



Prevention of and Fight Against Crime 2007  
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**ICMPD**

International Centre for  
Migration Policy Development

# Anti-Trafficking Data Collection and Information Management in the European Union – a Handbook

The situation in the Czech Republic, Poland, Portugal and  
the Slovak Republic

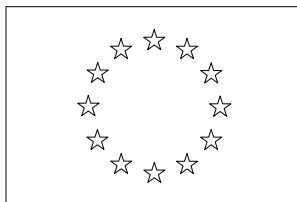


MINISTRY OF THE INTERIOR  
OF THE CZECH REPUBLIC



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**Anti-Trafficking Data Collection and Information  
Management in the European Union – a Handbook  
The situation in the Czech Republic, Poland, Portugal and  
the Slovak Republic**

International Centre for Migration Policy Development (ICMPD) - 2009

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## Foreword

Both at EU and national level many measures have been taken to ensure the rights of the victims and combat the criminal networks. Legal instruments and policies have been developed to address the different aspects and forms of trafficking in human beings, and to enhance governmental and non-governmental responses in terms of prevention, protection and prosecution.

Yet, despite these efforts, a major obstacle that faces all actors is a lack of systematically collected and inter-subjective data relevant to trafficking in human beings. This impedes a comprehensive and systematic understanding of the phenomenon and accordingly hinders governmental and non-governmental efforts to design effective responses.

The December 2005 *EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings* specifically called for an improvement in the knowledge of the scale and nature of the phenomenon. In particular it mentioned that common guidelines on data collection would be developed, including comparable indicators. Subsequently, several initiatives aimed at collecting THB data were developed within the European Union and neighbouring countries.

In 2006 ICMPD launched the *Programme for the Enhancement of Anti-trafficking Responses, Data Collection and Information Management (DCIM)* in ten countries in South-Eastern Europe. This initial programme, was financially supported by the Norwegian Royal Ministry of Foreign Affairs and the Swiss Agency for Development and Cooperation and aimed at developing two sets of regionally harmonised indicators, one concerning victims and the other concerning perpetrators of trafficking in human beings crimes. Furthermore the project sought to reinforce the capacity of the ten South-Eastern European States to collect data related to victims and traffickers by developing two separate databases. In 2008 the project entered its second phase focusing on data analysis.

Upon request from several European Union Member States, ICMPD was glad to be able to apply the expertise gained in South-Eastern Europe to support the Directorate General of Internal Affairs of Portugal, the Ministry of Interior of Czech Republic, the Ministry of Interior of Poland and the Ministry of Interior of the Slovak Republic in implementing the present project *Trafficking in Human Beings: Data Collection and Harmonised Information Management Systems (DCIM-EU)*. The project aims to establish a harmonised system for collecting THB data related to victims and traffickers within these four countries and subsequently supporting the countries in fulfilling the requirement of the EU Action Plan.

The “*Anti-Trafficking Data Collection and Information Management in the European Union– a Handbook- The situation in the Czech Republic, Poland, Portugal and the Slovak Republic*” is one of the main outputs of this project. The *Handbook* contains a list of indicators/variables and respective explanations for the two distinct sets of indicators: one on victims of trafficking and one on traffickers and criminal justice. These indicators/variables have been developed in close cooperation with partners from the four participating countries, in consultation with experts from the judiciary, law enforcement agencies, non-governmental organisations, governmental institutions, and

international organisations. Based on these agreed upon indicators/variables, a technical solution to collect THB Data (software) was developed and tested in a pilot country (Portugal).

I trust that this *Handbook* will contribute to ensuring a degree of consistency in the data collected which is essential for the design of effective programmatic responses to trafficking in human beings and the coordination of anti-trafficking efforts.

The *Handbook* is in line with the principles of data protection and privacy rights of the individual. Because the information being collected – particularly in the case of trafficking victims – is very sensitive, data protection was of utmost importance in designing the associated systems. Compliance with all relevant legal frameworks in the four participating countries was ensured through consultations with experts in the field. A special section is dedicated to discussing the range of legal, security and ethical issues involved in data collection and information management related to human trafficking in the European Union.

We believe that this *Handbook* offers a set of the most relevant indicators/variables used for the collection of data on trafficking in human beings, in line with the *European Union's Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings*. These definitions and data collection methodologies not only facilitate the coordination of efforts between these four EU countries, but also in other key countries of origin, transit and destination. Furthermore it should facilitate trans-European as well as transnational synergies, based on a harmonised understanding of the salient indicators relevant to the design, evaluation and coordination of anti-trafficking responses.

A handwritten signature in blue ink, appearing to read 'G. Zürcher', with a stylized flourish at the end.

Gottfried Zürcher  
Director General ICMPD

## Key Note

Fighting human trafficking in all its manifestations is an ethical, moral and political imperative. It is a responsibility to which the actors, whose mission is to accomplish this through their powers and capacities, should address all their efforts.

The DGIA (Directorate General of Internal Affairs) in Portugal is responsible for contributing all its resources towards this collective work, co-ordinated on a higher level under the I National Plan against Human Trafficking (I Plano Nacional contra o Tráfico de Seres Humanos) (2007-2010). It is an accepted fact that human trafficking, given its secretive nature and high degree of complexity, is very difficult to understand. For this reason, the introduction of diagnostic elements that allow for a greater understanding of the phenomenon is very important in order to reduce the impact of this problem in our society. The best contribution we can provide is to help to improve that diagnostic work in the shortest possible time.

The difficulties, however, are enormous because they involve a small group of the population which is hardly noticeable. In addition, the victims of trafficking, because they usually find themselves in a very vulnerable situation, are often incapable of reporting the crime they are being subjected to. The difficulties in collecting information about human trafficking also result from the diversity of information sources, originating from public entities or from civil society, all of which have quite distinct intervention goals, such as research, the fight against this crime and the people who profit from it, and support and protection to the victims.

Therefore, it is essential to gather indicators which can be used as the basis for the definition of policies, in order to develop more appropriate and effective intervention practices.

As this crime is supported by networks, often organised at a global scale, its transnational nature makes it even more crucial to establish interconnections with international organisations, promoting knowledge and the sharing of information. It is essential to combine the information gathered from different agents that provide support to the victims, including judicial and police authorities, non-governmental (NGO) and international organisations.

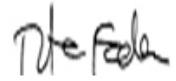
This project, the Manual of which is now being published, was incorporated into DGIA's activities from day one, and co-ordinating the project has given us the experience and opportunities we needed to strengthen our capabilities in this field.

The work that was carried out profited from the dedication of those who were directly involved, but it would not have been possible without the support of the dozens of entities and NGOs which, in every participating country, took part in Round Tables, commented on the initial proposals and presented valuable alternatives.



The support given was the best possible proof of the interest surrounding the goal of harmonising the indicators and procedures that might lead us to a broader and clearer understanding of the current significance of this blatant and barbaric violation of every citizen's right to self-determination.

The direction to follow is very clear: to continue the work in order to increase the ability to address the problem.

A handwritten signature in black ink, appearing to read 'Rita Faden'.

Rita Faden,  
Directorate General of Internal Affairs (DGIA)  
Ministry of Interior of Portugal

## Acknowledgements

This handbook was developed as part of the Trafficking in Human Beings Data Collection and Harmonised Information Management Systems – DCIM EU. The project is funded under the EU Grant “Prevention of and Fight Against Crime” and is implemented by the Directorate General of Internal Affairs, Ministry of Internal Affairs of Portugal, in co-operation with the International Centre for Migration Policy Development (ICMPD), the Ministry of Interior of the Czech Republic, the Ministry of Interior of Poland and the Ministry of Interior of the Slovak Republic.

Special thanks go to the government representatives from each of these countries who worked directly on this project – Lenka Myslíková and Olga Šifferová from the Ministry of the Interior, Czech Republic; Urszula Kozłowska, Ministry of Interior and Administration, Poland; Paulo Machado, Directorate General of Internal Affairs (DGIA)/ Observatory for Human Trafficking, Ministry of Internal Affairs, Portugal; Zuzana Kazimirova and Jozef Hlinka, Ministry of the Interior, the Slovak Republic. Further, I would like to thank the government of Portugal (namely the General Directorate for Internal Affairs/Observatory on Trafficking in Human Beings within the Ministry of Internal Affairs), which will host and maintain two databases foreseen under this project. Their work in piloting the database will provide valuable lessons in moving forward in anti-trafficking data collection.

In addition, many people and organisations in the four project countries contributed to this handbook – providing inputs and suggestions about what type of data (both victim-centred and trafficker-centred) should be collected. The handbook builds on existing data collection efforts in each of the four project countries and, as such, I would like to thank all of those government institutions, NGOs and international organisations who participated in DCIM-EU round table meetings in-country as well as provided feedback for the handbook over the course of the project. I would also like to acknowledge the hard work and contribution of participants of the two DCIM-EU seminars – held in Bratislava, Slovak Republic in September 2008 and in Warsaw, Poland in March 2009. These were both valuable contributions in the development of the project and handbook.

Thanks are also due to ICMPD for their work on the project and inputs into the manual. Special thanks must go to Mariana Martins for her oversight of the project; to Tania Navarro for her inputs into the handbook and to Jean Lanoue for his inputs into the chapters and annexes related to legal issues, all of which rely heavily on his legal expertise. I wish also to thank DCIM-EU partner organisations – namely, Associazione On the Road, NEXUS Institute to Combat Human Trafficking and the Bureau of the Dutch National Rapporteur on trafficking in human beings (BNRM) – which have been helpful and supportive in different ways, including seminar attendance, providing inputs at various stages of the project, as well as into the project handbook itself.

Thanks also to members of the project advisory board – Austrian Federal Ministry of Interior (BMI); European Commission (EC-JLS); European Police Office (EUROPOL); International Labour Office (ILO); International Organisation for Migration (IOM); Organization for Security and Co-operation in Europe (OSCE); Terre des hommes (Tdh) Hungary; Frontex, United

Nations Office on Drugs and Crime (UNODC). Particular thanks go to IOM, which was an important resource and contributor in the development of the databases and handbook in the first DCIM project in SEE in 2007, upon which this project and handbook is based. The victim-centred database in particular benefits from IOM's extensive experience with data collection on trafficked persons in the SE region as well as globally. Moreover, Sarah Craggs from IOM Geneva kindly reviewed and provided inputs into Part 8 (issues in data analysis and presentation) of this current handbook.

Finally, the handbook draws heavily from and builds upon the 2007 *Handbook on anti-trafficking data collection in South Eastern Europe: developing regional criteria* authored by the NEXUS Institute as part of ICMPD's Programme for the enhancement of Anti-Trafficking responses in South Eastern Europe- Data Collection and Information Management (DCIM) project initiated in SEE between 2006-2008. Therefore, I would like to make reference to this existing tool and the past work of the NEXUS Institute in developing this handbook. In particular, my thanks to Stephen Warnath, Executive Director of the Nexus Institute, for his involvement in the project and development of the handbook, most particularly relating to the trafficker-centred, criminal justice data set which especially benefited from his legal expertise.

It is hoped that this handbook will be a helpful tool in collecting data about how trafficking takes place at a national level in EU countries, more specifically in Poland, Portugal, the Slovak Republic and the Czech Republic. Increased capacity to collect and analyse data about trafficking victims and traffickers can provide information needed to respond effectively in efforts to prevent and combat human trafficking in the EU and further afield.

Rebecca Surtees  
Senior Researcher  
NEXUS Institute  
Vienna & Washington

## Acronyms and abbreviations

ACTA	Anti Corruption Anti Trafficking Action
AT	Anti-trafficking
AWF	Analysis Work File
BNRM	Bureau of the Dutch National Rapporteur on trafficking in human beings
CoE	Council of Europe
CT	Counter-trafficking
CTD	Counter-trafficking Database
CTM	Counter-trafficking Module
CTS	Counter-trafficking Services
DCIM	Data Collection and Information Management
DCIM EU	Data Collection and Information Management in the European Union
DGIA	Directorate General for Internal Affairs
DoB	Date of birth
EC	European Commission
EIS	Europol Information System
EU	European Union
EUROPOL	European Police Office
GO	Governmental Organisation
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
MARRI	Migration Asylum Refugees Regional Initiative
MFA	Ministry of Foreign Affairs
MoI	Ministry of the Interior
MOU	Memorandum of understanding
NGO	Non-governmental organisation
NAPs	National action plans
N/A	Not Available
NWGs	National Working Groups
OSCE	Organisation for Security and Cooperation in Europe
RCP	Regional Clearing Point
SAP-FL	ILO Special Action Programme to combat Forced Labour
SEE	South Eastern Europe
SFO	Security Follow-up Observatory
Tdh	Terre des hommes
THB	Trafficking in human beings
THB RG	Trafficking in human beings Registration Guide
THB AG	Trafficking in human beings Assessment Guide
TIP	Trafficking in persons
TACT	Transnational Action against Child Trafficking

UN	United Nations
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development

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## Part 1

# Introduction and project information

## 1.1: Introduction

Trafficking in human beings is a problem which affects every country in the world. It spans the north-south divide and thousands (possibly tens of thousands) of men, women and children have been trafficked to, through and from the EU for different motives, including sexual exploitation, forced labour, begging, delinquency, adoption, and criminal activity. In the EU, human trafficking features prominently as an issue in the media, political discourse, within the social service sphere and amongst the general public. Nevertheless, systematic, national-level data collection on the prevalence and trends of human trafficking remains weak and, in some countries, largely non-existent.

This dearth of information – about both trafficking victims and traffickers – is particularly striking given the importance of reliable data in efforts to prevent and combat the problem. Concrete, reliable data on human trafficking is an essential basis for all good programmes, interventions, policy and legislation. Without this data it is not possible to know the extent or the true nature of the trafficking problem, nor understand the complexity of the issues involved. As a result, practitioners and policymakers are less able to act and react effectively, which, in turn, has direct and very serious implications for the lives of trafficked persons, their families and their communities. This also negatively affects a country's development and the well-being of its citizens. Further, given the illegality of the trafficking industry, failure to act (or to act inappropriately) may have unintended consequences for trafficked persons and, in some cases, may even be dangerous for trafficking victims or anti-trafficking professionals.

Concrete, verifiable information is needed about all aspects of trafficking in persons. It is important to understand who are the victims of trafficking and the full gamut of their trafficking experience – from trafficking routes to recruitment practices; causes of trafficking to experiences of exploitation; and experiences of identification and assistance.<sup>1</sup> Just as important is that much more needs to be known about traffickers themselves – who they are and how they operate<sup>2</sup> – as well as how the legal and judicial efforts against traffickers are, or are not, functioning.

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<sup>1</sup> Gozdzia, E. & M. Bump (2008) *Data and research on human trafficking: Bibliography of research based literature*. Washington, DC: Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University; 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; 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. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD; 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.

<sup>2</sup> 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; IOM (2007) *Asean and Trafficking in Persons: Using data as a tool to combat human trafficking*; Geneva: IOM; Kelly, L. (2002) *Journeys of Jeopardy: a review of research on trafficking in women and children in Europe*. IOM: Geneva, Available at:

As noted in Portugal's National Plan of Action on Trafficking in Human Beings, 2007-2010:

In order to effectively combat this complex and multifaceted reality, an integrated approach, which always underlines the human rights perspective, is critically needed. In this sense, it is important to draw a compromise between the suppressive angle of combating trafficking in human beings, which is guided by the punishment of traffickers, and the development of strategies centred on the prevention, support, empowerment and inclusion of trafficking victims.<sup>3</sup>

Governments must play a central role in efforts to combat human trafficking and, as such, require a broad range of information about trafficking victims and traffickers to continue with and build up their policy and programmatic responses, as well as to evaluate anti-trafficking interventions. This project, therefore, seeks to support government actors in the collection, management and, ultimately, the analysis of this very important data on trafficking in persons.

This project – Trafficking in Human Beings, Data Collection and Harmonised Information Management Systems (DCIM-EU) – is envisaged as a starting and upgrading point for data collection and information management in select EU countries, from both the victim's and trafficker's perspective. The intention is not merely to have one standard model for data collection. Rather it is a step in supporting the process of data collection and analysis on human trafficking within the European Union, which will necessarily vary in nature and scope from country to country.

This DCIM-EU handbook seeks to present, discuss and test a model for two types of data collection – 1) about victims of trafficking and 2) about alleged/convicted perpetrators of trafficking. The handbook is intended as a practical tool and, thus, outlines not only how data can be collected from a methodological and legal perspective but, equally, what type of victim and trafficker/criminal justice information can be important to collect and analyse in efforts to combat human trafficking. Moreover, the handbook serves as a basis of two databases – one victim-centred and one trafficker-centred – to be tested and implemented under this project in one pilot country, namely Portugal.

Equally important, the DCIM-EU project – comprised of national round table meetings, the drafting of the handbook and project meetings – should be seen as a dialogue between partner organisations and project countries, and project countries and national stakeholders/data providers. It has been possible to learn from the various partners and participants about what constitute successes and challenges in data collection about human trafficking which, in turn, provides guidance in terms of what future anti-trafficking data collection and information management systems might look like. While there are obstacles to developing harmonised criteria for data collection because of substantial differences between countries – for example, in terms of the legislative framework, the legal/judicial process, social assistance models, the structure of government, the role of civil society, NGO-GO relations and so on – harmonized indicators/variables are proposed in this handbook. This set of indicators/variables is essentially a minimum set of information discussed and agreed upon by all project countries as essential in

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[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. (2008) 'Traffickers and trafficking in South and Eastern Europe: considering the other side of human trafficking'. *European Journal of Criminology, Special Issue on Organised Crime and Terrorism*; Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD; Surtees, R. (2005) *Second annual report on victims of trafficking in Southeastern Europe*. Geneva: IOM, p. 19.

<sup>3</sup> Comissão para a Cidadania e Igualdade de Género, Presidência do Conselho de Ministros (2008) *I National plan of action against trafficking in human beings*, 2007-2010. Lisbon, Portugal. p. 51.

this data collection initiative. It is hoped that, in the end, other EU countries can build upon the experiences and knowledge developed in the context of the DCIM-EU project in moving forward with their counter-trafficking data collection efforts.<sup>4</sup>

## 1.2: About the project

### Project background

It is widely recognised that one of the main obstacles to the implementation of anti-trafficking efforts is the lack of systematically collected and managed data relevant to trafficking in persons.<sup>5</sup> This, in, turn inhibits structured, comprehensive and systematic understanding of the phenomenon. Critical issues in anti-trafficking data collection include a lack of common definitions within existing data sources; a general lack of data concerning other forms of trafficking besides trafficking of women and children for sexual exploitation; fragmented data collection systems; as well as double counting within existing data collection systems (by state and non-state actors).

The DCIM-EU project seeks to address this gap, working toward the improvement and availability of reliable and standardised data, with regard to both trafficking victims and traffickers in four EU countries. The project aims to strengthen the capacity of participating countries to systematically collect and manage data relevant to trafficking in persons. To ensure sustainability, the project foresees a strong emphasis on national ownership as well as the involvement of civil society actors. Lessons learned from the implementation of this project will further strengthen data collection efforts at a national level in the project countries and, as importantly, will contribute to an understanding of how anti-trafficking data collection can take place, about victims and perpetrators.

The DCIM-EU project builds on previous data collection efforts within Europe which have been myriad and include, but are not limited to, the indicators/variables on sexual exploitation proposed in the course of the initiative "Headway - Improving Social Intervention Systems for Victims of Trafficking" funded by the EU; the models for efficient data management developed in the framework of the project "Data Collection and Information Management", implemented by ICMPD<sup>6</sup>; and the IOM global counter-trafficking database which collects individual victim

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<sup>4</sup> Such data collection efforts, while valuable, do have limits in terms of what they can reveal. This is, on the one hand, a matter of methodological limitations (discussed in more detail in *Part 2.1: Methodology for victim-centred data, including methodological limitations* and *2.2: Methodology for trafficker-centred data, including methodological limitations*). On the other hand, it is also a function of the limits of quantitative data sets (discussed in more detail in *Part 8.2.3: Data analysis, some issues and considerations*). It is, therefore, important that countries do not rely too heavily or exclusively on such data collection efforts as a means of documenting and understanding this phenomenon. Targeted qualitative research and analysis is also needed and helpful in terms of better understanding the phenomenon in national and local settings.

<sup>5</sup> Of note is that guideline 3 of the United Nation's *Recommended Principles and Guidelines on Human Rights and Trafficking* calls for standardizing the collection of statistical information on trafficking and related movements (such as migrant smuggling) that may include a trafficking element and ensuring that data concerning individuals who are trafficked is disaggregated on the basis of age, gender, ethnicity and other relevant characteristics.

<sup>6</sup> From 2006 to 2008, ICMPD implemented the "Data Collection and Information Management" (DCIM) programme, in the ten beneficiaries/entities of SEE. The overall objective was to contribute to harmonized and improved data related to trafficking in persons. To this end, the DCIM programme supported the development of two distinct database systems to assist governments in anti-trafficking data collection work – one to collect information about trafficking victims, the other about traffickers. The programme was funded by the Swiss Agency for Development and Co-operation and the Norwegian Royal Ministry of Foreign Affairs. The DCIM programme was implemented in partnership with Europol, the Migration Asylum Refugees Regional Initiative (MARRI) and ACTA, Anti Corruption Anti Trafficking Action. The programme was overseen by a project advisory board which

data through its missions globally. It also builds on the *Guidelines for the Collection of Data on Trafficking in Human Beings, including Comparable Indicators/variables*, prepared by IOM and the Austrian Ministry of the Interior which outlined guidelines on the collection, storage, exchange, analysis and protection of data on trafficking in human beings, presented and disseminated to relevant stakeholders during a Final Ministerial Conference in Vienna in February 2009.<sup>7</sup>

Just as important, the project responds to a number of provisions at the European level including:

- The Council Resolution of 20 October 2003 on initiatives to combat trafficking in human beings,<sup>8</sup> which calls for measures to set up a monitoring system on trafficking in human beings in order to provide updated data through the continuous and regular collection of information from the competent National Authorities such as National Bureaux and National Rapporteurs.
- The *EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings*, adopted in December 2005, which specifically mentions that in order to improve the knowledge of the scale and nature of this phenomenon, common guidelines on data collection need to be developed, including comparable indicators/variables and common research templates.
- The Council conclusions on establishing an informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings, the 2964<sup>th</sup> JUSTICE and HOME AFFAIRS Council meeting, Luxembourg, 4 June 2009.

The project is also consistent with the theme of the 6th OSCE Alliance Against Trafficking in Persons Conference on *National Monitoring and Report Mechanisms to Address THB: the Role of the National Rapporteurs*, which highlighted the urgent need for data gathering and information analysis on trafficking in persons and the recent conference entitled *Joint Analysis, Joint Action - Conference of EU National Rapporteurs on THB*, organised within the frame of Czech Presidency of the Council of the EU,<sup>9</sup> which focused on data collection, research and national reporting in the EU.

The DCIM-EU project is being funded under the EU Grant “Prevention of and Fight Against Crime” and is implemented by the Directorate General of Internal Affairs, Ministry of Internal Affairs of Portugal, in co-operation with the International Centre for Migration Policy Development, ICMPD. Other project partners are the Ministry of Interior of the Czech Republic, the Ministry of Interior of Poland, the Ministry of Interior of the Slovak Republic, the Bureau of the Dutch National Rapporteur on THB (BNRM), Associazione On the Road and the NEXUS Institute to Combat Human Trafficking. Furthermore an advisory board was also

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included the International Labour Office (ILO), the United Nations Office on Drugs and Crime (UNODC), the Counter-Trafficking, International Organization for Migration (IOM), LEFOE Beratung, Bildung und Begleitung für Migrantinnen (Counselling, Education and Support for Migrant Women) and Terre des Hommes Foundation (TdH) and was supported with technical assistance from the NEXUS Institute to Combat Human Trafficking in Vienna which drafted the *Handbook on anti-trafficking data collection in SEE – Developing regional criteria*.

<sup>7</sup> Please also see section 9.2: *Data collection projects and initiatives* which provide details of other data collection initiatives related to human trafficking currently underway in Europe and by international organisations, with a particular focus on those dealing with primary data collection.

<sup>8</sup> Official Journal C 260 , 29/10/2003 P. 0004 – 0005 – see at:

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003G1029\(02\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003G1029(02):EN:HTML)

<sup>9</sup> The conference was arranged under the auspices of Minister of the Interior of the Czech Republic in the cooperation with the European Commission and OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings.

established including the Austrian Federal Ministry of Interior; the European Commission (DG. JLS); the European Police Office (EUROPOL); the International Labour Office (ILO); the International Organization for Migration (IOM); the Organization for Security and Co-operation in Europe (OSCE); Terre des hommes (Tdh) and the United Nations Office on Drugs and Crime (UNODC).

## **Project objective and description**

The overall objective of the project is to contribute to improved quality and reliability of data related to trafficking in persons in the four project countries in the areas of prevention, protection and prosecution. More specifically,

- to develop common criteria to collect data and information on 1) victims of trafficking and 2) data related to alleged/convicted traffickers and the criminal justice process;
- to prepare a handbook on anti-trafficking data collection including indicators/variables to collect victim-centred and trafficking-centred data and concrete tools for the collection, management and analysis of the two sets of indicators/variables;
- to create a basis for efficient data collection and data analysis on human trafficking;
- to install and test appropriate software to collect victim-centred data and trafficker/legal and judicial data in Portugal

To this end, the DCIM-EU project involves the development of two distinct data collection systems to assist governments in their anti-trafficking data collection work. Significantly, the two sets of indicators/variables are not operational tools – for example, for case management or investigations – but rather for collecting, managing and analysing victim-centred and trafficker-centred information at a national level, information which, when shared, can help to guide programmatic and policy responses.

1. *Victim-centred set of indicators/variables:* The users of this set of indicators/variables will collect data about trafficked persons. The objective is to support the development of victim-centred prevention and protection efforts. The type of information to be collected is specifically about trafficked persons (those who have been detected/”flagged”, and thus who are presumed to be trafficking victims and those who have been identified/assisted) – personal backgrounds, recruitment, transportation/movement, trafficking exploitation and exit from trafficking. The type of information collected is essentially that which can be helpful in prevention work and the protection and assistance of trafficking victims.
2. *Trafficker-centred sets of indicators/variables:* The users of the trafficker-centred, criminal justice set of indicators/variables will collect information about both alleged and convicted perpetrators of the crime of human trafficking and track their cases through the full legal and judicial process. This is intended as a tool for developing profiles of traffickers and tracking, monitoring and evaluating the investigation and prosecution of trafficking cases. The type of information being collected is that which can be helpful in understanding who is involved in trafficking and related crimes, their role in this process, and also the work of legal and judicial actors in the area of investigation and prosecution.

The two sets of indicators/variables are separate and distinct, collecting different types of information and considering the issue of trafficking from different angles (victim-centred and criminal/judicial). However, while separate information from the two sets of indicators/variables can provide a more complete picture of human trafficking, shedding light on the issue in the areas of prevention, protection and prosecution, the victim-centred data set is intended to

support the development of victim-centred prevention and protection efforts. The trafficker-centred data set is intended as a means to better understand the activities of traffickers and the legal/judicial efforts. That being said, there is victim-centred data which may be of relevance and importance for legal, criminal justice actors; equally, there is trafficker-centred data which is of relevance for victim assistance programmes and policies. Ideally the users of the two sets of indicators/variables will work together and share information and findings from their respective data sets, albeit with careful attention to legal, ethical and security issues (see *part 5: Legal, ethical and security issues related to data collection*).

Because trafficking in human beings takes place differently in each of the four project countries, not all proposed indicators/variables will be equally relevant and useful. While there is some merit in the harmonisation of trafficking-related data from country to country, it is equally (perhaps even more) important that data collection efforts respond to and are appropriate for the national situation in each country. As such, the implementation of this data collection process will differ from country to country, according to these national specifications and needs. That being said, project countries have proposed a harmonised minimum set of indicators/variables to be used by all countries as part of this data collection initiative.

## **Scope of the project**

The project is being implemented in Czech Republic, Slovak Republic, Poland and Portugal. The two databases will be tested and implemented in Portugal for possible replication in other project countries in a second phase.

## **1.3: About the handbook**

### **What is it?**

This handbook provides the practical tools needed to collect the two data sets being developed under the DCIM-EU project. It provides an overview of the victim-centred and the trafficker-centred, criminal justice data sets – including the range of information to be collected; standardised methodologies and data collection processes; and common terminology for collecting this information from a wide range of data sources. The handbook also aims to equip national data repositories with some basic skills in the collection, analysis and presentation/dissemination of data sets, in accordance with legal, security and ethical parameters at a national and EU level.

The handbook should be seen as a guideline, to be adapted to a national level and in response to the national context and individual country's needs. Some indicators/variables will be relevant for some countries, while others will not. Countries also have different needs, capacities and objectives in terms of how they undertake data collection on human trafficking, whether in terms of trafficked persons or perpetrators. The handbook offers countries options of categories and indicators/variables to be considered in the design of their national data collection initiatives. Moreover, a minimum set of harmonized indicators/variables are proposed which have been discussed and agreed upon by all project countries as essential in this data collection initiative. This, potentially, can also be of guidance as a starting point for other governments working in this direction.

The handbook is based on *Handbook on anti-trafficking data collection in South Eastern Europe: developing regional criteria* prepared by the author in 2007 for the NEXUS Institute and published by ICMPD in the context of the DCIM project in SEE. This handbook has been amended and updated to

meet the needs of the four EU project countries participating in the DCIM-EU project - Poland, Portugal, the Czech Republic and the Slovak Republic.

## Who is it for?

The handbook is intended for the specific government institutions responsible for the collection, analysis and presentation of victim-centred data and the trafficker-centred, criminal justice data. In some countries this is a national rapporteur, in other countries a different reporting mechanism and structure is used.<sup>10</sup> It is also intended for the various institutions and organisations – NGO, GO and IOs – which may provide data for the data sets, whether victim-centred or trafficker-centred.

While, in the context of this project, the handbook is primarily targeted at national governments in the four EU project countries, it may prove a helpful resource for other anti-trafficking actors working with data collection and information management, from the perspective of both criminal justice and victim protection and assistance. This might include:

- anti-trafficking policy-makers and planners;
- government departments working on anti-trafficking (both social sector and legal/judicial);
- anti-trafficking practitioners and specialists;
- NGOs and IOs working in the areas of prevention, protection and prosecution;
- researchers and analysts working on anti-trafficking data collection;
- law enforcement agencies.

## How to use it

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

- Part 1: Introduction and project information
- Part 2: Data collection methodology
- Part 3: Data collection process
- Part 4: Reporting obligations and requirements
- Part 5: Legal, ethical and security issues related to data collection
- Part 6: Victim-centred data collection
- Part 7: Trafficker-centred & criminal justice data collection
- Part 8: Data analysis and presentation
- Part 9: Resources, initiatives and projects on data collection
- Part 10: Annexes

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

Part 1 introduces the project (its background, objectives and scope) and the handbook itself (the target audience and how the handbook is to be used in the implementation of the data collection process).

