assigned by the mandated judicial body. This number is cross-referenced in the database with all other identical numbers, allowing for a secondary association of many persons with one sentence. It also allows database users to cross reference the data contained in their database with the original judicial dossier.

**6c) Court docket number:**

It refers to the primary reference number assigned to a prosecutorial dossier by the mandated prosecutor. This number is cross referenced in the database with all other identical numbers, allowing for a secondary association of many persons with one trail. It also allows database users to cross-reference the data contained in their database with the original prosecutorial dossier.

**6d) Social Security Number:**

This number is added to avoid two possible pitfalls in data collection. Firstly, a false positive regarding the duplication of persons, in instances where persons have the same name and date of birth. Secondly, where a person name varies due to being transcribed in a different alphabet or due to marriage. This number allows the user to cross reference the information stored in the DCIM database with other sources of data.

**Section 7: Other****7a) Comments on the case**

This is an open text field which can be used to enter additional details, clarification or comment about the case. Each national repository will determine what type of information to be included in this field and how this information may be used.

### ***7b) Date of recordset creation***

This is the date and time when the person/case data has been initially stored within the database. This field cannot be changed by the user and it is automatically filled in by the software.

### ***7c) Date of most recent update***

This is the date and time of the most recent update made to the person/case data. This field cannot be changed by the user and it is automatically filled in by the software.

## Issues in data analysis and presentation<sup>28</sup>

Collecting data about trafficking in and of itself is not sufficient. Equally important is that this data is transformed into policy and programmatically relevant information. As such, it needs to be put together compiled, analysed and presented in a way that presents relevant information for anti-trafficking practitioners and policy-makers working in the area of prevention, protection and prosecution. In addition to the collection of data, therefore, it is equally important how the data is cleaned, entered, validated and, finally, analysed and presented. The quality of the information drawn from the database and, by implication, the resulting conclusions and recommendations depends heavily on these efforts. Data available from the database will only be as good as the data that was originally input. As such, careful attention should be paid to issues of data quality; data validation and cleaning; and data analysis and presentation in the implementation of this project. It is outside the scope or objective of this handbook to discuss each of these issues in detail. However, some basic points and issues will be flagged herein as a starting point for data processing and analysis and for future consideration and work in this area. These points are by no means exhaustive and far more attention in the long term is needed to the issue of data processing, maintenance and

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<sup>28</sup> The chapter was drafted and published in the context of ICMPD's DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD.

analysis in the implementation of this database initiative in each of the project countries.<sup>29</sup>

### 5.1: Data quality

A central consideration in this project must be that of data quality. “Data quality” refers to the degree of excellence exhibited by the data in relation to the portrayal of the actual phenomena, in this case, trafficking in human beings. It is a measure of the value which the information provides to the user of that information. Importantly, “quality” is subjective and the quality of information can vary among users and among uses of the information. Problems with data quality arise not only from incorrect data but also from inconsistent and/or incomplete data.

In the context of this database project on trafficking, data quality can be informed by a myriad of different factors which, in turn, may lead to incorrect data. For example, processing and entering data by untrained staff can lead to errors in entry which, in turn, will lead to incorrect data sets. Similarly, in the case of the victim-centred database, differential capacity of anti-trafficking actors to identify victims may lead to some “non-victims” being included in the database and/or some actual trafficker-victims being excluded from the database. In terms of the trafficker-

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<sup>29</sup> Information for this section is drawn from the following sources: Bernard, R.H. (2006) *Research methods in anthropology: qualitative and quantitative approaches*. NY, Toronto & Oxford: Altamira Press; Brunovskis, A. and R. Surtees (2007) *Leaving the past behind: why some trafficking victims decline assistance*. Fafo Institute (Oslo) and Nexus Institute (Vienna); Brunovskis & Tyldum (2005) ‘Describing the unobserved: methodological challenges in empirical studies on human trafficking’. *International Migration, special issue on data research on human trafficking, a global survey*. 43(1/2): 17-34; ICPSR (2005) *Guide to Social Science data preparation and archiving*. Michigan: ICPSR; Gramagna, M. & F. Laczko (2003) ‘Developing Better Indicators of Human Trafficking’. *Brown Journal of World Affairs*. Vol. X, Issue 1. Available at: <http://www.watsoninstitute.org/lbjwa/archive/10.1/SexTrafficking/Laczko.pdf>; Lewis-Beck, M. (1995) *Data Analysis: an Introduction*. Thousand Oaks, California: Sage Publications, Inc; Redman, T. C. (2004); ‘Data: An Unfolding Quality Disaster’. *DM Review Magazine*. August; Surtees, R (2005) *Second annual report on victims of trafficking in Southeastern Europe*. Geneva: IOM; Surtees, R. (2003) *Documenting Trafficking in Indonesian Women and Children: a Research Manual*. Indonesia: ICMC, ACILS & USAID; Wand, Y. and Wang, R. (1996) ‘Anchoring Data Quality Dimensions in Ontological Foundations’, *Communications of the ACM*, November, pp. 86-95.

centred database, incorrect data may arise when precise details of the case (i.e. specific charges) are not accurately documented and/or entered.

Inconsistencies in data also impact data quality. Inconsistencies may be the result of user entry errors or corruption in transmission or storage. An example of an inconsistency in the victim-centred database would be a situation in which the victim's date of exploitation precedes their recruitment, the data being inconsistent with the trafficking chronology. Similarly, another inconsistency would be if the dataset reported "no" to the field on "abuse prior to trafficking" but in the subsequent section asking about "form of abuse prior to trafficking" there was a response rather than non-applicable.

Incomplete datasets can also impact the quality of the data, providing only partial information about cases which inhibits comparability of data sets. Incomplete datasets are a real possibility for both databases proposed in this project. In terms of the trafficker-centred database, this is possible where legal/judicial institutions do not share data with one another and/or cooperate on the database initiative and/or because of the time lag involved in the processing of cases from the initial complaint or arrest to the finalisation of sentencing, a process which can take months and years. Incomplete datasets are also possible within the victim-centred database where victims have been reluctant or unwilling to provide details about their background and/or trafficking experience; where victims are not in contact with identifying/assisting actors for long periods of time; and/or when victims have declined identification and/or assistance. While incomplete datasets are not desirable, it may be inevitable in the early stages of this project as the process of data collection is operationalised and obstacles in data collection and information sharing are worked out. As such, thought will need to be given to when the incompleteness of a dataset impacts the data quality and integrity to such a degree that it needs to be excluded from the database.

Importantly, data received from the database will only be as good as that which has been inputted. Therefore, ensuring high quality data from the outset is of the utmost importance in the implementation of this initiative.

## 5.2: Data validation and cleaning

Ensuring the quality of data involves two main activities – data validation and data cleaning. In the context of this database project on human trafficking, both database cleaning and data validation are required.

### 5.2.1: Data validation

“Data validation” is the process of checking if something satisfies a certain criterion. Validation implies one is able to testify that a solution or process is correct or compliant with set standards or rules. Data validation is performed at the time of data entry and almost invariably means that some data is rejected from the system.

The simplest data validation verifies that the characters provided come from a valid set. For example, the victim’s date of birth must be comprised of day, month and year, in that sequence. A more sophisticated data validation routine would check to see whether the user has entered a birth date which, when cross referenced with the date of trafficking, produces an age which is consistent with the other information known about the victim, such as their trafficking experience, marital status, education, etc.

There are different methods for data validation which include, but are not limited to, the following:

- *Format checks*: checks that the data is in a specified format such as day/month/year (dd/mm/yyyy);
- *Data type checks*: checks the type of the data input such as when a letter “O” is input where a number zero should be;
- *Range checks*: checks that the data lie within a specified range of values, such as months which should be within 1 to 12; the number of days per month which should not exceed 31; the year should not be from the 1800s;
- *Presence checks*: checks that essential data, such as name or identifying code or date of birth, is present in the data set and has not been omitted;
- *Spelling checks*: checks for errors in spelling or grammar;

- *Consistency checks*: checks that the field corresponds with the prescribed options, such as male or female when asking about sex.

In the context of this project, data validation may take place in different ways. Most simply, the staff responsible for the database should validate the information manually by reviewing the information provided (considering some of the methods outlined above) prior to entry or import. In other cases, data validation will require some knowledge of trafficking – from either an assistance/protection or legal/judicial process – to assess errors or problems. For example, in a case where a convicted trafficker receives no prison time as part of this sentence, this should be a signal of possible data errors given that many countries have requisite prison sentences for traffickers. Validation can also be done by reviewing the information case-by-case to assess the logic or accuracy of the answers. For example, where dates are not chronological (i.e. date of recruitment is after the date of assistance or date of arrest is after the date of the trial), data validation will be required. Data validation may also require contacting the original data source (whether NGO, IO or GO) to clarify any unclear or problematic data.

One key issue in the validation process will be to check for duplicate cases – the same person entered more than once. This can occur in the victim-centred database when two organisations or institution have identified and/or assisted one victim and, therefore, both list this person in their dataset. It is possible to check for duplication by cross referencing names and, ideally, some other identifying information, such as birthdate, area of residence and marital status. It is also important when looking at names to consider the possibility of different spellings or misspellings. Where the name is not provided, duplication can be detected by considering a combination of personal, identifying information, such as birthdate, citizenship, area of residence, education and marital status. In a case where there is duplication, the case should be entered only once. There is less likelihood for duplication of cases in the trafficker-centred database as names will be included. However, here again duplication is possible in

situations where names are misspelled or there are errors in the identifying information.

### *5.2.2: Data cleaning*

“Data cleaning” is the act of detecting and correcting (or removing) corrupt or inaccurate records from a data set. After cleaning, a data set should be correct, complete (to the extent that this is possible) and consistent with other similar data sets in the system. Data cleaning is essential as a quality control mechanism. It differs from data validation in that it is performed at regular intervals during the data processing and project implementation and on select batches of data.

The actual process of data cleaning may involve removing typos or validating and correcting values against a known list of entities. An example of data cleaning is consistency checks which, at minimum, ensure that fields have valid values and that non-applicable fields do not have values. More advanced consistency checks require some knowledge of the material and will generally involve comparisons across different variables. For example, in the trafficker-centred database an example would be to check that in all cases where a conviction had been secured an appropriate penalty was imposed, as prescribed by national legislation.

Data cleaning should take place at regular intervals to assure the quality of the data. This process involves reviewing data sets for inconsistencies and errors. To do this, staff can run tests according to certain indicators to see where there may be problems or issues. For example, running a query related to dates (i.e. date of birth, date of trafficking, date of assistance, etc) may yield problematic answers such as days that are more than 31 or months that exceed twelve. Cross tabulating specific indicators is another means of checking for problems in the data set. Where irregular or implausible patterns are identified, this is also a signal of “unclean data” and it may be necessary to remove data sets or to correct the content of the data.

### 5.3: Data analysis and presentation

“Data analysis” is the act of transforming data from data sets to useful information, which can provide insights on an issue and facilitate conclusions and recommendations. Analysis looks for patterns in the data and for ideas that help to explain and account for those patterns.

Certainly victim profiles can be sketched from information collected in the victim-centred database which, in turn, has relevance not only in terms of targeting prevention programmes and safe migration messages but also in the development of assistance and protection interventions. Analysis of the victim-centred database can also potentially reveal valuable patterns in terms of recruitment (helpful in prevention work), transportation (relevant for possible identification entry points) and trafficking (important in the development and tailoring of assistance). Similarly, patterns may also be established based on the trafficker-centred data. For example, the various indicators about individual traffickers will, through the analysis process, translate into helpful information about trafficker profiles, which is potentially valuable in prevention work with victims as well as identification by law enforcement. Similarly, analysis of conviction rates and sentencing both at trial and upon appeal reveal patterns in the criminal process, which, in turn, may identify gaps and issues and/or good practices in the criminal justice process in the country.

To undertake the analysis of information in the two databases, it will be necessary to employ some basic statistical methods. While it is outside the scope of this handbook to explore statistical analysis in depth, some basic points are made below to assist in this analysis process.

“Statistics” is a mathematical science pertaining to the collection, analysis, interpretation/ explanation and presentation of data. In applying statistics to an issue, one begins with a population to be studied. In the context of this handbook, the two populations being studied are, on the one hand, trafficked persons and, on the other hand, traffickers. Rather than compiling data about an entire population, it is generally the case that data is collected about a subset of this population, known as a “sample”. This is done for practical reasons – both the time and cost involved in collecting

data about the full population being studied is prohibitive. Our sample of trafficked persons reflects not all trafficked persons but rather presumed and actual trafficking victims who have been identified by anti-trafficking actors. Our sample of traffickers refers not to all traffickers but rather to accused and convicted traffickers who have come into contact with the criminal justice process. Data is collected about the sample according to set parameters (outlined in the methodology section of this handbook) and then subjected to statistical analysis.