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<sup>10</sup> For an overview of government reporting mechanisms, including national rapporteur functions, please see Warnath, S. (2008) *Efforts to Combat Trafficking in Human Beings in the OSCE region: Co-ordination and Reporting Mechanisms. 2008 Annual Report of the Special Representative and Coordinator for Combating Trafficking in Human Beings*. Vienna: OSCE, Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings

#### *Part 2: Data collection methodology*

This section outlines the data collection methodology for the two data sets, including the methodological limitations.

#### *Part 3: Data collection process*

This section outlines the data collection process for both the victim-centred data set and the trafficker-centred data set, including a discussion of the data type, the national repositories and data sources. There is also a step-by-step explanation of the data collection process, including data collection, transfer, validation, entry, cleaning and analysis/presentation.

#### *Part 4: Reporting obligations and requirements*

In this section the reporting obligations are discussed in terms of how they contribute to the realisation of national data needs and, more generally, the EU Action plan. Also discussed are reporting obligations relating to data sources, the other data repositories, data subjects and the general public.

#### *Part 5: Legal, ethical and security issues related to data collection*

This section discusses the range of legal, security and ethical issues involved in data collection and information management related to human trafficking in the European Union. While particular attention is paid to the data protection legislation in each of the four project countries, this section also references the *EC Directive on Data Protection (Directive 95/46/EC* of the European Parliament and of the Council of 24 October 1995).

#### *Part 6: Victim-centred data set*

Part 6 focuses on the collection of data related to victims of trafficking. For each indicator a brief description is provided about what information is sought and why, as well as possible values for each indicator/variable. In addition, for each indicator there are notes on its relevance – that is, what it potentially reveals about trafficking and also about anti-trafficking efforts. Moreover, a minimum set of harmonized indicators/variables are proposed in this handbook, related to trafficking victims. This is the minimum set of victim-centred information discussed and agreed upon by all project countries as essential in this data collection initiative.

#### *Part 7: Trafficker-centred and criminal justice data set*

Part 7 focuses on the collection of information about (alleged/convicted) traffickers who are being processed in the legal/judicial process. The process maps individual trafficking cases from the initiation of a case through to the investigation, trial, appeal and final outcome. For each indicator there is an explanation of what information is sought, possible responses for each field and the relevance of this indicator in considering trafficking patterns and evaluating anti-trafficking efforts in the legal/judicial sphere. Moreover, a minimum set of harmonized indicators/variables are proposed in this handbook. This is the minimum set of trafficker-centred information discussed and agreed upon by all project countries as essential in this data collection initiative.

#### *Part 8: Data analysis and presentation*

This section discusses some key issues in the analysis and presentation of the two data sets.

#### *Part 9: Resources, initiatives and projects on data collection*

This section provides an overview of data collection efforts and initiatives in the area of human trafficking in the EU, both by international organisations and project countries. It is not an exhaustive compilation of data collection initiatives but rather flags some of the ongoing efforts in this area. Also included is a preliminary list of documents and studies with different data



collection and research methodologies on human trafficking, including methodological limitations.

*Part 10: 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; a sample consent form for the collection of personal data; a confidentiality agreement for staff working with the data sets; 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.

## Part 2

# Data collection methodology<sup>11</sup>

The handbook seeks to support participating countries in the DCIM-EU project to collect, maintain and manage information both about victims of trafficking in one data set and about perpetrators of trafficking (alleged/convicted traffickers) in the other. The information to be collected is disaggregate (single case) data and includes personal data about victims or traffickers, only when in accordance with national laws on data protection. This section outlines the methodology to be used for the two proposed data sets, including the various methodological limitations involved.

### 2.1: Methodology for victim-centred data, including methodological limitations

The victim-centred data set collects data about trafficking victims who have been detected/“flagged”<sup>12</sup> and/or identified and/or assisted.<sup>13</sup> The information is non-personal and non-identifying; none of the project countries will collect personal data about trafficking victims.

There is a good deal of information that can be drawn from data collected according to this methodology. Nationally consolidated information about trafficking – from the perspective of victims and about their specific trafficking experiences – is relevant not only for prevention but also in the fields of protection and prosecution. Different institutions and organisations will need and use victim-centred data in different ways and for different purposes. They will also be interested in different types of victim-centred data. For example, information about individual, family and socio-economic characteristics can be helpful in terms of identifying target groups for preventative activities. It can also help in the identification of assistance and protection needs when victims return home following a trafficking experience. Victim-centred data also feeds into the work of the criminal justice sector in terms of identifying how and where recruitment and transportation takes place as well as sites and means of exploitation.

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<sup>11</sup> This information was initially prepared in the context of ICMPD’s DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been revised and updated by the author in the context of the DCIM-EU project, with inputs from the four EU project countries (Czech Republic, Poland, Portugal and the Slovak Republic), DCIM-EU project partners (Associazione On the Road, Dutch National Rapporteur and the NEXUS Institute) and ICMPD DCIM-EU project team.

<sup>12</sup> A “flagged” trafficking victim refers to a person who has been detected or “flagged” as trafficked (and thus is presumed to be a trafficking victim) but whose status is still under review/investigation.

<sup>13</sup> In all the four project countries as well as in most EU countries, trafficking victims must consent to their inclusion in a database. Legal requirements notwithstanding, consent forms are advisable and recommended in all situations where information about victims is collected. Please see annex 4 for a sample consent form which could potentially be used in the implementation of data collection. For further discussion of the issue of consent in terms of data collection and protection, please see *Part 5.2.2: Consent*.

In addition, the way that victim data is collected – through law enforcement agencies and organisations already working on victim assistance – is intended to accommodate some of the ethical issues associated with data collection. This approach avoids re-interviewing victims for non-personal, non-identifying data collected as part of case management to be shared with the data repository. This approach also means that data collection is done by someone with whom the victim has an existing relationship and is more likely to trust, which can serve to mitigate some of the stress and anxiety associated with speaking about a trafficking experience.<sup>14</sup>

Nevertheless, there are some methodological limitations and constraints linked to the victim-centred data collection.<sup>15</sup> Some issues are related to the data set itself, while others relate to how and when the data is collected. Any information collected according to this methodology, therefore, must be read and analysed with the following caveats and contextualisation.

### 2.1.1: Methodological limitations linked to the victim data set

- **Data about trafficking victims refers to detected/ “flagged” and/or identified and/or assisted victims of trafficking:** Detected/ “flagged”, identified and/or assisted victims constitute an unknown percentage of actual trafficking victims. Many trafficked persons are never detected/“flagged”, identified or assisted. Therefore, there are substantial limits to what conclusions can be drawn about trafficking victims generally when using only data based on sub groups of trafficking victims.

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<sup>14</sup> This approach is in accordance with UN *Recommendations on Principles and Guidelines on Human Rights and Human Trafficking*, section 3 on Research, Analysis, Evaluation and Dissemination, which highlights the need to respect victims’ privacy rights and recovery period in conducting any research. While there are situations where direct interviewing is needed and valuable in terms of better understanding trafficking, data collection efforts proposed in this handbook can be easily dovetailed with existing information gathering processes of persons working with trafficked persons. This avoids unnecessarily re-interviewing trafficked persons.

<sup>15</sup> Methodological constraints linked to research with this particular data collection have been discussed in a number of publications. The points presented in this section draw upon many of the issues discussed in the following publications. Please see: Brennan, D. (2005) ‘Methodological Challenges in Research with Trafficked Persons: Tales from the Field’. *International Migration, special issue on data research on human trafficking, a global survey*. 43(1/2); Brunovskis, A & R. Surtees (2010) *Untold stories: biases and selection effects in qualitative human trafficking research*. Fafo (Oslo) and NEXUS Institute (Vienna & Washington); Brunovskis, A & R. Surtees (2007) *Leaving the past behind: when victims of trafficking decline assistance*. Fafo Institute (Norway) & NEXUS Institute (Austria); Brunovskis, A & G. 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; Craggs, S. & R. Surtees (2010) *Beneath the surface. Methodological issues in trafficking research and data collection*. IOM (Geneva) and NEXUS Institute (Vienna & Washington); GAO (2006) *Better Data, Strategy and Reporting Needed to Enhance US Anti-trafficking Efforts Abroad*. Report to the Chairman, Committee on the Judiciary and the Chairman, Committee on International Relations, House of Representatives. Washington, DC: United States Government Accountability Office; Gozdzia, E. & M. Bump (2008) *Data and research on human trafficking: Bibliography of research based literature*. Washington, DC: Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University; 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; Gramegna, M. & F. Laczko (2003) ‘Developing Better Indicators of Human Trafficking’. *Brown Journal of World Affairs*. Vol. X, Issue 1; Kelly, L. (2005) “‘You can Find Anything you Want’: Research on Human Trafficking in Europe in the twenty-first century”. *International Migration, special issue on data research on human trafficking, a global survey*. 43(1/2); Kelly, L. (2002) *Journeys of Jeopardy: a review of research on trafficking in women and children in Europe*. IOM: Geneva; Surtees, R. (2008) *Trafficking in men, a trend less considered. The case of Ukraine and Belarus*. Geneva: IOM Migration Research Series; Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD; Surtees, R. (2007) *Trafficking victims in SE Europe – what we know and what we need to know*. Paper presented at ‘Human Trafficking Conference’, Centre for Information and Research on Organised Crime (CIROC), Amsterdam, Holland, October 31, 2007; Surtees, R (2005) *Second annual report on victims of trafficking in South-eastern Europe*. Geneva: IOM.

- **Data set constitutes a particular (and, arguably, unrepresentative) subgroup:** Identified and assisted trafficking victims are likely to represent a particular subcategory of trafficked victims, and may be systematically different from other trafficking victims. For example, they may represent victims who have faced more violent trafficking experiences and, thus, need urgent care; they may represent persons who lack other sources of assistance and, thus, accept assistance more readily; they may represent persons trafficked for sexual exploitation, which is more commonly identified than other forms; etc. It is, therefore, not possible to draw conclusions about all trafficking victims by considering only this sub-group of trafficked persons.
- **No methodology to extrapolate numbers:** It is not possible to extrapolate from the numbers of detected /“flagged”, identified and/or assisted victims, and to derive an overall number of trafficking victims in a country. It is also not possible to estimate the current number of trafficked persons from existing information on trafficking or associated phenomenon, like prostitution, forced labour and so on. No formal proxy indicators/variables have yet been developed to estimate the number of trafficking victims.<sup>16</sup>
- **Subjective data:** Because the information documented in this data set is collected from victims and framed from their perspective, it is informed by their individual subjectivity and perceptions. As such, data drawn from these more subjective categories must be analysed with this in mind. Moreover, the presentation of the data must clearly state and acknowledge the subjective nature of some indicators/variables and topics.

## 2.1.2: Methodological limitations linked to how victim data is collected

- **Varying capacities and perspectives of data sources:** Victim data will be collected from different anti-trafficking data sources – law enforcement, NGOs, social services, etc. While most organisations use the UN Protocol<sup>17</sup> 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

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<sup>16</sup>For other issues that are difficult to measure, it has been possible to develop “indirect” or “proxy” indicators/variables. For example, child mortality can be calculated through an analysis of adult literacy rates, immunization coverage, the percentage of households with potable water and a range of other indicators/variables that have proven over time to correlate with child mortality. However, the lack of systematic statistical studies on trafficking means that such proxy indicators/variables do not exist for this phenomenon (Brunovskis, A & G. 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). There is general agreement among researchers that the available numbers on the global scale of human trafficking, or reported increases or decreases in prevalence of trafficking are generally not trustworthy and contain a number of methodological biases (Brunovskis, A & R. Surtees (2009) *Untold stories: biases and selection effects in qualitative human trafficking research*. Fafo (Oslo) and NEXUS Institute (Vienna & Washington)

<sup>17</sup> This refers to the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons*, passed in 2000 and commonly referred to in the anti-trafficking sector as the UN Protocol or the Palermo Protocol. This Protocol is one of the three that supplement the UN *Convention on Transnational Organized Crime*, adopted by the UN General Assembly on 15 November 2000. The UN Protocol defines trafficking in human beings as ‘the recruitment, transportation, transfer, harbour or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception or of 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’. In the EU *Framework Decision on Combating Trafficking in Human Beings*, trafficking is defined very much along the same lines as the Protocol, although refers only to trafficking for sexual and labour exploitation. See: Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings [Official Journal L 203 of 01.08.2002]. Available at: <http://europa.eu/scadplus/leg/en/lvb/l33137.htm>.

skill and experience in the detection and identification of trafficking victims as well as different legal frameworks within which they work. This can potentially result in an over or under identification of trafficking cases.<sup>18</sup>

- **Access to full data sets:** The data set will be complete – that is representative of the situation of detected/ “flagged” (and thus presumed), identified and/or assisted victims in the country – only when 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.
- **Issues of trust and co-operation between data sources and repositories:** Institutions requested to submit data for the victim-centred data set may not have a tradition and/or a mandate of sharing information and may not fully trust one another. This may be an issue between government departments as well as between NGOs and the government. This may well inhibit the sharing of information about trafficking victims. Some anti-trafficking organisations may be concerned that if they share information about victims, these individuals 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 trafficking victims. Such concerns may need to be discussed as part of the implementation phase. An MOU – mapping each institution’s rights and responsibilities – may also play a role in addressing such concerns.<sup>19</sup>
- **Complete data sets:** Complete data (according to the agreed data fields) is not always possible – for example, when limited is time spent with the victim; where there is insufficient trust by trafficking victims to share complete information; where trafficked persons have concerns about sharing details of their cases (related both to retribution by traffickers, distrust of authorities, etc.); when a detected/”flagged” (and thus presumed) case is passed from one institution to another either for investigation or to support issues, etc. In addition, data collection charts many aspects of a victim’s life – pre, during and post trafficking. 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.<sup>20</sup>
- **Duplicate cases:** In cases where the data set does not use personal information, as is the case in this project, there is a risk of case duplication. This can partly be addressed by cross-referencing other information (e.g. age/date of birth, gender, citizenship,

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<sup>18</sup> There are different examples of how this plays out in practice. In some countries and regions, male VoTs have gone unidentified even when they have sought to be identified as VoTs (see, for example, Surtees, R. (2008) *Trafficking in men from Ukraine and Belarus. A trend less considered*. Geneva: IOM and Surtees, R. (2007) *Listening to victims. Experiences of identification, return and assistance in SEE*. Vienna: ICMPD). In cases where less force and/or coercion is used, some professionals or institutions are less able/willing to identify these cases as trafficking. Identification may also be impacted by the ideological position of the identifying institution or agency which may see prostitution or exploitation differently.

<sup>19</sup> Please see *Annex 2: Sample MOU for Victim-centred database*. 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. Please also refer to *Annex 5: Sample confidentiality agreement for database staff*, which may be another means of assuring the integrity of the data and building confidence with potential data sources.

<sup>20</sup> It may be possible in some cases to add more data into the case file as the situation progresses and/or more information becomes available.

area/country of origin, etc.) to check for possible duplication. However, there remains the possibility of duplication where names and other person-identifying information are not used.

- **Victims' willingness to share data:** Information from victims may also be informed and influenced by the context of the interview as well as the persons/organisations involved in information-gathering. The level of information available may differ according to a range of factors, including how familiar the victim is with the interviewer; the position and institutional affiliation of the interviewer collecting the data; the number of interviews conducted; the setting of the interview; the stage of post-trafficking life; the victim's legal situation when in a transit or destination country; linguistic or cultural barriers; and so on.<sup>21</sup>
- **Documenting multiple trafficking experiences:** Victims may experience more than one exploitation/trafficking situation. Therefore, data collection needs to be designed to accommodate multiple trafficking experiences for each victim, as needed. Where a victim already exists in the data set, entry of the new trafficking experience should be linked to this existing personal information file so that s/he appears once in the data set but with multiple trafficking experiences. Data collection and software design should consider and accommodate the possibility of multiple trafficking experiences.
- **Changing situation:** Information about victims may change over time, making additions, adjustments or corrections necessary. For example, a victim may not be formally seen as a "victim of trafficking" upon initial identification, but rather designated as a "flagged victim" However, over time this individual may be formally designated as trafficked as more information is gathered about the case. Equally, there may be other individuals who were initially detected/"flagged" as trafficked but who subsequently prove not to be trafficking victims. This dynamic must be accommodated in the data set. Similarly, information received at an initial detection/"flagging" phase or identification may need correction or amendment if fuller and/or more accurate information is provided at a later stage.
- **Time lags and delays:** The victim-centred data set relies on information from a range of different organisations and governmental institutions throughout the country. There may be time lags in the provision of victim-centred information as well as delays caused by heavy workloads and limited resources of organisations working with victims.

## 2.2: Methodology for trafficker-centred data

The trafficker-centred data set collects information about "traffickers" – persons who have been designated alleged traffickers or convicted traffickers within the criminal justice procedure of the

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<sup>21</sup> For a discussion of various factors which may impact disclosure in the interview process, please see: Brunovskis, A. & R. Surtees (2010) *Untold stories: biases and selection effects in qualitative human trafficking research*. Fafo (Oslo) and NEXUS Institute (Vienna & Washington); Brunovskis, A. & R. Surtees (2007) *Leaving the past behind? When trafficking victims decline assistance*. Fafo Institute (Oslo) and NEXUS Institute (Vienna). Craggs, S. & R. Surtees (2010) *Beneath the surface. Methodological issues in trafficking research and data collection*. IOM (Geneva) and NEXUS Institute (Vienna & Washington); Kelly, L. (2002) *Journeys of Jeopardy: a review of research on trafficking in women and children in Europe*. IOM: Geneva; Surtees, R. (2005) *Second annual report on victims of trafficking in Southeastern Europe*. Geneva: IOM.

relevant country.<sup>22</sup> Data is collected about alleged/convicted traffickers' background, and their cases are documented 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. Because the criminal judicial process takes place over time and involves many stages, the individual will be designated either an alleged trafficker or a convicted trafficker at different periods. That is, this data set passes through several time periods (from investigation, where the person is a suspected or “alleged trafficker”) to the constitution of a criminal charge to a court conviction (where s/he is convicted). Therefore this data set refers to alleged/convicted trafficker to accommodate these different designations at these various stages.

Based on a country's national legal framework, it will also be necessary to determine at what stage an alleged or convicted trafficker can and should be included in the data set. Some countries may include data about persons against whom complaints have been lodged and investigations pursued; others may not. In some cases, the data might only be entered when a conviction has been attained or even following the appeal process. The collection of trafficker-centred data should 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.

Information about alleged/convicted traffickers is likely to be non-personal and non-identifying, although some countries may collect personal data about alleged/convicted traffickers involved in the criminal and judicial process<sup>23</sup>.

Nationally consolidated information about traffickers provides background information about individual traffickers as well as their involvement at all stages of the criminal justice process. That data is from the full criminal justice process, over time and through various stages (investigation, arrest, court, appeals) affords a longitudinal perspective which, to date, has been missing from data about alleged/convicted traffickers and trafficking. It also identifies where the criminal justice process is being effective and where gaps, shortcomings and issues exist in efforts to arrest and penalise traffickers.

Nevertheless, there are some methodological limitations and constraints linked to trafficker-centred data collection.<sup>24</sup> Some issues are related to the data set itself, while others relate to how

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<sup>22</sup> Each country will have its own legal definition and designation of who is considered a “trafficker”. See *Part 7, section 1: Trafficker's profile* for the situation in the four project countries.

<sup>23</sup> In cases where personal data were to be collected, it is important to determine whether traffickers need to consent for their information to be included in the trafficker-centred database and, under what circumstances. There may be exceptions for consent to be required. The collection of trafficker-centred data should 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. For further discussion of the specific legal parameters at an EU level, please see articles 3.2 and 7 of *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). For a discussion of the issue of consent in the four project countries, please see *Part 5.2.2: Consent*. Please see Annex 4 for a sample consent form which could potentially be used in the implementation of data collection.

<sup>24</sup> Methodological constraints linked to research about traffickers are discussed in a number of publications, including: Brunovskis, A & R. Surtees (2010) *Untold stories: biases and selection effects in qualitative human trafficking research*. Fafo (Oslo) and NEXUS Institute (Vienna & Washington); Brunovskis, A & G. 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; GAO (2006) *Better Data, Strategy and Reporting Needed to Enhance US Anti-trafficking Efforts Abroad*. Report to the Chairman, Committee on the Judiciary and the Chairman, Committee on International Relations, House of Representatives. Washington, DC: United States Government Accountability Office; Gozdzia, E. & M. Bump (2008) *Data and research on human trafficking: Bibliography of research based literature*. Washington, DC: Institute for the Study of International Migration, Walsh School of Foreign

the data is collected. The information in this data set, therefore, must be read and analysed with the following caveats and contextualisation.

### 2.2.1: Methodological limitations linked to the trafficker data set

- **Data refers only to person charged with trafficking:** The sample captured in the data set represents only alleged or convicted traffickers and does not represent the full scope of traffickers in a country. This sample does not include those who have never been identified and charged as traffickers; it also does not capture persons whose cases are not classified as THB but rather associated crimes like pimping or smuggling.
- **Data set constitutes a particular (and, arguably, unrepresentative) subgroup:** This group is likely to represent a particular subcategory of traffickers – perhaps lower level criminals who are easier to catch; traffickers from less organised syndicates; individual traffickers who lack the protection of an organised crime structure; and so on. As such, they may be systematically different from other traffickers or traffickers generally. It is, therefore, not possible to draw conclusions about all traffickers by considering only this sub-group.
- **No methodology to extrapolate trafficker statistics:** It is not possible to extrapolate from the numbers of alleged/convicted traffickers to an overall number of traffickers. Many traffickers are never identified nor enter the criminal justice process and the statistical relationship between these categories of traffickers is unknown. No methodology currently exists which allows for this estimation process.

### 2.2.2: Methodological limitations in how trafficker-centred data is collected

- **Access to full data sets:** The data set will be complete – that is representative of alleged/convicted traffickers in the country – only in as much as each relevant organisation or institution is able and willing to collect and share data about alleged/convicted traffickers according to the standardised methodology. Where agencies or institutions do not participate in the initiative, data about alleged/convicted traffickers will only be partial and should be presented as such in reports and documents, noting gaps and issues in data collection and sharing.
- **Issues of co-operation between data sources and repositories:** The trafficker-centred data set 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. It also depends on how judicial statistics are currently collected and the time frame in which legal data on trafficker convictions can be collected. For a case to be fully and efficiently tracked, all actors must co-operate and

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Service, Georgetown University; Kelly, L. (2005) “‘You can Find Anything you Want’: Research on Human Trafficking in Europe in the twenty-first century”. *International Migration, special issue on data research on human trafficking, a global survey*. 43(1/2); Kelly, L. (2002) *Journeys of Jeopardy: a review of research on trafficking in women and children in Europe*. IOM: Geneva; Surtees, R. (2008) “Traffickers and Trafficking in Southern and Eastern Europe: Considering the Other Side of Human Trafficking”. *European Journal of Criminology*. 5(1): 39-68; Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD; Surtees, R. (2007) *Trafficking victims in SE Europe – what we know and what we need to know*. Paper presented at ‘Human Trafficking Conference’, Centre for Information and Research on Organised Crime (CIROC), Amsterdam, Holland, October 31, 2007; Surtees, R (2005) *Second annual report on victims of trafficking in Southeastern Europe*. Geneva: IOM.



share data about the case. Where this is not done, the data set will be incomplete. Lack of trust and co-operation between organisations and institutions may inhibit information sharing about alleged/convicted traffickers. Government institutions which are not obligated to share information may benefit from a discussion of the advantages of sharing data and the drafting of an MOU which outlines the roles and responsibilities of the respective institutions.<sup>25</sup>

- **Duplicate cases:** In cases where the data set does not include personal information, as is largely the case in the project, there is a risk of case duplication. This can partly be addressed by cross-referencing other information (e.g. age/date of birth, gender, citizenship, area/country of origin) to check for possible duplication. However, there remains the possibility of duplication where person-identifying information is not used.
- **Time issues:** Initially, the data set will not be complete because the time required to complete a criminal justice process can take months and, in some cases, even years. That is, a trafficker arrested in 2009 may not go to trial until 2010 and a final determination, the appeal process or sentencing may not happen for some time after that. The collection of complete trafficker-centred data will, therefore, take time.
- **Clear definitions and parameters:** It is important that a clear determination be made about which crimes, beyond those of human trafficking, are to be considered relevant for the trafficker-centred data set. For example, the data set might include data related only to THB charges or charges that also resemble and/or relate to THB, such as illegal migration, the facilitation of prostitution, etc.
- **Multiple cases, multiple entries:** Alleged/convicted traffickers may be complicit and, therefore, charged for more than one trafficking related crime. Therefore, the data collection must accommodate multiple trafficking crimes for each alleged/convicted trafficker, as needed. Where an alleged/convicted trafficker already exists in the data set, entry of the new trafficking crime will be linked to this existing file. The alleged/convicted trafficker should, therefore, appear only once in the data set but with multiple trafficking crimes/charges.

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<sup>25</sup> Please see *Annex 2: Sample MOU for Victim-centred database*. 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. Please also refer to *Annex 5: Sample confidentiality agreement for database staff*, which may be another means of assuring the integrity of the data and building confidence with potential data sources.

## Part 3

### Data collection process<sup>26</sup>

To ensure data quality, the data collection process must be strictly adhered to. This applies not only to the data collection methodology (discussed in Part 2) and the use of standardised definitions (outlined in Annex 1), but also to the data collection process as a whole. Where this is not done, data sets will not be sufficiently “clean” and reliable, which will adversely affect what conclusions can and should be drawn.

The parameters of data collection differ to some degree according to the data being collected. Sections 3.1 and 3.2 explore the data collection process for the victim-centred and trafficker-centred data sets respectively. Section 3.3 outlines, step by step, how the data collection process should take place.

#### 3.1: Data collection for the victim-centred data set

This section outlines the various steps involved in the collection of data for the victim centred data set. These include:

- 3.1.1: Data types
- 3.1.2: National repositories
- 3.1.3: Data sources

##### 3.1.1: Data type

The intention is to collect victim-specific information about individual cases – information about the individual, details of their trafficking experience (from recruitment, through transportation to exploitation) as well as their identification and assistance.

Data is to be collected about identified/assisted victims of trafficking (those who fall within the legal category of “trafficking victim”) or are “flagged” victim (persons presumed to have been trafficked but whose case is still being assessed). There is also the option to collect information about persons who were initially “flagged” as trafficked but who upon assessment/investigation were not trafficked. In all cases, inclusion in the data set should only be undertaken with due consideration to legal and ethical obligations to protect a victim’s right to privacy and

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<sup>26</sup> This information was initially prepared in the context of ICMPD’s DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been revised and updated by the author in the context of the DCIM-EU project, with inputs from the four EU project countries (Czech Republic, Poland, Portugal and the Slovak Republic), DCIM-EU project partners (Associazione On the Road, Dutch National Rapporteur and the NEXUS Institute) and ICMPD DCIM-EU project team.

confidentiality and to ensure victim security. The collection of victim data must be undertaken in conformity with national legislation on data collection and the protection of personal information and should be preceded by a victim's written consent, when and if collecting personal data.

Complete information is not required about each victim for inclusion in the data set. However, there is a minimum amount of information required about each victim to ensure the integrity of the data set. That is, a minimum number of fields need to be completed for each case which indicators/variables are compulsory will be decided by each data repository based on their specific needs and the dynamics of how data is collected in that country.<sup>27</sup>

### **3.1.2: National repositories**

The objective of victim-centred set of indicators is to facilitate the collection of information which can be helpful for prevention and protection programming (including supporting a referral mechanism) and for policy development. Therefore, the host repository might be any institution which works on prevention, protection and/or internal affairs, and has staff with the relevant skills and professional backgrounds/capacities in this field. The selection of an appropriate national repository for victim-centred data will differ from country to country, according to the legal framework and institutional structures and organisation.

Possible sites for national repositories for victim-centred data sets might include:

- social services departments,
- health services,
- labour departments,
- NGOs,
- law enforcement agencies,
- internal affairs departments,
- national rapporteurs or equivalent mechanisms,
- national co-ordinator's office,
- national and/or regional THB Observatories or monitoring systems.

National repositories might sit within the government or the non-governmental sector, depending on the legal framework of the country. In the Netherlands, for example, one national NGO is tasked with the collection and analysis of victim centred data but shares this information – in an anonymous and aggregate form – with appropriate institutions, for example the Bureau of the National Rapporteur on Trafficking in Human Beings. By contrast, in SEE, victim-centred databases are hosted by different government ministries working in the fields of education, health, social affairs and labour issues.

In the context of this project, participating countries will primarily collect victim-centred data and maintain the respective data sets within the internal affairs, law enforcement and/or judicial sector, although in some cases data collection will also rest with NGOs which are tasked by ministries of the Interior to work on victim assistance (including the collection of this victim data).

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<sup>27</sup> The minimum information required for a person/case to be recorded in this set might include the following basic indicators/variables, which allow for adequate detection/flagging or /identification of a trafficking case and to avoid duplication: code; age/date of birth; gender; citizenship; country of residence; trafficking designation; form of exploitation/trafficking; and country where exploited.

- In the Czech Republic, the Ministry of the Interior, Security Policy Department, was, in 2003, appointed as the national rapporteur on trafficking in human beings and, thus, is responsible for the collection of data about victims, producing an annual report. The annual report is based on data collected both by NGOs assisting victims and within the Ministerial Programme of Support and Protection of Victims of Trafficking. The Ministry is allowed, on the basis of the consent given by a victim, to collect personal data on victims assisted within the official ministerial program, which is financed by the Ministry of the Interior. NGOs provide services also on the basis of an Act num. 108/2006 Coll., on Social Services, where the Ministry of the Interior has no legal authorization for the personal data collection. In this case the Ministry of the Interior receives the information in aggregate, anonymous form for analysis and presentation.
- In Slovak Republic, the Ministry of the Interior will be the main repository for the data collection anticipated in this project, managing and analysing data about victims which is collected from NGOs participating in “The Program for Assistance and Protection of Victims of Trafficking in Human Beings”.
- In Poland, data is collected by the Centre of Crisis Intervention, which is a new unit established as part of the implementation of the *National Action Plan against Trafficking in Human Beings for 2009-2010*, and is currently managed by one NGO. The Centre’s staff collects the data and the MOI is responsible for analysing and presenting the data in its annual report once a year.
- In Portugal, within the framework of the 1<sup>st</sup> National Action Plan (2007-2010), the national Observatory on Trafficking in Human Beings was created in November 2008. It has as its mission the production, collecting, analysis and dissemination of information and knowledge on trafficking in human beings and other forms of gender violence. Within the Ministry of Internal Affairs, the Observatory works close to the Directorate-General of Internal Affairs and in collaboration with the Coordinator of the 1<sup>st</sup> Action Plan. As to the articulation with law enforcement agencies, the Minister of Internal Affairs has established the articulation between the Observatory and the Secretary General of the Internal Security System.

As evidenced above, project countries have explored different models and approaches to the collection, management and analysis of victim-centred data, including:

- Engaging specially trained sociologists to manage and analyse the data sets, including the preparation of comprehensive reports and studies,
- The involvement of experts – like sociologists, statisticians and so on – in the design and implementation of data collection projects, including data analysis,
- Limiting the number of victim-centred indicators/variables to those which are directly related to the mandate of the Ministry of the Interior,
- Limiting or strictly controlling the collection of personal and/or identifying information about trafficking victims, and
- Piloting the approach in at least one of the project countries (Portugal) with lessons learned to be shared with the remaining countries

These arrangements are largely a function of how governments’ anti-trafficking responses have been designed as well as, in some cases, a matter of law and institutional frameworks. Notwithstanding these approaches, careful consideration is needed in all countries as to which institution is an appropriate repository for victim-centred data on human trafficking and what information is needed by the institutions tasked with data collection and analysis.

While the national repository is tasked with maintaining the victim-centred data, this does not prevent an appropriate flow of secure and anonymous information from this repository to other interested institutions and agencies. For example, law enforcement institutions would benefit from information which is collected from victims (about recruiters, movement and country of exploitation) but may not need for their work the full range of information about victim's backgrounds, exploitation experience or assistance needs. Agreements about how and with which institutions information is shared can be reached. Please see annex 2 for a sample MOU on information sharing between victim-centred data sources and national repositories.

### **3.1.3: Data sources**

In any data collection initiative, the role of the various data sources is central. Thus, the identification of and co-operation with different potential data sources merits careful consideration, including which institutions are most appropriate to work with and how best this work can be undertaken. Attention is also needed on how to involve other institutions as data sources as the project gets underway and where other data sources are identified as relevant.

Possible sources of information about trafficking victims are:

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

Data collection depends on co-operation and co-ordination between the different data sources. “Ownership” of data can be an issue with some anti-trafficking actors reluctant to share information and there are often varying levels of transparency and openness – for example, with some agencies seeing it as “my victim” or “my case”. Issues of trust, co-operation and co-ordination between data sources and the national repository need to be considered and resolved as part of the implementation of any data collection initiative. Once agreements have been reached, standardised information can be collected from the range of anti-trafficking actors/agencies which come into contact with trafficked persons.

## **3.2: Data collection for the trafficker/criminal justice-centred dataset**

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

- 3.2.1: Data type
- 3.2.2: National repositories
- 3.2.3: Data sources

### **3.2.1: Data type**

This database takes, as its point of origin, perpetrators of trafficking crimes (alleged or convicted traffickers) or, in some countries, crimes related to trafficking in human beings.

Data is collected about alleged/convicted traffickers' background, and cases are documented 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.

At a national level and based on the national legal framework, it will be necessary to determine not only who is considered an alleged/convicted trafficker but, equally, at what stage data about an alleged trafficker or convicted trafficker can be stored. Some countries may include data about persons against whom complaints have been lodged and investigations pursued; others may not. In some cases, the data might only be entered when a conviction has been attained or even following the appeal process. The collection of trafficker-centred data should be in line with national legislation in this regard, as well as on data protection for alleged perpetrators of crime, which generally differs from and is less restrictive than that for general citizens.<sup>28</sup>

Complete information is not required about an alleged/convicted trafficker for the case to be included in the data set. However, there is a minimum amount of information required about each alleged/convicted trafficker to ensure the integrity of the data set. That is, a minimum number of fields need to be completed in each case. Which indicators/variables are compulsory will be decided by each data repository based on their specific needs and the dynamics of how data is collected in that country and the associated legal issues.<sup>29</sup>

### 3.2.2: National repositories

The users of the trafficker-centred, criminal justice set of indicators/variables will collect information about alleged/convicted traffickers and track their cases through the full investigatory and judicial process. This is intended as a tool not only for learning about alleged/convicted traffickers but also for understanding the judicial activity in this regard. Which organisation or institution hosts the repository must be consistent with the overall objectives of data collection and the skills and professional backgrounds/capacities of the persons who will be working with the data set. In addition, it is important that the repository is not only technically appropriate but also legally permitted to maintain such a data set.<sup>30</sup> The selection of an appropriate national repository for trafficker-centred data will differ from country to country, according to the legal framework and institutional structures and organisation.

Possible sites for national repositories for trafficker-centred data sets might include:

- law enforcement agencies,
- prosecutor's office,
- courts,
- Ministry of Justice,
- Ministry of Internal Affairs/Interior,

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<sup>28</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 *Part 5: Legal, ethical and security issues related to data collection*.

<sup>29</sup> The minimum information required for a person/case to be recorded in the database might include the following basic indicators/variables, which allow for adequate identification of a case and to avoid duplication: code; age; country of birth; citizenship; country of residence; and trafficking/criminal charge.

<sup>30</sup> For example, under the legal conditions of the Slovak Republic, only the Police Force and other law enforcement bodies are entitled to gather data about the criminal activity of perpetrators and to create databases on perpetrators in any phase of their criminal activity. This includes, in particular, the personal data protection, presumption of innocence and respecting the operative police investigation principles and criminal proceeding principles stipulated in the Criminal Procedure Code and in the Criminal Act. Only certain specified state institutions – namely law enforcement bodies and certain bodies specified in the Criminal Procedure Code – are entitled to gather data about the criminal activity of perpetrators in the phase of reporting or operative police performance.

- ombudsman office,
- national co-ordinator on trafficking,
- national rapporteurs or equivalent mechanisms,
- national co-ordinator's office,
- national and/or regional THB Observatories or monitoring systems.

In the context of this project, participating countries will primarily collect trafficker-centred data and maintain the respective data sets within the internal affairs, law enforcement and/or judicial sector.

- In the Czech Republic, the Ministry of the Interior, as National Rapporteur on Trafficking in Human Beings, is responsible for the collection of aggregate data about traffickers, analysing the data set and producing an annual report. The aggregate data are provided by the Police of the Czech Republic and the Ministry of Justice.
- In Slovak Republic, the Ministry of the Interior is the main repository for the trafficker-centred, criminal justice data collection anticipated in this project.
- In Poland, the trafficker-centred data is collected by the Ministry of Justice, which will deliver general statistical information (excluding personal data) to the Ministry of the Interior, which analyses and presents the data in two statistical studies each year. The analysis will be published in the MoI's annual report on trafficking in human beings, which contains statistical information and analysis of the system of combating and preventing human trafficking.
- In Portugal, a national Observatory on Trafficking in Human Beings was created in November 2008 within the Ministry of Internal Affairs within the framework of the 1<sup>st</sup> National Action Plan (2007-2010). The national Observatory has assumed the role of national repository, working with the Secretary -General of Internal Affairs and in collaboration with the National Rapporteur.

Importantly, while the national repository is tasked with maintaining the trafficker-centred data set, this does not prevent an appropriate flow of secure and anonymous information from this repository to other interested institutions and agencies to support them in their anti-trafficking efforts. For example, law enforcement officers might be interested in knowing how many arrests made result in actual convictions; prosecutors may wish to know how many victim statements are typically involved in successful convictions; social services providers may wish to know how many victim/witnesses had received protection and rates of convictions in trafficking cases; etc. Agreements about how and with which institutions information is to be shared are likely to be needed. Please see annex 3 for a sample MOU on information sharing between trafficker-centred data sources and national repositories

### **3.2.3: Data sources**

In any data collection initiative, the role of the various data sources is central. Thus, the identification of and co-operation with different potential data sources merits careful consideration, including which institutions are most appropriate to work with and how best this work can be undertaken. Attention is also needed on how to involve more and other institutions as data sources as the project gets underway and where other data sources are relevant.

Possible sources of information about alleged/convicted traffickers are anti-trafficking actors/agencies with whom they come into contact at different stages – namely legal and judicial actors involved in investigations and cases against traffickers:

- 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.

Effective data collection depends on co-operation and co-ordination between the different data sources. “Ownership” of data can be an issue with some actors reluctant to share information and there are often varying levels of transparency and openness – for example, with some institutions feeling that “it’s my investigation” or “it’s my case”. Issues of trust, co-operation and co-ordination will need to be resolved as part of the implementation of the project. At the same time, particularly in the context of the legal/judicial process, there may be very practical reasons for and legal restrictions against information sharing – for example, when an investigation is ongoing. These specifics will need to be considered and discussed at a national level as part of any discussion of data collection. Once agreements have been reached, standardised information can be collected from the range of anti-trafficking actors/agencies which come into contact with alleged/convicted traffickers.

### 3.3: Data collection process, step by step

There are six main steps involved in the collection, transfer and processing of data, whether dealing with victim-centred or trafficker-centred data. These are:

- 1) the collection of data by different data sources,
- 2) transfer of data from sources to the national repository,
- 3) data validation at the national repository,
- 4) data entry and processing at the national repository,
- 5) regular data cleaning, and
- 6) data analysis, presentation and dissemination for programmatic and policy responses.

Each of these components will be discussed in this section, although issues related to the analysis and presentation of the data are dealt with in more detail later in the manual. See *Part 8: Data analysis and presentation*.

#### Step 1: Data collection

Data is collected by the various data sources according to a set of indicators/variables, developed in collaboration with stakeholders at a national level, based on their experience and needs (see parts 6 & 7 for proposed indicators/variables for both victim-centred and trafficker-centred data collection).

- For the victim-centred data set, anti-trafficking actors who come into contact with detected/“flagged” (and thus presumed) or identified/assisted trafficked persons – i.e. law enforcement, service providers, government authorities, IOs, NGOs – will be asked to collect data about each victim that they come into contact with and, where relevant and necessary, who consents to be included in the data set.<sup>31</sup>

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<sup>31</sup> Please note, this handbook is not intended as a resource on how to interview individual trafficking victims, nor does the structure of this section necessarily reflect the flow of questions in the interview process. Rather, it provides the framework for the collection of victim data - the type of information to be collected, how and by whom. and reflects the structure of this set of indicators/variables. 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



- For the trafficker-centred data set, data about alleged/convicted traffickers will come from a range of different sources – for example, from law enforcement during the investigation stage, from prosecutors and courts during the trial and appeal phases. Different institutions will likely provide information about each alleged/convicted trafficker, but at different stages of the legal/judicial process. These legal and judicial actors will be asked to collect data about each alleged/convicted trafficker/case. Whether and when alleged/convicted traffickers’ consent is needed for inclusion in the data set is a matter of national legislation.

## Step 2: Data transfer

Data can be transferred in different ways between data sources and the repository, depending on the specific technical and logistical arrangements – for example, in paper form (in person or by post) or in electronic format (by email, memory stick), etc. It is also important that all data be submitted in accordance with any laws on its transmission. For example, many countries have rules about the transmission of personal information over the Internet, which may preclude the possibility of emailing data sets to the national repository even when encrypted. How the transfer process takes place will differ according to project country.

Because in the context of this project the data sets are not meant to include personal information, data transfer is less complicated and will not face many of these restrictions. For the database itself, being piloted by Portugal, the specifics of data transfer will be outlined in the technical manual.

## Step 3: Data validation

“Data validation” is the process of checking if the data satisfies a certain criterion. Validation checks that a solution or process is correct or compliant with set standards or rules. This involves, for example, verifying that characters come from a valid data set or ensuring that the data entered is valid. Data validation is performed at the time of data entry and generally means that some data will be rejected and excluded from the data set. Upon receipt of the data from the various data sources, the national repository will validate the data sets.<sup>32</sup>

The simplest data validation verifies that the characters provided come from a valid data set – for example, a date must be comprised of day, month and year, in that sequence. A more sophisticated data validation routine would check for an appropriate and relevant combination of indicators/variables – for example, whether the date of recruitment, when cross referenced with the date of trafficking, is consistent with the other information known about the victim.

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persons. Resources which provide some guidance in terms of interviewing trafficked persons, including the associated ethical issues, 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.; Rende Taylor, L. (2008) *Guide to ethics and human rights in counter trafficking. Ethical Standards for counter-trafficking research and programming*. Bangkok: UNIAP; 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.

<sup>32</sup> The discussion above considers ways that staff can undertake data validation of both victim-centred and trafficker-centred data sets. Where data sets are to be maintained in a database, software can be designed to include data validation mechanisms such as accepting only certain codes/answers, not to accept certain values, or identifying essential missing values, 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 the specified format such as day/month/year (dd/mm/yyyy),
- *Data type checks*: checks that the type of data input is correct – for example, that the letter “O” is not placed where a number zero should be,
- *Range checks*: checks that data lies within a specified range of values, such as months which should be between 1 and 12; number of days per month which should not exceed 31; the year should not, for example, 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 gender.

Data validation may take place in different ways, depending on the resources (human and financial) of the national repository, the technology/software used and the design of the data collection initiative. Most simply, the staff responsible for data collection can validate the information manually by reviewing the information provided (considering some of the methods outlined above). In other cases, data validation may require some knowledge of trafficking – from either an assistance/protection or legal/judicial process – to assess potential errors or problems. For example, in a case where a convicted trafficker receives no prison time as part of the sentence, this should signal possible data errors, given that countries typically have requisite prison sentences for trafficking crimes. 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, for example, in the victim-centred data set when two organisations or institution have identified and/or assisted one victim and, therefore, both list this person in their data set. It might equally occur in the trafficker-centred data when two institutions – for example, law enforcement and the prosecutor’s office – are handling the same cases but at different stages of the legal/judicial process. Alleged/convicted traffickers may also have perpetrated more than one trafficking crime and may face charges on a range of trafficking-related violations.

There are technical means to guard against duplicate cases, such as the use of specific software. Software can identify overlapping indicators/variables (age/date of birth, citizenship, area of residence, marital status, etc.). Database software can also be designed to accommodate multiple trafficking crimes for each trafficker. Where an alleged/convicted trafficker already exists in the database, entry of the new trafficking crime/charge could be linked to this existing case file. The alleged/convicted trafficker will, therefore, appear once in the database but with multiple trafficking crimes/charges.

In the context of this project – where personal data will largely not be collected – there is a particular risk of duplication, something which must be taken into account in terms of both data analysis and presentation. Ensuring that analysis pays attention to this feature is of vital importance; as is the need for transparency in the presentation of the data/findings. This risk of duplication can potentially lead to different results/statistics when publishing official numbers,

something which also must be made clear in the analysis and presentation. The risk of duplication makes data validation efforts all the more important.

## **Step 4: Data entry**

Having validated the data, it is entered into the data system in whatever format the country accepts (e.g. a specific software, electronic, spreadsheets, case files, etc.). The data entry process will be determined in conformity with national data protection legislation on data entry and transmission.

Follow-up data entry may also occur at a later stage when more (or more precise) information becomes available about the individual case. For example:

- In the case of victims, additional information may become available when the trafficked person comes to place more trust in the assisting agency and is, therefore, willing to reveal more details about their trafficking experience.
- In the case of alleged/convicted traffickers, 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.), it is likely to become necessary to enter data about one case on multiple occasions in order to effectively document and track each case.<sup>33</sup>

## **Step 5: 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 at the time) and consistent with other similar data sets in the system. Data cleaning is an essential quality control mechanism. It differs from data validation in that it is performed at regular intervals during data processing and on select batches of data.

The actual process of data cleaning may involve removing typographical errors or validating and correcting values against a known list of entities. An example of data cleaning is a consistency check which, at the minimum, ensures that fields have valid or consistent 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 data set this might involve checking that an appropriate penalty (as outlined in national legislation) was imposed for all convictions.

Data cleaning should take place at regular intervals to assure data quality. This involves reviewing data sets for inconsistencies and errors. To do this, staff can run tests according to certain indicators/variables to see where there may be problems. For example, running a query related to dates (i.e. date of recruitment, date of trafficking, date of assistance, etc) may yield problematic answers, such as dates that exceed the than 31<sup>st</sup>, or months that exceed twelve. Cross tabulating specific indicators/variables 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.

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<sup>33</sup> Database software can be designed to update case files to avoid duplication and problems in the database.

## **Step 6: Analysis, presentation and reporting**

Each repository will need to analyse the data it receives and present it to various sources – data sources, data subjects, government institutions and, in some cases, the general public. For more details about data analysis and presentation, please see Part 8: *Data analysis and presentation*. See also Part 4: *Reporting obligations and requirements*.

## Part 4

# Reporting obligations and requirements<sup>34</sup>

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 action to combat trafficking.

In so doing, the project (and the handbook) seeks to address two objectives of the European Union *Action Plan*<sup>35</sup> on combating and preventing trafficking in human beings, which calls for an “evidence-based approach to trafficking in human beings”, 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/variables,
- *Objective 5.1*: To improve the strategic and tactical intelligence picture on trafficking in human beings and enable an intelligence-led approach.

This is also consistent with recommendations made in the *UN Protocol* which states, in Article 9, that parties “shall endeavour to undertake measures such as research initiatives [...] to prevent and combat trafficking in persons” and, in Article 10, that “law enforcement, immigration or other relevant authorities of State Parties shall, as appropriate, co-operate with one another by exchanging information, in accordance with their domestic law [...]”<sup>36</sup>

Linked with this is the responsibility of data repositories to report back to data sources – that is, to share findings and results based on the data collected with the range of data sources who have participated. On the one hand, this is a legal and policy obligation, as outlined in data protection and other associated legislation. As important, however, is that this is a practical consideration. Where data sources are active partners in the design and implementation of data collection initiatives, they are more likely to feel ownership and/or a commitment to the process, which can only enhance the quality of data provided to the repository and, in turn, the quality of the data analysed and presented.

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<sup>34</sup> This section was initially prepared in the context of ICMPD’s DCIM project in SEE by the NEXUS Institute, with inputs and advice from Jean Lanoue, Senior Legal Advisor, ICMPD. See Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been revised and updated by the author in the context of the DCIM-EU project, with inputs from the four EU project countries (Czech Republic, Poland, Portugal and the Slovak Republic), DCIM-EU project partners (Associazione On the Road, Dutch National Rapporteur and the NEXUS Institute) and ICMPD DCIM-EU project team. It also benefits from the additional legal assistance and expertise of Jean Lanoue, Senior Legal Advisor, ICMPD.

<sup>35</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).

<sup>36</sup> See United Nations (2000) *Protocol to Prevent, Suppress and Punish Trafficking in Persons*. New York: UN General Assembly.

## 4.1: Reporting to data sources

In exchange for data received from relevant anti-trafficking actors, the national repositories should prepare and distribute analysed aggregate data – that is, statistical information and knowledge – about trafficking victims and their experiences as well as about alleged/convicted 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>37</sup> At a national level in the project countries, there are generally requirements for the national repository to report back to the data sources – whether NGOs, GOs or IOs. This is seen, for example, in Portugal, according to the decree-law number 229/2008, D.R. n.º 231, Série I of 27<sup>th</sup> of November of 2008 that established the Observatory of Trafficking in Human beings.

To ensure the smooth operation of the 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 relevant 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 collectors of both victim-centred and the trafficker centred data appear in the Annexes (see Annex 2 and 3). These can be adapted to the national legal framework and specific needs in each country. Alternatively and/or in addition, the national repository for either data set 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, the resources (both human and financial) available to the national data repositories, and legal requirements within the anti-trafficking law, plans and/or structures.

## 4.2: Reporting to the other data repository

The two sets of indicators/variables are separate and distinct, aiming to collect different types of information and considering the issues of trafficking from different angles. While the two data sets may be hosted within the same institution, they are not linked.

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<sup>37</sup> See *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).

- Article 30 stipulates that Working Party on the Protection of Individuals with regard to the Processing of Personal Data shall (a) examine any question covering the application of the national measures adopted under this Directive in order to contribute to the uniform application of such measures; (b) give the Commission an opinion on the level of protection in the Community and in third countries; (c) advise the Commission on any proposed amendment of this Directive, on any additional or specific measures to safeguard the rights and freedoms of natural persons with regard to the processing of personal data and on any other proposed Community measures affecting such rights and freedoms; (d) give an opinion on codes of conduct drawn up at Community level. (...) The Working Party shall draw up an annual report on the situation regarding the protection of natural persons with regard to the processing of personal data in the Community and in third countries, which it shall transmit to the Commission, the European Parliament and the Council. The report shall be made public.
- Article 33 states that the Commission shall report to the Council and the European Parliament at regular intervals, starting not later than three years after the date referred to in Article 32 (1), on the implementation of this Directive, attaching to its report, if necessary, suitable proposals for amendments. The report shall be made public. The Commission shall examine, in particular, the application of this Directive to the data processing of sound and image data relating to natural persons and shall submit any appropriate proposals which prove to be necessary, taking account of developments in information technology and in the light of the state of progress in the information society.

Nevertheless, while admittedly separate data sets, combining their respective information provides a more complete picture of human trafficking, shedding light in the areas of prevention, protection and prosecution. There is victim-centred data, which is important for legal, criminal justice actors. For example, information about recruiters, forms of trafficking and sites of exploitation is helpful for law enforcement agencies in designing identification protocols and intervention measures. Similarly, there is trafficker-centred data which is of relevance for victim assistance individuals. Learning more about how the criminal justice process – including rates of convictions, what sentences and penalties can be expected, the availability of victim protection, options for victim compensation – can all be helpful for service providers and legal advocates in advising victims about being witnesses in legal proceedings.

Ideally the two data repositories will work together and share information and findings from their respective data sets, albeit with careful attention to legal, ethical and security issues (*Part 5: Legal, ethical and security issues related to data collection*). The maintenance of the two data sets within one institution may serve to facilitate co-operation and information exchange between data sets which, in turn, may serve to enhance the availability of analysed trafficking information.

### **4.3: Reporting to data subjects**

Where personal information is collected, there is typically a legal obligation under national legislations to inform the data subject about reporting and afford him or her access to the information about himself/herself, including ensuring the correctness of the information. In such cases it is mandatory that the data subject consents to having his/her data included in the data set. In giving consent, the data subject must be informed about the purpose of data processing, what type of personal data will be kept, who the controller will be and for what period of time the consent is being given. In all four project countries, there is national legislation regulating data collection and protection, including reporting obligations to the data subject, which will be the guiding framework. In the absence of national legislation, please see the *EC Directive on Data Protection*, Articles 10 to 15, on this subject. For example, Article 12 regarding “right of access” ensures that Member States shall guarantee every data subject the right to obtain from the controller. With specific reference to the trafficker-centred, criminal justice data, there may not be the same obligation to inform traffickers (as criminals) about reporting and the use of this data as there is with regular citizens or victims of crime. That is, Article 3.2, 8.5 and 13 of the *EC Directive* outlines exemptions in cases of state security and criminal culpability. However, for initiatives such as this, which are neither for investigation nor state security, these exemptions may not apply.

### **4.4: Reporting to the general public**

More generally, there is an obligation to report to the general public information collected about trafficking in persons. In the four project countries, governments currently do share information about data collected with the public at large in different ways. For example, in the Czech Republic, Act No. 106/1999 Coll. on Free Access to Information, *inter alia*, specifies the list of entities which are obliged to provide information and, at the same time, regulates disclosure and provision of information on the basis of individual requests. It also governs related issues, such as the protection of personal information and privacy of people. And, as noted above, in Portugal, the Observatory of Trafficking in Human – article 5, point 1, lines b) and c) – is mandated to publicise and disseminate studies and information it produces as well as to create a webpage on the subject of THB. Reporting is to data providers, Ministry of Internal Affairs and others, and to the community at large. This is done in close collaboration with the Commission for Citizenship and Gender Equality and the National Co-ordinator of the I National Action Plan against Trafficking in Human Beings.

Reporting obligations to the general public are fulfilled most commonly through the publication of a regular report on trafficking which is available to the public either in hard copy or electronic form (e.g. on the Internet).



## Part 5

# Legal, ethical and security issues related to data collection<sup>38</sup>

There is a range of legal and ethical issues associated with the collection, transfer and sharing of sensitive data, like that being discussed in this handbook. 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 the absence of national legislation to this effect*. In most EU countries – including Czech Republic, Poland, Portugal and the Slovak Republic – national legislation has been enacted on data protection and information exchange, in conformity with the *EC Directive on Data Protection*.<sup>39</sup>

In addition, the following legal instruments have relevance for data protection.<sup>40</sup>

- *The European Convention on Human Rights, 1950*, <http://www.hri.org/docs/ECHR50.html>
- *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data at the Council of Europe Level*, [http://www.coe.int/T/E/Legal\\_affairs/Legal\\_cooperation/Data\\_protection/](http://www.coe.int/T/E/Legal_affairs/Legal_cooperation/Data_protection/)
- *Charter of Fundamental Rights of the European Union*, [http://www.europarl.europa.eu/charter/default\\_en.htm](http://www.europarl.europa.eu/charter/default_en.htm)

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<sup>38</sup> This section was initially prepared in the context of ICMPD's DCIM project in SEE by the NEXUS Institute, with inputs and advice from Jean Lanoue, Senior Legal Advisor, ICMPD. See Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been revised and updated by the author in the context of the DCIM-EU project, with inputs from the four EU project countries (Czech Republic, Poland, Portugal and the Slovak Republic), DCIM-EU project partners (Associazione On the Road, Dutch National Rapporteur and the NEXUS Institute) and ICMPD DCIM-EU project team. It also benefits from the additional legal assistance and expertise of Jean Lanoue, Senior Legal Advisor, ICMPD and from the inputs of Tania Navarro who researched and assisted in drafting section 5.1: *National legal frameworks on data protection and collection in project countries*.

<sup>39</sup> Each project country has implemented overall data protection laws, in accordance with the EC Directive, as follows:

- In Portugal, Act 67/98 of 26 October Act on the Protection of Personal Data (transposing into the Portuguese legal system 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). See <http://www.cnpd.pt/english/bin/legislation/Law6798EN.HTM>
- In Czech Republic, Consolidated version of the Personal Data Protection Act 101 of April 4, 2000 on the Protection of Personal Data and on Amendment to Some Acts. See [http://ec.europa.eu/justice\\_home/fsj/privacy/docs/implementation/czech\\_republic\\_act\\_101\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/implementation/czech_republic_act_101_en.pdf)
- In Poland, Act of August 29, 1997 on the Protection of Personal Data (original text - Journal of Laws of October 29, 1997, No. 133, item 883); (unified text – Journal of Laws of July 6, 2002, No. 101, item 926). See [www.giodo.gov.pl/data/filemanager\\_en/61.doc](http://www.giodo.gov.pl/data/filemanager_en/61.doc)
- In the Slovak Republic, Act No. 428/2002 Coll. on Protection of Personal Data, as amended by the Act No. 602/2003 Coll., Act No. 576/2004 Coll. and the Act No. 90/2005 Coll. See [http://www.dataprotection.gov.sk/buxus/generate\\_page.php?page\\_id=92](http://www.dataprotection.gov.sk/buxus/generate_page.php?page_id=92)

<sup>40</sup> For a summary of these instruments as they relate to data protection, please see IOM & MoI (2008) *Development of Guidelines for the Collection of Data on Trafficking in Human Beings, including Comparable Indicators/variables* Vienna: IOM & Austrian Ministry of the Interior (MoI).

- *Council Framework Decision 2008/977/JHA on the Protection of Personal Data processed in the framework of police and judicial co-operation in criminal matters*, <http://www.edri.org/edri-gram/number7.3/data-protection-framework-decision>

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>41</sup> the overarching principle of which is the primacy of human rights, including that anti-trafficking measures do not adversely affect the human rights and dignity of trafficked persons.

This section discusses national legal frameworks in the four countries related to trafficking and data protection as well as the range of legal and ethical considerations and issues related to data collection and protection.

## 5.1: National legal frameworks on trafficking in human beings and data protection and collection in project countries

Trafficking in human beings is a criminal offence in each of the four countries where this project is being implemented. Moreover, each project country has legislation on data protection which is in conformity with the *EC Directive on Data Protection*. Below is a brief overview of the legislative situation in each project country related to trafficking in persons and data protection, including some national issues and considerations. It should not be read as a comprehensive picture of legislation in the respective country but as general guidance on the existing legislation with regard to these two issues.

### Czech Republic

#### Trafficking in human beings

Trafficking in human beings is currently criminalized in the *Czech Criminal Code* under Act No. 140/1961 section 232a:

1. Whoever induces, engages, hires, lures, transports, hides, detains or delivers a person under 18 years of age to be used
  - a) for sexual intercourse or other forms of sexual molestation or exploitation,
  - b) for slavery or servitude, or
  - c) for forced labour or other forms of exploitation, shall be punished to imprisonment for two to ten years.
2. (...) whoever by means of the use of force, threat of force, deception or abuse of his mistake, stress or dependence induces, engages, hires, lures, transports, hides, detains or delivers another to be used
  - a) for sexual intercourse or other forms of sexual molestation or exploitation,
  - b) for slavery or servitude, or
  - c) for forced labour or other forms of exploitation.

Offenders are to be punished by imprisonment from two to ten years, depending upon the circumstances of the crime, from five to twelve and from eight to fifteen years given aggravating

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41 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).

circumstances. However, the legislation lacks definitions as to what constitute the different forms of trafficking covered under the law. In some instances, cases for forms of trafficking other than sexual exploitation have been pursued although the perpetrators have not, to date, been found guilty in a final criminal court decision.

From 1 January 2010<sup>42</sup> a new *Criminal Code (num. 40/2009 Collection of Laws)* will come into effect, replacing the current *Criminal Code of 1961*. The new law involves some important changes, the first of which is the partial re-definition of the crime of human trafficking stipulated in the provisions of Section 168 of the new Criminal Code. The current concept of trafficking in human beings will be maintained such that the provisions will continue to encompass two separate constituent elements of this crime – the first for persons under 18 years of age, the second for persons over 18 years in which some element of coercion or abuse of special vulnerability must be present. Another change pertains to trafficking for sexual exploitation which will be expanded from “forcing into sexual intercourse or any other forms of sexual exploitation or harassment” to include “forcing into the production of pornography”. In this context, there are also the provisions of Section 193 related to the abuse of children for pornography.

In terms of the types of exploitation, the list of different forms of labour exploitation – slavery, servitude, forced labour or any other forms of exploitation – will be completed by “forced military service”. Furthermore, the following acts will also be punishable: forcing, arranging, luring, hiding, retaining or providing a child or adult (if any above mentioned form of coercion is used) for the purpose of taking tissue or an organ from his/her body. A new crime stipulated in Section 190 of the new Criminal Code is prostitution endangering the morals of children, which will be applied to prostitution conducted or provided at public places near any facilities designed for a visitation or a stay of children. Profiting from all the aforementioned forms of exploitation will be punishable.

The new Criminal Code also solves the current problem of the partial overlapping of constituent elements of offences under the provisions of Sections 204 and 232a of the Criminal Code. A new regulation regarding procuring stipulated in Sec. 189 (2) deletes the following words used in current Sec. 204: “under violence, threats of violence or any other serious conduct detriment to another person or abuse of another person’s distress or dependency”. The new regulation on procuring pursuant to Sec. 189 of the new Criminal Code will not apply to persons under 18 years who will be protected by more stringent provisions on trafficking in human beings.

Another change, which will potentially affect labour trafficking of foreign nationals, is the introduction of a new constituent element for a crime under Section 342 of the new Criminal Code – unauthorised employment of foreign nationals. This provision will allow for the sanctioning of persons involved in the so-called “client system”.<sup>43</sup>

With regard to the new *Code of Criminal Procedure*, special attention is to be devoted to victims of criminal offences and the strengthening of the status of the injured party in general. The Ministry of Justice has drawn up an initial legal provision of the new Code of Criminal procedure which includes, under point 8, “Participating Person and Injured Party” the following description:

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<sup>42</sup> Please refer to Annex 7 Selected Provisions of Act No. 40/2009 Coll., the Criminal Code, effective as of 1 January 2010 in Czech Republic.