Analysis for this project is likely to be “descriptive statistics”, which is used to summarize the data, either numerically or graphically, to describe the sample. “Descriptive statistics” are used to describe the basic features of the data in a study. They provide simple summaries about the sample and the measures. Various techniques include graphical description (when graphs are used to summarize the data), tabular description (when tables are used to summarize the data) and summary statistics (when certain values are calculated to summarize the data). Ideally, national data repositories will have staff equipped with some basic statistical literacy to undertake this aspect of the analysis process. Further, follow-on projects in anti-trafficking data collection should incorporate capacity building in the area of statistical analysis.

In terms of the analysis of the two current databases discussed in this handbook, there are some very specific issues which should be considered in the analysis process. While not an exhaustive list, it is a starting point for thinking through not only what the data collected can potentially reveal but also in terms of the limitations of these data sets.

*Representative and unrepresentative samples:* It is important to determine if and when a sample is representative of the population, allowing for inferences and conclusions to be made and extended to the population as a whole. A major problem lies in determining the extent to which the chosen sample is representative. The extent to which the data sets collected in the two databases is representative will be directly determined by the extent to which full data is collected, shared and compiled between the different data sources. As important is to consider of what population the

sample is representative. That is, to what extent is data about victims or traffickers in the database representative of trafficked persons or traffickers more generally.

In the context of these databases, it is necessary to carefully contextualise the information being presented as partial in that it cannot be read as the full picture of trafficking in human being from, through or within a country, regardless of whether considering the data from the victim or trafficker perspective. That is, the data sets in the victim-centred database refer only to identified and/or assisted victims of trafficking. There are many trafficking victims – of unknown quantity and profile – who are never identified and/or assisted. Further, it is unknown the extent to which identified and assisted trafficking victims are similar to unidentified and unassisted victims. It is possible that assisted and identified trafficking victims are representative of only a certain profile of trafficked persons, perhaps those with the most violent trafficking experience or problematic family backgrounds, which leads them to be identified and/or to seek out and accept assistance. This, then, means that findings from the victim-centred data are representative not of all trafficking victims but rather only of identified and/or assisted trafficking victims. In addition, as the database will also consider cases of presumed as well as actual trafficking victims, this distinction should also be made clear in the presentation of the data.

In terms of the trafficker-centred database, it is also possible that the database is partial, with not all trafficking cases recorded. This may result from: 1) a lack of cooperation between different legal/judicial actors, 2) the time lag involved in the completion of the criminal process, 3) traffickers being charged with non-trafficking offences (i.e. mediation of prostitution, facilitating illegal migration), etc. In addition, there are many traffickers (of unknown number of profile) who are never detected and processed in the criminal justice system.

*Valid findings and trends:* Some consideration is needed in terms of how findings are read and presented. On the one hand, it is important that the data not merely be stated. It is equally the role of the analyst to contextualise, explain and draw conclusions from the data. At the same time, it

is important to consider how assumptions and biases may play a role in the analysis process, influencing what is seen and understood from the dataset.

For any conclusion, there are always possible threats to validity – reasons that the conclusion may be incorrect. There are issues of internal validity (flaws within the study itself or problems with the research instrument) and external validity (the extent to which findings can be generalized to a larger group or other contexts). Ideally, one tries to reduce the plausibility of the most likely threats to validity, thereby leaving as most plausible the conclusion reached in the study. It is important to consider how a conclusion might be wrong – for example, how it might be interpreted in a different way – and exclude these alternative explanations. For example, if 30 per cent of respondents who were trafficked abroad for domestic work were underage, it may be assumed that they crossed borders illegally and with false documents as minors are not generally allowed to travel internationally without parental accompaniment and/or consent. However, this cannot be proven by this information alone and instead is based partly on assumptions about how such movements take place. However, there are other ways that this movement/trafficking could have occurred, including some parents having consented to their children's migration, having been accompanied by parents, etc. Further, validity is also impacted by the size of the dataset. Small sample sizes cannot be read and presented in the same way as representative samples. For example, when referring to a small number of cases – i.e. ten victims or five traffickers – this limited sample size must be made clear in the presentation of this data.

*Subjectivity:* Another issue in data analysis and presentation is that some of the information collected – particularly in the case of the victim-centred database – is subjective and it is vital that, in the presentation of the data, this is made clear. Indicators, such as economic status, are based on the victim's assessment of their economic situation rather than an objective measurement of wealth, income or assets. Similarly, questions about abuse are also informed by the victim's subjectivity, with different persons having different definitions of what constitutes abusive behaviour. Highlighting where and how data is subjective is important in terms of

accurately contextualising and presenting the data. That being said, such indicators can reveal valuable information about an individual's perceptions, experiences and decision-making processes. For example, while it may not be possible to establish precise household incomes from victims, questions about economic condition can provide us with some information and guidance on this subject, including in terms of how the trafficked person perceived and experienced their economic situation at recruitment and how this (may or may not have) contributed to their decision to migrate.

*Completeness of datasets:* More generally, the data sets are only complete in situations where all relevant actors – those involved in working with victims and those from the criminal/judicial framework – are fully cooperative with the database project and undertake the data collection process regularly and according to the methodological parameters of the initiative. Where this does not occur – and this is not unlikely, given the complicated nature of some government structures; tension between the government and NGO sector; and the potentially different mandates of government institutions – the data must be acknowledged as partial and the limitations of the data set clearly presented. As such, in the analysis and presentation of data from the two databases, it is important to be clear not only about what the data reveals and means, but also about what it does not reveal and mean. In the interest of collecting complete and relevant data, the data collection agency may wish to re-visit the topic of variables and values with its partners after a set period of time (for example, after one year) to establish what is (and what isn't) working and what adjustments to the databases are needed.

*Control data:* Using control group data is a means to augment the integrity of the research. The process isolates variables (such as education level) in order to make a conclusion about these variables in terms of the group under study (i.e. trafficking victim) relative to the population at large (the control group). Measuring against a control group is essential in identifying trends and patterns relative to the general population. That is, it is not possible to determine if trafficked persons have a low or high education level without knowing the education level of the general

public. Similarly, it is not possible to conclude that trafficked victims more commonly originate from abusive families without knowing the rate of family violence in the population at large. The lack of control data against which to measure findings has been a consistent issue in terms of trafficking research generally. National repositories will not likely have the time or resources to conduct research with control groups. However, it will be possible to draw on general statistical data (from central statistics offices, government ministries, development reports) about some indicators, such as education, urban/rural living and rates of unemployment, which will allow for potentially helpful comparisons and conclusions.

*Methodological limitations:* Analysis and presentation of both the victim-centred and trafficker-centred datasets requires attention to both the methodology used and the methodological limitations involved. These should be thoroughly considered in the analysis process and clearly stated in the presentation of findings. In terms of the methodological limitations of the victim-centred database, these might include: 1) that the numbers reflect only identified cases (not all trafficked persons) and also both presumed as well as actual trafficked persons, 2) that a bias in identification (for example, a focus on female victims of sex trafficking) may lead to a disproportionate focus on one specific profile of victim in the dataset, 3) that assisted victims represent a particular subgroup of trafficking victims, which is likely to differ systematically from other victims of trafficking, and not be representative of all trafficking victims, 4) that datasets are only complete when full information is shared from all data sources, etc.

*Correlations and causal relationships:* Analysis of a data set may reveal that two variables (like trafficking victim's age and promises at recruitment) are somehow linked in that they tend to vary together. That is, a victim of a young age may be more susceptible to dubious or less sophisticated recruitment offers. However, it is not possible to immediately infer the existence of a causal (cause-effect) relationship between the two variables. The correlated phenomena could be caused by a third, previously unconsidered phenomenon. That is, victims of a young age may have lower education, which means that they are less able to evaluate risk and/or have fewer economic options in the migration process. Another example is the common correlation made between family violence

and trafficking risk – that persons from abusive family backgrounds are more likely to be trafficked than those from non-abusive families, as victims from abusive backgrounds appear more commonly in the assisted caseload. However, this pattern could equally be explained by the fact that trafficked persons from an abusive background may be more likely to seek out assistance than those from a more healthy family environment, leading to an overrepresentation of this profile of person (and, therefore, this variable) in the caseload. In other words, conclusions cannot be drawn regarding the existence of a cause-effect relationship simply from the fact that A is correlated with B. Determining whether there is an actual cause-effect relationship requires further investigation, even when the relationship between A and B is statistically significant, a large effect size is observed or a large part of the variance is explained. Alternative possibilities and explanations should be explored and considered as part of the analysis process.

*Supplementary data sources:* Ideally, data from the databases should not be used as stand-alone sources of information. It can and should be supplemented and cross-referenced with other data sources to provide the most accurate and complete picture of trafficking in the country, whether from the victim's perspective or the criminal justice angle. Drawing on other statistical information related to trafficking can provide some supplementary detail which can be illuminating, although these should not be used or read as proxy indicators of trafficking. Contextualising these supplemental sources in terms of their precise relationship to trafficking is essential. Also important in terms of data analysis and presentation is the use of qualitative information. Qualitative research is used to explore and understand people's beliefs, experiences, attitudes, behaviour and interactions and generate non-numerical data. Qualitative research can valuably supplement the quantitative information in the databases, filling in detail and texture not possible through numerical data sets. For example, the database may document the victim's marital status (i.e. married, divorced, single, widowed, etc.) or number of children but it is qualitative data which can reveal if and how these marital and family relations have played a role in an individual's vulnerability to trafficking. Significantly, in some cases, being married and having children may prevent persons from

migrating and ending up in a trafficking situation as they are unable or unwilling to leave the family environment. In other cases, however, being married and having children may lead to migration (and by implication, trafficking) such as in a case where a person seeks to escape an abusive family environment or where a victim migrates out of the need to support her/his family. This qualitative data, then, can be essential in terms of “colouring in” the picture of trafficking. It is often with the addition of qualitative, narrative information that the complexity of a case, situation or trend becomes clear. In addition, it can also serve as a tool to cross reference and validate the data set. Most valuable will be to review and analyse any qualitative information captured in the comments section (section 6) and open text fields, although the use of this data must take into account issues of privacy and security and caution will need to be exercised in terms of how it is analysed and presented. Other qualitative information can be drawn from articles, reports and studies on the subject of human trafficking.

## Resources, initiatives and projects concerning collecting trafficking data in Europe<sup>30</sup>

This section provides some general background information about other data collection initiatives currently underway in Europe more generally by both governments and various organisations. While not exhaustive, this section does flag some of the key related initiatives. Further, resources are presented which include methodologies or approaches which can be helpful in efforts to collect anti-trafficking data. These projects and/or methodologies may be helpful in terms of understanding good practices as well as problems faced in the areas of data collection and information management and are intended as a resource section.

### **6.1: Data collection projects and initiatives**

This section presents some general background information about other data collection initiatives relating to human trafficking currently underway in Europe and also by international organisations, with a particular focus on those dealing with primary data collection. In addition, it describes the data collection initiatives of individual governments in Europe, such as the governments of Sweden and the Netherlands, which have

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<sup>30</sup> The chapter was initially drafted in the context of ICMPD's DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been updated by the ICMPD project team in the context of phase II of the project (2008-2010).

established national rapporteur's offices on human trafficking and developed methodologies for data collection<sup>31</sup>, along with Portugal, Italy, Romania and Albania.

Please note that this section does not describe the databases already established in other SEE countries within the framework of the current DCIM Phase II project of which this publication is an output. Overall, the two databases (victim-centred database and trafficker-centred database) are established in Bosnia and Herzegovina, Croatia, Kosovo (UNSCR 1244), Macedonia, Montenegro and Serbia. In Albania, only the trafficker-centred database has been established within the framework of this project because before the DCIM project there were ongoing parallel efforts by the Albanian authorities to establish victim-centred data. In order not to duplicate efforts, Albania has only requested the establishment of a trafficker-centred database.

### **The Bureau of the Dutch National Rapporteur on Trafficking in Human Beings (BNRM)**

The National Rapporteur's Office in the Netherlands was launched in 2000 and is an independent body assisting the government in the fight against trafficking in human beings. The Rapporteur's main task is to report on the nature and extent of human trafficking in the Netherlands, and on the effects of the anti-trafficking policy pursued. The reports contain information on relevant regulations and legislation as well as information on prevention, criminal investigations regarding human trafficking, the prosecution of perpetrators and victim support. They also contain policy recommendations aimed at improving the fight against human trafficking. The Dutch Rapporteur works independently and reports to the Dutch

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<sup>31</sup> Please note the difference between a national co-ordinator, which is tasked with implementing the government's anti-trafficking efforts, and a national rapporteur, which is an independent institution which reports to the government on trafficking, including on the government's anti-trafficking efforts, and makes recommendations for policy and practical improvements. The appointment of an independent national rapporteur on trafficking is recommended in the *Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation*, signed on 26 April 1997 by Ministers of Justice and Gender Equality of the EU member states.

government. The Government responds to this report in Parliament. The Rapporteur's reports are public and can be found on its website. The Rapporteur is not a complaints body and has no criminal investigation powers. The Bureau of the Dutch Rapporteur of Trafficking in Human Beings keeps contact with and gathers information from individuals, organisations and authorities involved in preventing and combating human trafficking and giving assistance to trafficking victims. The Rapporteur and her staff have access to criminal files held by police and judicial authorities. Because human trafficking often occurs across borders, the Bureau also has many contacts abroad and co-operates with international organisations. In 2009, the BRNM released its seventh report on trafficking in human beings in the Netherlands. The reports, along with other information about the National Rapporteur's Office and work, are available at: <http://english.bnrn.nl/>

## **EUROPOL**

Europol works to improve the effectiveness and co-operation of competent authorities in preventing and combating various forms of serious international organised crime, including trafficking in human beings. Co-operation between European Union (EU) member states is mainly facilitated through the exchange of information and by providing analytical support for ongoing investigations. Europol stores and analyses personal data in a computerised system that has two components:

- The Europol Information System (EIS) provides the central database for storing information and is hosted at Europol Headquarters in The Hague. This database is shared with authorised users in all EU member states and is designed to store large volumes of information in a reliable, user-friendly system. The system supports the automatic detection of potential cross-border crimes and facilitates the exchange of classified information in a secure environment.
- Analysis Work Files (AWF) are the primary method through which Europol extends analytical support to investigations by means of the collection and analyses of data submitted to Europol. AWF Phoenix, opened on 28 June 2007, identifies particu-

lar structures or clusters related to criminal networks involved in all forms of trafficking in human beings within, to and from the European Union (EU). The AWF component adds value to ongoing investigations through this activity. The purpose of the file is to support, co-ordinate and/or initiate investigations in a member state by using innovative analytical tools. These tools help trace patterns that link investigations in different member states, and provide accurate intelligence reporting on crimes. Assessments of trends, developments and potential threats are also performed when analysing the activity of organised crime groups involved in human trafficking.

In order to safeguard this information, the Europol Convention outlines a strict framework for the control, supervision and security of data protection and the two components mentioned above are the only means of storing personal data. Europol has operational agreements with Australia, Canada, Croatia, Switzerland, the USA, Norway, Iceland, Eurojust and Interpol. Europol also has strategic agreements in place with Albania, Bosnia and Herzegovina, the European Police College (CEPOL), Colombia, the European Central Bank, the European Monitoring Centre for Drugs and Drug Addiction, the European Anti-Fraud Office, the Former Yugoslav Republic of Macedonia (FYROM), Frontex, Moldova, Russia, Serbia, the EU's Joint Situation Centre (SitCen), Turkey, the European Commission and the United Nations Office on Drugs and Crime (UNODC) and the World Customs Organisation (WCO). For more information, please see [www.europol.europa.eu](http://www.europol.europa.eu) or contact the telephone service desk: +31 703025000.

### **The International Labour Organisation (ILO), Geneva**

In 2004 the ILO launched a research project on methodologies to estimate the global extent of forced labour and human trafficking. The results were published in 2005 in the ILO Director-General's report entitled *A Global Alliance against Forced Labour*, which estimated that at least 12.3 million people are in forced labour around the world, 2.4 million of whom are victims of human trafficking. These figures have drawn global attention to the urgent need to develop more reliable statistics at the national level

in order to provide guidance to policymakers and establish benchmarks for measuring progress over time. The ILO Special Action Programme to Combat Forced Labour (SAP-FL) has now started work to support such activities at the level of countries. One aim is to design surveys specific to each national context while maintaining methodological consistency between studies and respecting international legal definitions. In each country, a national survey adapted to the local context has been designed or additional questions or modules added to pre-existing survey instruments. A database has also been compiled using data on forced labour from secondary sources, including reports, descriptions of individual cases, legal action (trials and sentences), national or regional estimates and statistics on victims or perpetrators, as well as on international and national legal frameworks, forms of forced labour and political commitments.

In addition, the ILO has been working with the EC on the *European Delphi Survey – A Practical Exercise in Developing Indicators of Trafficking in Human Beings*. The so-called Delphi methodology<sup>32</sup> was used to produce a European consensus on a set of operational indicators of trafficking in adults and children for sexual and for labour exploitation. Two successive electronic surveys of experts across Europe were conducted: the first in March 2008 collected indicators, while the second in July 2008 asked respondents to rate the indicators from the first phase. The result is a list of operational indicators<sup>33</sup> structured according to terms used in the Palermo Protocol. These indicators can be very easily translated into a practical assessment guide for any organisation in contact with presumed victims, or for the design of questionnaires and surveys on trafficking. A combination of the different indicators can be used to identify victims of trafficking. For additional information, please see [www.ilo.org/forcedlabour](http://www.ilo.org/forcedlabour) or contact [forcedlabour@ilo.org](mailto:forcedlabour@ilo.org)

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<sup>32</sup> The Delphi method was developed in the 1950s and has since been widely used in social, medical and political sciences. The objective of the Delphi methodology is to produce a consensus among a group of experts by means of an anonymous survey. The experts are selected for their presumed ability to provide precise and accurate indicators/variables based on their professional expertise and detailed knowledge about the issue in question.

<sup>33</sup> [http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/lang--en/doc-Name--WCMS\\_105023/index.htm](http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/lang--en/doc-Name--WCMS_105023/index.htm)

## **The International Organization for Migration (IOM), Counter-Trafficking Data Management Systems (CTM), Geneva**

In 2000, the IOM developed and implemented a standardised CT data-management tool, the Counter-Trafficking Module (CTM), which is the largest global database with primary data on VoTs. Currently approximately 72 IOM missions have installed the CTM, although data-input of assisted VoTs involves more offices. This database is the largest that deals with primary data on more than 14,000 (at December 2009) registered victims of more than 85 different nationalities, trafficked to more than 100 destination countries. The database is a standardised anti-trafficking data-management tool which specifically facilitates management of the IOM's direct assistance, movement and reintegration processes through a centrally managed system that also maps a victim's trafficking experience. The structure follows the format of the accompanying IOM Interview Forms that are applied by IOM missions and partner organisations involved in direct assistance. The system contains a wealth of information of both a quantitative and qualitative nature derived from specific questionnaires. These questionnaires consist of the Screening Interview Form, which is intended to assess whether an individual is a victim of trafficking and thus eligible for an IOM assistance project, and the Assistance Interview Form, which tracks the nature of the direct assistance provided, along with documentation of further details of the trafficking experience.

While initially designed as a case-management tool for direct assistance programmes within IOM counter-trafficking efforts, the system stores valuable primary data collected from assisted victims on the socio-economic profile of victims, profile of traffickers, trafficking routes, patterns of exploitation and abuse, nature of assistance provided and instances of re-trafficking, thus serving as a knowledge bank from which statistical and detailed reports can be drawn. In so doing, it strengthens the research capacity and understanding of the causes, processes, trends and

consequences of trafficking, while informing programme development and policymaking on counter-trafficking.<sup>34 35</sup>

Drawing upon the technology and methodology proven by the IOM over the past 10 years, the IOM is currently seeking to develop the database as an external case management and data collection tool to be used by NGOs and governments. The *IOM Handbook on Direct Assistance for Victims of Trafficking* complements the database by disseminating information from experiences and lessons learned to external parties active in the counter- trafficking field. Please see [www.iom.int](http://www.iom.int) or contact IOM CTD staff at [CTS-db@iom.int](mailto:CTS-db@iom.int).

### **The Austrian Federal Ministry of the Interior (Vienna) and the International Organization for Migration (IOM Vienna)**

The Austrian Federal Ministry of the Interior, in co-operation with the International Organization for Migration in Vienna, has implemented the

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<sup>34</sup> For example, in 2008 the IOM and the NEXUS Institute published the report *Trafficking of Men – A Trend Less Considered*, which drew upon primary data stored within the system about 685 victims. See Surtees, R. (2008) *Trafficking in men, a trend less considered. The case of Ukraine and Belarus*. Geneva: IOM Migration Research Series. In 2010, the IOM will continue with the *Global Human Trafficking Thematic Research Series*, drawing on both quantitative and non-personal qualitative data from the IOM global database. The series will continue to address contemporary issues on human trafficking including the methodological challenges that arise when collecting data and undertaking research on the phenomenon.

<sup>35</sup> In addition, the IOM hosted a conference in Rome on 27-28 May 2004 whose main aim was to take stock of current research on trafficking, including a consideration of the strengths and weaknesses and methodologies for improvement. The conference resulted in a formal publication in which some papers specifically consider research methodologies and data collection techniques. For more details of the publication and the Rome Conference, please see Gozdzia, E. & F. Laczko (2005) *Data and research on human trafficking: a global survey. Offprint of the Special Issue of International Migration*. Vol. 43 (1/2) 2005. The methodologically relevant papers are also listed in the resource section below. More recently, in Cairo in 2008 the IOM convened a two-day meeting under the auspices of the UN.GIFT initiative to assess the current state of trafficking research, identify current knowledge gaps, share innovative research and data collection methods and highlight the importance of the evaluation and assessment of counter trafficking programmes. The event gathered about 20 researchers from around the world and resulted in a number of short background papers focusing either on a theme or a region. Each of these papers outlines the weaknesses of current studies and identified priorities for further research. For further information, please contact [RES@iom.int](mailto:RES@iom.int).

project “Development of Guidelines for the Collection of Data on Trafficking in Human Beings, Including Comparable Indicators/Variables” with financial support from the European Commission’s Prevention of and Fight against Crime Programme 2007. The project had three objectives:

- to create the basis needed for the improved collection, comparison and sharing of data in the field of human trafficking;
- to enhance the capacity of relevant national authorities to collect and share data as well as to contribute to EU-wide efforts to enhance data collection in the field of human trafficking; and
- to foster co-operation in the collection of data on trafficking among EU member states.

Seventeen guidelines on the collection, storage, exchange, analysis and protection of data on trafficking in human beings, including comparable indicators/variables, have been elaborated by a multidisciplinary group of experts from European Union member states, European agencies, law enforcement agencies, NGOs, international organisations and research institutes. Further input on this topic was gathered during an Expert Conference held at the European Parliament in Brussels in September 2008.

The finalised Guidelines were presented and disseminated to relevant stakeholders from governments, national parliaments, European agencies, civil society, international organisations, research institutes and others during a ministerial conference in Vienna in February 2009. The project results should lead to a harmonised system on data collection and exchange across the European Union and the production of reliable, timely and comparable statistics, thus significantly enhancing the efficiency of counter-trafficking responses of the European Union and its member states. As a next step, the Austrian Federal Ministry of the Interior intends to implement the Guidelines together with a peer group of like-minded EU member states.

The Guidelines can be downloaded at the IOM Vienna website ([www.iomvienna.at](http://www.iomvienna.at)). For more information on the project, please contact Mr. Günther Sablattnig from the Department for International Affairs of the Federal Ministry of the Interior, Austria ([guenther.sablattnig@bmi.gv.at](mailto:guenther.sablattnig@bmi.gv.at))

or Ms. Eurídice Márquez Sánchez, Counter-Trafficking Focal Point of IOM Vienna (emarquez@iom.int).

### **The Observatory and Resource Centre on THB (*Osservatorio Tratta*), Italy**

The Observatory and Resource Centre on Trafficking in Human Beings was established in Italy in 2005 within the framework of the EU Equal programme and continues today. Its main objectives are to offer new skills and tools to professionals engaged in the anti-trafficking sector and to design and implement co-ordination mechanisms amongst different counter-trafficking agencies at the national level and across countries in order to positively influence the systems of investigation, intervention, monitoring and networking.

Since its implementation *Osservatorio Tratta* has:

- developed tools to study, gather and process data on human trafficking, particularly in view of the establishment of a permanent monitoring system on THB;
- acquired a comprehensive knowledge of the different forms of trafficking, including its quantitative and qualitative dimensions; the profiles and life patterns of trafficked persons; national, European and international legislation; existing intervention policies; and evaluation tools used to assess anti-trafficking initiatives;
- identified, analysed and validated models of social intervention implemented in the AT sector in view of their development, exchange and transferability;
- analysed the innovative, though not yet formally recognised, professional profiles and roles and their training curriculum;
- set up a development system of models of intervention, networking, evaluation, and training curricula for all professionals engaged in the anti-trafficking field;
- developed systems of information, exchange and operational co-ordination of projects and services active in the anti-trafficking sector at the national and transnational level in order to optimise and diversify the available resources;

- set up a database on projects and public and private agencies active in the anti-trafficking field in Italy, in the European Union, and in third countries (involving more than 50 countries), including their models of intervention, methodologies and operational tools; and
- established a centre of technical assistance for the development of anti-trafficking programmes, projects, interventions and measures of horizontal and vertical mainstreaming.

Led by Associazione On the Road, *Osservatorio Tratta* is implemented by a diversified partnership of private and public agencies with extensive experience in providing services directly to victims of trafficking or in studying such phenomenon: Azienda Ulss 16 of Padova, Censis, Cnca (National Co-ordination of Care Communities), Municipality of Venice, Department of Social Sciences – University of Turin, Irecoop Veneto (Regional Institute for Education and Co-operative Studies), Irs (Social Research Institute), Nova (National Consortium for Social Innovation), the Province of Pisa, and Save the Children Italia Onlus. For more detailed information, please see: <http://www.pariopportunita.gov.it/>. The website is designed to contribute to the improvement of tools and practices regarding knowledge, analyses and interventions in human trafficking. Alternatively, contact the Observatory by email at: [info@osservatoriotratta.it](mailto:info@osservatoriotratta.it).