<sup>43</sup> The term ‘client system’ denotes illegal forms of intermediating work for foreign nationals. This term was taken from the word ‘client’, used by the Ukrainian community for brokers working in the black economy usually with direct links to organised crime.

The rights of victims of crime will be newly defined by a special act on victims of crime which will regulate the establishment and support of services for providing assistance to victims of crime, prevention, aid to victims including immediate assistance ensuring protection and shelter as well as financial, medical, psychological, and social assistance, the training of judges and other law enforcement authorities in this area, the division of victims into categories of specially endangered and others, the protection of victims' personal data including protection of their privacy and personal security, protection from secondary victimisation and providing victims with information and indemnification of victims of crime. The Code of Criminal Procedure will encompass only necessary provisions of a procedural nature concerning the term of 'injured party', his/he procedural rights, claims for damages, and so on. An injured party will be defined as "a person who has suffered through a crime an injury to health, damage to property, moral or any other damage or where any other person has profited to the detriment of that person".

Sentences outlined in the current Criminal Code will be maintained but, additionally, paragraph five will allow for a sentence of imprisonment from 10 to 16 years or the sentence of forfeiture of property, if an offender causes death by a crime referred to in paragraph 1 or 2. A number of provisions reinforce the status of crime victims and seek to restrict the punishment of offenders – for example, Section (3) (c) which regulates the time limitation of criminal liability and provisions concerning the length of a sentence laid down in the Code of Criminal Procedure as a follow up to the definition of a 'co-operating offender'.<sup>44</sup> Pursuant to Section 58 (4) of the new Criminal Code on the exceptional reduction of a sentence of imprisonment the court can decrease, in the case of a cooperating offender, a sentence of imprisonment to be shorter than the lowest limit of the sentence of imprisonment and, when so doing, the court is not bound by a certain minimal limit as in other cases. Last but not least, section 34 (3) (c) of the new Criminal Code stipulates, that the period of time durative before a person reaches the age of 18 years is not included in the limitation of time for the criminal action.

### **Data Protection**

The general legal protection on data collection in the Czech Republic is contained within the *Act num. 101/2000 Coll., Act on Personal Data Protection*, but there are certain exceptions on data collection rules for certain fields or areas (e. g. security reasons, public order or internal security etc. – see section 3, article 6 of Act on Personal Data Protection). These exceptions are applied also to the activities of the Police of the Czech Republic. All definitions within the *Act on Personal Data Protection* are in compliance with *Directive 95/46/EC*.

In addition, the *Act num. 108/2006 Coll., on Social Services* provides financial resources for various social services, including trafficking victims. The act requires service providers to register various social services with the Ministry of Labour and Social Services. The service providers define the social service and standards for services themselves, and also the focus group/clients of social services. Social service providers can only collect data on actual clients, which is necessary for providing them with registered service or assistance. A further *Act No. 108/2006 Coll. on Social Services*, as amended, stipulates in Section 100 (3) that data concerning persons provided with social services or allowances, which those persons referred to in paragraphs 1 and 2 learn about when carrying out their activities, may be disclosed to other persons only if so stipulated by this Act or a special Act; otherwise they may disclose such data to other persons only with written

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<sup>44</sup> This amendment was implemented in the Code of Criminal Procedure by Act No. 41/2009 Coll. on the amendment to some acts in relation to the adoption of the Criminal Code (new Sec. 178a of the Code of Criminal Procedure).

consent of the person concerned. The provisions of Sec. 30 (1) on the Information System on Allowances lay down that municipal authorities with an extended scope of competence are authorised to process the data needed for decision-making on an allowance, including personal data, in the Information System on Allowances, using electronic means enabling remote access to such data and simultaneously ensuring the protection of personal data.

## Poland

### Trafficking in human beings

In the *Polish Penal Code* there are some regulations which refer directly to the crime of trafficking in human beings, namely:

- Article 253, § 1. Whoever performs trafficking in persons even with their consent shall be subject to the penalty of the deprivation of liberty for no less than 3 years. § 2. Whoever, in order to gain material benefits, organises the adoption of children in violation of the law, shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.
- Article 204, § 4. Whoever entices or abducts another person with the aim of having him/her engage in prostitution abroad shall be subject to penalty specified in § 3 (i.e. deprivation of liberty for a term of between 1 year and 10 years).
- The forms of trafficking designated in the UN Protocol are considered under Polish law.

However, there is no legal definition of human trafficking in the Polish Penal Code. And the definition included in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, which was ratified by Poland on 26 September 2003, is not always applied in practice, which is an impediment to anti-trafficking efforts. It is said that in 2009 the Penal Code according to the implementation of the *National Action Plan against trafficking in Human Beings for 2009-2010* will be amended by the inclusion of definitions of trafficking. Therefore forms of trafficking will be specified (e.g. forced labour, sexual exploitation, trafficking for the purpose of begging, etc.).

### Data Protection

In terms of data protection, Poland has passed into law the *Act on Protection of Personal Data*, which transposes the *EC Directive* into national law (Journal of Law: 1997 Number 133 point. 883). This Act provides rules on data protection in general. In addition, the Act on the National Criminal Record provides rules of collecting data by the National Criminal Record by using “penal register card”, giving detailed information on what kind of information the card consists in and which institutions have an access to collected information. The Ministry also uses “statistic card” (MS-28) to statistical specifications. In Poland, the processing of personal data is possible only according to the above laws.

In addition, the Act on the National Criminal Record provides rules on the collection of data by the Ministry of Justice using the “penal register card”, giving detailed information on what kind of information the card contains and which institutions have access to the collected information. The Ministry also uses a “statistic card” (MS-28) for statistical specifications.

# Portugal

## Trafficking in human beings

In Portugal, *Law 59/2007 of September 4*, includes specific provisions on traffic of persons in Article 160:

1 - Whoever offers, delivers, entices, accepts, transports, lodges or shelters any person for the purpose of sexual exploitation, work exploitation or the extraction of organs:

a) By violence, abduction or serious threat;

b) By fraudulent ruse or manipulation;

c) With abuse of authority resulting from a relationship of hierarchical, economic, work or family dependence;

d) By taking advantage of the psychic incapacity or situation of special vulnerability of the victim; or

e) Through obtaining consent from the person who has control over the victim; will be punished with a prison term of from three to ten years.

2 - The same term is applied to someone who, through any means, incites, transports, proceeds to the lodging or shelter of a minor, or delivers, offers or accepts him/her for the purpose of sexual exploitation, work exploitation or the extraction of organs.

3 - In the case set forth in the previous number, if the agent uses any of the means set forth in the subsections of no. 1 or acts professionally or with the intention of monetary gain, he/she will be punished with a prison term of from three to twelve years.

4 - Whoever, through payment or other compensation, offers, delivers, solicits or accepts a minor, or obtains or gives consent for his/her adoption, will be punished with a prison terms of from one to five years.

5 - Whoever, having knowledge of the practice of the crime set forth in nos. 1 and 2, uses the services or organs of the victim, will be punished with a prison term of from one to five years, if a longer term is not suitable because of another legal provision.

6 - Whoever retains, conceals, damages or destroys the identification or travel documents of a person who is a victim of the crime set forth in nos. 1 and 2 will be punished with a prison term of up to three years, if a longer term is not suitable because of another legal provision.

As to the legal system for the entry, stay, exit and removal of foreigners from national territory, the Portuguese framework is *Law no. 23/2007 of July 4*, which offers to the person who has been indicated as a possible victim of trafficking, a period of reflection (a minimum duration of 30 days and a maximum duration of 60 days), thus enabling recuperation and escape from the influence of the traffickers. During this reflection period, no removal measures may be taken and his/her subsistence and access to urgent and adequate medical treatment is assured. Moreover, his/her safety and protection, psychological assistance, translation and interpretation are guaranteed, as well as legal assistance under the terms of the law.

Authorisation for residence is granted to foreign citizens who are or have been victims of the trafficking of persons as long as: a) It is necessary to prolong their stay because of legal investigations and procedures, b) They show clear willingness to collaborate with the authorities, and c) they have broken relations with their traffickers. Authorisation of residence is valid for a period of one year and renewable for equal periods, if the conditions previously mentioned continue to be fulfilled or if the need for protection continues. During this period, the traffic victim has access to existing official programs whose objective is to help toward the return to a normal social life, including courses for improving his/her professional skills.

Minors have the right to all the previously mentioned resources (adapted to their age and maturity) and the period for reflection may be prolonged if it is in the best interest of the child.

They also have access to the educational system under the same conditions as national citizens. All procedures will be undertaken to establish the identity and nationality of the unaccompanied minor, as well as to locate his/her family as quickly as possible, and also guaranteeing his/her legal representation including, if necessary, in the area of criminal procedure.

*The Decree-Law no. 368/2007 of November 5* mentions that authorisation of residence may be granted to a victim of trafficking without the necessity for the previously mentioned requirement when the personal circumstances of the victim with regard to his/her situations of vulnerability of his/her family members or people with whom he/she has close relationships justify it.

With regard to rights, persons indicated as victims of trafficking have the right to a 30 to 60 day period of reflection, during which period they are guaranteed to receive shelter under conditions of safety and protection, subsistence, access to urgent and adequate medical treatment, psychological assistance, translation and interpretation, as well as legal assistance. Victims of trafficking have the right to authorisation of residence for one year, which may be renewed. During this authorization of residence, they have access to official programs that will advance their social access.

### **Data Protection**

In Portugal, data protection is assured under the Act 67/98 of 26 October, the *Act on the Protection of Personal Data* which transposes into the Portuguese legal system *EC Directive 95/46/EC*.

## **The Slovak Republic**

### **Trafficking in human beings**

*Article 179 of the Slovakian Penal Code (Act 300/2005 Coll.) on Human Trafficking* states that any person using fraudulent action, trickery, restriction of personal liberty, violence, threat of violence, threat of serious harm or other forms of enforcement, acceptance or providing of financial settlements or other benefits for reaching the consent of a person on who another person is dependant, or by improper use of their status or abuse of vulnerability or other vulnerable situations to allure, transport, harbour, submit or take over another person, even with their consent, for the purpose of their prostitution or other forms of sexual exploitation including pornography, forced labour or service, slavery or practices similar to slavery, serfdom, removal of organs, tissues or cells or other forms of exploitation.

Similarly, anyone who allures, transports, harbours, submits or takes over a person younger than eighteen years, even with their consent, for the purpose of their prostitution or other forms of sexual exploitation including pornography, forced labour or service, slavery or practices similar to slavery, serfdom, removal of organs or other forms of exploitation, shall be prosecuted.

### **Data Protection**

The field of personal data protection in the Slovak Republic is stipulated by *Act No. 428/2002 Coll. on Personal Data Protection*, in conformity with *EC Directive 95/46/EC* (official bulletin of the EC, L 281, 23 November 1995) as amended by the regulation of the European Parliament and the Council (EC) No. 1882/2003 of 29 September 2003 (Official Journal of the EU, L 284, 31 October 2003).

Pursuant to *Act No. 171/1993 Coll. on the Police Force* as amended and pursuant to *Act No. 428/2002 Coll. on Personal Data Protection* as amended, the Police Force of the Slovak Republic processes information and personal data gathered during performance of their tasks, including

the information and personal data provided from abroad within the scope necessary. With regards to the Police Force, personal data protection is stipulated, *inter alia*, also in internal management acts – for example, *Regulation of the Ministry of Interior of the Slovak Republic No. 82/2005 on Personal Data Protection within Information System of the Police Force as amended by the regulation No. 13/2007*, as well as the *Regulation of the Ministry of Interior of the Slovak Republic No. 38/2004 on Provision of Information through Mass Information Means*.

## 5.2: Critical issues and considerations in data collection for THB

The collection, transfer, storage and use of data on human trafficking are, on the one hand, an important tool for governments in efforts to prevent and combat the crime. On the other hand, there are many risks and potential problems in the data collection process, especially when it comes to sensitive and criminal activities such as trafficking in human beings. Among the critical issues which need to be considered in terms of anti-trafficking data collection and information management initiatives are:

- 5.2.1: The right to privacy and confidentiality
- 5.2.2: Consent
- 5.2.3: Data storage and maintenance
- 5.2.4: Transmission of sensitive data
- 5.2.5: Information-sharing and exchange
- 5.2.6: Security issues and considerations

There are likely to be differences in terms of the legal parameters for victim-centred data collection and trafficker-centred, criminal justice data collection. Whereas the victim-centred repository 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 repository from some or all of these data protection parameters in as much 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>45</sup>

### 5.2.1: The right to privacy and confidentiality

Collection of victim-centred data must pay careful attention to a victim's right to privacy and confidentiality, to ensure that inclusion in a data set does not publicise victims' experiences and/or further victimise them. While this is an important ethical and legal consideration, it may also be considered from a practical perspective. Where victims fear that their background and experiences may become public, they will be less likely to come forward to accept assistance and/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>46</sup> In this vein, guideline 6.6 of the UN's *Recommended Principles and Guidelines on Human Rights and Trafficking* calls on states to:

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<sup>45</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>46</sup> For a discussion of the importance of confidentiality in terms of victim's decision-making processes, please see: Brunovskis, A. & R. Surtees (2010) *Untold stories. Biases and selection effects in qualitative trafficking research*. Fafo Institute (Oslo) and NEXUS Institute (Vienna & Washington); Brunovskis, A. & R. Surtees (2007) *Leaving the past behind? When trafficking victims decline assistance*. Fafo Institute (Oslo) and NEXUS Institute (Vienna); Craggs, S. & R. Surtees (2010) *Beneath the surface. Methodological issues in trafficking research and data collection*. IOM (Geneva) and NEXUS Institute (Vienna & Washington); 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.



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 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>47</sup>

In many countries (including the four project countries), national legislation exists on a victim's right to privacy and confidentiality and, thus, will form the basis of how data collection is to be implemented at a national level. There is some personal information which may not be legal to obtain and maintain at a national level. For example, it is generally 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 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 countries also implement witness protection programmes, which have the intention of providing such protection, although the implementation of these measures has been uneven for victims of trafficking.

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 on persons accused of criminal actions (prior to a conviction) in ways that adhere to this legal framework. For example, in the Czech Republic, *Act No. 101/2000 Coll. on the Protection of Personal Data*, as amended, defines in Section 3 the scope of application of the said Act and provides, in Section 3(6), an exhaustive list of areas which are not covered by the provisions of this Act (but covered by a specific act) which include information needed to ensure national security and defence, public order, action against crime and substantial national economic and financial interests. In Portugal, *Act 67/98 of 26 October Act on the Protection of Personal Data* establishes in Article 8 that central registers relating to

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<sup>47</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.

persons suspected of illegal activities, criminal and administrative offences and decisions applying penalties, security measures, fines and additional penalties may only be created and kept by public services vested with that specific responsibility by virtue of the law establishing their organisation and functioning, subject to observance of procedural and data protection rules provided for in a legal order, with the prior opinion of the CNPD. The same article determines that the processing of personal data relating to persons suspected of illegal activities, criminal and administrative offences and decisions applying penalties, security measures, fines and additional penalties may be authorised by the CNPD, subject to observance of the rules for the protection of data and the security of information, when such processing is necessary for pursuing the legitimate purposes of the controller, provided the fundamental rights and freedoms of the data subject are not overriding. The processing of personal data for the purposes of police investigations shall be restricted to the processing necessary to prevent a specific danger or to prosecute a particular offence and to exercise the responsibilities provided for in the respective implementing statutes or another legal provision or in the terms of an international agreement or convention to which Portugal is party.

As important as the legal framework is how, in practice, the privacy and confidentiality of individuals is guarded in the data collection process. When referring to data sets, there are a number of technical solutions to ensure confidentiality that can be built into database software, such as passwords and encryption container software. However, confidentiality and privacy must be equally guarded by the staff that has access to this information, whether about trafficking victims or alleged/convicted traffickers. National legislation typically contains censure in cases where confidentiality is breached by the data source or processor – for example fines and/or imprisonment. For example, in the Czech Republic such infractions are regulated in particular by *Act No. 101/2000 Coll., Title VII on Administrative Infractions*. And, in Poland, the *Act on Public Statistics* makes punishable breaches in statistical secrets (Article 54) and deriving material benefits from using statistical data (Article 55), among other such violations.

In daily practice and implementation, 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, ethical and legal violation. Annex 5 provides a sample confidentiality agreement, to be signed by relevant staff of the national repository and data sources, which outlines the confidential nature of the data set (for both victims and alleged/convicted traffickers) and the obligation of staff working with the data set and data to respect this confidentiality. The objective of the confidentiality agreement is to stress and reinforce within the national repository the importance of confidentiality and try to establish a legal, professional and ethical framework for its protection.

### 5.2.2: Consent

Consent is needed from trafficking victims where their personal information is to be included in the victim-centred data set, as outlined by national legislation.<sup>48</sup> In the case of minors, consent is

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<sup>48</sup> In the four project countries, consent is an important aspect of national legislation:

- In the Czech Republic, according to the *Personal Data Protection Act. Act 101 of April 4, 2000 on the Protection of Personal Data and on Amendment to Some Acts*, the data subject must be informed about the purpose of data processing, what personal data is to be collected, the controller of the database and what period of time consent is being given for. Without this, the administrator may process data in select circumstances, namely 1) If he is carrying out processing which is essential to comply with his legal obligation; 2) If the processing is essential for fulfilment of a contract to which the data subject is a contracting party; 3) If it is essential for the protection of vitally important interest of data subject; 4) If we are dealing with lawfully published information in accordance with a special legislation; 5) If it is essential for the protection of rights of administrator, data recipient or other person concerned; 6) If he provides personal data on publicly active

needed from the minor's parent or legal guardian, although the minor 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.<sup>49</sup>

As part of the process of gaining 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 impact their decision regarding consent. It is vital that trafficked persons are fully informed of the potential impact of being included in a data set. Giving consent for the national repository to maintain personal information, particularly in the context of a socially stigmatized experience like human trafficking, can be a complicated decision and one which requires full information. It is also important that when consent is given, it is done unambiguously. Sufficient

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person, official or employee of public administration that reveals the information on their public or administrative activity, their functional or working position; and 6) If the processing relates exclusively to archival purposes pursuant to the special Act.

- In Poland, *the Act of August 29, 1997 on the Protection of Personal Data, Chapter 3, Article 23* permits the processing of data if: 1) the data subject has given his/her consent, unless the processing consists in erasure of personal data; 2) processing is necessary for the purpose of exercise of rights and duties resulting from a legal provision; 3) processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract; 4) processing is necessary for the performance of tasks provided for by law and carried out in the public interest; 5) processing is necessary for the purpose of the legitimate interests pursued by the controllers or data recipients, provided that the processing does not violate the rights and freedoms of the data subject. Should the processing of data be necessary to protect the vital interests of the data subject and the condition referred to in paragraph 1, point 1 cannot be fulfilled, the data may be processed without the consent of the data subject until such consent can be obtained. Moreover, the consent may also be applied to future data processing, on the condition that the purpose of the processing remains unchanged.
- In the Slovak Republic, all personal data can be gathered only with the victim's approval unless: 1) the processing of personal data is necessary for the purpose of artistic or literary expression, for the purpose of informing the public by means of the mass media and if the personal data are processed by a controller for whom it results from the scope of his activities; this shall not apply if by the processing of personal data for such purpose the controller violates the data subject's right to protection of his personal rights and privacy or if such processing of personal data without consent of the data subject is prohibited by a special Act or an international treaty binding for the Slovak Republic; 2) the processing of personal data is necessary for the performance of a contract to which the data subject is party or in order to establish relations or take steps at the request of the data subject prior to entering into a contract; 3) processing of personal data is necessary for protection of life, health or property of the data subject or of another natural person without legal capacity or physically unable to give a consent and a consent of his legal representative cannot be obtained; 4) the subject of the processing is constituted solely by the title, name, surname and address of the data subject without a possibility of adding his other personal data and they are to be used solely for the controller's needs concerning the mail correspondence with the data subject and the keeping of records of such data; if the scope of the controller's activities is direct marketing, he may provide the above personal data, without a possibility of making them available and public only if they are to be provided to another controller whose scope of activities is also solely for the purposes of direct marketing and the data subject did not file an objection in writing; 5) the processed personal data have already been made public; in such cases personal data must be duly denoted.
- In Portugal, Article 6 of the *Act on the Protection of Personal Data* states that personal data may be processed only if the data subject has unambiguously given his consent or if processing is necessary: 1) for the performance of a contract or contracts to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract or a declaration of his will to negotiate; 2) for compliance with a legal obligation to which the controller is subject; 3) in order to protect the vital interests of the data subject if the latter is physically or legally incapable of giving his consent; 4) for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller or in a third party to whom the data are disclosed; 5) for pursuing the legitimate interests of the controller or the third party to whom the data are disclosed, except where such interests should be overridden by the interests for fundamental rights, freedoms and guarantees of the data subject.

<sup>49</sup> Where national legislation does not require consent, it is nonetheless preferable that victim consent always be gained prior to inclusion in data collection initiatives.

time should be given for trafficked persons to consider the implications of giving consent and no pressure should be exerted to gain this consent. Further, data subjects should be informed that they can withdraw their consent at any time, review the collected data, have access to their data and/or request corrections to the information collected in the data set.

Where consent is required, it should be provided in written format and this should be kept on file at the national repository. In general, consent would be for the processing of personal data, which includes collection, storage, consultation, use and disclosure by dissemination. In national legislation, 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*.

In terms of the need for consent for trafficker-centred data, this may not be an issue, although this depends on national legislation in each project country. Generally data about convicted criminals falls within some exceptions about personal data (see Article 3.2 and 8.5 of the *EC Directive*) or within other legal instruments. However, national legislation in the four project countries requires the consent of the alleged/convicted trafficker for the type of data collection envisaged by this project, which is not investigative in nature. In Slovak Republic, *Act No. 428/2002 Coll. on Protection of Personal Data, as amended by the Act No. 602/2003 Coll., Act No. 576/2004 Coll. and Act No. 90/2005 Coll* in Section 7 resolve that personal data may only be processed upon consent of the data subject, unless the specific cases stipulated by this Act. Consent will not be required when processing personal data is necessary for the protection of life, health or property of the data subject or of another natural person without legal capacity or physically unable to give a consent, and consent of his/her legal representative cannot be obtained.

In the context of this project, in countries where personal data might be collected, consent of the data subject will be required. Legal requirements notwithstanding, consent forms are advisable and recommended in all situations where information about data subjects is collected.

### 5.2.3: Data storage and maintenance

In some countries, there are limits to how long personal data can be stored, 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>50</sup>

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<sup>50</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. In the Czech Republic, there are no specific limits for deletion of data or time period for revision if data is still needed. *The Personal Data Protection Act 101 of April 4, 2000 on the Protection of Personal Data and on Amendment to Some Acts* states, in article 20, that the administrator or processor is obligated to carry out the liquidation of personal data as soon as the purpose for which personal data were processed ceases to exist or on the basis of a request by the data subject. A special Act provides exceptions relating to the preservation of personal data for archival purposes and to the exercising of rights in civil judicial, criminal and administrative proceedings. In Portugal, Article 11 of the *Act on the Protection of Personal Data* states that if the data are not used for taking measures or decisions regarding any particular individual, the law may restrict the right of access where there is clearly no risk of breaching the fundamental rights, freedoms and guarantees of the data subject, particularly the right to privacy, and when the data are used solely for purposes of scientific research or are kept in personal form for a period which does not exceed the period necessary for the sole purpose of creating statistics. In the Slovak Republic, *Act No. 428/2002 Coll. on Protection of Personal Data, as amended by Act No. 602/2003 Coll., Act No. 576/2004 Coll. and Act No. 90/2005 Coll.*, Section 13 stipulated that after the purpose of processing is fulfilled, the

That being said, it will also be important to determine the extent to which this would apply to the trafficker-centred data set as the personal data collected and stored therein refers to accused and convicted criminals and, as such, may be subject to different rules.<sup>51</sup> 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 Czech Republic, *Act No.101/2000 Coll. on the Protection of Personal Data*, as amended, Section 20 specifies that an administrator or a person processing the data upon the instruction of the administrator shall be obliged to dispose of (destruct) personal data as soon as the purpose for which the data was processed ceases to exist, or at the request of persons related to such data under Sec. 21. This special act stipulates exceptions concerning the maintenance of personal data for the purposes of archiving and exercising rights within civil, criminal and/or administrative proceedings.,

In Poland, the *Act of August 29 1997 on the Protection of Personal Data* Article 26 resolves that the controller performing the processing of data should protect the interests of data subjects with due care, and in particular to ensure that the data are kept in a form which permits identification of the data subjects no longer than it is necessary for the purposes for which they are processed.

In the event that there are limits to how long data can be stored, the national repository will in all probability wish to develop a means of preserving aggregate data when the single case personal data is to be destroyed. 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.

In this project, where most data sets will not include personal information, such issues may not arise. Time limitations will only apply when countries collect personal data.

## **5.2.4: Transmission of sensitive data**

The *EC Directive on Data Protection* 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.

Where data collection initiatives involve personal information, attention must be paid to how this data is transmitted to ensure an 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.<sup>52</sup>

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controller shall provide for destruction of personal data without undue delay. This shall not apply if 1) a special Act stipulates a time limit which prevents destruction of personal data without undue delay; after expiration of the time limit prescribed by law the controller shall provide destruction of personal data without undue delay; 2) personal data constitute a part of archive documents, 3) the written, audiovisual, audio or other recording containing personal data was included in pre-archive care; 4) no processing of personal data may be performed in the course of pre-archive care except for their storage, and they may only be used for the purposes of civil proceedings, criminal prosecution or administrative proceedings.

<sup>51</sup> In the Slovak Republic, the sentence of people lawfully sentenced for a specific criminal act is subject to expungement after a certain period for reasons stipulated by the law and from such moment the presumption of innocence applies to such person. In such case the person shall be exempted from the database.

<sup>52</sup> In the Czech Republic, *Act N° 101/2000 Coll., on Personal Data Protection* specifies the conditions under which personal data may be transferred to other countries. There are certain restrictions transferring personal data abroad.

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 Slovak Republic for example, Act No. 428/2002 Coll. on Protection of Personal Data in Art 8 defines Special Categories of Personal Data:

- (1) The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, membership in political parties or movements, trade-union membership, and the processing of data concerning health or sex life shall be prohibited.
- (2) In the processing of personal data, an identifier of general application stipulated by a special Act 11) may be used for the purposes of identification of a natural person only provided that its use is necessary for achieving the given purpose of the processing. Processing of a different identifier revealing characteristics of the data subject, or releasing of an identifier of general application shall be prohibited.
- (3) Processing of personal data relating to a breach of provisions of the criminal law, misdemeanours act or civil law, or relating to execution of final judgements or decisions, may only be performed by a person entitled to it by a special Act.12)
- (4) Biometrical data may only be processed under conditions stipulated by a special Act, provided that a) it expressly results for the controller from the Act; or b) the data subject gave a written consent to the processing.
- (5) Personal data relating to the mental condition of a natural person or his/her mental capacity to work may only be processed by a psychologist or by a person entitled to do so by a special Act.13)

In terms of the trafficker-centred data, “convicted criminals” fall within the exceptions with regard to data transmission and it is likely to be allowable without the person’s consent, insofar as 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 an 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).<sup>53</sup> 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 on Data Protection* are relevant with regard to data transfer to third countries, although here too actions should ultimately be guided by national legislation.

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

Data collection about trafficking victims and alleged/convicted traffickers is intended as a tool to allow national institutions to monitor anti-trafficking efforts in the project country, including

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Free flow of personal data is not restricted if data are transferred to the EU member states. Personal data may be transferred to third countries if the prohibition of free movement of personal data is resulted from an international treaty to the ratification of which the Parliament has given his assent and which is binding the Czech Republic. Personal data can be transferred also to third countries on the basis of a decision of EU institutions.

<sup>53</sup> In Poland these issues are regulated by the *Act on the Protection of the Personal Data* (Articles 47-48).

recording the initial detection of a presumed victim, identification, return, referral and assistance of trafficked persons, and more specifically, to analyse trafficking trends and patterns. It is not intended as a tool to store data about victims for future follow-ups, contact or involvement in legal proceedings.

Where national regulations and legislation exist concerning access to information about victims of crime, these legal provisions should be implemented. In addition, in many countries, this issue is addressed in the national data protection law. For example, in the *Czech Law on Data Protection*, Article 27 stipulates that a free flow of personal data shall not be restricted if data are transferred to a Member State of the European Union and, equally, that personal data may be transferred to third countries if the prohibition of restriction of the free movement of personal data results from an international agreement to the ratification of which the Parliament has given its assent and which is binding upon the Czech Republic, or if personal data are transferred on the basis of a decision adopted by an institution of the European Union. In the absence of national law, reference should be made to *EC Directive 95/46*, which strictly limits access to data, 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).

With regard to sharing information from the trafficker-centred data sets, this will be guided by the specific national legislation on how data on alleged and/or convicted criminals can be accessed, used and shared. There is generally more leeway for data sharing in the case of convicted 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 need to be in adherence to national laws.

### **5.2.6: Security issues and considerations**

With regard to both data sets, there are security issues and considerations which need to be discussed and agreed upon as part of the implementation phase of any data collection project. Because the information being collected – particularly in the case of trafficking victims – is very sensitive, there are important security measures that are required to ensure that the information is kept in a secure way. This is particularly pressing when personal information is collected and maintained; however it is also the case when personal information is not being collected.

To this end, there are various logistical and technical solutions available to ensure the security and safe keeping of sensitive data sets. Some are quite direct – for example, housing each data set in a secure office space; protecting computers with, at minimum, passwords and firewalls; strict limitations on who has access to the computers; etc. 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.<sup>54</sup>

Articles 16 and 17 in the *EC Directive 95/46* stipulate issues related to the security of the data set when personal information and sanctions are foreseen in Articles 23 and 24. In Poland it is

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<sup>54</sup> In Portugal, where the databases will be piloted, there are a number of security mechanisms in place with the current data collection systems to ensure the safety and privacy of the data. The application is on the National Security Network and access is through a link in the law enforcement intranet. Different actors have different levels of access/security clearance – for example, all THB RG forms and the general database can be seen by the top managers in law enforcement; internal law enforcement THB RG forms and related database is available to lower users.

legislated in Chapter 5 of the *Act of August 29, 1997 on the Protection of Personal Data* that the controller shall be obliged to implement technical and organisational measures to protect the personal data being processed, appropriate to the risks and category of data being protected, and in particular to protect data against their unauthorised disclosure, takeover by an unauthorised person, processing with the violation of the Act, any change, loss, damage or destruction.

There are different factors which may affect 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, authorities or traffickers; etc.

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 legislations. 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. The issue of security is something which should be regularly considered and evaluated within the relevant institutions, based on changes to the situation in-country, with adjustments made to ensure the requisite security for all data collected and stored on trafficking victims and traffickers.