### **The Observatory on Human Trafficking, Directorate-General of Internal Administration /DGIA – Ministry of Internal Affairs, Portugal**

The two main mechanisms/procedures for data collection in Portugal are:

- 1) data collected through the THB Registration Guide (THB RG); and
- 2) data collected through the Assessment Guide (THB AG).

The data are collected by THB RG (Law Enforcement model) and THB AG (NGOs and a public-private organisations model), both at the national level. Both are essentially victim centred<sup>36</sup>, although they also collect some disaggregated data on traffickers. Indicators/variables used in the THB RG

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<sup>36</sup> The focus on the victim is part of a wider criminal/support paradigm of analysis developed by the Directorate-General of Internal Affairs and the paradigm of assistance developed by the CAIM Project.

and THB AG relate to data on: 1) the location of an alleged victim; 2) an alleged victim; 3) mobility and forms of coercion of the alleged victim; and 4) referral to support mechanisms. In relation to perpetrator data (THB RG), the data collected refers to nationality. In the THB AG form there are also some data related to alleged perpetrators, including nationality, sex, age, relationship with the victim, role in coercion/trafficking etc.

Data collection, storage and analysis concerning THB are currently the responsibility of the Observatory on Human Trafficking (Directorate-General of Internal Administration (DGIA) – Ministry of Internal Affairs), in close collaboration with the Commission for Citizenship and Gender Equality. Its mission and responsibilities are:

1. the production, collection, treatment and dissemination of information and knowledge in relation to THB and other forms of gender violence;
2. the promotion of the development of technical applications to the collection and treatment of information; and
3. to support political decisions in its field and when requested.

Concerning its more direct operational activity, the Observatory on Human Trafficking is involved in: 1) statistical analyses; 2) geographic data analyses (Geographic Information System); 3) research; 4) reports; 5) dissemination to several levels; and 6) sociological and public policy research.

This approach does not exclude internal data collection instruments placed within law enforcement (for criminal/investigatory purposes). Nonetheless, the data collected by THB RG reflect specific fields (for example, identification and trafficking routes) which complement other data collection initiatives.

In terms of judicial statistics, it is the Directorate-General of Justice Policy (Ministry of Justice) that stores data. Data providers are law enforcement personnel (about reported crimes) and the Public Prosecutor's Office (about cases and court sentences).

The multidisciplinary team working in the first Centre for Trafficking Victims also collects information through the THB Assessment Guide (THB AG). The objective is to send data to the Observatory on Human Trafficking/DGIA for processing and analysis.<sup>37</sup> In the near future, the THB AG will be disseminated within the Network for Victims' Protection and Support.

Some local/national NGOs and public bodies have recently started to adopt this model and it is expected that a formal structure will be created in order to respond to the previous situation, although there are some procedures which cannot be regarded as a structured, systematic and reliable data collection system.

### **The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, OSCE**

The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings supports the development and implementation of anti-trafficking policies in OSCE participating states. The Office's roles include co-operating with National Rapporteurs or other national equivalent mechanisms established by participating states for co-ordinating and monitoring the anti-trafficking activities of state institutions. This is consistent with the OSCE Action Plan which recommends that participating states "Consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements." To this end, the OSCE hosted a conference on 21 May 2007 in Vienna entitled "National Monitoring and Report Mechanisms to Address THB: the Role of National Rapporteurs" which examined the tasks of gathering and analysing information, the role played by the national referral mechanism, as well as national-level challenges concerning trafficking in human beings. In addition, on 22 and 23 September 2008, the Office hosted the "Follow-up Technical Seminar to the 6th Alliance against Trafficking in Persons Conference on National Rapporteurs and Equivalent Mechanisms" in Vienna.

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<sup>37</sup> This team can, when required, work with several other NGOs or other public-private agencies, namely the National Immigration Centres and the SOS Immigrant Hotline. When in the presence of an alleged THB situation, the structures communicate with the Multidisciplinary Team and fill in the THB AG, then send it to the multidisciplinary team.

The technical seminar focused on the work of national rapporteurs and equivalent mechanisms based on existing practices among the participating states as regards the following elements: gathering and analysis of information, provision of recommendations to governments, the role of the mechanism as a monitoring body and evaluator (if applicable), and any specific challenges faced in this work (e.g., difficulties in reporting child trafficking, trafficking for sexual and labour exploitation, trafficking in organs, access to data, other systemic problems etc). The overall goal was to gather expertise and experience, as well as to enhance the dialogue and exchange of information among government representatives with a view to assist interested participating states in the establishment or strengthening of this mechanism in accordance with the OSCE Action Plan and Brussels MC Decision No. 14/06 on Enhancing Efforts to Combat Trafficking in Human Beings. The Office continues to work on issues of national reporting mechanisms, including national rapporteurs, and in 2008 it commissioned a study of national co-ordination and reporting mechanisms in the OSCE region – Efforts to Combat Trafficking in Human Beings in the OSCE region: Co-ordination and Reporting Mechanisms. 2008 Annual Report of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. For more information, please see [www.osce.org/cthb](http://www.osce.org/cthb)

## **MONTRASEC**

This is a joint initiative of the European Commission, the Institute for International Research and Criminal Policy (IRCP) at Ghent University and the Transcrime Research Centre based at the University of Trento and the Sacred Heart University of Milan. Building on the work of the earlier SIAMSECT initiative, the project focuses on the development of data collection capacity and the identification of key indicators regarding trafficking in human beings and missing and sexually exploited children. The overarching objective is to create a framework which will allow for the collection and analysis of standardised and integrated statistical information across the European Union. From a methodological point of view, such an EU template and collection plan are indispensable if centralised, coherent, scientifically reliable and

comparable data mapping in national data collection focal points at member state level is to take place. Such methodology would also allow for genuine EU strategic monitoring of the phenomena concerned and subsequent evidence-based policymaking on missing and sexually exploited children and trafficking in human beings at both member state and EU level.

The MONTRASEC project has two practical objectives: first, to develop and deliver a ready-to-use and statistically responsible IT platform which builds on the templates developed in the Siamsect initiative and brings together the differential, disseminated and partial data of relevant partners in an integrated data collection mechanism. Three templates have been created: “trafficking in human beings”, “sexual exploitation of children” and “missing children”. The templates can be used by operational agencies in the field with specific details and trend analyses being made possible locally, nationally and at the EU level. The IT platform will enable an accurate view of the phenomena of human trafficking and missing and sexually exploited children to be ascertained and, second, will allow for benchmarking between the reports of the National Reporters via the development of a “report style sheet” of which the integrated data collection mechanism is the kernel. The overall effect of both objectives should be a substantial advance in the way in which the phenomena of human trafficking and missing and sexually exploited children are described, interpreted and analysed.

For more information, please contact, Neil Paterson, Institute for International Research on Criminal Policy at Ghent University in Belgium. E-mail: [Neil.Paterson@UGent.be](mailto:Neil.Paterson@UGent.be)

### **The National Responsible Authority, Albania**

In Albania, the government initiated the development of a national referral mechanism together with various counter-trafficking actors to harmonise the identification and referral process for all victims of trafficking. The Government of Albania established the National Responsible Authority in

May 2006 by a joint order of the Minister of Interior, Minister of Foreign Affairs and Minister of Labour, Social Affairs and Equal Opportunities. The aim of the Responsible Authority is to serve as a National Referral Mechanism for cases of trafficking victims at a national and international level, and provide them with protection. The Authority is composed of representatives from the Ministry of Interior, Ministry of Labour, Social Affairs and Equal Opportunities and Ministry of Foreign Affairs. A victim-centred database has been initiated by the Office of the National Co-ordinator for the Fight against Trafficking in Human Beings, supported by the OSCE, and will be only accessed by the Responsible Authority and the Office of the National Co-ordinator.

Data collection about traffickers is currently undertaken under the Total Information Management System, a project of the Albanian State Police supported by the International Criminal Investigative Training and Assistance Programme in Albania. Please see the description above. Database development is currently ongoing.

### **The National Agency against Trafficking in Human Beings, Romania**

In Romania, assistance for victims of trafficking is overseen, co-ordinated and monitored by the National Agency against Trafficking in Human Beings (the “Agency”), within the Ministry of Administration and Interior. The Agency has eight regional centres located throughout the country and its work is to refer victims to assistance providers, to ensure that victims receive assistance and to monitor the implementation of assistance. In 2007 the Agency developed and operationalised a victim-centred database.

Data about traffickers is collected by the Resource Centre on Trafficking in Human Beings, Countering Organised Crime Unit. Data collection is ongoing, although it does not consolidate data about traffickers for the full legal (prosecution and judicial) process..

## **The Transnational Action against Child Trafficking (TACT) Programme, Terre des hommes (Tdh)**

Tdh has been working on the development of transnational databases in the region of SEE. The first database (still under development) is a regional database accessible to the delegations in Albania, Romania, Kosovo and Moldova and seeks to identify common indicators and criteria to synthesise information about the four countries regarding intervention in child trafficking and child protection issues. For more information about Terre des hommes' Regional Child Protection Project, please contact Vincent Tournecuillert. Email: [vincent.tournecuillert@tdh.ch](mailto:vincent.tournecuillert@tdh.ch)

A second database has been developed specifically for Terre des hommes Albania in the framework of the Transnational Action against Child Trafficking project (TACT). The TACT is a comprehensive and co-ordinated project to fight the trafficking of Albanian children. The project is based on a strategy which tracks the phenomenon in all its stages and proposes concrete actions in the fields of prevention, protection, assisted voluntary return, reintegration and co-ordination. The TACT Project is implemented in three countries: Albania, Greece and Kosovo. A model of action has been developed and adapted in Romania and Moldova. The TACT database is a case management system covering all aspects of the project allowing the easy follow up and exchange of information between countries. Based on the experience of TACT Albania, Tdh developed a similar tool for TACT Moldova. This new case management tool is planned to be up and running by the end of this year, covering community-based intervention, child trafficking and transnational activities.

For more information about the TACT project, please contact Thierry Agagliate. Email: [thierry.agagliate@tdh.ch](mailto:thierry.agagliate@tdh.ch) or visit the website: [tdh-child-protection.org](http://tdh-child-protection.org)

## The UN Office on Drugs and Crime (UNODC)

In 2007, UNODC began a study of the state of the global response to the practice of human trafficking in the context of the Global Initiative to Fight Human Trafficking (UN.GIFT).

The data collection made use of the UNODC regional field offices around the world and was co-ordinated by the UNODC Headquarters in Vienna. During nine months of pro-active data collection activity, information was collected concerning 155 countries and territories with reference to the 2003-2007 period.

The research explored the following three subject areas:

- information on legislative and administrative frameworks, including the status of anti-trafficking laws; the presence of special law enforcement units on trafficking in persons; and the existence of national action plans to deal with the human trafficking problem;
- criminal justice data, including the number of investigations, arrests, prosecutions and convictions, and profiles of the offenders; and
- information on victims, including the number of victims identified by public authorities and sheltered by service providers; and the number of foreign victims returned to their home countries, as well as the profile of the victims.

This UNODC data collection activity resulted in the largest existing data set on trafficking in persons, containing information about more than 50,000 victims officially detected by state authorities between 2003 and 2007 around the world. More information was collected concerning the offenders and their profiles.

The UNODC-UN.GIFT *Global Report on Trafficking in Persons Report* resulting from this data collection activity depicts trends, patterns and trafficking flows for these 155 countries and territories on the basis of real cases of trafficking officially detected by national authorities. Over time,

the repeating of this sort of data collection is intended to allow for the monitoring of global trafficking trends, patterns and flows.

For more information, see: [www.unodc.org](http://www.unodc.org) or contact: [fabrizio.sarrica@unodc.org](mailto:fabrizio.sarrica@unodc.org).

### **Swedish National Rapporteur (National Criminal Investigation Department of the National Police – NCID)**

In accordance with the *Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation*, the National Criminal Investigation Department of the National Police (NCID) was commissioned by the Swedish Government to be the national rapporteur on trafficking in human beings. The NCID annually compiles and analyses information on the scale of human trafficking in Sweden and between Sweden and other countries and regularly reports to the Swedish Government. In addition, the reports provide recommendations on how human trafficking can be prevented and counteracted. They are available at: <http://www.polisen.se/inter/nodeid=28382&pageversion=1.jsp>

### ***The TIMS programme, ICITAP Albania***

The Total Information Management System (TIMS) is a project of the Albanian State Police supported by the International Criminal Investigative Training Assistance Programme in Albania. The project's overall objective is the modernisation and transformation of the Albanian State Police through the use of technology. One component of this work is the establishment of the Integrated Information Management System (IIMS), which is a data collection/information system which collects and maintains data on a range of legal and criminal justice issues. Its main elements are: 1) a border control information system; 2) standardised case reporting; 3) criminal investigations management; and 4) criminal records and Intelligence. While the project does not focus exclusively on anti-trafficking efforts, trafficking is one of the crimes covered by the project. The project is currently ongoing, with the border control information system component being operational and the other components under development. Once completed and implemented, it will provide

comprehensive information about all crimes in Albania, including trafficking, from investigation through to the judicial process. The project is a multi-year initiative underway since 2002.

## 6.2: References and additional resources

In addition to the projects and initiatives described above, please find below a list of some relevant publications which deal with the issue of data collection and methodology and/or employ different methodologies for undertaking their research and data collection. This list is by no means exhaustive but is instead intended as a starting point for exploring the relevant resources and methodologies. It is hoped that this will assist with data collection in SEE as well as further afield.

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PART 7:

## Annexes

Annex 1: Glossary – Standardised definitions and terminology

Annex 2: Sample MOU for victim-centred data collection

Annex 3: Sample MOU for trafficker-centred data collection

Annex 4: Template of questionnaire of victim-centred data

Annex 5: Template of questionnaire of trafficker-centred data

Annex 6: Sample consent form for processing of personal data

Annex 7: Sample confidentiality agreement for database staff

## Annex 1: Glossary – Standardised definitions and terminology<sup>38</sup>

Term	Definition
Arrest	To seize (a person) by legal authority or warrant and to take into custody. This refers to persons against whom formal charges have been lodged, not simply against whom a complaint has been made.
Arrest warrant	A judge's order to law enforcement officers to arrest and detain a person charged with a crime.
Assault	The threat or attempt to strike another, whether successful or not, provided the target is aware of the danger. The assaulter must be reasonably capable of carrying out the attack.
Assistance	Measures taken by non-governmental, governmental, international and other relevant organisations to provide for the physical, psychological, social and legal recovery of trafficked victims as described in, but not limited to, Article 6 of the UN Protocol. Assistance may range from voluntary acceptance of a single service (such as transportation to country of origin) to voluntary acceptance of multiple services, including housing, medical, psychosocial, legal, educational and vocational services.
'Boss'	The boss has oversight for and profits from the trafficking activities. The boss may be actively involved in one or more of the trafficking task, including overseeing, organising, funding or directing these activities.
Child	Persons under 18 years of age (also referred to as a "minor")
Civil charges	Charges related to civil matters and not criminal prosecution.
Coercion	To compel someone to act by force of threat of force or threat of serious harm.
Complicity	Involvement in acts of wrongdoing, including, in some cases, the failure to stop acts of wrongdoing.
Crime	An act or omission that contravenes the law.
Criminal charges	Charges related to criminal prosecution – for example, trafficking in human beings – rather than a civil action.

<sup>38</sup> This annex was drafted in the context of ICMPD's DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2008) Handbook on anti-trafficking data collection in SE Europe: developing regional criteria. Vienna: ICMPD. Definitions used herein have been drawn from different sources including: Bernard, R.H. (2006) Research methods in anthropology: qualitative and quantitative approaches. NY, Toronto & Oxford: Altamira Press; Surtees, R. (2007) Listening to victims: experiences of identification, return and assistance in SEE. ICMPD: Vienna; Surtees, R. (2005) Second annual report on victims of trafficking in SE Europe. Belgrade: IOM & RCP; Surtees, R. & M. Widjaja (2003) 'Glossary of trafficking terms', In R. Rosenberg (ed.) Trafficking of Women and Children in Indonesia. Jakarta, Indonesia: ICMC, ACILS & USAID.

Term	Definition
Data analysis	The act of transforming data with the aim of extracting useful information and facilitating conclusions.
Database	Usually a computerized file or series of files of information, on a particular subject or subjects organized by data sets and governed by a scheme of organisation.
Data cleaning	The act of detecting and correcting (or removing) corrupt or inaccurate records from a data set.
Data quality	Refers to the degree of excellence exhibited by the data in relation to the portrayal of the actual phenomena, in our case, trafficking in human beings. It is a measure of the value which the information provides to the user of that information.
Data sets	A collection of values that all pertain to a single subject.
Data validation	The process of checking if the data satisfies a certain criterion.
Deception	To cause a person to believe what is false.
Dirty data	Data that is misleading, incorrect or without generalized formatting, contains spelling or punctuation errors, data that is inputted in a wrong field, duplicate data or data that is redundant and/or violates the database integrity constraints.
Document processor	An individual involved in the trafficking chain who responsible for preparing and processing documents (legal, false or falsified) for use by traffickers/trafficking victims.
Evidence	Testimony or material which is presented to prove a fact.
Exploiter	An individual who exploits the victim, whether sexually or for labour, begging, delinquency or adoption.
Force	To compel someone to act against their will.
Identified victim	Persons who have been identified as victims of trafficking according to a country's formal or informal identification mechanism.
Integration	The integration of victims of trafficking is focused on integrating the trafficked person into a new community. Beyond the physical act of returning, it involves unification with the individual's social environment and is intended as a long term solution to trafficking.
Internet	A system of linked computer networks, worldwide in scope that facilitates data communication services, such as remote login, file transfer, electronic mail and newsgroups.
Intimidation	To influence someone by frightening or threatening them.
Investigation	A searching inquiry and detailed examination to ascertain facts related to an alleged incident or crime.
Migrate	To move from one place to another. This may involve movement within one's own country (to another town or region) or to another country.
Minor	Persons under 18 years of age (also referred to as a "child")

Term	Definition
National referral mechanism	This refers to the national level mechanism in place to identify, return and assist victims of trafficking. This exists in countries of transit, destination and origin and refers to the full process of national level referral from initial identification to assistance and protection involving cooperation between different government institutions and non-governmental actors. This may involve one or all of these steps.
Presumed victim of trafficking	Persons who are presumed to be victims of trafficking (having met the criteria of the Palermo protocol) but who have not been formally identified by the relevant authorities or have declined to be formally or legally identified.
Prosecute	To institute legal proceedings against or conduct criminal proceedings against an individual.
Physical abuse	Physical force or violence that results in bodily injury, pain or impairment. It includes assault, battery and inappropriate restraint.
Psychological	Any behaviour, verbal or non-verbal, that negatively impacts another person's emotional or psychological well-being. Psychological abuse can take the form of physical intimidation, controlling through scare tactics and/or oppression.
Quality control	The process of taking steps to ensure the quality of data or operations, in keeping with standards set for the system.
Recruiter	An individual engaged in recruiting victims into trafficking which might include offering work, study or marriage.
Reintegration	Reintegration is focused on reuniting the individual with her/his family or community. Beyond the physical act of returning, it involves re-unification with the individual's social environment, social inclusion and is intended as a long term solution to trafficking.
Return	To return to one's country and/or community of origin. In the context of anti-trafficking work, return involves not only the physical transportation of the victim but also mechanisms to ensure that the return process is safe and dignified.
Service providers	This refers to organisations that provide one or more of the range of services needed by and provided to trafficking victims. This includes shelters, medical care, legal assistance, psychological assistance, return assistance, vocational training, educational assistance, family mediation, case monitoring and reintegration assistance.
Sexual abuse	The forcing of unwanted sexual activity by one person on another, as by the use of threats or coercion. It also includes sexual activity that is deemed improper or harmful, as between an adult and a minor or with a person of diminished mental capacity. It need not refer only to penetrative sexual contact.

Term	Definition
Shelter	Premises that meet the following criteria: provide temporary accommodation for victims, recognized within formal or informal referral mechanisms and provide accommodation to trafficking victims.
Suspect	The one person law enforcement officers believe most probably committed a crime being investigated.
Trafficker	Person complicit in the trafficking of another human being (or human beings) for any form of exploitation.
Trafficking in human beings	The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
Transnational referral mechanism	This refers to mechanisms and systems designed for the comprehensive assistance and trans-national support of victims of trafficking. Transnational referral mechanisms link the full process of referral from initial identification, through return and assistance between countries of transit, destination and origin and involves cooperation between different government institutions and non-governmental actors. This may involve one or all of the steps in the process.
Transporter	An individual responsible for the transportation of trafficking victims.
Transsexual	A person having a strong desire to assume the physical characteristics and gender role of the opposite sex.
Value	Refers to the possible entry in each field of the database.
Victim of trafficking	Persons who qualify as victims of trafficking in persons in accordance with Article 3 of the UN Protocol or the national anti-trafficking legislation in the country and are legally identified as victims of trafficking by the relevant authorities.
Witness	A person who sees, hears or experiences something in relation to crime and gives a statement or testimony to that effect. This may be a victim of the crime or a third party.
Witness protection	The range of security measures needed to assure the safety of witnesses in legal proceedings. Witness protection may be offered, before, during and/or after the legal proceedings and may include any single or combination of measures which are geared toward assuring the safety and security of the witness and his/her family.

## Annex 2:

### Sample MOU for Victim-centred database<sup>39</sup>

This agreement provides a sample template for the national repository and the possible contributing agencies with regard to the collection and sharing of data for the victim-centred database. It outlines the roles and responsibilities of the various actors involved in this collaboration. Adjustments should be made to the specific needs and legal issues in each project country.

#### Agreement

between the

**Insert Name in Full (government agency to host the database)**

(hereinafter "insert abbreviation or short name")

and the

**Insert Name in Full (NGO, police or government institution contributing victim data)** (hereinafter "insert abbreviation or short name")

The **Insert short name** and the **Insert short name** (or names, if tripartite) (hereinafter the "Parties")

WHEREAS the **Insert short name (government repository)** objective is to collect and collate information from various non-governmental and government agencies related to trafficking victims in the form of a database;

WHEREAS **Insert short name (NGO, police or government institution)** is an organisation whose purpose is to assist in various ways individuals that have been victims of smuggling or trafficking;

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<sup>39</sup> This annex was drafted in the context of ICMPD's DCIM project in SEE. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. Please note, the annex was drafted and prepared by Jean Lanoue, Senior Legal Advisor, ICMPD, who provided legal advice and inputs for the project.

RECOGNIZING that cooperation and sharing information will be mutually beneficial to the Parties;

**Have agreed:**

**Article 1: General Provisions**

The purpose of this Memorandum of Understanding (MoU) is to regulate exchange of information with regard to trafficking victims and statistics for the mutual interest of the Parties.

Both parties shall appoint focal points with a view to facilitating effective cooperation between them.

**Article 2: Data Collection**

The **Insert short name (NGO, police or government institution)** shall collect, for the purpose of sharing, at least the following information on victims of trafficking under its care with the **Insert short name (government repository)**:

- Sex;
- Date of birth;
- Ethnicity;
- Country of nationality;
- Country of residence (if different from above);
- Area/city/town of origin;
- Marital status;
- Education level (years of schooling);

In addition, information can also be collected on some or all of the following: economic status, employment record, activities and living at time of recruitment, transportation and travel routes, recruitment experience, trafficking experience, identification, return assistance. Annex 1, which forms an integral part of this Agreement, contains an exhaustive list of the additional data that should be collected.

### **Article 3: Protection of identity**

At no time should the name of the trafficking victim be communicated unless agreed between the Parties and then only with the written consent of the victim.

In the absence of such agreement or consent, each trafficking victim shall be identified by a neutral and unique code.

### **Article 4: Processing and Transmission of the Data**

The Parties shall agree on a secure manner by which to process and transmit the data; nevertheless, the minimum standards contemplated by their national legislation in this regard must be respected.

### **Article 5: Use of the Data**

The **Insert short name (government repository)** shall organize and analyze the information with a view to preparing regular reports, which shall be available publicly to relevant institutions as well as contributors of information.

### **Article 6: Reports**

The **Insert short name (government repository)** shall send to the **Insert short name (NGO, police or government institution)** a report from the information gathered from all participants. Reports shall be prepared and forwarded **twice a year**.

### **Article 7: Conservation of Data**

The **Insert short name (government repository)** shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access, in particular where the processing involves transmission of data over a network, and against all other unlawful forms of processing.

### **Article 8: Destruction of Data**

The **Insert short name (government repository)** shall not keep the information provided for a period exceeding the one outlined in relevant na-

tional legislation. Where such legislation does not exist, the information provided shall not be kept for a period of **more than five years** from the date of receipt. The data collected shall be deleted permanently, including all personal data, electronic messages and any copies of data produced within the context of this Agreement. However, data can be kept in aggregate form, without any means of identifying the trafficking victims, such information to be used for statistical reporting.

### **Article 9: Personal Data Protection Legislation**

In regard to all data collection and information exchange activities contemplated by this Agreement, the Parties agree to adhere to the principles and the letter of all national legislation pertaining to the use and protection of personal data: **(insert name and reference of the law in question)**. In the event that the country where this Agreement is implemented has no such legislation, the parties agree to adhere to the principles and the letter of the EC Directive on Data Protection (Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data).

### **Article 10: Settlement of Disputes**

The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of, or relating to this MoU. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with UNCITRAL Conciliation Rules, then obtaining, or according to such procedure as may be agreed between the Parties.

This MoU can be subject to changes and amendments with the mutual consent of both Parties through the adoption of supplements to this MoU. Any such changes shall be made in writing and enter in force on the day of its signature by both parties.