**Please see the Annex 6 for specific more details on data protection in national legislation.**



## Part 6

# Victim-centred set of indicators/variables<sup>55</sup>

## Introduction and overview of part 6

The objective of victim-centred set of indicators is to facilitate the collection of information about trafficked persons - information which can be helpful in identifying trafficking trends and designing prevention, protection and assistance strategies for trafficking victims.

The victim-centred set of indicators/variables will serve to map the individual's general background, recruitment, transportation and exploitation as well as their experience of identification and assistance, where applicable. It seeks to collect victim-centred information at a national level, consolidating information about 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.<sup>56</sup>

An important consideration in the development of a victim-centred set of indicators/variables is that it dovetails, as much as possible, with existing data collection activities in the country. As such, indicators/variables for this section were selected following consultation with the main agencies collecting victim data and/or working with trafficking victims– i.e. law enforcement agencies, NGOs, IOs and GOs. The selection of indicators/variables also benefits from the past work and experience of partner organisations and members of the advisory board.

The victim-centred set of indicators/variables is divided into the following sections:

### 1. Case registration

This section provides details associated with the registration of the individual trafficking victim. Thus, it is largely an administrative section, albeit with some analytical aspects.

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<sup>55</sup> This section was initially prepared in the context of ICMPD's DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been revised and updated by the author in the context of the DCIM-EU project, with inputs from the four EU project countries (Czech Republic, Poland, Portugal and the Slovak Republic), DCIM-EU project partners (Associazione On the Road, Dutch National Rapporteur and the NEXUS Institute) and ICMPD DCIM-EU project team.

<sup>56</sup> Please note, this handbook is not intended as a resource on how to interview individual trafficking victims, nor does the structure of this section necessarily reflect the flow of questions in the interview process. Rather, it provides the framework for the collection of data (the type of information to be collected, how and by whom) and the structure of this set of indicators/variables. 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, including the associated ethical issues, 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.; Rende Taylor, L. (2008) *Guide to ethics and human rights in counter trafficking. Ethical Standards for counter-trafficking research and programming*. Bangkok: UNIAP; 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.

## **2. Victim's background**

This section records information about victim's socio-economic situation prior to trafficking. This information can be helpful in identifying contributors to decisions about migrate, which can be useful in designing and targeting prevention efforts, whether information campaigns or more systemic prevention initiatives, like income generation projects and job creation. It can also be helpful in identifying the need for and nature of assistance post-trafficking – i.e. in 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/protection may be needed for returning victims; etc.

## **3. Recruitment experience**

This section documents recruitment details – in what country the victim was recruited, conditions of recruitment (i.e. offer, proposed country of destination, etc.) – which can contribute to an understanding of factors, conditions and promises which may entice potential migrants and, by implication, what prevention efforts may be relevant. It can also provide information about recruiters, which is of interest to law enforcement actors.<sup>57</sup>

## **4. Transportation and travel**

This section specifically details transportation and travel – how victims were transported, what documents were used, whether they were accompanied and, where relevant, how borders were crossed. This information is relevant in mapping routes, potentially intercepting and identifying victims and identifying possible entry points for identification – for example, victims who travel on public transportation could potentially be detected/“flagged” as presumed victims by (appropriately trained) transportation or tourism personnel.

## **5. Exploitation experience**

This section maps victims' exploitation experience – form(s) of exploitation, site(s) of exploitation, country of exploitation/trafficking, etc – and also notes any previous trafficking experiences. Understanding exploitation experiences – past and recent – supports the development of appropriate interventions (whether in the country of destination or origin) and documenting trends and patterns.

## **6. Identification, assistance and co-operation with officials and authorities**

This section looks at the victims' assistance (i.e. services received, period of assistance); and interaction with the legal process (i.e. if a statement was given, protection provided). Such indicators/variables shed light on what post-trafficking interventions have been available to and accepted by trafficked persons.

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<sup>57</sup> See Part 2.2: *Methodology for trafficker-centred data* for a discussion of the limitations of trafficker centred data collected from victims. See also section 3 which discusses limitations in data collected about recruiters/traffickers from victims. See also Brunovskis, A & R. Surtees (2010) *Untold stories: biases and selection effects in qualitative human trafficking research*. Fafo (Oslo) and NEXUS Institute (Vienna & Washington); Kelly, L. (2002) *Journeys of Jeopardy: a review of research on trafficking in women and children in Europe*. IOM: Geneva; Surtees, R. (2008) “Traffickers and Trafficking in Southern and Eastern Europe: Considering the Other Side of Human Trafficking”. *European Journal of Criminology*. 5(1): 39-68; Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. Available at: <http://www.anti-trafficking.net/>; Surtees, R. (2007) *Trafficking victims in SE Europe – what we know and what we need to know*. Paper presented at ‘Human Trafficking Conference’, Centre for Information and Research on Organised Crime (CIROC), Amsterdam, Holland, October 31, 2007.

## 7. Other

This section 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.

# Section 1: Case registration

## 1a) Registration number/code

This section documents the registration number (e.g. number of the criminal investigation process or the number of a non criminal process) or code, specific for each trafficking victim, given that personal information is not to be collected.

The possible decision not to use names is in response to the legal framework associated with data protection in each project country<sup>58</sup> and in deference to principles of confidentiality, privacy, security and anonymity of victims. Such an approach poses the risk of duplicate cases, where victims may appear more than once in the data set, having been detected/“flagged”, identified and/or assisted by different agencies/actors. Duplication can be potentially avoided by cross referencing a selected number of other indicators/variables, such as age/date of birth, gender, citizenship, country of residence, trafficking designation/status, form of exploitation/trafficking, and country where exploited.

*Possible value:* A registration number or code.

## 1b) Name of trafficking victim

This section documents the name of each trafficking victim, in those countries in which the legal framework related to victim data protection allows for such information to be stored<sup>59</sup>.

Each country undertaking data collection will need to independently determine whether to collect names based on the legal framework in the country and agreement between the various NGO, IO and GO institutions. The use of names has the advantage of avoiding duplication of cases in the data set, however, it also raises issues of data protection. In the context of this project, none of the four countries will collect names or personal information about victims, in adherence to national legislation and in deference to issues of security, anonymity, privacy and confidentiality.

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<sup>58</sup> In the Czech Republic, *Act N° 101/2000 Coll., on Personal Data Protection* allows personal data, like names, to be collected only with the consent of data subject. In Portugal, while the data protection law (*Law 67/98 of 26 of October – Transposition into national legislation of the EC Directive on Data Protection*) prohibits the collection of personal, direct data in many circumstances, it is nonetheless allowable by special consent (legal norm, personal permission, or Data Protection Commission authorization) where the motive is of public interest (see Article 6 regarding Conditions of legitimacy of data treatment), but always guaranteeing the principle of non discrimination. In Poland, *Act of August 29, 1997 on the Protection of Personal Data*, Chapter 3, Article 23 specifies that the processing of data is permitted only if: 1) The data subject has given his/her consent, unless the processing consists in erasure of personal data; 2) Processing is necessary for the purpose of the exercise of rights and duties resulting from a legal provision; 3) Processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract; 4) Processing is necessary for the performance of tasks provided for by law and carried out in the public interest; and 5) Processing is necessary for the purpose of the legitimate interests pursued by the controllers or data recipients, provided that the processing does not violate the rights and freedoms of the data subject. Moreover, should the processing of data be necessary to protect the vital interests of the data subject and the condition referred to in paragraph 1, point 1 cannot be fulfilled, the data may be processed without the consent of the data subject until such consent can be obtained.

<sup>59</sup> In the future some countries may be entitled to collect names provided that they use a one-way encryption system to ensure the requisite protection needed in processing personal data. At this stage such a function is not foreseen, but the project team have included this indicator/variable as a resources for countries where this is (or in future will be) an option.

Even where it may be legal to collect names, careful consideration should be given to whether this is necessary and in the best interests of trafficked persons, whose right to privacy, security, anonymity and confidentiality is paramount. Where names are documented, special protocols and security parameters will need to be implemented to ensure the confidentiality and security of the individual victim.<sup>60</sup>

Where names are used, first and last names will be needed to avoid duplication and to track cases accurately. A cross-check will be needed in the event of different or incorrect spellings of names to avoid duplicate cases.<sup>61</sup>

*Possible value:* Last name and first name.

### **1c) Registering entity/agency/institution**

This category documents from which agency/institution the case was received. This might be anyone who comes into contact with victims in an official capacity, for example, a NGO, a government department or an international organisation. This information is important for cross-checking cases for possible duplication as well as any follow-up, validation or clarification of data that may be needed.

*Possible value:* NGOs, law enforcement agencies, prosecutor's office, embassy/consulate, international organisation, state social services/assistance, state health department, state labour department, other.

### **1d) Date when case is registered**

This section notes the date when the case is first entered into the data set.

*Possible values:* Day, month and year.

### **1e) Source of information**

This indicator/variable refers to the person(s) who is/are providing the information about the case, apart from the registering agency/institution. In some cases, information about victims may be collected from multiple data sources – for example, when an individual is in contact with different services providers, in contact with law enforcement and the assistance framework, etc.

*Possible values:* “Detected/”flagged”/identified victim; family member; friend/acquaintance; NGOs; international organisation; law enforcement; help-lines; hospitals, labour department, education department; state social services; prosecutor's office, individual (e.g. client), other.

### **1f) Trafficking designation/trafficking status**

This question seeks to draw a distinction between three categories of persons in the data set – 1) persons who are legally identified as victims of trafficking by the relevant authorities, 2) persons who have been detected/“flagged” as trafficked (thus are presumed to be trafficking victims) but whose status is still under review/investigation and 3) unconfirmed victims of trafficking persons who were detected/“flagged” as presumed victims of trafficking, or identified as such but later on classified as a non victim.

*Possible values are:*

Victim of trafficking – person who was identified as trafficked

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<sup>60</sup> See Part 5 for a discussion of the legal and ethical issues related to privacy and confidentiality, consent and security.

<sup>61</sup> Software can be designed to detect similar names already entered, allowing the operator to determine if that person is already in the database.

Detected/“flagged” (or presumed) victim of trafficking – person who has been detected or flagged as having been trafficked but whose status is still under review/investigation  
Unconfirmed victim of trafficking – person who was detected/“flagged” or identified as a victim of trafficking but later on classified as a non victim.

## Section 2: Victim’s background

### 2a) Gender

This refers to the gender of the trafficking victim.

This information is helpful in developing victim profiles, which can potentially be used to identify at-risk groups as well as to design assistance. While much 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, transgender<sup>62</sup> or unknown. This should be based on the individual’s self-stated gender. Only one value is possible.

### 2b) Date of birth and/or age

This section documents the date of birth or age of the victim. Some countries opt for the former data; others for the latter.

Information about victim’s date of birth/age situates their trafficking and assistance experience as a minor or an adult and provides a baseline against which to document the victims’ age at other stages of their trafficking or post-trafficking life.

Age/date of birth can also be an important means of cross-checking possible duplications in the data set. When combined with other fields (such as gender, area of origin, citizenship, marital status), age/date of birth can help to detect duplicate cases.

This information can be collected in two ways – through 1) date of birth or 2) age at registration and trafficking. Date of birth is a more precise indicator/variable than age in that it allows for cross correlation with other indicators/variables (like date at assistance and so on). However, because date of birth is considered personal information in some countries, in the context of this project, countries proposed including both options, which are discussed below.

#### Option 1: Victim’s date of birth<sup>63</sup>

This question asks for the precise date that the victim was born.

*Possible value:* Day, month and year of victim’s birth.

#### Option 2: Victim’s age (at registration/identification and at time of trafficking).

This question asks about the age of the victim. Ideally age should be documented 1) at the time of identification and 2) the age when trafficked.

*Possible value:* Real numbers – e.g. 1, 2, 3, 4, 5, 6, 7, 8, 9.....

*Note: Alternative option of presumed age/ date of birth*

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<sup>62</sup> Transgender refers to a person whose gender identity differs from his/her biological sex.

<sup>63</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

Ideally, date of birth/age should be recorded according to the victim's legal documents. However, this may not be possible where victims lack documents or amongst persons who were never officially registered. In such cases, anti-trafficking actors may have to rely on the self-stated details of the individual, in which case this should be seen as the presumed age/date of birth. Where the appearance of the individual suggests that s/he is a minor, it is important to take appropriate steps 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.

## **2c) 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 how many of a country's citizens have been trafficked, whether other nationalities are trafficked to or through the country, and is also important in facilitating the return process of trafficking victims, where appropriate.

*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" where citizenship is not known. More than one value is allowable for this field, to be used in cases where the victim holds citizenship of more than one country.

## **2d) Country of residence**

This question refers to where the victim regularly resides. Generally this will be the country where the victim was recruited, although some victims may have been recruited outside of their country of residence. Country of residence may be the same as or different from the country in which the victim holds citizenship.

Documenting country of residence can be helpful in learning about where the victim originated and 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<sup>64</sup>.

## **2e) Area/region of origin**

This question refers to the area or region in the country from where the victim most recently originated (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, in potentially identifying some source 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.

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<sup>64</sup> In terms of the Portuguese analytical paradigm this variable is mandatory, because it functions as one data source to the Geographical Information System (GIS). Possible values can be an *open field*.

## 2f) Demographic setting

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

This section considers whether the victim was living in a rural, urban or semi-urban setting, in an effort to establish any link to trafficking risk as well as the location where victims will return. 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:*<sup>65</sup>

- *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, 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.

## 2g) 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 trafficking and to which attention should be paid in terms of assistance and reintegration. It is also another indicator/variable in the construction of victim profiles for prevention work.

Victim's marital status during trafficking may differ from that at the time of identification – for example, when the victim was married (voluntarily or forcibly) while trafficked or when identification occurs some time after trafficking and the individual's marital status has changed. Ideally, it would be helpful to document victim's marital status at identification to note any changes in status. However, because of limited resources for data collection, some indicators/variables have been excluded within the context of this set of indicators/variables.

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

*Definitions:*<sup>66</sup>

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<sup>65</sup> Such values and definitions should be revised according to the national setting of any country implementing these indicators/variables. For example, Slovak Republic frames demographic setting slightly differently – at the level of local, district or region area.

<sup>66</sup> Such definitions should be revised according to the national setting and legal context of any country implementing these indicators/variables.

- *Married*: someone who has formally married another person;
- *Unmarried*: someone who has never been married;
- *Divorced and separated*: someone who 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* someone living together in a relationship but who have not formally married;
- *Widowed*: someone who was married but whose spouse has died.

## 2h) Marital status when detected/“flagged” or identified

This question refers to the victim’s marital status at the time when the victim was detected/“flagged” or identified as a victim of trafficking.

This question considers the individual’s family situation at the time of detection or identification which may (or may not) be different from their marital status at the time of trafficking. Cross correlating these variables can reveal when trafficking victims have been forced to marry in the context of their trafficking experience or have married since exiting their trafficking (for example, where detection or identification occurs after the individual’s exit from trafficking.) This information is also relevant in the design of assistance and reintegration work.

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

*Definitions:*<sup>67</sup>

- *Married*: someone who has formally married another person;
- *Unmarried*: someone who has never been married;
- *Divorced and separated*: someone who 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* someone living together in a relationship but who have not formally married;
- *Widowed*: someone who was married but whose spouse has died.

## 2i) Household members before trafficking

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

This is intended to help understand the victim’s specific social living arrangement and the extent to which it may (or may not) have played a role in trafficking risk. It also has relevance in terms of assistance and reintegration – whether the victim can return home and potential issues which may arise in return and reintegration.

*Possible values* include: parents and/or siblings; spouse and/or children; extended family;<sup>68</sup> friends; alone; in an institution; other; unknown;

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<sup>67</sup> Such definitions should be revised according to the national setting and legal context of any country implementing these indicators/variables.

<sup>68</sup> Extended family refers to anyone who falls outside of a nuclear family arrangement – for example, grandparents, aunts/uncles, cousins, etc.



## **2j) Number of children when trafficked**

This question refers to the number of children that the victim had when trafficked. This category would include children entrusted to the care of the victim, thus all children who are dependent on the victim. 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 considers the victim's family situation – what may have contributed to trafficking and any issues which need to be addressed regarding assistance and reintegration. Parents may have different assistance needs than non-parents which may have affected their original trafficking as well as potential risks of re-trafficking.<sup>69</sup>

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

## **2k) Contributors to household income before trafficking**

This field notes how many members of the household contribute economically, whether through a salary, pension, stipend or some other economic means. The objective is to provide some measure of the victim's economic situation.

*Possible values:* There are two numerical input fields (accepting only numbers), one accepting the number of persons that contribute to the household income<sup>70</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.

## **2l) Education level**

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

This considers the extent to which education is (or is not) a potential contributor to trafficking risk and 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, other.

## **2m) Activity at recruitment**

This question refers to the victim's activity – work, study or another activity – at recruitment.

Information about the victim's employment and/or education background can be potentially informative in terms of vulnerability but, equally important, as a means 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.

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<sup>69</sup> 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, particularly given that many trafficking victims return home either with children, or pregnant. Children born as a result of trafficking may lead to additional economic strain or social/family tension. Such issues are relevant in terms of what assistance and reintegration support may be needed. However, given that most countries do not have the resources for data collection, this indicator has been excluded within the context of this set of indicators/variables.

<sup>70</sup> Income is defined as either a salary or a stipend or a pension or social benefits.

## **2n) Motivation for migrating/leaving home**

This question establishes 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/leaving refers to movement both within the country of origin and abroad.

This question tries to understand the broader contributing factors and motivations for trafficking beyond simply those of economics or poverty. Understanding these different and often multiple motivations can be helpful in better understanding victims' decision-making processes 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; wanted freedom/emancipation; economic need; marriage; family conflict/problems; to escape violence; vacation/tourism; family reasons; family visit; visiting a friend or friends (including boyfriend/girlfriend); adoption; unknown; other.

## **Section 3 – Recruitment Experience**

### **3a) Age at recruitment/date of recruitment**

This field documents the victim's age or date when the victim was initially recruited – that is, when the initial offer (of migration/work/marriage/etc.) was 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 may reveal the different vulnerabilities of minors and adults and also provides a baseline against which to document a victim's age at other stages of their trafficking or post-trafficking life.

Possible values will differ according to whether documenting age or date of recruitment.

*Possible values for date of recruitment:* List day, month and year. The value will ideally be noted in day, month and year.<sup>71</sup>

*Possible values for age at recruitment:* Real numbers – e.g. 1, 2, 3, 4, 5, 6, 7, 8, 9....

### **3b) 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. 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. It, therefore, considers trafficking vulnerability in the migration process. It may also be helpful in documenting countries in which recruitment of foreign nationals takes place.

*Possible value* would be any country provided on the pre-defined list of countries.

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<sup>71</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

### 3c) 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.

This documents how the person entered (or was made to enter) their trafficking situation. Understanding the means of recruitment/entry into trafficking can be valuable for different types of prevention work, including safe migration messages, and for understanding how traffickers/recruiters (organized or otherwise) operate. In this sense, it may also be helpful in terms of how government authorities – like labour inspectors or police units – can better target their efforts, such as monitoring job or travel agencies.

*Possible values* include: via personal contact (known person); via personal contact (unknown person); via advertisement (television, radio, billboard, Internet); via agency (travel agency, employment agency, marriage broker); abduction/force; other; unknown.<sup>72</sup>

*Definitions:*

- *Via personal contact:* cases when victims were approached by an individual (a “recruiter”), someone known or unknown to them. This may be a stranger who offers “opportunities” to the victim such as migration, work, study/education, tourism, 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 (for work, study, marriage, study/education, etc.) after seeing an advertisement in the newspaper, on television, the internet, radio 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).

### 3d) Victim’s relationship to recruiter<sup>73</sup>

This question focuses on the recruiter himself/herself and the 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” 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.

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<sup>72</sup> 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 country of residence. Where the value is not “via personal contact”, the subsequent questions should not be answered. Software can be designed such that linked fields are blocked and cannot be answered unless “via personal contact” has been entered for section 2c.

<sup>73</sup> Victims may not always have precise or accurate information about details of recruiters or traffickers’ 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/traffickers to evade law enforcement identification. Therefore, the extent to which traffickers/recruiters reveal personal information to victims varies considerably. In addition, trafficking victims, many of whom are traumatized and/or fearful, are not always able or willing to divulge full details of their traffickers or trafficking experience and are likely to have only partial information about the trafficking operation. Kelly, L. (2002) *Journeys of Jeopardy: a review of research on trafficking in women and children in Europe*. IOM: Geneva; Surtees, R. (2008) “Traffickers and Trafficking in Southern and Eastern Europe: Considering the Other Side of Human Trafficking”. *European Journal of Criminology*. 5(1): 39-68.

It may also be important in terms of conveying messages about what constitutes potentially risky migration situations and who may (or may not) be trustworthy. 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: family member; close friend; acquaintance; stranger; other; unknown. Where more than one recruiter was involved, multiple values are required for this question.

### **3e) Gender of recruiter**

This question records the gender of the recruiter.

This indicator/variable is helpful in sketching general profiles of recruiters and noting changes over time, which can be important in identifying trends and undertaking prevention work, including developing safe migration messages. In some situations, recruitment is done by more than one person, sometimes men and women.

*Possible values* are male, female, transgender, 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.

### **3f) 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 or different from the recruiter's country of residence.

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 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 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.

### **3g) Recruiter's country of residence**

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

This information (as well as other questions about the recruiter) is helpful in understanding recruiter profiles and patterns. 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 recruiters, including, in some cases, the recruiter's country of residence, even when the recruiter is known to them. Victim knowledge of 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 police 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.

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

### **3h) Proposed destination country at recruitment**

This field documents the country the victim was told they would migrate to – whether for study, work, marriage, tourism or another purpose. More than one destination may have been promised; all promised destinations should be noted.

Some victims are taken to the country where they are promised work/marriage/study/etc; others are taken to a different destination country. Understanding what countries are enticing to potential migrants is useful in prevention and safe migration initiatives.

*Possible values* would be one country or a combination of countries from the predefined list of countries or “unknown” or “not applicable”. Where more than one destination country was promised, all should be noted. In the case of forcible recruitment, “not applicable” would apply. “Unknown” would be entered where the victim was not aware of the intended destination.

## **Section 4: Transportation and travel routes**

### **4a) 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 reveal how victims are moved within countries and across borders and, by implication, be helpful in developing possible entry points for interception. Noting whether victims travelled by public or private means reveals, to some extent, who comes into contact with victims in transit – for example, travel and transportation companies who may be (knowingly or unknowingly) involved in the transportation of victims.

*Possible values* include: private car; taxi; commercial plane; private plane; train; charter/private bus; public bus; on foot; boat; other; unknown(to be completed in a situation when there is not clear information about the means of transportation). Where multiple means were used, all should be documented.

### **4b) Countries and locations where the victim may have stayed/passed through**

This section serves to document routes that victims/traffickers have used in the context of their trafficking experience.

This information can be helpful in working with other countries in the identification of victims and transnational anti-trafficking efforts. In addition, in the case of Portugal, this variable is an important data source for the Geographical Information System (GIS) being used within the Observatory.

*Possible values:* an open field where it is appropriate to register any relevant country/location or unknown.

#### 4c) Border crossings

This question considers whether national borders were crossed at a legal/formal border crossing or without passing a legal/formal border crossing as well as where no borders were crossed. “Borders” refer only to borders crossed between sovereign states and not borders within a country.

Some victims may have crossed borders at legal crossings; others may not. This can reveal the extent to which trafficking takes place with appearances 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 affect their ability or willingness to gain access to assistance or exit trafficking, fearful of the implications of their illegal activities.

*Possible values* are legal/formal; illegal; no border crossed; does not know, other. 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 victims trafficked internally within their own country and not moving across international borders;
- *Does not know* refers to a situation when the victim has no details/knowledge of border crossing – for example, s/he was asleep at the time, drugged to obscure the border crossing, kept hidden and did not come into contact with border officials, etc.

#### 4d) Use of documents

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

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. The use of false or legal documents may reveal when/how trafficking takes place with appearances of legality and may also potentially flag the involvement of actors (i.e. government authorities, criminal syndicates) capable of providing false or falsified documents, arguably suggesting a degree of organisation and co-ordination which may be symptomatic of organised criminal activities. Where victims travel across legal border crossings (see section 4c) and use false or falsified documents, this may indicate corruption by border officials. In addition, whether or not victims have legal documents may affect their ability or willingness to gain access to 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 assistance.

*Possible values* are legal, false/falsified, none, unknown, other. 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 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 been tampered with and are legally recognised by the country;
- *None* refers to when individuals do not have travel or identity documents;
- *Unknown* refers to when it is not known whether the individual had or used documents and of what variety.

#### **4e) Attendance of traffickers during travel/transportation**

This question documents whether the trafficking victim was accompanied during the travel/transportation – either by traffickers/facilitators or by other victims.

This can be helpful in determining the presence and nature of persons/perpetrators involved in the travel/transportation process and can potentially provide some signals in terms of the nature of the network involved and their *modus operandi*.

*Possible values include:* Traveled alone, accompanied by other victims, accompanied by traffickers/facilitators, other, unknown.

## **Section 5: Exploitation experience**

### **5a) Forms of trafficking/ exploitation**

This field captures the form of trafficking/ exploitation.

This is essential information in terms of understanding trafficking trends and patterns to, through and from the country. Information about trafficking experiences is vital in the development of appropriate assistance and protection responses.

*Possible values* might include: sexual exploitation, forced labour, removal of organs, adoption, begging, delinquency, criminal activity, forced marriage, forced military service, slavery and servitude, other. 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.<sup>74</sup>

### **5b) Site of trafficking/ exploitation**

This documents the site of trafficking/ exploitation.

This reveals where and how exploitation takes place for different forms of trafficking as well as provides information about where identification efforts might be targeted.

*Possible values:* See table below for options according to form of exploitation. Please designate the site (or sites) of exploitation for each form of exploitation experienced.

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<sup>74</sup> Forms of trafficking are typically outlined in national anti-trafficking legislation. In the absence of such definitions, countries may wish to refer to the Palermo protocol which states: that the different forms of 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. See United Nations (2000) *Protocol to Prevent, Suppress and Punish Trafficking in Persons*. New York: UN General Assembly. The forms of trafficking presented here reflect those agreed to by the four project countries in the context of this project.

Forms of trafficking exploitation	Site of exploitation
Sexual Exploitation	Night club, bar
	Massage parlour
	Brothel
	Apartment, private house
	Street
	Escort service
	Pornography sector
	Other
	Unknown
Forced labour	Construction site
	Forest work
	Agriculture
	Industry
	Domestic work
	Food processing
	Restaurant, bar, hotel
	Small street commerce
	Handicraft industry
	Other
	Unknown
Slavery and servitude	
Begging	
Delinquency	
Criminal activity	
Forced marriage	
Forced military service	
Organ removal	
Adoption	
Other	

### 5c) Present activity at time of detection/“flagging” or identification

This field notes the victim’s activity at the time of signaling/identification.

This field seeks to document the nature of activities trafficking victims may find themselves in – for example, when trafficking victims may be working in legal employment, when their work is (and is not) remunerated, etc. This variable is also used to cross-check with the variable “Activity at recruitment” to determine and monitor the individual victim’s mobility within the country and in the context of their trafficking and post-trafficking life.

The individual may still be in a trafficking situation or may have already exited trafficking at time of signaling in which case this information reveals what situations trafficking victims may enter/seek out after a trafficking experience.

Possible values can be: none, remunerated work, unremunerated work, unemployed, other activity (please specify), unknown

### 5d) Forms of control while trafficked

This documents the forms of control that trafficking victims may have experienced while exploited.



This is important both as a means of informing potential identification protocols as well as in the design of assistance/protection efforts.

*Possible values:* Direct threat, indirect threat (e.g. to family), use of violence (sexual and/or physical), forced/kidnapped; control of or limited movement, corporal offence, withholding documents, debt incurred, withholding food, non access to medical assistance, other, unknown. Multiple values are possible here.

#### **5e) Date when trafficking/exploitation began**

This documents the date when trafficking began, when s/he was 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/travel; in other cases in a country transit and/or during the transportation phase; and in still other cases in the country of destination.

This measures a range of time specific information related to trafficking. It reveals whether s/he was a minor or an adult when first exploited and provides a baseline against which to document a victims' age at other stages of trafficking or post-trafficking life. This date also allows for an analysis of trends in patterns in terms of forms of exploitation and other patterns. Where the users of this set of indicators/variables decide to use a victim's age rather than date of birth, it may be preferable to keep the usage of the age (rather than dates) throughout the data set for consistency and comparability.

Possible values: Day, month and year<sup>75</sup>

#### **5f) Date of entry to the country/national territory**

This is the date that the trafficking victim entered the national territory (where the data is collected).

This may be the same as the date when trafficking started. However, it also may differ – for example, in a case where a victim was trafficked in one country and then moved by the traffickers to another country, where a victim was trafficked following their entry into the country, etc.

*Possible value:* Day, month and year.<sup>76</sup>

#### **5g) Legal status in the national territory at the time of detection/“flagging” or identification**

This documents the trafficking victim's current legal status in the country/national territory at the time of being detected/“flagged” or identified. This would only be asked in the case of foreign nationals/residents, as established in section 1 (questions related to citizenship and country of residence).

Victims may have entered the country legally (e.g. with a tourist visa) and, during the exploitation process, became illegal. They may also have entered illegally while being transported. When crossed with the variable “Legal status at the end of assistance”, it is possible to see how many victims are illegal and, thus, require residence permits for legal stay in the country.

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<sup>75</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

<sup>76</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

*Possible values:* Legal, illegal, unknown, other.

#### **5h) Date exited trafficking/ exploitation**

This field refers to the date when the victim's trafficking/exploitation ended.

This is helpful in measuring a range of time-specific information related to trafficking – whether s/he was a minor or an adult (which informs return and assistance option), and provides a baseline against which to document the victims' age at other stages of trafficking or post-trafficking life. Where the users of this set of indicators/variables decide to use a victim's age rather than date of birth, it may be preferable to keep the usage of the age (rather than dates) throughout the data set for consistency and comparability.

In some cases, the date of exit, identification/registration and assistance will be the same – for example, when a victim is identified at the time of exit, like in a police raid or by going to a drop-in centre. However, other victims may exit trafficking – for example, with the help of a client – and only be identified at a later stage – for example, when they cross a border while trying to return home or upon their return home after a period of weeks, months and even years. Differences in dates of identification and/or assistance potentially sheds light on identification and assistance avenues (including gaps) as well as a victim's access to and perceptions about these avenues.

*Possible value:* Day, month and year.<sup>77</sup>

#### **5i) Means of exit from trafficking/ exploitation**

This field inquires about the means by which trafficking came to an end – for example, when an anti-trafficking actor intervened; when a victim exited or escaped; when they were assisted by a third party; when the victim was released by the trafficker; etc.

Means of exit can be helpful in formulating anti-trafficking interventions and actions. Where victims have been assisted by third parties – i.e. clients, neighbours, other private citizens – it may be possible to consider these persons in future anti-trafficking work. Where victims escaped on their own, it may be helpful 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 may be helpful to understand how and why this was able to occur and, potentially, how to replicate and expand such efforts.