### **Article 11: Entry in Force and Termination**

Either of the Parties may terminate this Memorandum of Understanding by means of written notification. The termination enters into force after a

period of 60 days, which starts with the first day of the month following the month in which the other Party received the written notification of denunciation.

This Memorandum of Understanding enters into force on the day of its signature by both Parties.

Done on the day of 2007, in two copies in (specify local language).

**Insert Name in Full  
(government agency to  
host the database)**

**Insert Name in Full  
(NGO, police or  
government institution  
contributing victim data)**

## Annex 3:

### Sample MOU for Trafficker-centred criminal justice database<sup>40</sup>

This agreement provides a sample template for the national repository and the possible contributing agencies with regard to the collection and sharing of data for the trafficker-centred, criminal justice database. It outlines the roles and responsibilities of the various actors involved in this collaboration. Adjustments should be made to the specific needs and legal issues in each project country.

#### Agreement

between the

**Insert Name in Full (government agency)** (hereinafter "insert abbreviation or short name")

and the

**Insert Name in Full (government agencies)** (hereinafter "insert abbreviation or short name(s)")

The **Insert short name** and the **Insert short name (or names, if tripartite)** (hereinafter the "Parties")

WHEREAS the Parties are governmental law enforcement, legal and judicial agencies whose objective, among others, is to combat trafficking of human beings;

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<sup>40</sup> This annex was drafted in the context of ICMPD's DCIM project in SEE. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. Please note, the annex was drafted and prepared by Jean Lanoue, Senior Legal Advisor, ICMPD, who provided legal advice and inputs for the project.

WHEREAS the Parties may individually collect and collate information from various sources related to individuals involved in the facilitation of trafficking in human beings in the form of a database;  
RECOGNIZING that cooperation and sharing information will be mutually beneficial to the Parties;

**Have agreed:**

**Article 1: General Provisions**

The purpose of this Memorandum of Understanding (MoU) is to regulate exchange of information in regard to trafficking facilitators and statistics for the mutual interest of the Parties.

Both parties shall appoint focal points with a view to facilitating effective cooperation between them.

**Article 2: Data Collection**

The Parties shall collect, for the purpose of sharing, at least the following information on trafficking facilitators under their purview:

- Name of the individual;
- Date of birth;
- Country of citizenship(s);
- Country of residence (if different from above);
- Area of origin;
- Past criminal record;
- Number of victims trafficked;
- Manner of apprehension;
- Offences charged with;
- Details of investigation;
- Details and outcome of the trial;
- Details and outcome of the appeal;
- Final sentencing and implementation.

### **Article 3: Protection of identity**

Individuals convicted of crimes may not have protection against their personal identity being processed.

### **Article 4: Transmission of the Data**

The Parties shall agree on a secure manner by which to transmit the data; nevertheless, the minimum standards contemplated by their national legislation in this regard must be respected.

### **Article 5: Use of the Data**

The **Insert short name (government repository)** shall organize and analyze the information with a view to preparing regular reports, which shall be available publicly to relevant institutions as well as contributors of information.

### **Article 6: Reporting**

The **Insert short name (government repository)** shall send to the **Insert short name (NGO, police or government institution)** a report from the information gathered from all participants. Reports shall be prepared and forwarded **twice a year**.

### **Article 7: Conservation of Data**

The Parties shall keep the information provided in a safe place, using all necessary and reasonable safeguards to protect the information.

### **Article 8: Personal Data Protection Legislation**

In regard to all data collection and information exchange activities contemplated by this Agreement, the Parties agree to adhere to the principles and the letter of all national legislation pertaining to the use and protection of personal data: **(insert name and reference of the law in question)**. In the event that the country where this Agreement is implement has no such legislation, the parties agree to adhere to the principles and the letter of the EC Directive on Data Protection (Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data).

### **Article 9: Settlement of Disputes**

The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of, or relating to this MoU. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with UNCITRAL Conciliation Rules, then obtaining, or according to such procedure as may be agreed between the Parties.

This MoU can be subject to changes and amendments with the mutual consent of both Parties through the adoption of supplements to this MoU. Any such changes shall be made in writing and enter in force on the day of its signature by both parties.

### **Article 10: Entry in Force and Termination**

Either of the Parties may terminate this Memorandum of Understanding by means of written notification. The termination enters into force after a period of 60 days, which starts with the first day of the month following the month in which the other Party received the written notification of denunciation.

This Memorandum of Understanding enters into force on the day of its signature by both Parties.

Done on the day of 2007, in two copies in specify local language)..

**Insert Name in Full  
(government agency to  
host the database)**

**Insert Name in Full  
(NGO, police or  
government institution  
contributing trafficker  
data)**

## Annex 4:

# Template of questionnaire of victim-centred data<sup>41</sup>

## Section 1: Personal information

### 1a) Name or identifying information

Possible value: Last name and first name

Please fill-in the blanks:

**Last name: ...**

**First name: ...**

**Identifier number: ...**

### 1b) Contributing agency/institution

Possible value: This is an open text field in which the name of the relevant agency is to be inserted

Please fill-in the blanks:

**Name of the relevant agency: ...**

### 1c) Sex

Possible values may be male, female, transsexual or unknown. The selection of sex should be based on the individual's self-stated sex. Only one value is possible for this question.

Please fill-in the blanks:

**Sex: ...**

### 1d) Date of birth

Possible value: The questionnaire requests information about all age related indicators by recording the day, month and year. Where it is not possible to know the precise day of birth, it is possible to enter only the month and year rather than the full date. When the victim does not know

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<sup>41</sup> This annex was drafted in the context of ICMPD's DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD.

the exact date, the user will employ a default code for day (15<sup>th</sup> of the month). The user will also check the box to note if it is the precise date or not.

Please fill-in the blanks:

***Date of Birth: ...***

### **1e) Citizenship**

Possible values may be any country or combination of countries. There is also the option for “statelessness” in cases where individuals do not have legal citizenship in any country and “unknown”. More than one value is allowable for this field.

Please fill-in the blanks:

***Citizenship: ...***

### **1f) Country of residence**

Possible values may be any country. Only one value is allowable for this field.

Please fill-in the blanks:

***Country of residence: ...***

### **1g) Ethnicity**

Possible values: unknown; Albanian; Ashkali; Bosnian; Bulgarian; Croatian; Egyptian; Gorani; Hungarian; Macedonian; Moldovan; Montenegrin; Pomak; Roma; Romanian; Russian; Serbian; Turkish; other (please list one or more not included in this preliminary list); N/A. As victims may have more than one ethnicity, there is the option to fill in more than one indicator for this section.

Please fill-in the blanks:

***Ethnicity: ...***

### **1h) Economic condition**

Possible values: unknown; very poor; poor; average; affluent; no response. Only one value is allowable for this field.

Please fill-in the blanks:

***Economic condition: ...***

**1i) Household income**

Possible values: These are two numerical input fields (accepting only numbers), one accepting the number of persons that contribute to the household income<sup>42</sup> and the other accepting the total number of household members. For example, if both parents are working in a family with three children and the paternal grandmother receives a pension, the answer would be 3 of 6.

Please fill-in the blanks:

**Household income: ...**

**1j) Area/region of origin**

Possible values: this is an open text field. Designations used in the database should be consistent with the specific administrative structures of the individual SEE country/territory.

Please fill-in the blanks:

**Area/region of origin: ...**

**1k) Marital status when trafficked**

Possible values for this section are: married, unmarried, divorced/separated, widowed or common-law relationship.

Please fill-in the blanks:

**Marital status when trafficked: ...**

**1l) Number of children when trafficked**

Possible values would be any number, from 0 to 50 and unknown.

Please fill-in the blanks:

**Number of children when trafficked: ...**

**1m) Experience of abuse**

Possible values are sexual, physical, psychological and unknown. It is possible to provide multiple values in cases where the victim was exposed to different/multiple forms of abuse, although it is not possible to mix “unknown” with another value. “Unknown” should be used in cases where the value is “unknown” or where the victim declines to answer this question.

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<sup>42</sup> Income is defined in the database as either a salary or a stipend or a pension or social benefits.

Please fill-in the blanks:

***Experience of abuse: ...***

**1n) Perpetrator of abuse**

Possible values refer to persons known to the victim as well as persons not known to the victim. Categories include: spouse; sibling; father; mother; other relative; partner/boyfriend/girlfriend; friend; community member; other; unknown. This field should only be completed if the victim reported being subjected to a form of abuse prior to trafficking. In cases where the victim has been exposed to more than one form of abuse by more than one perpetrator, please list all perpetrators of abuse.

Please fill-in the blanks:

***Perpetrator of abuse: ...***

**1o) Education level**

Possible values: unknown, 0 years (no formal schooling), 1-4 years, 5-8 years, 9-10 years, 11-12 years, technical/vocational school, college/university.

Please fill-in the blanks:

***Education level: ...***

**1p) Reason for migrating/leaving home**

Possible values: job opportunity; study opportunity; wanted adventure; chronic economic need; forced/kidnapped; crisis in the family (i.e. illness); marriage; family conflict/problems; to escape violence; unknown; other.

Please fill-in the blanks:

***Reason for migrating/leaving home: ...***

**1q) Activity at recruitment**

Possible values: study; study and work; unemployed; paid work; unpaid work; unknown; none; other.

Please fill-in the blanks:

***Activity at recruitment: ...***

**1r) Living situation at recruitment**

Possible values: parents and/or siblings; spouse and/or children; extended family; friends; alone; in an institution; other; unknown;

Please fill-in the blanks:

***Living situation at recruitment: ...***

**1s) Demographic setting**

Possible values: national capital; city; town; village; isolated; nomadic; other; unknown.

Please fill-in the blanks:

***Demographic setting: ...***

**Section 2: Recruitment experience****2a) Date of recruitment**

Possible value: List day, month and year. The value will ideally be noted in day, month and year. Where it is not always possible to know the precise date, it will be possible to list only the month and year or only the year rather than the full date.

Please fill-in the blanks:

***Date of recruitment: ...***

**2b) Country of recruitment**

Possible value would be any country. Only one value is possible for this field.

Please fill-in the blanks:

***Country of recruitment: ...***

**2c) Means of recruitment/entry into trafficking**

Possible values: via personal contact; via advertisement; via agency; abduction/force; other; unknown. Where the value is via personal contact, there is a sequence of related questions (below) about the recruiter's relationship to victim, recruiter's sex, recruiter's citizenship and recruiter's country of residence. Where the value is not 'via personal contact', the subsequent questions should not be answered.

Please fill-in the blanks:

***Means of recruitment/entry into trafficking: ...***

**2d) Victim's relationship to recruiter**

Possible values: immediate family member; extended family member; close friend; acquaintance; stranger; other; unknown. Where more than one recruiter was involved, multiple values are required for this question. Please fill-in the blanks:

***Victim's relationship to recruiter: ...***

**2e) Sex of recruiter**

Possible values: male, female, transsexual, unknown or a combination of these, depending upon the number of recruiters involved. Where more than one recruiter was involved, multiple values should be completed for this question.

Please fill-in the blanks:

***Sex of recruiter: ...***

**2f) Recruiter's citizenship**

Possible values are any country or combination of countries, or "unknown", or "stateless". Where more than one recruiter was involved, multiple values will be required for this question. This may also require multiple values where persons hold multiple citizenships.

Please fill-in the blanks:

***Recruiter's citizenship: ...***

**2g) Recruiter's country of residence**

Possible values: any country. In the case of multiple recruiters, more than one value will be required.

Please fill-in the blanks:

***Recruiter's country of residence: ...***

**2h) Recruitment conditions**

Possible values: work offer; marriage; travel/tourism; forced/kidnapped; unknown; other.

Please fill-in the blanks:

***Recruitment conditions: ...***

**2i) Proposed destination country at recruitment**

Possible values: one country or a combination of countries or “unknown”. Where more than one destination country was promised, all should be noted. In the case of forcible recruitment, this field should be completed only in a situation where the victim was provided information about the intended destination, which may or may not have been the case. “Unknown” would be entered where the victim was not aware of the intended destination.

Please fill-in the blanks:

***Proposed destination country at recruitment: ...***

**Section 3: Transportation and travel routes**

**3a) Means of transportation**

Possible values: private car; taxi; commercial plane; private plane; train; charter/private bus; public bus; on foot; boat; other; unknown. Where multiple means were used, all should be documented.

Please fill-in the blanks:

***Means of transportation: ...***

**3b) Use of documents**

Possible values: legal, false/falsified, none, unknown. Multiple values are allowable in this section as victims may have different experiences when crossing different borders. Where victims were trafficked internally within their own country, this field should still be completed, as they will likely have been provided with documents and may have been required to present identity information at some stage.

Please fill-in the blanks:

***Use of documents: ...***

**3c) Border crossings**

Possible values: legal; illegal; no border crossed; unknown. Multiple values are allowable in this section as victims may have different experiences when crossing different borders.

Please fill-in the blanks:

***Border crossings: ...***

## **Section 4: Exploitation experience**

### **4a) Trafficking designation**

Possible values: victim of trafficking; presumed victim; unknown

Please fill-in the blanks:

***Trafficking designation: ...***

### **4b) Form of trafficking/exploitation**

Possible values: sexual exploitation, forced labour, begging, delinquency, adoption, removal of organs, other (to be specified in section 6, point 6a). In some cases, victims may have suffered multiple forms of exploitation, in which case they will need to provide more than one answer in this field.

Please fill-in the blanks:

***Form of trafficking/exploitation: ...***

### **4c) Country(ies) of exploitation**

Possible values: any country or combination of countries. Where victims were trafficked to and exploited in more than one country, all countries should be listed.

Please fill-in the blanks:

***Country(ies) of exploitation: ...***

### **4d) Date when trafficking exploitation began**

Possible value: List day, month and year. The value will, ideally, be noted in day, month and year. Where it is not possible to know the precise date, there will be an option to list only the month and year or only the year rather than the full date.

Please fill-in the blanks:

***Date when trafficking exploitation began: ...***

### **4e) Debt incurred**

Possible values: yes; no; unknown

Please fill-in the blanks:

**Debt incurred: ...**

**4f) Date exited trafficking/exploitation**

Possible value: List day, month and year. The value will ideally be noted in day, month and year or only the year. Where the precise date is not known, it will be possible to list only the month and year.

Please fill-in the blanks:

**Date exited trafficking/exploitation: ...**

**4g) Means of exit**

Possible values: released by trafficker; escaped on own; escaped with help of third party; intervention of law enforcement; intervention of social worker (from GO, NGO, IO); intervention of outreach workers (from NGO, IO, GO); finished work contract; died; other; unknown.

Please fill-in the blanks:

**Means of exit: ...**

**4h) Year of previous trafficking<sup>43</sup>**

Possible value: a specific year. Where the victim was trafficked previously on more than one occasion, each year should be listed.

Please fill-in the blanks:

**Year of previous trafficking: ...**

**4i) Form of previous trafficking**

Possible values: sexual exploitation, forced labour, begging, delinquency, adoption, removal of organs, other. Victims may have suffered multiple forms of exploitation in which case more than one value should be given. Where the victim was trafficked previously on more than one occasion, each form of trafficking should be listed.

Please fill-in the blanks:

**Form of previous trafficking: ...**

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<sup>43</sup> In case there have been one or more instances of previous trafficking it would be preferable to complete a new case for this person that will contain all relevant information about the previous trafficking experience(s). Where full and sufficient information is not available about previous trafficking, this section seeks to capture some basic aspects of these previous trafficking experiences.

#### **4j) Country of previous trafficking**

Possible values: any country or combination of countries. Where victims were exploited in more than one country, all countries of exploitation should be listed. For each previous trafficking experience, a country should be listed. Where the victim was trafficked previously on more than one occasion, each country of trafficking should be listed. Where trafficked more than once to the same country, this should be entered as such.

Please fill-in the blanks:

***Country of previous trafficking: ...***

#### **4k) Identification/assistance during previous trafficking**

Possible values: identified; assisted; unknown, not identified; not assisted; decline identification; declined assistance. Multiple values are allowable in this field.

Please fill-in the blanks:

***Identification/assistance during previous trafficking: ...***

### **Section 5: Identification and assistance**

#### **5a) Country of identification**

Possible values: any country from the list of predefined countries in the database. Only one value is possible in this section.

Please fill-in the blanks:

***Country of identification: ...***

#### **5b) Date victim was identified**

Possible value: List day, month and year. The value will ideally be noted in day, month and year. Where this is not possible, it will be possible to list only the month and year or only the year rather than the full date.

Please fill-in the blanks:

***Date victim was identified: ...***

#### **5c) Identifying institution/actor**

Possible value: border authorities; police officers; outreach workers/programme; social workers; labour inspectors; help line; transportation personnel; client; private citizen; medical personnel; lawyer; other; unknown.

Please fill-in the blanks:

**Identifying institution/actor: ...**

#### **5d) Date entered assistance**

Possible value: List day, month and year. The value will ideally be noted in day, month and year. Where this is not possible, only the month and year or only the year will be recorded.

Please fill-in the blanks:

**Date entered assistance: ...**

#### **5e) Date exited assistance**

Possible value: List day, month and year. The value will ideally be noted in day, month and year. Where this is not possible, only the month and year or only the year will be recorded.

Please fill-in the blanks:

**Date exited assistance: ...**

#### **5f) Type of assistance**

Possible values:

- short term shelter
- mid to long-term accommodation assistance
- emergency medical care
- longer term medical services
- emergency psychological assistance
- longer term psychological assistance
- housing subsidy/assistance
- education
- vocational training
- job placement
- reintegration grant
- business training
- family mediation
- financial assistance
- humanitarian assistance (i.e. clothes and food packets)
- transportation
- other (please specify)

Multiple values are accepted in this section and all forms of assistance should be noted. This could be assistance available through the anti-trafficking framework; it might also be assistance available through other mechanisms like social services, community-based programmes, NGOs not specialised in trafficking, religious organisations, etc.

Please fill-in the blanks:

***Type of assistance: ...***

#### **5g) Assistance received abroad**

Possible values: any country. Where victims were assisted in more than one country (apart from their home country) all countries should be listed. Where victims were not assisted abroad, no value should be specified.

Please fill-in the blanks:

***Assistance received abroad: ...***

#### **5h) Statement to police**

Possible value: yes, no, unknown.

Please fill-in the blanks:

***Statement to police: ...***

#### **5i) Testified in legal proceedings against the trafficker**

Possible value: yes, no, unknown.

Please fill-in the blanks:

***Testified in legal proceedings against trafficker: ...***

#### **5j) Protection pre, during or post trial**

Possible value: pre-trial, during trial, post trial or a combination of these when victims have had protection at more than one stage. Victims may have received protection during more than one of these stages, in which case more than one value should be provided.

Please fill-in the blanks:

***Protection pre, during or post trial: ...***

#### **5k) Victim compensation**

*Possible values:* yes, no, unknown, not applicable.

Please fill-in the blanks:

***Victim compensation: ...***

**Section 6: Other**

**6a) Comments on the case**

This is an open text field which can be used to enter additional details, clarification or comment about the case.

***Comments: ...***

## Annex 5:

# Template of questionnaire of trafficker-centred data<sup>44</sup>

### Section 1: Trafficker's profile

#### **1a) Name of accused trafficker**

*Possible value:* First name and surname.

Please fill-in the blanks:

**Last name: ...**

**First name: ...**

#### **1b) Trafficker aliases**

*Possible value:* This is an open text field. Multiple values can be specified.

Please fill-in the blanks:

**Trafficker aliases: ...**

#### **1c) Sex of the trafficker**

*Possible values* may be male, female, transsexual or unknown.

Please fill-in the blanks:

**Sex: ...**

#### **1d) Date of birth**

Possible values: the day, month and year of the trafficker, in this sequence.

The exact date of birth should be based on the trafficker's identity documents rather than their self-stated date of birth.

Please fill-in the blanks:

**Date of birth: ...**

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<sup>44</sup> This annex was drafted in the context of ICMPD's DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been up-dated by ICMPD with new indicators according to the recommendations of the institutions participating in the DCIM Phase 2 project.

**1e) Trafficker's citizenship**

Possible values: any country or combination of countries. In some situations, traffickers may hold multiple citizenships, in which case all citizenships should be listed.

Please fill-in the blanks:

***Citizenship: ...***

**1f) Trafficker's country of residence**

Possible values: any country. There should only be one value to this question.

Please fill-in the blanks:

***Trafficker's country of residence: ...***

**1g) Country of birth**

Possible values: any country. There should only be one value to this question.

Please fill-in the blanks:

***Country of birth: ...***

**1h) Trafficker's ethnicity**

Possible values: Albanian; Ashkali, Bosnian; Bulgarian; Croatian; Egyptian; Gorani; Hungarian; Macedonian; Moldovan; Montenegrin; Pomak; Roma; Romanian; Russian; Serbian; Turkish, N/A; other (please list one or more not included in this preliminary list). As many persons will likely have more than one ethnicity, there is the option to fill in more than one indicator for this section.

Please fill-in the blanks:

***Trafficker's ethnicity: ...***

**1i) Role in the trafficking chain**

Possible values: document processor, recruiter, transporter, exploiter, "boss", other (please specify) or unknown. The trafficker may have more than one role in the trafficking chain, in which case multiple values should be included.

Please fill-in the blanks:

### ***Role in the trafficking chain: ...***

#### **1j) Criminal record**

Possible values are unlimited. This section is an open field of text to list all past charges, warrants or convictions. It is important to note when it is a conviction or charge. For example, "conviction for murder" or "charged with theft". Where no past criminal convictions exist, the value should be "no criminal record". Where incomplete information is available about this issue, the value should be "unknown". There may also individuals with "unresolved" charges or with "charges pending".

Please fill-in the blanks:

***Criminal record: ...***

### **Section 2: Investigation phase**

#### **2a) Date case initiated**

Possible value: day, month and year.

Please fill-in the blanks:

***Date case initiated: ...***

#### **2b) Location case was initiated**

Possible values: this is an open text field. Designations used in the database should be consistent with the specific administrative structures of the individual SEE country/territory.

Please fill-in the blanks:

***Location case was initiated: ...***

#### **2c) Initiation method**

Possible values: complaint lodged; tips; proactive investigation; reactive investigation; unknown; other.

Please fill-in the blanks:

***Initiation method: ...***

#### **2d) Date investigation commenced**

Possible value: day, month and year.

Please fill-in the blanks:

***Date investigation commenced: ...***

**2e) Date investigation completed**

Possible value: day, month and year.

Please fill-in the blanks:

***Date investigation completed: ...***

**2f) Date of arrest**

Possible value: day, month and year.

Please fill-in the blanks:

***Date of arrest: ...***

**2g) Charges at arrest**

Possible values are unlimited. This section is an open field text.

Please fill-in the blanks:

***Charges at arrest: ...***

**2h) Type of trafficking/exploitation**

Possible values: sexual exploitation, forced labour and services, begging, delinquency, adoption, removal of organs, other (please specify). In some cases, victims may have suffered multiple forms of exploitation in which case they will need to provide more than one answer to this question.

Please fill-in the blanks:

***Type of trafficking/exploitation: ...***

**2i) Number of victims involved**

This field notes the numbers of trafficked persons involved (as victims) in the case for which the trafficker was arrested.

Possible values: 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

Please fill-in the blanks:

***Number of victims involved: ...***

**2j) Victim statements**

This section notes the number of victims who have provided statements against the trafficker in the course of the investigation.

Possible values: 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

Please fill-in the blanks:

***Victim statements: ...***

### **2k) Pre-trial victim protection**

This field notes whether any of the victims involved as victims/witnesses in the cases received any protection during this pre-trial phase.

Possible values: 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

Please fill-in the blanks:

***Pre-trial victim protection: ...***

## **Section 3: Trial phase**

### **3a) Charges at trial**

Possible values are unlimited. This section is an open field for text. In the event that the accused pleaded guilty to the charges, this should be noted here. Where this is the result of a plea bargain, please note any changes in the process such as a reduction to lesser charges and/or a reduced sentence.

Please fill-in the blanks:

***Charges at trial: ...***

### **3b) Location of trial**

Possible values: this is an open text field. Designations used in the database should be consistent with the specific administrative structures of the individual SEE country/entity.

Please fill-in the blanks:

***Location at trial: ...***

### **3c) Date trial commenced**

Possible value: day, month and year.

Please fill-in the blanks:

***Date trial commenced: ...***

**3d) Date trial ended**

Possible value: day, month and year.

Please fill-in the blanks:

***Date trial ended: ...***

**3e) Victim testimony**

This question notes the number of victims who have provided testimony against the trafficker in the course of the trial.

*Possible values* are 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

Please fill-in the blanks:

***Victim testimony: ...***

**3f) Trial victim protection**

This question asks whether any of the victims involved as victims and/or witnesses in the cases received any protection during the trial phase. During the trial, there may be different types of protection available such as the option to provide testimony by video or full time police protection. Wherever some protection is afforded, this should be noted.

Possible values: video testimony, full-time police protection, escort to court, closed court session, witness protection option, none, unknown, other (please specify). Where multiple forms of protection were offered, please note each of these forms.

Please fill-in the blanks:

***Trial victim protection: ...***

**3g) Trial outcome**

This question documents the outcome of the trial – the formal ruling on the various charges, whether trafficking or non-trafficking charges.

Possible values: guilty; acquitted; mistrial; pending; unknown, not applicable.

Please fill-in the blanks:

***Trial outcome: ...***

**3h) Sentence imposed (at trial)**

This field notes the sentence imposed in the case of a guilty verdict in the trial.

Possible values: prison; fine; suspended sentence; house arrest; community service; other; unknown; not applicable. This section is only to be completed in the case of a guilty verdict in the trial. More than one value may be required in this section. That is, a sentence like “prison” may be imposed in combination with another penalty like a “fine”. All relevant penalties should be registered.