*Possible values* include: released by trafficker; escaped on own; escaped with help of third party (e.g. family member, friend, acquaintance, client, stranger, boyfriend/girlfriend); intervention of law enforcement agencies; through a helpline, intervention of social worker (from GO, NGO, IO); intervention of outreach workers (from NGO, IO, GO); through embassy staff; finished work contract; died; other; unknown.

#### **5j) Previous experience of trafficking**

This question identifies whether the victim has, in the past, been trafficked.

The intention is to note whether individuals have suffered multiple trafficking experiences, which is helpful in terms of assessing the success of assistance/protection efforts and sites of vulnerability in the prevention arena.

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<sup>77</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

*Possible values:* Yes, no, unknown. Where the answer to this question is no or unknown, the subsequent questions related to previous trafficking experience are skipped.

#### **5k) Year of previous trafficking/exploitation<sup>78</sup>**

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

This indicator – along with the subsequent related ones – tries to draw a general picture of the victim's past trafficking experiences, which can be helpful in assessing the success of assistance/protection efforts and sites of vulnerability in the prevention arena. By looking at this indicator it may be possible to note any peaks in trafficking during certain times or amongst a specific profile of victim.

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

#### **5l) Form of previous trafficking/ exploitation**

This field collects details about the victim's previous trafficking experience, namely the form of trafficking /exploitation.

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 of re-trafficking. It may also allow for an identification of appropriate assistance services.

*Possible values* include: sexual exploitation, forced labour, begging, delinquency, criminal activity, adoption, forced marriage, forced military service, slavery and servitude, removal of organs, other. Victims may have suffered multiple forms of exploitation in which case more than one value should be given.

#### **5m) Country of previous trafficking/ exploitation**

This field 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 profiles of victims who have suffered multiple trafficking experiences. It can also be helpful in considering who is vulnerable to re-trafficking and what assistance options might be needed.

*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.

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<sup>78</sup> In cases where there have been one or more instances of previous trafficking it would be preferable to complete new cases for those persons that will contain all relevant information about the previous trafficking experience(s) as well as their life situation at the time of that trafficking experience. Database software can be designed in ways that allow for multiple trafficking experiences for each case file. Where this is not possible, some effort should be made to capture previous trafficking experiences. This sub-section seeks to capture some basic aspects of these previous trafficking experiences in the absence of this more detailed and advanced option.

### **5n) Identification/assistance during previous trafficking**

The field documents whether the victim was ever identified and assisted after their previous trafficking experience.

This notes the extent to which persons were identified and/or assisted during previous trafficking experiences and when/if identification led to assistance and when identification/or assistance may have been accepted or declined.

*Possible values* will be: identified; assisted by NGO; assisted by government agency; assisted by international organisation; unknown, not identified; not assisted; declined identification; declined assistance. Multiple values are allowable in this field.

## **Section 6: Identification, assistance and co-operation with officials and authorities**

### **6a) Municipality of residence at current country**

This question refers to the location of the residence of the victim when detected/“flagged” or identified. It acts as a contextual variable and, when cross-referenced with others, can potentially reveal geographic and social patterns of THB, namely pendulum movements between residence and place of activity/exploitation.<sup>79</sup> This variable is of importance as a data source for the Geographical Information System (GIS) analysis.

*Possible value:* This can be an open text field, with the option to designate “unknown”.

### **6b) County/district/place of residence at current country**

This question refers to the typology of the place of residence of the victim when detected/“flagged” or identified. It acts as a contextual variable and, when cross-referenced with others, can provide a comprehensive view of the geographic and social pattern of THB, namely pendulum movements between residence and place of activity/exploitation. This variable is of importance as a data source for the Geographical Information System (GIS) analysis.

*Possible value:* This can be an open text field, with the option to designate “unknown”.

### **6c) Municipality of activity at current country**

This question refers to the victim’s location of activity when detected/ “flagged” or identified. It acts as a contextual variable and when cross-referenced with others, can give a comprehensive view of the geographic and social pattern of THB, namely pendulum movements between residence and place of activity/exploitation<sup>80</sup>.

*Possible value:* This can be an open text field, with the option to designate “unknown”.

### **6d) County/district/place of activity at current country**

This question refers to the location of activity of the victim when detected/“flagged” or identified. It acts as a contextual variable and when cross-referenced with others, can give a

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<sup>79</sup>This variable is of importance as a data source for the Geographical Information System (GIS) analysis being used within the Portuguese Observatory for Trafficking in Human Beings.

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comprehensive view of the geographic and social pattern of THB, namely situations of pendulum movements between residence and place of activity/exploitation.<sup>81</sup>

*Possible value:* This can be an open text field, with the option to designate “unknown”.

#### **6e) Location where victim was detected/“flagged” or identified**

This question documents the location where the victim was “detected/“flagged”.

This data can be cross-referenced with other indicators to learn more about different trafficking settings in the country relative to the forms of trafficking.<sup>82</sup>

*Possible values* are: Private residence, public space, hotel/lodging, restaurant/food and beverage establishment, dance hall, on the street, other (please specify), unknown.

#### **6f) Assistance received**

This question asks whether the trafficking victim received assistance once detected/“flagged” or identified. This serves as a filter for subsequent questions about assistance, which will not be answered if the response is negative.

This information is helpful in documenting a victim’s use or disuse of services, noting the different reasons for this.

*Possible values:* Yes, no (by victim’s refusal), No (not offered assistance), No (not eligible for assistance), No (other motives), other, unknown.

#### **6g) Assistance institution/actor**

This field notes what individual or institution was/is involved in victim assistance, more specifically at the point of first contact with the anti-trafficking framework. This might be an NGO who receives a call to their helpline, a doctor who sees a patient and identifies them as trafficked, state social workers who come into contact with trafficked persons, and so on.

Through this indicator, it is possible to map who (as individuals or agencies) are currently involved in assisting victims, as well as who might be valuable as interlocutors to engage in the assistance process.

*Possible values:* NGO, state social services, medical professionals, international organisation, labour department, other.

#### **6h) Date entered assistance**

This field refers to the date when the victim initially entered the assistance framework in the country of identification.

This is helpful in measuring a range of time-specific information related to trafficking. It indicates the victim’s age during assistance, which is relevant for programming – for example, the extent to which services for minors or adults are needed. It is also a valuable marker against which to measure other significant dates in the victim’s trafficking and post-trafficking life.

In some cases, the date of trafficking exit, case registration and assistance will be the same. However, some victims may exit trafficking and not be recognised as a victim of trafficking

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<sup>81</sup> This variable is of importance as a data source for the Geographical Information System (GIS) analysis being used within the Portuguese Observatory for Trafficking in Human Beings.

<sup>82</sup> This variable is of importance as a data source for the Geographical Information System (GIS) analysis being used within the Portuguese Observatory for Trafficking in Human Beings.

and/or assisted for some time. For example, a victim may be identified as a trafficked person but access to assistance only at a later stage. In some cases, victims may 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. 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 gaining access to social services.

Where the users of this set of indicators/variables decide to use a victim's age rather than date of birth, it may be preferable to keep the usage of the age (rather than dates) throughout the data set for consistency and comparability.

*Possible value:* Day, month and year.<sup>83</sup>

#### **6i) Date exited assistance**

This question refers to the date when the victim left the assistance programme.

This reveals the age when the victim exited assistance and also indicates the period of time during 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. Where the users of this set of indicators/variables decide to use a victim's age rather than date of birth, it may be preferable to keep the usage of the age (rather than dates) throughout the data set for consistency and comparability.

*Possible value:* Day, month and year.<sup>84</sup>

#### **6j) Type of assistance**

This section documents the different forms of assistance received by the victim in the country of identification/assistance. Assistance refers to any type of assistance provided to the victim; the various forms are typically outlined in the country's national legislation related to trafficking. Victims are likely to have received multiple forms of assistance and all relevant services/assurances should be noted.

This indicates the type of services provided to victims in the country where data is being collected as well as a victim's use of these services. By extension, it can also indicate gaps in the provision of services and/or in situations where victims are not offered or chose not to use certain services. Some of the types of services typically offered to trafficking victims within EU countries are: shelter/accommodation, medical care<sup>85</sup>, psychological assistance, legal assistance (i.e. document

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<sup>83</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

<sup>84</sup> Where the full date is not available, countries may opt to have only the month and/or year. Where the date is unknown, this section is left blank.

<sup>85</sup> The forms of assistance available to victims of trafficking will differ from country to country and national governments may need to change the proposed values to reflect the assistance framework for VoTs in their country. For example, whereas this handbook refers to emergency medical assistance and longer term medical assistance, some countries have different designations. In the Slovak Republic, the Act of the Slovak Republic No. 576/2004 Coll. on Healthcare, Healthcare-Related Services and on Amendment and Supplementation of Certain Acts (§ 2, 8 and 9) recognizes the following types of healthcare: immediate, urgent, ambulatory and inpatient treatment. Similarly, pursuant the Regulation of the Minister of Interior of the Slovak Republic No. 47/2008 on securing the programme of support and protection of the victim of the trafficking with human beings, section 7, the Slovak Republic recognises the following types of assistance: victim protection vis a vis the criminal environment; assistance by the voluntary return to the Slovak Republic; provision of the anonym accommodation, if required; 90 day period of crisis assistance; complex assistance during the whole period of criminal proceeding, if the victim decides to co-operate with the law enforcement agency; financial assistance; social assistance; psychological assistance; psychotherapeutic

processing, representation in legal proceedings, civil actions, etc.), housing subsidy/assistance, education, vocational training, job placement, business training, financial assistance, material assistance (i.e. clothes and food packets), voluntary assisted return, and so on.

*Possible values:* Open text field to accommodate the different assistance programmes and legal frameworks in the project countries.

#### **6k) Transferred to other service providers**

This field notes when a victim was transferred to another service provider for assistance/intervention – from NGOs, IOs or GOs.

This information is helpful in mapping the various organisations providing services as well as the range of services/assistance required and received by trafficking victims.

*Possible values:* Open text field

#### **6l) Received services in the past**

This field notes when trafficking victims have received services in the past related to their trafficking/exploitation, both in the country where data is being collected and abroad. It does not refer to services the individual which are not connected to trafficking. This is important in terms of understanding where victims have accessed services both in Czech and abroad and thus is information on possibilities of support and protection of victims of trafficking.

*Possible values:* Specialised THB NGO on the national territory, NGO without THB speciality on the national territory, THB NGO abroad, NGO without THB speciality abroad, government bodies on the national territory, national embassy abroad, government bodies abroad, foreign embassy on the national territory, international organisations abroad, international organisations on the national territory, private assistance/services (private doctor, lawyer, etc.), other, unknown. As assistance may be provided by different organisations and in response to different needs, multiple answers are allowable in this field.

#### **6m) Legal status in the national territory at the end of assistance**

This question documents the trafficking victim's current legal status in the country/national territory at the end of assistance. This question would only be asked in the case of foreign nationals/residents, as established in section 1 (questions related to citizenship and country of residence).

*Possible values:* Legal, illegal, unknown, other.

#### **6n) Statement to police <sup>86</sup>**

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services; legal assistance; medical care; vocational training; 90 day period of reintegration; the possibility of involvement in the programme for witness protection; the possibility of financial compensation; legalisation of the stay in the Slovak Republic; 40 day period for recovery; interpretation services; complex assistance during preparation of a victim for a return to the country of origin, if the victims shows the interest to return; the possibility to earn the permanent residence, if it is in the interest of the Slovak Republic; assistance by the voluntary return to the country of origin and provision of assistance to the non-governmental organisation in the country of origin.

<sup>86</sup> Victims may be involved in the legal process while still abroad and/or once they return to their home country. This might involve giving a statement to the police; testifying in legal proceedings against their trafficker; receiving protection; and receiving victim compensation. The field related to the legal process would ideally be filled in relative to both their legal involvement abroad and at home, but this will need to be determined in each national context based on resources and relevance.

This section documents whether 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 form a broad view of how legal co-operation operates for trafficking victims in practice.

*Possible value* would be yes, no, not applicable (N/A), unknown.

#### **6o) Testifying in legal proceedings against the trafficker**

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

This can be helpful in noting the level of victim involvement in the legal process, particularly when testifying in trafficking cases. This section can be analysed in combination with other relevant indicators/variables, such as whether the victim testified in legal proceedings or had access to protection. This affords at least a partial picture of how this level of involvement operates, for victims, especially regarding security.

*Possible value:* yes, no, unknown.

#### **6p) 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 at the pre-trial stage, during the trial, and post-trial, depending upon the specific case. Protection might refer to full protection (e.g. 24 hour physical protection) or more *ad hoc* physical protection (e.g. during transportation to court or to the police office).

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

*Possible value:* pre-trial full protection, pre-trial ad hoc protection, during trial full protection, during trial ad hoc protection, post-trial full protection, post-trial ad hoc protection, unknown, none. Victims may have received protection in different forms during more than one of these stages, in which case more than one value should be provided.

#### **6q) Victim compensation**

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

This is valuable regarding the extent to which victims might have received any form of compensation as a result of their trafficking experience. How compensation is realised varies from country to country, depending upon the specific legal framework and, for example, whether a victim compensation fund exists. In implementing this data collection at a national level, it may be preferable for the values to reflect whether or not compensation is linked to civil procedures, and/or to criminal procedures, and whether or not it is drawn from a special compensation fund, etc.

*Possible values:* yes (from civil procedure), yes (from penal procedure), yes (from victim compensation fund), no, unknown, not applicable.



#### **6r) Return to country of origin**

This field notes details of whether the trafficked person has returned to their country of origin, what institutions took part in the process and where.

*Possible values at destination:* NGO at destination, IO at destination, law enforcement agencies at destination, state social services at destination, others at destination

*Possible values for origin country:* NGO in origin country, IO in origin country, law enforcement agencies in origin country, state social services in origin country, other in origin country

Two answers are allowable in this section – one referring to the institutions involved in the destination country and in the country of origin.

#### **6s) Date of return to country of origin**

This field notes the date of return to the country of origin.

Possible values: Day, month and year.<sup>87</sup>

### **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 is to be included in this field and how this information may be used. For example, Portugal proposes that comments be made for all variables that provide as a possible value “other” or “specify”. Other information to be added here might include spatial variables (e.g. for routes tracking) and relational variables (type of coercion; relation with recruiter, and so on).

#### **7b) Date of last editing**

This lists the last date when edits were made to this case – in day, month and year.

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<sup>87</sup> Where the full data is not available, countries may opt to only have the month and/or year. Where the date is unknown this section is left blank

## Section 8: Proposed set of harmonised indicators/variables

The indicators/variables presented above are only guidelines/proposals rather than the conclusive list of information to be collected about trafficking victims. In some countries there are insufficient resources allocated to collect data about all of the indicators/variables proposed in this handbook. Moreover, there are obstacles associated with data providers' institutional framing and internal capabilities; the time of connection between data providers and the main sources of information (whether victims or traffickers); different models being implemented; different legal frameworks and considerations; and so on. It is vital that the active indicators/variables are those that project countries are able to use and are interested in collecting rather than an ideal, ambitious but ultimately unfeasible set of indicators / variables that may cause entropy within the system of data collection, data validation and data analysis.

At a national level, countries will need to choose what indicators/variables best meet their needs and interests in documenting the experiences of trafficking victims to, from and within their country. For example, in the context of this project, roundtable discussions in the Czech Republic concluded that the optimal number of indicators/variables to be collected about victims would be 19, taking into account available resources in the proposed data repository. Similarly, Poland suggested approximately 41 indicators be collected, based on a national level review and discussion. In the case of Portugal, where data collection was already ongoing, it was necessary to consider how the different indicators/variables (and associated values) could be dovetailed with existing indicators/variables and, similarly, what ought to be omitted, based on the inputs of potential data sources. Ongoing discussions amongst project countries and organisations resulted in the desire for a minimum set of harmonized indicators/variables, relevant to the information discussed and agreed upon, by all, or at least the majority of project countries, as essential in this data collection initiative. The list of these indicators appears at the end of this section.

- The minimum set of indicators/variables refers to those indicators which have been agreed upon by all four project countries.
- The advanced set of indicators/variables refers to those indicators which have been agreed by three of the four project countries.

In considering what indicators/variables are relevant and how many indicators/variables to collect, it is important to refer back to the original objective – how and why the information is to be used. The victim-centred data is particularly relevant in terms of trafficking prevention and victim protection programmes. Indicators/variables which do not yield valuable information toward that objective (or mandate of the implementing body) should be omitted. This is a matter of both pragmatism (not to collect information that cannot be used) and ethics (that data subjects should only be asked to share information which is valuable to and will be use toward AT efforts).

In addition, once data collection begins, and, over the course of project implementation, it will become clear which indicators/variables are not feasible – that is, where data sources do not co-operate, where information is not available, etc – and such indicators/variables can be omitted. To some extent, decisions about which indicators/variables to keep or delete are best undertaken during the piloting phase when it is possible to test the viability and value of the various indicators/variables. Problems with the collection of different indicators/variables are likely to differ not only from country to country but also within countries, from agency to agency, depending on the agency's mandate, role and composition (i.e. NGO, GO, IO).

**Table of proposed set of harmonised indicators/variables\***

	Minimum set of indicators/variables	Advanced set of indicators/variables
<b><u>Section 1: Case registration</u></b>		
1c) Registering entity/agency/institution	X	
1d) Date when case is registered		X
1e) Source of information	X	
<b><u>Section 2: Victims Background</u></b>		
2a) Gender	X	
2b) Date of Birth and/or age		X
2c) Citizenship	X	
2d) Country of residence		X
2e) Area/region of origin		X
2f) Demographic setting		X
2g) Marital status when trafficked		X
2h) Marital status when detected/"flagged" or identified		X
2j) Number of children when trafficking		X
2k) Contributors to household income before trafficking		X
2l) Education level	X	
2m) Activity at recruitment		X
2n) Motivation for migrating/leaving home		X
<b><u>Section 3: Recruitment Experience</u></b>		
3a) Age at recruitment/date of recruitment		X
3b) Country of recruitment		X
3c) Means of recruitment/entry into trafficking	X	
3d) Victim's relationship to recruiter		X
3e) Gender of recruiter		X
3f) Recruiter's citizenship		X
3g) Recruiter's country of residence		X
3h) Proposed destination country at recruitment		X
<b><u>Section 4: Transportation and Travel Routes</u></b>		
4a) Means of transportation		X
4c) Border crossings		X
4d) Use of documents		X
4e) Attendance of traffickers during travel/transportation		X
<b><u>Section 5: Identification and Assistance</u></b>		
5a) Forms of trafficking /exploitation	X	
5d) Forms of control while trafficked	X	
5e) Date when trafficking exploitation began		X
5g) Legal status in the national territory at the time of detection/"flagging" or identification		X

5h) Date exited trafficking /exploitation		X
5i) Means of exit from trafficking /exploitation		X
5j) Previous experience of trafficking		X
5k) Year of previous trafficking/exploitation	X	
5l) Form of previous trafficking/ exploitation		X
5m) Country of previous trafficking /exploitation		X
5n) Identification/assistance during previous trafficking		X
<b><u>Section 6: Identification, Assistance, and co-operation with Officials and Authorities</u></b>		
6b) County/district/place of residence at current country		X
6d) County/district/place of activity at current country		X
6e) Location where victim was detected/ “flagged” or identified”		X
6f) Assistance received	X	
6h) Date entered assistance	X	
6i) Date exited assistance	X	
6j) Type of assistance	X	
6k) Transferred to other service providers		X
6l) Received services in the past		X
6m) Legal status in the national territory at the end of assistance	X	
6n) Statement to police	X	
6o) Testifying in legal proceedings against the trafficker		X
6p) Protection pre, during or post trial		X
6q) Victim compensation	X	
6r) Return to country of origin	X	

\*The minimum set of indicator/variables refers to those indicators which have been agreed by all four project countries. The advance set of indicators/variables refers to those indicators which have been agreed by three of the four project countries.

## Part 7

# Trafficker-centred and criminal justice set of indicators/variables

## Introduction and overview of part 7

The objective of trafficker-centred set of indicators is to facilitate the collection of information about alleged/convicted perpetrators of the crime of human trafficking and track their cases through full legal and judicial process.<sup>88</sup> This is intended as a tool for understanding the necessary criminal and judicial side of the phenomena. The type of information being collected is that which can potentially be helpful in understanding who is involved in trafficking and related crimes, their role in this process and the work of legal and judicial actors in the area of investigation and prosecution.

The trafficker-centred set of indicators/variables takes as its point of origin the criminal actions of alleged/convicted traffickers against whom complaints and/or charges have been registered. The data set maps the trafficker's general background and then charts their case through the stages of complaint, investigation, trial, post-trial and sentencing, where applicable. The set of indicators/variables is not meant as an investigative tool – rather it is a means of monitoring how the criminal justice process functions in trafficking cases.

Because the information documented in this data set is from the perspective of the alleged/convicted trafficker, it can provide some of the first disaggregated information about alleged/convicted traffickers in the EU. 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 and criminal justice data.

It also, importantly, seeks to re-orient the focus of attention from the action of trafficked persons (the victims of crime) to those of the alleged/convicted traffickers (the perpetrators). Addressing trafficking requires attention to how alleged/convicted traffickers operate; this is vital in developing the most effective methods of tackling this crime through the strategic use of the criminal justice system.

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<sup>88</sup> This section was initially prepared in the context of ICMPD's DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been revised and updated by the author in the context of the DCIM-EU project, with inputs from the four EU project countries (Czech Republic, Poland, Portugal and the Slovak Republic), DCIM-EU project partners (Associazione On the Road, Dutch National Rapporteur and the NEXUS Institute) and ICMPD DCIM-EU project team. It also benefits from the expertise and criminal justice knowledge of Stephen Warnath, Executive Director, NEXUS Institute.

An important consideration in the development of a trafficker-centred set of indicators/variables is that it dovetails, as much as possible, with existing data collection activities in the country. As such, indicators/variables were selected having consulted with the main government institutions working in the criminal and judicial fields in the project countries as well as in discussion with international organisations.

The trafficker-centred and criminal justice set of indicators/variables is divided into the following sections:

**1. Case registration**

This section provides details associated with the registration of the case. Thus, it is primarily an administrative section, albeit with some analytical aspects.

**2. Trafficker's background**

This section records basic socio-demographic information about the alleged/convicted trafficker, which can be helpful in mapping traffickers' profiles, albeit at a basic level. To date, very little information has been documented about alleged/convicted traffickers and that which does exist is based on information collected from victims.

**3. 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 alleged/convicted 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.

**4. Trial phase**

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

**5. Appeal phase**

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

**6. 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.

**7. Other**

This section 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.

## Section 1: Registration of case of alleged/convicted trafficker

### 1a) Registration number/code

This section documents the registration number (e.g. number of the criminal investigation process or the number of a non criminal process) or code, specific for each trafficker, given that personal information is not to be collected. Each country will have its own legal definition and designation of who is considered a “trafficker”, and also at what stage in their legal systems a person is to be designated a “trafficker” for the purpose of this collection of data – for example, at the stage of investigation, arrest, conviction or final appeal.<sup>89</sup>

A number or code is used instead of the individual’s name. The decision as to whether to use names for the purposes of this data analysis project will be in response to the legal framework associated with data protection in each project country<sup>90</sup>. In some countries, like Poland, it is

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<sup>89</sup> The situation for the four project countries is as follows:

- In the Czech Penal Code, Section 232a, “traffickers” are whoever induces, engages, hires, lures, transports, hides, detains or delivers a person under 18 years of age to be used for sexual intercourse or other forms of sexual molestation or exploitation, for slavery or servitude, or for forced labour or other forms of exploitation, shall be punished to imprisonment for two to ten year; or whoever by means of the use of force, threat of force, deception or abuse of his mistake, stress or dependence induces, engages, hires, lures, transports, hides, detains or delivers another to be used for sexual intercourse or other forms of sexual molestation or exploitation, for slavery or servitude, or for forced labour or other forms of exploitation.
- The Slovak Republic defined trafficker along the lines of the Palermo Protocol and a “suspect of trafficking crimes” as a person, whose action meets the characteristics of the Palermo Protocol definition, but the competent bodies (law enforcement bodies in the Slovak Republic) have not exhibited any charge so far”.
- In Poland, Article 253 designates a “trafficker” as § 1: Whoever performs trafficking in persons even with their consent and § 2: Whoever, in order to gain material benefits, organises the adoption of children in violation of the law. Article 204 designates a “trafficker” as § 4: Whoever entices or abducts another person with the aim of having him/her engage in prostitution abroad.
- In Portugal, Article 160 of the Penal Code designates a “trafficker” as anyone who, offers, delivers, allures, accepts, transports, harbours or receives another person for sexual exploitation, exploitation of a person’s labour or services or removal of organs, by means of violence, abduction or serious threat, through deceit or fraud or by the abuse of a hierarchical, economical, working or family vulnerability position, taking advantaged of a victims psychological incapacity or other special vulnerable situation, or through the consent of a person having control over the victim. A trafficker may also include: 1) anyone who by means of payment or otherwise, offers, delivers, solicits or accepts children or gains or gives consent to his/her adoption; 2) anyone who having knowledge of adult as well as minor trafficking practices, uses services or organs; 3) anyone who keeps, hides, damages or destroys identification or travel documents.

<sup>90</sup> In the Czech Republic, Act No 101/2000 Coll., on Personal Data Protection allows personal data, like names, to be collected only with the consent of data subject. In Portugal, while the data protection law (Law 67/98 of 26 of October – Transposition into national legislation of the EC Directive on Data Protection) prohibits the collection of personal, direct data in many circumstances, it is also allowable by special consent (legal norm, personal permission, or Data Protection Commission authorization) where the motive is of public interest (see Article 6 regarding Conditions of legitimacy of data treatment) but always guaranteeing the principle of non discrimination. In Poland, Act of August 29, 1997 on the Protection of Personal Data, Chapter 3, Article 23 specifies that the processing of data is permitted only if: 1) The data subject has given his/her consent, unless the processing consists in erasure of personal data; 2) Processing is necessary for the purpose of exercise of rights and duties resulting from a legal provision; 3) Processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract; 4) Processing is necessary for the performance of tasks provided for by law and carried out in the public interest; and 5) Processing is necessary for the purpose of the legitimate interests pursued by the controllers or data recipients, provided that the processing does not violate the rights and freedoms of the data subject. Moreover, should the processing of data be necessary to protect the vital interests of the data subject and the condition referred to in paragraph 1, point 1 cannot be fulfilled, the data may be processed without the consent of the data subject until such consent can be obtained.

legally permissible to collect the traffickers' full names. In such a case, it may be preferable to use the trafficker's full name in lieu of a registration number or code.

Where names are not kept, there is a risk of duplicate cases. Alleged/convicted traffickers may appear more than once in the data set, having been in contact with different institutions in the criminal judicial process. Duplication can potentially be avoided by cross-referencing a select number of other indicators/variables, such as age/date of birth, gender, citizenship, country of residence, trafficking designation/status, form of exploitation/trafficking, and country where exploited.

*Possible value:* A registration number or code.

### **1b) Trafficker's name**

This section documents the full name of each alleged/convicted trafficker.

Where names are used, first and last names will be needed to avoid duplication and to track cases accurately. A cross-check will be needed in the event of different or incorrect spellings of names to avoid duplicate cases. Software can be designed to detect similar names in the dataset. Where names are documented, special protocols and security parameters may be needed to ensure the confidentiality and security of the individual victim.

Each country undertaking data collection will need to independently determine whether to collect names based on the legal framework in the country and agreement between the various NGO, IO and GO institutions. In the context of this project, only one of the four countries will collect names or personal information about alleged/convicted traffickers.

*Possible value:* Last name and first name; or distinct code.

### **1c) Registering entity/agency/institution**

This category documents which agency/institution is the source of case information that was received. This will be the institution directly involved in trafficking cases and, thus, is most likely to be law enforcement, prosecutors, internal affairs and/or the judicial sector. This information is important for cross-checking cases for possible duplication as well as any follow-up or clarification that is needed.

*Possible value:* law enforcement agencies, prosecutors, judicial sectors, other.

### **1d) Date when case is registered**

This section notes the date when the case is first entered in the data set.

*Possible values:* Day, month and year.

### **1e) Source of information**

This refers to the person(s) who is providing the information about the case, apart from the registering agency/institution.

*Possible values:* Alleged/convicted trafficker, trafficking victim/witness, NGOs; international organisation; law enforcement; witnesses; prosecutor's office, other.



## Section 2: Alleged/convicted trafficker's background

### 2a) Gender

This refers to the gender of the trafficker.

This is helpful in building traffickers' profiles, which can, in combination with other information that a country may collect, 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 may be involved as traffickers at different stages of the trafficking chain and in a variety of different roles. This field may also reveal patterns of what roles individuals (by sex/gender) 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, transgender<sup>91</sup> or unknown.

### 2b) Date of birth and/or age

This section seeks to document the date of birth/age of the alleged/convicted trafficker.

A trafficker's date of birth/age is important in determining whether they were a minor or an adult and also provides a baseline against which to document the trafficker's age at different stages of the criminal/judicial process.

Apart from advancing anti-trafficking purposes, information about the age/date of birth can also be an important means of cross-checking for possible duplications in the data set, especially in situations where names are excluded. When combined with other identifying fields which are individual and case specific (like area of origin, citizenship, marital status), age/date of birth can help to detect duplicate cases.

This information can be collected in two ways – by using 1) date of birth or 2) age. Date of birth is a more precise indicator than age in that it allows for cross correlation with other indicators (like date at assistance and so on). However, as date of birth was considered personal information in some project countries, in the context of this project, countries will use different options, as outlined below.

Option 1: Date of birth

*Possible value:* Day, month and year of trafficker's birth.<sup>92</sup>

Option 2: Age at registration

*Possible value:* Real numbers – e.g. 1, 2, 3, 4, 5, 6, 7, 8, 9.....

### 2c) Citizenship

This refers to the country where the alleged/convicted trafficker holds citizenship. This may be the same or different from the country in which the trafficker resides. Alleged/convicted traffickers may have one or multiple citizenships.

This can reveal 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

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<sup>91</sup> Transgender refers to a person whose gender identity differs from his/her biological sex.

<sup>92</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

citizenship is also relevant for the development of alleged/convicted trafficker profiles which can be helpful in prevention work. At the same time, too heavy a focus on nationality or country of residence may also create or compound existing biases and discrimination, while doing little to present a more holistic picture of trafficking.

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

## **2d) Country of residence**

This question refers to where the alleged/convicted trafficker regularly resides (either temporarily or permanently). Country of residence may be the same as or different from the country in which the alleged/convicted trafficker holds citizenship.

Country of residence can reveal who operates criminal activities in the country as well as, potentially, identifying where networks of foreign or national criminals may be present and operational. Country of residence may also be relevant in the development of alleged/convicted trafficker profiles for use in prevention work. At the same time, too heavy a focus on nationality or country of residence may also create or compound existing biases and discrimination, while doing little to present a more holistic picture of trafficking.

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

## **2e) Country of birth**

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

Country of birth is helpful in mapping who operates criminal activities in which country as well as, potentially, identifying where networks of foreign or national criminals may be present and operational. It may also be relevant in the development of trafficker profiles for use in prevention work. At the same time, too heavy a focus on such indicators/variables may create or compound existing biases and discrimination, while doing little to present a more holistic picture of trafficking.