Please fill-in the blanks:

***Sentence imposed (at trial): ...***

### **3i) Duration of sentence (at trial)**

This question asks for the length of the sentence imposed when the sentence has been “prison”, “suspended sentence”, “house arrest”, “community service” or “prison” in combination with another penalty like a “fine”.

Possible values: 0; 1 - 6 months; 7 - 12 months; 1 - 2 years; 3 - 5 years; 6 - 10 years; 11 - 15 years; 16 – 20 years; 20-25 years; 26-30 years; +30 years.

Please fill-in the blanks:

***Duration of sentence (at trial): ...***

### **3j) Fine imposed (at trial)**

This field notes the amount of the fine imposed, where the sentence/penalty was a fine. In some cases the penalty will only be a fine; in other cases a fine may be imposed in combination with another sentence – i.e. “prison”, “suspended sentence”, “house arrest”, “community service” and or “prison” in combination with another penalty like a “fine”.

Possible values: an integral number, representing the local currency unit.

Please fill-in the blanks:

***Fine imposed (at trial): ...***

## **Section 4: Appeal process**

### **4a) Conviction appealed**

This section records the appeal process in the case of a conviction.

Possible values: yes, no or unknown

Please fill-in the blanks:

***Conviction appealed: ...***

#### **4b) Appeal commenced**

This question documents the date – day, month and year – that the appeal process commenced.

Possible value: day, month and year.

Please fill-in the blanks:

***Appeal commenced: ...***

#### **4c) Appeal concluded**

This question documents the date – day, month and year – that the appeal process was concluded.

Possible value: day, month and year.

Please fill-in the blanks:

***Appeal concluded: ...***

#### **4d) Basis of appeal**

This field registers the grounds upon which the appeal is based.

Possible values are unlimited. This section is an open field for text.

Please fill-in the blanks:

***Basis of appeal: ...***

#### **4e) Victim protection during appeal**

This question asks whether any of the victims involved as victims and/or witnesses in the case received any protection during the appeal phase.

Possible values: 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

Please fill-in the blanks:

***Victim protection during appeal: ...***

#### **4f) Result of the appeal process**

This question asks about the result of the final appeal in the case. While most legal systems have various stages of appeal, this section refers only to the final appeal and, thus, the final result in this case.

*Possible values:* guilty; acquitted; mistrial; pending; unknown; not applicable

Please fill-in the blanks:

***Result of the appeal process: ...***

#### **4g) Sentence imposed (at appeal)**

This question asks about the sentence imposed in the case of a guilty verdict in the final appeal process.

*Possible values:* prison; fine; suspended sentence; house arrest; community service; other; unknown; not applicable. This section is only to be completed in the case of upholding a guilty verdict. More than one value may be required in this section. That is, a sentence like “prison” may be imposed in combination with another penalty like a “fine”. All relevant penalties should be completed.

Please fill-in the blanks:

***Sentence imposed (at appeal): ...***

#### **4h) Duration of appeal sentence**

This question asks for the length of the sentence imposed in the final appeal stage when the sentence has been “prison”, “suspended sentence”, “house arrest”, “community service” or “prison” in combination with another penalty like a “fine”.

*Possible values:* 0; 1 - 6 months; 7 - 12 months; 1 - 2 years; 3 - 5 years; 6 - 10 years; 11 - 15 years; 16 – 20 years; 20-25 years; 26-30 years; +30 years.

Please fill-in the blanks:

***Duration of appeal sentence: ...***

#### **4i) Fine amount (at appeal)**

This question asks for the amount of the fine included in the sentence at the conclusion of the appeal process. This line of inquiry considers whether sentences and/or penalties imposed at trial are upheld as a result of the appeals process.

*Possible values:* integral number, representing the local currency unit.

Please fill-in the blanks:

***Fine amount (at appeal): ...***

## Section 5: Post-trial phase

### **5a) Final sentence implementation**

This question considers the extent to which the final sentence (whether prison, house arrest, suspended sentence, community service, etc.) was imposed and implemented.

Possible value: open text section in which the period of the sentence is filled in.

Please fill-in the blanks:

***Final sentence implementation: ...***

### **5b) Fine implementation**

This question considers the extent to which the final fine was imposed and implemented.

Possible values: integral number, representing the local main currency unit.

Please fill-in the blanks:

***Fine implementation: ...***

### **5c) Post-trial victim protection**

This question asks whether any of the victims involved as victims and/or witnesses in the case received protection following the final appeal process.

Possible values: 0, 1 - 5; 6 - 10; 11 - 20; 21 - 30; 30-39; 40-49; 50-59; 60+; unknown

Please fill-in the blanks:

***Post-trial victim protection: ...***

### **5d) Victim compensation ordered**

This question asks about whether the victim received any financial compensation as a result of the trafficking proceedings and, if so, in what amount. There is a difference between being ordered to pay compensation and the actual receipt of this compensation. This question refers to the actual receipt of compensation – whether and in what amount compensation was actually received by victims.

Possible values: integral number, representing the local main currency unit.

Please fill-in the blanks:

***Victim compensation ordered: ...***

## **Section 6: Reference Numbers<sup>45</sup>**

### **6a) Ministry of Interior Reference Number**

It refers to the primary reference number assigned by the mandated investigative body. This number is cross referenced in the database with all other identical numbers, allowing for a secondary association of many persons with one investigation. It also allows database users to cross-reference the data contained in their database with the original investigation dossier.

### **6b) Ministry of Justice Reference Number**

It refers to the primary reference number assigned by the mandated judicial body. This number is cross-referenced in the database with all other identical numbers, allowing for a secondary association of many persons with one sentence. It also allows database users to cross reference the data contained in their database with the original judicial dossier.

### **6c) Court docket number**

It refers to the primary reference number assigned to a prosecutorial dossier by the mandated prosecutor. This number is cross referenced in the database with all other identical numbers, allowing for a secondary association of many persons with one trail. It also allows database users to cross-reference the data contained in their database with the original prosecutorial dossier.

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<sup>45</sup> These new set of indicators have been added in the DCIM databases according to the recommendations of the institutions participating in the DCIM Phase 2 project.

### **6d) Social Security Number**

This number is added to avoid two possible pitfalls in data collection. Firstly, a false positive regarding the duplication of persons, in instances where persons have the same name and date of birth. Secondly, where a person name varies due to being transcribed in a different alphabet or due to marriage. This number allows the user to cross reference the information stored in the DCIM database with other sources of data.

## **Section 7: Other**

### **6a) Comments on the case**

This is an open text field which can be used to enter additional details, clarification or comment about the case.

**Comments: ...**

## Annex 6:

### Sample consent form for processing of personal data<sup>46</sup>

Please note, this waiver form draws upon the language and provisions contained in the *EC Directive on Data Protection (Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data..* Each participating state should make the adaptations necessary ensuring conformity with their national legislation.

#### Draft Personal Data Waiver Form

The **NAME OF AGENCY** will collect personal data from you which will be processed for the specific purpose of better understanding patterns related to trafficking in human beings (or insert another reason for data collection).

It is understood that the provision of personal data or any information to **NAME OF AGENCY** is completely voluntary:

The following information may be collected from you and processed in a database:

- Name;
- Date of birth;
- Place of birth;
- Nationality;
- Gender;

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<sup>46</sup> This annex was drafted in the context of ICMPD's DCIM project in SEE. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. Please note, the annex was drafted and prepared by Jean Lanoue, Senior Legal Advisor, ICMPD, who provided legal advice and inputs for the project.

- Ethnicity;
- Civil status;
- Number of children;
- Disabilities/handicaps;
- Education history;
- Legal history;
- Economic conditions;
- Country of citizenship or residence;
- Recruitment history and respective dates;
- Transportation, travel routes and respective dates;
- Trafficking experience and respective dates;
- Identification and assistance experiences and respective dates.

Where personal data is stored electronically, it will be kept in a password-protected form. Personal data, whether stored in electronic form on computers or in hard-copy form will be accessible only by authorised officers or employees of the **NAME OF AGENCY**. Persons designated by the **NAME OF AGENCY** to handle personal data will be made acquainted with this Personal Data Waiver Form and told how to fulfil obligations to you. When processing personal data over the Internet (and this will only occur where allowable under national legislation), the **NAME OF AGENCY** will use such secured encryption systems as are appropriate to the nature of the data being processed. Any personal data the **NAME OF AGENCY** receive from you will not be disclosed by the **NAME OF AGENCY** to any party outside the **NAME OF AGENCY** except as provided herein, as notified to you at the time of collection, or with your prior consent.

This Personal Data Waiver Form applies to the **NAME OF AGENCY** and all other agencies involved in this data collection work on victims of trafficking.

Personal data held by the **NAME OF AGENCY** will be kept confidential but the **NAME OF AGENCY** may provide such information to any person to whom we are required to make disclosure under any law applicable in or outside **name of country**.

Personal information you provide to the **NAME OF AGENCY** will be retained only for such period as may be necessary for the carrying out of the purposes referred to in this Personal Data Waiver Form or as otherwise specified at the time of collection.

Personal data that you provide to **NAME OF AGENCY** will with be held in accordance with the **insert name of applicable law** and the corresponding European Union Directive on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of such Data (95/46/EC O.J. No. L281/31 of 23.11.95). **NAME OF AGENCY** will be the data controller of the data collected from you for the purposes of this data protection legislation.

You have the right to access your personal data at any time at reasonable intervals.

You have the right to demand corrections of any data that is not accurate.

Upon request, you have the right to be notified of the names of third parties to which your personal data has been transmitted.

You have the right to demand that all personal data pertaining to you be fully and completely deleted from the database in the possession of **NAME OF AGENCY**, by informing of the data controller in writing of your wish. To do so, please communicate with:

**Insert name and contact details of the data controller**

Notwithstanding, the **NAME OF AGENCY** will keep some of the information that you have provided, in aggregate form, for statistical purposes. The information that will be kept will be of such nature that it will not be possible to identify you in any way, means or form.

The purpose for collecting and processing my personal data was explained to me and I agree to provide the personal data requested to the **NAME OF AGENCY**. I further agree that this personal data may be processed and transmitted as described in this Personal Data Waiver Form.

Date and signature.

Witness.

Make at least two copies, one for the person concerned and the other for the agency.

## Annex 7:

### **Sample confidentiality agreement for database staff<sup>47</sup>**

The following sample confidentiality agreement outlines the parameters of confidentiality required of staff when working with personal information related to trafficking victims and trafficking-related data. These provisions may apply to both the victim-centred and trafficker-centred databases, to be determined by the responsible agencies in each of the project countries and in accordance with national legislation.

#### **Sample Confidentiality Agreement**

The (insert name of responsible agency) ensures that all staff members, and all personnel of sub-contractors when applicable (e.g. maintenance, security or cleaning) involved in the maintenance of the anti-trafficking database are made fully aware of the existence and meaning of the applicable provisions of the personal data protection legislation in force in (insert name of country). The (agency) and its staff shall refrain to communicate or disclose any personal information whatsoever with which they come in contact as regard to the anti-trafficking database unless specifically authorised to do so. In particular, they are fully informed that any breach of confidentiality in regard to the contents of the database will be sanctioned in conformity with the laws of (name of country). Such sanctions can take the form of reprimands, suspension, dismissal and criminal prosecution.

The authority responsible for the application of data protection legislation in (insert name of country) is at any time allowed to monitor the processes in regard to data security and additional measures. This responsible

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<sup>47</sup> This annex was drafted in the context of ICMPD's DCIM project in SEE. See Surtees, R. (2008) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. Please note, the annex was drafted and prepared by Jean Lanoue, Senior Legal Advisor, ICMPD, who provided legal advice and inputs for the project.

authority shall be granted necessary access during normal working hours to all relevant sites and shall receive all necessary information for the accomplishment of its task.

I have read this Confidentiality Agreement. I declare that I will abide by its provisions and I fully understand that any breach on my part can and will lead to possible sanctions.

Date, Place, Signature of staff

Date, Place, Signature of witness

Date, Place, Signature of supervisor







## Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria

The *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria* was developed in the framework of the *Programme for the Enhancement of Anti-trafficking Responses in South-Eastern Europe – Data Collection and Information Management*. Additionally, it has been updated and enriched with three supplementary instruments developed in the framework of the second phase of the programme: *Data Processing, Maintenance and Analysis (DCIM Phase II)*.

The *Handbook* contains a list of indicators for the collection of data on trafficking in human beings – both on the victim side and on the criminal justice side. These indicators have been developed in close cooperation with governmental partners and in consultation with international experts and representatives of international and non-governmental organisations.

Without sufficiently accurate data it is not possible to either gauge the extent or recognise the true nature of the trafficking problem and understand the complexity of the issues involved. Thus the *Handbook* aims to be a tool to support governmental agencies in the collection of concrete, reliable data on human trafficking as such data is an essential prerequisite for all effective programmes, interventions, policies and legislation. While in the context of this project the *Handbook* targets governments in South-Eastern Europe, its appeal is likely to be broader and may prove a helpful resource for anti-trafficking actors working with data collection and information management beyond the SEE region.