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

## **2f) Role in the trafficking chain**

This refers to the individual's role/task in the trafficking chain. This might be based on the alleged/convicted trafficker's self-stated role(s) 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 trafficking chain may be helpful in noting the structure of various criminal enterprises, specifically those within the trafficking network who are being investigated/ arrested and whether investigations/trials are affecting low, medium or high level trafficking/criminal actors. If the data is organised to permit it, collecting this data can help to reveal whether entire criminal structures are being identified and prosecuted or whether investigative attention is focused on criminal actors at the fringe of criminal enterprises. This information is also helpful in analysing patterns relative to trafficker profiles. For example, combining this indicator with country of residence can reveal patterns or trends, such as where "bosses" of trafficking organisations reside. It can also provide profiles of persons with different roles in the trafficking chain.

*Possible values* include: document processor, recruiter, transporter, exploiter, “boss”, other or unknown. The trafficker may have more than one role in the trafficking chain, in which case multiple values should be included.

The values (and associated definitions, below) are proposed illustrations for the purpose of this handbook. Implementation at a national level would require careful attention to the national legal framework in terms of who constitutes an actor in the trafficking chain and the relevant definition. Other categories, for example, may include those who engage in transactions involving the control of an individual or is involved in coercive actions toward an individual.

*Definitions:*

- *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. In cases where victims were forcibly taken, this would also be the recruiter.
- *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 traffic; in other cases, they may not.
- *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 included 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 set of indicators/variables.

## **2g) Criminal record**

This question is about the alleged/convicted 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 include any criminal record this individual may have from another country and document the specific nature of the criminal charges. Details of the criminal record can indicate where such charges have occurred previously as well as trafficking patterns which might help target future pro-active investigations and law enforcement initiatives against traffickers. Where other crimes (i.e. involving drugs, vehicles or guns) are noted, it may be possible to gain an overview of criminal activities and those who co-operate in multiple criminal arenas.

*Possible values:* Yes, no, data not available

## Section 3: Investigation phase

### 3a) Date case initiated

This refers to the date when the case against the alleged/convicted 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 affords a baseline against which to measure future dates and timelines and can potentially indicate where delays occur within the criminal justice process in trafficking and related cases.

*Possible value* is day, month and year.<sup>93</sup>

### 3b) Location where case was initiated

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

This notes where complaints and cases are initiated within a country and, arguably, to know about sites within a country where trafficking (or trafficking investigations/prosecutions) are more prolific. It may also be used as an indicator of the level and type of actions and capacities of law enforcement or prosecutors in certain geographical areas – for example, where some institutions may be more proactive in anti-trafficking cases than others.

*Possible values.* Designations should be consistent with the specific administrative structures of the individual country.

### 3c) Initiation method

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

Documenting how a case was started can show 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.

### 3d) Date investigation commenced

This is the date when the initial trafficking investigation started.

This affords a baseline against which future dates and timelines can be measured and, arguably, can help to show 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 the time elapsed between steps in the criminal justice process. This information is potentially relevant in knowing what departments or sectors delays may occur in, as well as highlighting situations in which certain institutions work with more, or less, efficiency. This information has the potential to assist anti-trafficking actors in addressing

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<sup>93</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

time delays in the criminal justice process, which may, at least in part, assuage some victims' concerns about participating in the process.

*Possible value* is day, month and year.<sup>94</sup>

### **3e) Date investigation completed**

This is the date when the trafficking investigation was completed.

This provides a baseline against which dates and timelines can be measured and helps to show 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 in order to provide information about the length of the investigation process, which can be helpful in understanding the functioning of the criminal justice process and the sectors where delays do ( and do not) occur.

*Possible value* is day, month and year.<sup>95</sup>

### **3f) Date of arrest**

This is the date when the arrest of the alleged/convicted trafficker took place.

This provides a baseline against which other 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, it can be cross-referenced with the date when the trial started to mark the elapsed time between the arrest and the start of the trial. Knowing 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.

*Possible value* is day, month and year.<sup>96</sup>

### **3g) Charges at arrest**

This section lists all of the charges brought against the trafficker at the time of arrest. This may include trafficking charges; it may also include non-trafficking charges.<sup>97</sup> There may be situations

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<sup>94</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

<sup>95</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

<sup>96</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

<sup>97</sup> Charges which are associated with trafficking in the four project countries and thus potentially relevant to be considered here are the following:

- The Penal Code of the Czech Republic include 204 for pimping; 205a for harbouring child pornography; 205b for exploitation/abuse of child for the child pornography production; 216a for trafficking in children (for the purpose of adoption) and 209a for illegal disposal of human cells, organs and tissues. The Criminal Act of the Slovak Republic criminalises not only trafficking in human (§ 179) and children (§ 180 and 181), but a range of associated crimes like deprivation of personal liberty (§ 182), restriction of personal liberty (§ 183), restriction of freedom of movement (§ 184), kidnapping for ransom (§ 186), kidnapping abroad (§ 187), migrant smuggling (§ 355) and pimping (§ 367).
- In Poland, the following crimes are associated with trafficking: sexual exploitation of dependent persons (Article 199 of the Penal Code); forcing others into prostitution (Art. 203); exploitation of prostitution of other (Art. 204 (1) and (2)); exploitation of prostitution of minors (Art. 204 (3)); forcing another person to behave in a certain way by means of violence or threat (Art. 191 (1)); unlawful deprivation of liberty (Art.

in which the initial case and charges were designated as trafficking but were subsequently reclassified to non-trafficking charges. In other cases, 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 alleged/convicted traffickers as well as any related non-trafficking offences. It 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 in trafficking and non-trafficking cases.

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

### **3h) Type of trafficking exploitation**

This field notes the form of exploitation for which charges of trafficking have been brought.

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

*Possible values* include: sexual exploitation, forced labour, removal of organs, adoption begging, delinquency, criminal activity, forced marriage, forced military service, slavery and servitude, other. In some cases, traffickers may have perpetrated multiple forms of exploitation in which case they will need to provide more than one answer to this question.

### **3i) Number of victims involved**

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

This provides some 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 alleged/convicted trafficker's network and/or activities.

*Possible values* are real numbers – e.g. unknown, 0, 1, 2, 3, 4, 5, 6, 7, 8....

### **3j) Number of victim statements<sup>98</sup>**

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

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189); enslaving a person or conducting trade in slaves (Article 8 of Provisions implementing the Penal Code); crossing the border with the use of violence, threat or deceit or when there is more than one person involved (Article 264 (3)); forced labour acts (Art. 119-121 of the Law of 20 April 2004 on the promotion of employment and labour market institutions)

- In Portugal, correlated crimes to human trafficking include pandering, sexual exploitation, rape and sexual coercion, illegal immigration and withholding of documents.
- In the Slovak Republic, these would primarily apply to criminal offences against freedom and dignity contained in Head II of the Penal Code (Act 300/2005 Coll.), Article 355 - Trafficking, Article 367 - Procuring, etc.; deprivation of personal liberty (§ 182), restriction of personal liberty (§ 183), restriction of freedom of movement (§ 184), kidnapping for ransom (§ 186), kidnapping abroad (§ 187), migrant smuggling (§ 355), and pimping (§ 367).

<sup>98</sup> In the context of this handbook, the term “victim” refers to the victim of the crime of trafficking. However, within different legal frameworks, other terminology might be more appropriate such as “injured party” or “damaged party”. The choice of appropriate terminology should be determined at a national level, in accordance with national legislation.

Victim statements can be an important source of testimony against alleged/convicted traffickers and, to date, have often formed the foundation of many trafficking cases. While having more victims/witnesses per case may result in a stronger case, this may not always be the case. Noting the extent to which arrests are based on the statement of victims/witnesses (as compared to other forms of evidence) would also be important. Another valuable 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 an examination of the impact the combination of victim statements and victim protection (pre, post and during trial) had on conviction rates.

*Possible values* are real numbers – i.e. unknown, 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10...

### **3k) Pre-trial victim protection**

This field notes whether any of the victims involved as victims/witnesses in the case received 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 use of protection afforded 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 may also provide some indication of the continuity of protection available to victims who are involved in the legal process.

*Possible values* are yes, no, not applicable (N/A), unknown.<sup>99</sup>

## **Section 4: Trial phase**

### **4a) Location of court and crime process**

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

This tracks where, within a country, trafficking trials do (and do not) take place, which may also be used as an indication of where trafficking may be more prolific (although this would require further inquiry than reliance on this single data field). 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.* Designations should be consistent with the specific administrative structures of the country.

### **4b) Date when crime process entered trial phase**

This question documents the date that the trial commenced.

This provides a baseline against which other dates and timelines in the criminal justice process can be measured. It maps the time required at different stages of the criminal justice process in trafficking cases as well as notes what stages of the criminal justice process are more (or less)

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<sup>99</sup> It is also valuable to consider the nature and extent of this protection. That is, what forms of protection this includes (e.g. police protection, witness protection, provisions for video statements, etc.) and whether it is full protection (e.g. 24 hour physical protection) or more *ad hoc* physical protection (e.g. transportation to court or to the police office). Countries may wish to add this additional level of detail as a subfield or additional indicator.

efficient and expeditious. It is also possible to identify in what sectors delays do (and do not) occur.

*Possible value* is day, month and year.<sup>100</sup>

#### **4c) Date when crime process ended in the first court**

This question documents the date when the trial ended.

This 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.

*Possible value* is day, month and year.<sup>101</sup>

#### **4d) Charges at trial**

This field registers all of the charges pending against the alleged/convicted 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 as a non-trafficking charge. In other cases, trafficking charges brought at arrest will be the same as those at trial.

This section maps the types of charges brought against alleged/convicted traffickers as well as any related non-trafficking offences. This field can also ascertain whether during the criminal process any trafficking charges were reclassified as 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 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 of the accused pleading 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.

#### **4e) Trial victim protection**

This asks whether any of the victims involved as victims and/or witnesses in the cases received 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, on both a full and *ad hoc* basis. 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 alleged/convicted 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. It is also relevant to compare conviction 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 way 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

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<sup>100</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

<sup>101</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year.



of protection, there are limits to the conclusions which can be drawn. 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 and contextualisation.

*Possible values* are: yes, no, not applicable (N/A) and unknown.<sup>102</sup>

#### **4f) Trial outcome**

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

Comparing the outcome of the trial with a range of other fields potentially sheds light on many aspects of the criminal justice procedure. For example, comparing the trial outcome and the use of victim protection arguably indicates the impact of protection measures on the success of the case. Considering the trial outcome relative to the length of the trial 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. And 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; other (please specify); not applicable.

#### **4g) Type of sentence imposed at trial**

This field notes the sentence imposed where the accused is found guilty.

It is important to note the types of sentences imposed as a result of trafficking convictions – whether a prison term, house arrest, fines, etc. 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.

*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.

#### **4h) Duration of sentence (at trial)**

This notes 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”.

Information about sentence length can be 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 alleged/convicted 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/variables – e.g. charges at trial, number of victims

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<sup>102</sup> It is also valuable to consider the nature and extent of this protection. That is, what forms of protection this includes (e.g. police protection, witness protection, provisions for video statements, etc.) and whether it is full protection (e.g. 24 hour physical protection) or more *ad hoc* physical protection (e.g. transportation to court or to the police office). Countries may wish to add this additional level of detail as a subfield or additional indicator.

involved, provision of victim testimony – can be illuminating in terms of understanding what may contribute to heavier sentences and penalties.

*Possible values:* 0; 0 - 1 year; 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 imposed (at trial)<sup>103</sup>**

This field notes the amount of the fine imposed, where the sentence/penalty involved 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. Where alleged/convicted traffickers are fined small amounts, this is not likely to prove a disincentive in an industry with high profits, especially in combination with a light (or suspended) prison sentence. Comparing fines with other indicators/variables (based upon data collected from all cases) – e.g. charges at trial, number of victims involved, provision of victim testimony – can illuminate what may contribute to heavier sentences and penalties.

*Possible values* include: an integral number, representing the amount in Euros.

## **Section 5: Appeal process**

### **5a) Conviction appealed**

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

This maps 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

### **5b) Date appeal commenced**

This question documents the date that the appeal process commenced.

This 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.

*Possible value* is day, month and year.<sup>104</sup>

### **5c) Date appeal concluded**

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<sup>103</sup> In most countries, sentences for the crime of trafficking in human beings are prison sentences and not fines, although fines may be imposed alongside prison sentences. As such, where this information is documented, it will be in combination with a prison sentence. For example, under the Polish Penal Code it is not possible to impose only a fine for the crime of trafficking in human beings. Nevertheless, Polish law stipulates a possibility of such punishment according to crimes which are related to THB (for example, crimes against reliability of documents – chapter XXXIV of the Penal Code).

<sup>104</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

This documents the date that the appeal process concluded.

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

*Possible value* is day, month and year.<sup>105</sup>

#### **5d) Grounds for an 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.

#### **5e) Petitioner of appeal**

This field notes who in the legal process initiated the appeal process.

Possible values: Open text field.

#### **5f) Victim protection during appeal**

This documents whether any of the victims involved as victims and/or witnesses in the case received any protection during the appeal phase. 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 appeal stage, when victims may be required to face their alleged/convicted trafficker in the court process as well as come into contact with the trafficker's family and friends. 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. 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: yes, no, not applicable (N/A) and unknown.<sup>106</sup>

#### **5g) Result of the appeal process**

This is 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.

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<sup>105</sup> Where the full date is not available, countries may opt to have data sources complete only the month and/or year. Where the date is unknown, this section is left blank.

<sup>106</sup> It is also valuable to consider the nature and extent of this protection. That is, what forms of protection this includes (e.g. police protection, witness protection, provisions for video statements, etc.) and whether it is full protection (e.g. 24 hour physical protection) or more *ad hoc* physical protection (e.g. transportation to court or to the police office). Countries may wish to add this additional level of detail as a subfield or additional indicator.

This field reveals the extent to which trafficking convictions are overturned in a country. Where the appeal resulted in an acquittal, it may be valuable to 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 data set to shed light on different aspects of the criminal justice procedure. For example, comparing the appeal outcome and the use of victim protection arguably indicates the impact of protection measures on the success of the case. Considering the appeal outcome relative to the length of the trial may indicate whether success is affected 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. Considering the appeal outcome relative to the specific charges may indicate that it is easier for convictions to be realised on some charges more than others. And contrasting 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; other (please specify); not applicable.

#### **5h) Sentence imposed (at appeal)**

This notes the sentence imposed in the case of a guilty verdict in the final appeal process.

It illuminates 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.

#### **5i) Duration of appeal sentence**

This notes 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".

This notes the type and extent of sentences and penalties upheld for trafficking and related crimes at the final appeal stage.

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

#### **5j) Fine amount (at appeal)**

This section documents 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 amount in Euros.

## Section 6: Post-trial phase

### 6a) Final sentence implementation

This question considers the extent to which the final sentence (e.g. whether prison, house arrest, suspended sentence, community service, etc.) was imposed and implemented (e.g. time served by the convicted criminal).

Comparing the actual sentence imposed with the implementation of the sentence notes any discrepancies between the two, which 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.

### 6b) Fine implementation

This question considers whether the final fine was imposed and implemented, which notes, at least in part, the extent to which trafficking penalties are (and are not) enforced.

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

### 6c) 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: yes, no, not applicable (N/A) and unknown.<sup>107</sup>

### 6d) Victim compensation ordered

This notes whether the victim(s) 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 the noting of any discrepancy between the two indicators/variables 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.

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<sup>107</sup> It is also valuable to consider the nature and extent of this protection. That is, what forms of protection this includes (e.g. police protection, witness protection, provisions for video statements, etc.) and whether it is full protection (e.g. 24 hour physical protection) or more *ad hoc* physical protection (e.g. transportation to court or to the police office). Countries may wish to add this additional level of detail as a subfield or additional indicator.

## **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, if at all.

### **7b) Date of last editing**

This lists the last date when edits were made to this case – in day, month and year.

## Section 8: Proposed set of harmonised indicators/variables

The indicators/variables presented below are only guidelines rather than a conclusive list of information to be collected about traffickers and the criminal justice process as it relates to alleged/convicted traffickers. In some countries, there are insufficient resources to collect data about all of the indicators/variables proposed in this handbook. Moreover, there are obstacles associated with data providers' institutional framing and internal capabilities; time of connection between data providers and the main sources of information (whether victims and traffickers); different models being implemented; different legal frameworks and considerations; and so on. As important, is that the active indicators/variables are those that project countries are able to collect, and that they are interested in doing so, rather than an ideal, ambitious but ultimately unfeasible set of indicators variables that may cause entropy within the system of data collection, data validation and data analysis.

As such, at a national level, countries will need to chose what indicators/variables best meet their needs and interests in documenting the experiences of traffickers and their national legal/judicial response. Moreover, the specific legal framework in the country will have an impact on what information is feasible and realistic to collect. For example, in Poland, the way that information is collected at the Ministry of Justice – by using a “statistic card” (MS-28) to gain information about the case – means that it is not possible to collect information about the fact of the appeal or to examine the difference between a judgment of the court of the first and the second instance.

In considering what indicators/variables are relevant and how many indicators/variables to collect, it is important to refer back to the original objective – what information is needed and how it will be used to help understand human trafficking and responding to it more effectively and appropriately. Much of the information in the trafficker-centred data set is particularly relevant in terms of comprehending the criminal justice process regarding THB. Indicators/variables which do not yield valuable information toward that objective (or mandate of the implementing body) should be omitted. This is a matter of both pragmatism (not to collect information that cannot be used) and ethics (that data subjects should only be asked to share information which is valuable to and will be use toward AT efforts).

Ongoing discussions amongst project countries and organisations resulted in the desire for a minimum set of harmonized indicators/variables, information discussed and agreed upon by all or, at least, the majority of project countries, as essential in this data collection initiative. The list of these indicators appears at the end of this section.

- The minimum set of indicators/variables refers to those indicators which have been agreed by all four project countries.
- The advanced set of indicators/variables refers to those indicators which have been agreed by three of the four project countries.

Once data collection begins, it will become clear which indicators/variables are not feasible – that is, where data sources do not co-operate, where information is not available, etc – and such indicators/variables can be omitted. To some extent, decisions about which indicators/variables to keep or to delete are best undertaken during the piloting phase when it is possible to test the viability and value of the various indicators/variables. Problems with the collection of different indicators/variables are likely to differ not only from country to country but also within countries, from agency to agency, depending on the agency's mandate, role and composition (i.e. NGO, GO, IO).

**Table of proposed set of harmonised indicators/variables\***

	Minimum set of indicators/variables	Advanced set of indicators/variables
<b><u>Section 1: Registration of case of alleged/convicted trafficker</u></b>		
1a) Registration number/code		X
1b) Trafficker's name		X
1c) Registering entity/agency/institution		X
1d) Date when case is registered		X
1e) Source of information		X
<b><u>Section 2: Alleged/convicted trafficker's background</u></b>		
2a) Gender		X
2b) Date of birth and/or age		X
2c) Citizenship		X
2d) Country of residence		X
2e) Country of birth		X
2f) Role in the trafficking chain		X
<b><u>Section 3: Investigation phase</u></b>		
3a) Date case initiated		X
3b) Location where case was initiated		X
3c) Initiation method		X
3d) Date investigation commenced		X
3e) Date investigation completed		X
3f) Date of arrest		X
3g) Charges at arrest		X
3h) Type of trafficking exploitation		X
3i) Number of victims involved		X
3j) Number of victim statements		X
<b><u>Section 4: Trial phase</u></b>		
4a) Location of court and crime process		X
4b) Date when crime process entered trial phase		X
4c) Date when crime process ended in the first court		X
4d) Charges at trial		X
4f) Trial outcome		X
4g) Type of sentence imposed at trial		X
4h) Duration of sentence (at trial)		X
4i) Fine imposed (at trial)		X
<b><u>Section 5: Appeal process</u></b>		
5a) Conviction appealed		X
5b) Date appeal commenced		X
5c) Date appeal concluded		X
5d) Grounds for an appeal		X
5e) Petitioner of appeal		
5g) Result of the appeal process		X
5h) Sentence imposed (at appeal)		X



5i) Duration of appeal sentence		X
5j) Fine amount (at appeal)		X
<b>Section 6: Post-trial phase</b>		
6a) Final sentence implementation		X
6d) Victim compensation ordered		X

\* The minimum set of indicators/variables refers to those indicators which have been agreed by all four project countries. The advanced set of indicators/variables refers to those indicators which have been agreed by three of the four project countries.

At this stage of the project, for several legal and administrative reasons, the Czech Republic will not be in a position to collect the proposed trafficker-centred indicators/variables. While this situation might change in the future, at this stage it is only possible to present a list of advanced indicators/variables, i.e. those which will be collected by three out of four project countries.

## Part 8

### Issues in data analysis and presentation<sup>108</sup>

Data available from the data sets will only be as good as the data that was originally entered. The quality of the information drawn from the data sets and, by implication, the resulting conclusions and recommendations, depends heavily on these efforts. As such, careful attention should be paid to issues of data quality during the data collection process and any constraints on data quality should be recognised, noted and accommodated in data analysis and presentation.

However, carefully and rigorously 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 compiled, analysed and presented in ways that are relevant for and accessible to 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 analysed and presented.

It is outside the scope or objective of this handbook to provide a tool for data analysis and presentation. Persons employed to work on data collection and analysis at a national level should be professionals with the requisite backgrounds and skill set – for example, abilities in both qualitative and quantitative analysis and relevant research methodologies. Such staff should also be trained to work with the specifics of collecting human trafficking data, including accommodating issues of data sensitivity and data protection.

Nevertheless, some overall points and issues will be flagged herein at a general level for consideration and work in this area, including:

- 8.1: Data quality
- 8.2: Data analysis (including quantitative and qualitative analysis and some issues and considerations in the analysis process)
- 8.3: Data presentation

These points are by no means exhaustive and far more attention is needed in the long term to the issue of data processing, maintenance and analysis in the implementation of data collection initiatives on human trafficking.<sup>109</sup>

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<sup>108</sup> This section was initially prepared in the context of ICMPD's DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been updated and expanded by the author in the context of the DCIM-EU project.

<sup>109</sup> Information for this section is drawn from the following sources which discuss trafficking research methods and ethics:

- Bernard, R.H. (2006) *Research methods in anthropology: qualitative and quantitative approaches*. NY, Toronto & Oxford: Altamira Press;
- Brunovskis, A & R. Surtees (2010) *Untold stories: biases and selection effects in qualitative human trafficking research*. Fafo (Oslo) and NEXUS Institute (Vienna & Washington).

## 8.1: Data quality

A central consideration in data collection must be 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 analyst. Importantly, “quality” is subjective and the quality of information can vary amongst users and amongst uses of information. Problems with data quality arise not only from incorrect data but also from inconsistent and/or incomplete data.

In the context of a data collection 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 data set, differential capacity in identifying trafficking victims may lead to some “non-victims” being included in the data set and/or some actual trafficking victims being excluded. In terms of the trafficker-centred data set, 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 affect data quality. Inconsistencies may be the result of user entry errors or corruption in transmission or storage. An example in the victim-centred data set 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 data set reported “no” to the field on “abuse prior to trafficking” but in the subsequent section about “form of abuse prior to trafficking” there was a response rather than non-applicable.

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- 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;
  - Craggs, S. & R. Surtees (2010) *Beneath the surface. Methodological issues in trafficking research and data collection*. IOM (Geneva) and NEXUS Institute (Vienna & Washington);
  - Gozdzia, E. & M. Bump (2008) *Data and research on human trafficking: Bibliography of research based literature*. Washington, DC: Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University;
  - ICPSR (2005) *Guide to Social Science data preparation and archiving*. Michigan: ICPSR;
  - Gramegna, 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/bjwa/archive/10.1/SexTrafficking/Laczko.pdf>;
  - 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);
  - 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;
  - Rende Taylor, L. (2008) *Guide to ethics and human rights in counter trafficking. Ethical Standards for counter-trafficking research and programming*. Bangkok: UNIAP;
  - Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD;
  - Surtees, R. (2007) *Trafficking victims in SE Europe – what we know and what we need to know*. Paper presented at ‘Human Trafficking Conference’, Centre for Information and Research on Organised Crime (CIROC), Amsterdam, Holland, October 31, 2007.
  - 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.

Incomplete data sets can also affect the quality of the data, providing only partial information about cases, which inhibit comparability of data sets. Incomplete data sets are a real possibility for both victim-centred and trafficker-centred data sets. Trafficker-centred data may be incomplete, for example, when legal/judicial institutions do not share data with one another and/or co-operate on data collection and/or because of the time lag involved in processing of cases from the initial complaint or arrest to the finalisation of sentencing, a process which can take months or years. Victim-centred data may be incomplete when victims have been reluctant or unwilling to provide details about their background and/or trafficking experience; when 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 data sets are not desirable, it may be inevitable in the early stages as the process of data collection is still becoming operational and obstacles in data collection and information sharing are worked out. As such, thought is needed as to when the incompleteness of a data set affects data quality and integrity to such a degree that it needs to be excluded. It is also worth considering whether indicators/variables for which complete data is not possible should be collected at all.

Importantly, data drawn from the data set 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. As noted in previous sections, one of the main issues which arises in such data collection initiatives is the risk of duplicate cases – where victims and/or alleged/convicted traffickers are counted more than once. This occurs, for example, when victims are assisted by two service providers who each report the victim/case to the national repository or when an alleged/convicted trafficker is facing different charges in the criminal/judicial process. While this is an issue to be addressed in the data collection process, it is equally important that any constraints in data quality are recognised and highlighted as part of data analysis and presentation. Where personal information is not collected (thus increasing the likelihood of duplicate cases), this must be taken into account when the information is analysed, together with all of the necessary caveats and conditions.

## **8.2: Data analysis**

“Data analysis” is the act of transforming data from data sets into useful information, which can provide insights into issues and facilitate conclusions and recommendations. Analysis looks for patterns in the data and for ideas that help to explain and account for those patterns. Staff tasked with analysis – for example, staff of national data repositories – must have skills in data analysis (both quantitative and qualitative) which enables them to transform the data collected into information which is useful in developing and implementing programme and policy responses.

There is a great deal of information in the two data sets which can be of value in anti-trafficking policy and programme response, related to the “3Ps” (prevention, protection and prosecution). Certainly victim profiles can be sketched from information collected in using victim-centred indicators/variables which, in turn, has relevance in terms of targeting prevention and safe migration messages and in developing assistance and protection interventions. Analysis of victim-centred data can also potentially reveal valuable patterns in terms of recruitment (helpful in prevention work), transportation (relevant for identification) and trafficking (important in developing and tailoring assistance). Similarly, patterns may also be established based on the trafficker-centred data. For example, the various indicators/variables about individual traffickers will, through the analysis process, translate into helpful information about trafficker profiles, which is potentially valuable in prevention work 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.

Analysis of the two data sets should be undertaken from both quantitative and qualitative perspectives.

### **8.2.1: Quantitative analysis**

To undertake the analysis of information in the two data sets, it will be necessary to employ some basic statistical methods. While it is outside the scope of this handbook to discuss statistical analysis, some general points are worth mentioning.

“Statistics” is the 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 generally prohibitive. Data is collected about the sample according to set parameters (outlined in the methodology section of this handbook) and then subjected to statistical analysis.

- The sample of trafficked persons reflects not all trafficked persons but rather detected/“flagged” (i.e. presumed to be trafficked) and identified trafficking victims who have been identified by anti-trafficking actors.
- The 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.

National data repositories should have staff equipped with sufficient statistical literacy to undertake this type of analysis. Further, follow-on projects in anti-trafficking data collection should incorporate capacity building in the area of statistical analysis.

### **8.2.2: Qualitative analysis**

As important is the use of qualitative information. While arriving at sound estimates is crucial in terms of perceived magnitude and the ensuing measures that are put into place, the qualitative aspects of human trafficking are vital in understanding the decisions, actions and needs of victims, and the modus operandi and motivation of traffickers. This is crucial information for developing the contents of suitable preventative measures as well as other strategies in anti-trafficking efforts.

Qualitative research is used to explore and understand people's beliefs, experiences, attitudes, behaviour and interactions, and to generate non-numerical data. Qualitative research can valuably supplement the quantitative information in the two data sets, filling in detail and texture not available in numerical data sets. The focus on trafficking data collection should not only be about counting and collecting numbers but understanding what these numbers do (and do not) mean. For example, the data set 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 (and have not) 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), as when, for instance, 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 only 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.

In analysing the data set, it will be important to review and analyse any qualitative information captured in the comments section (Part 6, section 6a & Part 7, 6a) and open text fields, although the use of this data must take into account issues of privacy, confidentiality, anonymity and security and caution will need to be exercised in how it is analysed and presented. Other qualitative information can be drawn from secondary sources – like books, articles, reports and studies and newspaper articles on the subject of human trafficking. This can serve as a valuable compliment to the statistics and numbers which can be drawn from the data set.

Excessive focus on data sets, particularly quantitative ones, is not entirely desirable, and quantitative data collection will not, in isolation, contribute to a greater understanding of human trafficking. It is equally important to consider what qualitative research is needed and helpful in the quest to understand more thoroughly these phenomena in their local settings. As such, data repositories will no doubt find it valuable to conduct qualitative, empirical studies which look more closely at specific issues and trends which have been identified in the quantitative data sets. For example, the trend towards victims declining assistance has been noted by service providers and policy makers in many countries, and the 2005 Regional Clearing Point (RCP) study of victims of trafficking and victim assistance in SEE documented prevalence in each of the ten project countries.<sup>110</sup> This pattern of behaviour raised potentially important questions about existing AT interventions, but the quantitative information alone was not sufficient to understand the reasons behind this decision-making on the part of some victims. The whole matter required careful, qualitative study, and so a specific study was conducted on this phenomenon of the declining of assistance. While the findings bore out some of the assumed reasons for this trend, it found, equally, many additional reasons for this behaviour.<sup>111</sup>

### 8.2.3: Data analysis – some issues and considerations

Analysis (and presentation) of both the victim-centred and trafficker-centred data sets requires attention to both the methodology used and the methodological limitations involved.<sup>112 113</sup> These issues and limitations should be thoroughly considered in the analysis process and clearly stated in the presentation of findings.

In terms of analysing the two data sets discussed in this handbook, there are some very specific issues which should be considered. While not an exhaustive list, it is a starting point for thinking through not only what the data can potentially reveal, but also the many limitations. Issues and considerations centre around the following points:

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<sup>110</sup> See Surtees, R (2005) *Second annual report on victims of trafficking in Southeastern Europe*. Geneva: IOM. Available at: <http://www.iom.int/jahia/Jahia/cache/offonce/pid/1674?entryId=10161>

<sup>111</sup> See Brunovskis, A & R. Surtees (2007) *Leaving the past behind: when victims of trafficking decline assistance*. Fafo Institute (Norway) & NEXUS Institute (Austria). Available at: [www.faf.no/pub/rapp/20040/20040.pdf](http://www.faf.no/pub/rapp/20040/20040.pdf).

<sup>112</sup> Methodological limitations of the victim-centred database include are discussed in Part 2.1.

<sup>113</sup> Methodological limitations of the trafficker-centred database are discussed in Part 2.2.

1. Representative and unrepresentative samples
2. Valid findings and trends
3. Subjective vs. objective indicators/variables
4. Correlations and causal relationships
5. Limits to quantitative data and the need for different lenses
6. Cross correlations and complex pictures
7. Completeness of data sets
8. The use of control data
9. Supplementary data sources

### 1. 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. That is, to what extent is data about victims or traffickers representative of trafficked persons or traffickers more generally?

As discussed in some detail in the methodology section, the information in these data sets cannot be read as a full picture of trafficking in human being from, through or within a country, regardless of whether data is considered from the victim's or trafficker's perspective. That is, the data in the victim-centred data set 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, the extent to which identified and assisted trafficking victims are similar to unidentified and unassisted victims is unknown. 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.<sup>114</sup>

In terms of traffickers, there are many traffickers of unknown number of profile who are never detected and processed in the criminal justice system, and many others who are charged with non-trafficking offences (i.e. mediation of prostitution or pimping, facilitating illegal migration), etc. Those who are caught, moreover, may reflect a certain type of trafficker – low level and, therefore, expendable; poorer and without significant connections and without the means to purchase their freedom. Higher level traffickers may be less likely to be caught and, thus, captured in a criminal justice sample.

### 2. Valid findings and trends

It is the role of the analyst not only to state data/information but also 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 data set.

For any conclusion, there are always possible threats to its validity – reasons why the conclusion may be incorrect. There are issues of:

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<sup>114</sup> Moreover, where the database considers cases of “presumed victims” as well as “trafficking victims”, this potentially constitutes a subset of the category of victim which needs to be made clear in the analysis and presentation of the data. There may be specific patterns and issues which are associated with “presumed victims”.

- *Internal validity* – Flaws within the study itself or problems with the research instrument.
- *External validity* – The extent to which findings can be generalised and validated to a larger group or to 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. The analytical process requires anticipating when there may be invalid data, when a conclusion might be wrong or when it might be interpreted in a different way and then excluding 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 from this information alone and instead is based partly on assumptions about how such movements take place. There are other ways that this movement/trafficking could have occurred, including parents having consented to their children's migration, having been accompanied by parents, etc.

Validity may also be affected by the size of the data set. Small sample sizes cannot be read and presented in the same way as larger or more representative samples. For example, when referring to a small number of cases – i.e. ten victims or fifteen traffickers – there is a limited potential to the validity of the findings, at least in as much as they can be generalised to the wider population of flagged, identified or assisted victims. A limited sample size must be made clear in the presentation of the data and must be part of the analysis process – for example, in highlighting the lack of representativeness.

### **3. Subjectivity vs. objective indicators/variables**

Another issue is that some of the information collected – particularly in the case of the victim-centred data – is subjective. Indicators/variables, 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.

This is not to say, however, that this information is without value. Indeed such indicators/variables 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 some information and guidance on this subject, including 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.

What is most critical is that, in the analysis process, it should be made clear when data is subjective, to accurately contextualise and present the findings.

### **4. Correlations and causal relationships**

Analysis of a data set may reveal that two variables are somehow linked, in that they tend to vary together. However, it is not possible immediately to infer the existence of a causal relationship between the two variables. The correlated phenomena could be caused by a third, unconsidered phenomenon.

For example, there may be links between a trafficking victim's age and promises made at recruitment, with the conclusion drawn that a young victim may be more susceptible to dubious or less sophisticated recruitment offers. However, other factors may also be relevant – that younger victims, for instance, have lower education levels, which means that they are less able to



evaluate risk; and/or that they have fewer economic options and so accept to migrate; and/or that they are unable to migrate legally.

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 healthier family environment, leading to an overrepresentation of this profile of person (and, therefore, this variable) in the caseload.<sup>115</sup>

In other words, conclusions cannot be drawn regarding the existence of a cause-effect relationship simply because 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; where a large effect size has been observed; or a large part of the variance is explained.

The analysis process requires identifying potential links and causal relationships and also testing and excluding them. Alternative possibilities and explanations should be explored and considered as part of the analysis process.

## **5. Limits to quantitative data and the need for different lenses**

A challenge in working primarily with quantitative data sets – such as those proposed in the handbook – is that there is little context against which to read, analyse and present the information. Very often a pattern may have multiple (even contradictory) explanations and it is necessary to recognise all of the possible explanations for a trend and argue through what may (or may not) be the case. This requires attention to and knowledge of the phenomenon to adequately analyse the situation.

For example, fluctuation in the number of identified victims is not something which can be read directly. Decreased numbers of trafficking victims may mean that trafficking is decreasing. However, it may also mean that fewer cases of trafficking are being identified, which can be the result of different factors including – 1) authorities refusing to identify trafficking cases; 2) data being collected only in the country of origin and not at the destination where some victims may stay on residence permits; 3) victims declining assistance; 4) agencies not having the capacity to accurately identify victims; etc. Similarly, the increased identification of trafficking cases may mean that trafficking is increasing. But it might also mean, for example, that a country is especially active in tackling the problem and willing to identify victims, including, for example, victims of all forms of trafficking. That is, high numbers of identified victims may also be a measure of a country's efforts to tackle trafficking rather than in indictment of their inaction. Numbers may fluctuate in response to the activities and actions of traffickers. For example, in SEE, traffickers seemed to adjust the way that they worked in response to the increased interception and identification of trafficking victims, placing victims in more securely hidden locations and also providing incentives (small salaries, less abuse and more freedom of movement), arguably to deter victims from escaping or accepting assistance once identified. This point is equally relevant in terms of traffickers. An increase in the numbers of traffickers being arrested may mean that trafficking is on the rise; it might equally mean that more efforts are being made (and being effective) toward arresting perpetrators of trafficking.

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<sup>115</sup> See Brunovskis, A. & R. Surtees (2007) *Leaving the past behind? When trafficking victims decline assistance*. Fafo (Oslo) & NEXUS Institute (Vienna & Washington).

Numbers can also be affected by programme and policy developments in-country, making it important that such contextual information is included in any analysis. For example, legislative changes affecting who is legally defined as a victim or trafficker will impact the numbers captured within these categories. The granting of Temporary Residence Permits in many destination countries can result in increased numbers of identified victims in the destination country and also decreased numbers of victims in a country of origin. Similarly, an inadequate assistance framework (for example, a lack of shelters) may mean that VoTs are not identified and assisted, which will mean few cases, but is more a reflection of inadequate attention and response. In addition, where funds for assistance and shelter programmes decrease, there may be a correlative decline in the number of victims who can be assisted and thus are reported (although many victims may go unassisted)

This serves to highlight the fact that quantitative data collection, especially in isolation, is not a panacea. It affords only a partial, often one-dimensional picture which does not in and of itself provide adequate information or insight for policy or programme development. There needs to be sufficient qualitative work to follow-up on trends identified in the data sets and round out the overall picture of trafficking.

## **6. Cross correlations and complex pictures**

It is often the analysis of a combination of indicators/variables which provides the most helpful information, presenting a more complex situation. For example, rather than being able to speak about one issue or factor that contributes to trafficking, it would be more accurate to talk about a multiplicity of factors which inform an individual's vulnerability to trafficking. It is often a combination of factors and triggers that allows for accurately pinpointing risk. That is, a family may be poor for quite some time and not consider accepting work offers elsewhere. However, when faced with a crisis or specific need – the need to pay school fees, an illness in the family and so on – poverty makes leaving home a more likely decision.

It is important, therefore, to analyse not only a wide range of variables in trying to understand trafficking but, equally, that such variables be considered together, are cross-correlated and understood in combination with one another.

## **7. Completeness of data sets**

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 co-operative 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 differentiated mandates of government institutions – the data must be acknowledged as partial and the limitations of the data set clearly presented.

In the analysis of the two data sets, then, it is important to be clear not only about what the data reveals, but also about what it does not reveal. In the interest of collecting complete and relevant data, data collection agencies may wish to review the topic of variables and values with data sources after a set period of time (for example, after one year) to establish what is (and what is not) working and what adjustments to the data sets are needed. This could be particularly pertinent in the case of any legislative changes – for example, where trafficking is defined more broadly than only for sexual exploitation.

## **8. The use of control data**

Using control group data is a means to augment the integrity of the data. The process isolates variables (such as education level) in order to make a conclusion about these variables in terms of the group under study (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 educational level without knowing the educational level of the general public. Similarly, it is not possible to conclude that trafficking 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 are not likely to 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/variables (such as education, urban/rural living and rates of unemployment), which will allow for potentially helpful comparisons and conclusions.

## **9. Supplementary data sources**

Data from such data sets 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 they should not be used or read as proxy indicators/variables of trafficking. Contextualising these supplemental sources in terms of their precise relationship to trafficking is essential. For example, while low rates of education or high rates of family/social tensions may intersect in some ways and in some situations with trafficking, the precise relationship between the two issues is neither direct nor inevitable.

Moreover, the use of qualitative information can be valuable in providing more detail and texture to the picture of trafficking afforded by quantitative/statistical information. However, here again there must be some assessment of the integrity of this secondary, qualitative information. There is typically a substantial difference between some media/journalistic accounts of trafficking, organisational reports and information based on rigorous research methodologies.

## **8.3: Data presentation**

Data presentation refers to how information is presented and shared with the target audience. Presenting information in ways which are comprehensible and accessible to the target audience is of the utmost importance in ensuring that the information collected and analysed from the data sets can be understood and, by implication, translated into programme and policy responses.

Due attention is needed as to how sensitive information and data is presented, including the depersonalising of this information in any reporting. This depersonalisation goes beyond simply the removal of names and identifying information to include the removal of information which could potentially identify (and lead to the stigmatisation and discrimination) of trafficked persons. For example, IOM (which manages a database of trafficking victims) requires that any reports produced by the organisation (whether for IOM, donors, ministries, law enforcement agents or other international actors) must be thoroughly checked to ensure that they do not contain data that could be used to identify a victim— for example, detailed information about the trafficking experience, about routes, about means of recruitment of exploitation and so on. In addition, the process is governed by the IOM data protection principles.<sup>116</sup>

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<sup>116</sup> See IOM (2008) *IOM Data Protection Principles, Instruction 138*. Geneva: IOM.

Analysis and presentation of data sets is likely to be centred around “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;
- summary statistics – when certain values are calculated to summarize the data.

While data can be presented in the ways described above, it will also be important to include narrative content, which serves to explain and contextualise the information.

Presentation of both the victim-centred and trafficker-centred data requires attention to both the methodology used and the methodological limitations involved. These will have been thoroughly considered in the analysis process and must be clearly stated in the presentation of findings. Any presentation of data must clearly state how the data was collected (including methodology and methodological limitations) and constraints in the data collection process.

## Part 9

# Resources, initiatives and projects on trafficking data collection in Europe<sup>117</sup>

This section provides some general background information about the data collection initiatives currently underway in the EU as well as more generally, both by governments involved in the project and various organisations. While not exhaustive, this section does flag some key data collection initiatives. Furthermore, a resource section is presented which includes reference to some literature and studies which discuss or use methodologies or approaches which in turn can be helpful in terms of understanding good practices as well as problems faced in data collection.

## 9.1: Current data collection initiatives and efforts in the four project countries – Portugal, Poland, the Slovak Republic and Czech Republic

This section includes data collection initiatives currently underway in the four project countries by national governments. Each country is currently working on data collection related to human trafficking, albeit in different ways and at different stages of development and implementation. In the implementation of the DCIM-EU project, lessons and experiences have been drawn from these various initiatives and, thus, the handbook as a whole benefits from the current data collection work of these governments as well as its civil society partners in the four project countries.

### Czech Republic

In 2003 the Ministry of Interior, Security Policy Department was appointed by the Government of the Czech Republic to play a role of National Rapporteur in 2003. The Ministry of Interior, Crime Prevention Department serves as the national co-ordinator of Programme for Support and Protection of Victims and, thus, is responsible for collecting data on victims assisted within the programme.

There are different organisations collecting relevant information on human trafficking in the Czech Republic, related to both victims and traffickers. At present this data is not consolidated into a databases or specific data collection mechanisms. For example, the Ministry of Interior, Security Policy Department, in its role as National Rapporteur, submits reports on THB situation

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<sup>117</sup> This section was initially prepared in the context of ICMPD's DCIM project in SEE by the NEXUS Institute. See Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. It has been revised and updated by the author in the context of the DCIM-EU project, with inputs from the four EU project countries (Czech Republic, Poland, Portugal and the Slovak Republic), DCIM-EU project partners (Associazione On the Road, Dutch National Rapporteur and the NEXUS Institute) and ICMPD DCIM-EU project team.

in the Czech Republic, receives the statistic information on THB from the Police and Ministry of Justice and keeps also older records, but has no official duty to operate any kind of official THB data repository.

Information about victims is collected by the following agencies:

- *Ministry of Interior, Crime Prevention Department.* Collects data on trafficking victims who are provided with services within the Program of Support and Protection of Victims.
- *Police of the Czech Republic.* Collects data on victims identified during police raids or identified during the investigation and prosecution.
- *NGOs and IOM.* Collects information about the victims of trafficking that they assist
- *Labour Inspectorates and Labour Offices.* Collects only statistics on numbers of controls.

In terms of the data collected from victims of trafficking assisted in the Programme of Support and Protection of Victims of the Ministry of Interior of the Czech Republic, the following type of information is collected: the victim's country of origin, age, sex, form of exploitation, legal status in the country, number of children, marital status, education attained, contact with the programme, etc. It should, however, be noted that not all trafficking victims participate in this programme and, therefore, not all trafficking victims will be captured in this data set. Some VoT's remain without assistance; others may be assisted by NGOs but will not apply for participation in the programme due to various reasons.

In terms of data collected from NGO's, the information on victims of trafficking is relatively limited in scope and depends on the agency collecting data. The most common indicators/variables used by these agencies relate to the victim's country of origin, recruitment, exploitation, identification and assistance. Because reporting of this data is only allowable in aggregate, data sent to central authorities is only aggregate, statistical data. . This necessarily poses a risk of duplication.

Information about traffickers/perpetrators is collected by the following institutions:

- *Police forces of the Czech Republic.* Collects statistical information from all police forces – for example, age, gender, citizenship, education, employment, recidivist, family background and upbringing, marital status, and many other criminal characteristics),
- *Ministry of Justice.* Collects information about aspects of the criminal justice process – for example, number of prosecutions, accused persons, convicted persons, statistics on sentences and penalties, repeat perpetrators, details on appeal phase, etc. This includes information from the State Prosecutor's office (e.g. age, gender, citizenship, education, length of custody etc.) and the Courts (e.g. age, citizenship, number of former convictions, the appeal process and of sentencing).<sup>118</sup>

The main purpose of these data collection initiatives is to promote the activity of law enforcement authorities – for example, in terms of investigations, prosecutions, general analyses and identification of gaps. The information collected feeds into various documents, including the national strategy to combat the THB in the Czech Republic, the annual report of Minister of Interior on situation in THB and on the National Co-ordination Mechanism, and the Internal Security Report. General statistical data are also accessible to the public and, indeed, there is a

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<sup>118</sup> However, the Ministry of Justice and Ministry of Interior are not allowed to collect personal data under (Act 101/2000 Coll.) – they receive only aggregated data from the police, state prosecutors offices or courts.

legal obligation to publicize them. Statistical data is published both in electronic and paper version.

## Poland

The role of the Ministry of Interior and Administration is to collect all data about trafficking in persons, both victims and perpetrators, and present them on the website or in an analysis of the phenomenon. In Poland there are four main bodies collecting information related to their respective field of activity. These are:

- *Ministry of Justice.* “Penal register card” register judgments in the national criminal record. This involves collecting information about the case (e.g. name of the court which reaches a verdict, number of case file, date of verdict, date of valid verdict); about the perpetrator (e.g. date of birth, sex, citizenship, nationality, occupation, legal classification of the offence, judgement in the case, penalty and punitive measures, date of the crime, place of the crime, criminal record, preventative detention at the time of guilty verdict); and about the injured parties (e.g. age, sex, nationality, citizenship).
- *Police force.* The criminal police use the “Temida” system, which captures the following data – number of initiated proceedings, number of completed proceedings, number of committed crimes, number of detected crimes, rate of detection, number of completed cases resulting in an indictment. “Temida” also contains data about perpetrators, namely the number of committed crimes and the number of suspects (including suspects’ sex and nationality).
- *Prosecutors.* Prosecutor units send the Prosecutor’s Office the following information - data about the perpetrator (including citizenship, preventative measures, operational techniques), data about the victim (including age, sex/gender and citizenship), number of victims under police protection, number of victims under NGO protection, number of victims receiving help from crisis intervention, application for residence visa, application for residence for a specific period, victims that give evidence before court, anonymous witness status, and interrogation by court at the stage of preparatory proceedings.
- *NGOs.* Collect data only for their internal purpose. There are legal obligations on licensed NGOs to provide assistance to trafficked persons *vis a vis* government – for example, information about victims of foreign nationality is known by the MSWiA due to an obligation of co-operation between the Ministry, law enforcement agencies and the La Strada Foundation in implementing the *Programme for Support and Protection Victims/Witnesses of Trafficking in Human Beings*.

The major issue concerning data collection on THB in Poland is that there is no single major system for collecting data, which means that data are not comparable; neither is there any management system of data and national THB data repository as such.

For the first time in 2007 the Ministry of Interior of Poland published a report that presents analysis of statistics and cases of THB prepared by Prosecutor’s Office and Border Guard. Moreover, the report contains NGOs’ analysis of data from all of discussed sources. The report is publicly available on [www.mswia.gov.pl/thb](http://www.mswia.gov.pl/thb) (in Polish and English versions). The Ministry intends to publish such reports/analyses every year.

## 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 is collected by THB RG (Law Enforcement model) and THB AG (NGOs and public-private organisations model), both at a national level. Both are essentially victim centred<sup>119</sup>, although they also collect some disaggregated data on traffickers. Indicators/variables used in the THB RG and THB AG relate to: 1) data on the location of alleged victim, 2) data on alleged victim, 3) data on mobility and forms of coercion on the alleged victim, and 4) data on referral to support mechanisms. In relation to perpetrator data (THB RG), the data collected refers to nationality. In the THB AG form there is 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 on THB are currently under the responsibility of 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;
3. the support of political decisions in its field and when asked.

Concerning more directly operational action, Observatory on Human Trafficking produces: 1) statistical analyses, 2) geographic data analyses (Geographic Information System); 3) research; 4) reports; 5) dissemination to several levels; 6) sociological and public policies 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 has specific fields (for example, related to identification and trafficking routes) which complement other data collection initiatives.

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

The multidisciplinary team working in the first Centre for Trafficking Victims is also collecting 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>120</sup> In the near future, the THB AG will be disseminated within the Network for Victims Protection and Support.

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<sup>119</sup> The focus on the victim is a part of a wider criminal/support paradigm of analysis developed by the Directorate-General of Internal Affairs and paradigm of assistance developed by Project CAIM.

<sup>120</sup> This team can, when required to, articulate with several other NGOs or other public-private agencies, namely the National Immigration Centres and SOS Immigrant Hotline. When in the presence of an alleged THB situation, the structures communicate to the Multidisciplinary Team and fill in the THB AG, then send it to the multidisciplinary team.



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 a previous situation, although there are some procedures which cannot be understood as structured, systematic, and reliable data collection system.

## **The Slovak Republic**

The National Council of the Slovak Republic adopted the *Act No. 583 of 3 December 2008 on Crime Prevention and other Antisocial Conduct and on Amendment and Supplementation of Certain Acts* that comes to effect on 31 December 2008. Section 7, par. 3 of the Act states that the Ministry of Interior of the Slovak Republic shall establish an information centre for combating the trafficking in human beings and preventing crime, and, as the facility is without legal personality, will be enabled to perform the full scope of its powers in the field of prevention and collection of data on trafficking in human beings. This facility will process and provide data about perpetrators and victims of crime, and other antisocial conduct – for example, name, surname, birth number, date and place of birth, sex, address, education, nationality and state citizenship. The Act includes the aim of preparing a typology of perpetrators and victims of criminal acts based on the data gathered. The knowledge (data) will also serve other European Union member states exclusively for scientific and research purposes.

At present, the Bureau for Combating the Organized Crime of the Police Force Presidium, namely the department of trafficking in human beings, sexual exploitation and support of victims, collects and stores the data on illegal trafficking in human beings at national level. The Police Force collects the data in the information system called “VICTIM” pursuant to the provision of the Ministry of Interior of the SR No. 47/2008 on providing for a programme of support and protection of trafficking victims, and this information relates only to the victims. The Bureau for Combating the Organized Crime of the Police Force Presidium is the sponsor of the system.

The data collected concerns aggrieved persons/victims, according to the *Penal Code* and the *Code of Criminal Procedure*. Data is collected about every trafficking victim, including name, surname, date of birth, victim’s permanent address, leading incrementally and cumulatively to their precise identification. The data is entered into information system “VICTIM” according to the *Regulation of the Minister for Interior of the Slovak Republic 47/2008 on provision of the Program for Assistance and Protection of Victims of Trafficking in Human Beings*, and it related only to victims. The material sponsor is the Department of Fight Against Organized Crime of the Presidium of the Police force. The data gathered are used to prepare reports and statistic statements. Statistic data are also public data.

Other organisations, apart from the Police Force, are also collecting information on victims of human trafficking. These are organisations participating in the Program for Assistance and Protection of Victims of Trafficking in Human Beings and include Slovak Crisis Centre DOTYK (NGO); Public Corporation Prima (NGO); Cultural Association of Roma in Slovak Republic (NGO); Slovak Catholic Charity; International Organisation for Migration (IOM); and Department of Boundary and Alien Police of the Ministry of Interior of the Slovak republic (in connection with the granting of tolerated or permanent residence to victims).

Operational information on any criminal activity, including human trafficking, is entered into the Polygon information system, which is sponsored by the Department of Judicial and Criminal Police of the Presidium of the Police Force.

Data is used for compiling of reports and statistics once a year (security situation), otherwise as needed; statistical data is also public data.

## 9.2: Data collection projects and initiatives

This section provides some general background information about other data collection initiatives related to human trafficking currently underway in Europe and by international organisations, with a particular focus on those dealing with primary data collection. Please note that this section does not describe the data collection initiatives of individual governments in Europe, with the exception of the governments of the Netherlands, which has established an independent national rapporteur's office on human trafficking, and additionally has developed methodologies for data collection.<sup>121</sup>

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

The National Rapporteur's Office in the Netherlands, launched in 2000, is an independent body whose function is to assist 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, 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 government. The government responds to this report in Parliament. The reports of the Rapporteur are public and can be found on its website. The Rapporteur is not a complaints body and has no power of criminal investigation. The Bureau of the Dutch Rapporteur of Trafficking in Human Beings keeps contact with and gathers information from individuals, organisations and authorities involved in the prevention and combating of human trafficking and in 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 2008, the BRNM released its sixth report on trafficking in human beings in the Netherlands. The reports, as well as other information about the national rapporteur's office and work, are available at: <http://english.bnrm.nl/>

### **EUROPOL**

Europol works to improve the effectiveness and co-operation of competent authorities in preventing and combating various forms of serious international organized crime, including trafficking in human beings. Co-operation between European Union (EU) Member States is facilitated mainly through the exchange of information and by providing analytical support to

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<sup>121</sup> Please note the difference between a national co-ordinator, which is tasked with the implementation of 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 April 26, 1997 by Ministers of Justice and Gender Equality of the EU member states. For a discussion of the current status of national rapporteurs (and other national co-ordination mechanisms) in the OSCE region, please see also Warnath, S. (2008) *Efforts to Combat Trafficking in Human Beings in the OSCE region: Co-ordination and Reporting Mechanisms. 2008 Annual Report of the Special Representative and Coordinator for Combating Trafficking in Human Beings*. Vienna: OSCE, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

ongoing investigations. Europol stores and analyzes personal data in a computerized system that comprises two components:

- 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 authorized 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 particular structures or clusters related to criminal networks involved in all forms of trafficking in human beings within, to and from the European Union (EU). By means of this activity, the AWF component adds value to ongoing investigations. The purpose of the file is to support, co-ordinate and/or initiate investigations in the Member State by using innovative analytical tools. These tools facilitate tracing of the patterns that link investigations in different Member States, and provide accurate intelligence reporting on the crime. Assessments of trends, developments and potential threats are also performed during analysis of the activity of organized crime groups involved in trafficking in human beings.

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, USA, Norway, Iceland, Eurojust and Interpol. Europol also holds strategic agreements with Albania, Bosnia and Herzegovina, CEPOL, Colombia, European Central Bank, European Monitoring Centre for Drugs and Drug Addiction, European Anti-Fraud Office, the Former Yugoslav Republic of Macedonia (FYROM), Frontex, Moldova, Russia, Serbia, SitCen, Turkey, the European Commission and the United Nations Office on Drugs and Crime (UNODC) and WCO. For more information please see [www.europol.europa.eu](http://www.europol.europa.eu) or contact telephone service desk: +31703025000.

### **International Centre for Migration Policy Development (ICMPD), Vienna**

From September 2006 to April 2008, ICMPD conducted the “Data Collection and Information Management” (DCIM) programme, in the ten beneficiaries/entities of SEE, with technical assistance from the NEXUS Institute to Combat Human Trafficking in Vienna which drafted the *Handbook on anti-trafficking data collection in SEE - Developing regional criteria*. The overall objective of the project was to contribute to the harmonization and improvement in quality and reliability of data related to trafficking in persons in SEE governments in the areas of prevention, protection and prosecution. The project established two nationally owned databases containing data related to trafficking in human beings – one for trafficker-centred and criminal justice data and one for victim-centred data. The DCIM Phase 2 Project, launched on 1 September 2008, aims to extend continued technical support to twelve participating institutions from the preceding project. It combines capacity building relevant to the presentation, maintenance and analysis of the information contained in the databases, with a study concerning the transnational exchange of criminal THB records.

In addition, four EU countries – the Czech Republic, the Slovak Republic, Poland and Portugal – expressed interest in the DCIM model to further support their anti-trafficking work. The DCIM-EU project, being implemented from May 2008 to October 2009, seeks to address this gap, working towards the improvement and availability of reliable and standardised data, with regard

to both trafficking victims and traffickers in these four EU countries. Lessons learned from the implementation of this project will further strengthen data collection efforts at a national level in the project countries and, just as importantly, contribute to any understanding of how best anti-trafficking data collection can take place, both about trafficking victims and perpetrators of trafficking. The overall objective of the project is to contribute to the improved quality and reliability of data related to trafficking in persons in the four project countries in the areas of prevention, protection and prosecution. This handbook, authored by NEXUS Institute, is one of the main outputs of the DCIM-EU project.

Information about ICMPD's anti-trafficking data collection work is available at: [www.anti-trafficking.net](http://www.anti-trafficking.net). For additional questions on the DCIM Programme in South Eastern Europe, please contact [Enrico.Ragaglia@icmpd.org](mailto:Enrico.Ragaglia@icmpd.org). For information on the DCIM-EU project, please contact [Mariana.Martins@icmpd.org](mailto:Mariana.Martins@icmpd.org).

## **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, of whom 2.4 million are victims of human trafficking. The figures have drawn global attention to the urgent need to develop more reliable statistics at the national level, in order to provide guidance to policy-makers and establish benchmarks for measuring progress over time. The ILO Special Action Programme to Combat Forced Labour (SAP-FL) has now embarked on work to support such activities at country-level. One aim was 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 was also 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 the international and national legal frameworks, forms of forced labour and political commitments.

In addition, 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>122</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: a first survey in March 2008 to collect indicators, and a second one in July 2008 to ask respondents to rate the indicators from the first phase. The result is a list of operational indicators<sup>123</sup> structured according to terms used in the Palermo Protocol. These indicators can be very easily translated into a practical assessment guide for any organization in contact with presumed victims, or for the design of questionnaires and surveys on trafficking. The 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>122</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>123</sup> [http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/lang--en/docName--WCMS\\_105023/index.htm](http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/lang--en/docName--WCMS_105023/index.htm)

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

In 2000, the IOM developed and implemented a standardized CT data-management tool, the Counter-Trafficking Module (CTM), which is the largest global database with primary data on VoTs. Currently approximately 40 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 13,500 (at December 2008) registered victims of more than 80 different nationalities, trafficked to more than 90 destination countries. The database is a standardized anti-trafficking data-management tool which specifically facilitates the management of the IOM direct assistance, movement and reintegration processes through a centrally managed system that also maps the victim's trafficking experience. The structure follows the format of the accompanying IOM Interview Forms that are applied by IOM missions and partnering organisations involved in direct assistance. The system contains a wealth of information both of a quantitative and qualitative nature, derived from specific questionnaires. These questionnaires consist of the Screening Interview Form, which is intended to assess whether the 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 socioeconomic profile of victims, the 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 doing so, it strengthens the research capacity and understanding of the causes, processes, trends and consequences of trafficking, while informing program development and policy-making on counter-trafficking.<sup>124 125</sup>

Drawing upon the technology and methodology proven by the IOM over the past eight 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 function of the database as a means of disseminating information from experiences and lessons learned to external parties active in the field of counter- trafficking. Please see [www.iom.int](http://www.iom.int) or contact IOM CTD staff at [CTS-db@iom.int](mailto:CTS-db@iom.int).

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<sup>124</sup> For example, in 2008, IOM and the NEXUS Institute, published the report *Trafficking of Men- A trend Less Considered*, which drew upon primary data about 685 victims which is stored within the system. See Surtees, R. (2008) *Trafficking in men, a trend less considered. The case of Ukraine and Belarus*. Geneva: IOM Migration Research Series. In 2009, the IOM will continue with *Global Human Trafficking Thematic Research Series*, drawing upon both quantitative and non-personal qualitative data from the IOM global database, the series will continue to address contemporary issues on human trafficking. The second edition will cover the issues of re-trafficking, and traffickers and organized crime.

<sup>125</sup> In addition, IOM hosted a conference in Rome on May 27-28, 2004 whose main aim was to take stock of current research on trafficking, including a consideration of 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 detail about 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, 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 in current studies and identified priorities for further research. For further information, please contact [RES@iom.int](mailto:RES@iom.int).

## **Austrian Federal Ministry of the Interior (Vienna) and 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 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, Prevention of and Fight Against Crime Programme 2007. The objectives of this project were threefold:

- to create the necessary basis for an improved collection and comparison (as well as sharing) of data in the field of trafficking in human beings;
- to enhance the capacity of the 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 trafficking in human beings;
- to foster co-operation in the field of trafficking data collection 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, NGOs, international organisations and research institutes. Further input on this topic had been gathered during an Expert Conference held at the European Parliament in Brussels in September 2008.

The finalized 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 results of this project should lead to a harmonized system on data collection and exchange across the European Union and to 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](mailto:emarquez@iom.int)).

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

The Observatory and Resources Centre on Trafficking in Human Beings was established in Italy in 2005 within the framework of the EU Equal programme and continued through to the present. 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 national level and across the 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 the life patterns of trafficked persons; national, European, and international legislations; 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 national and transnational level in order to optimize 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 (covering more than 50 countries), including also their models of intervention, methodologies, and operational tools;
- 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 an 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), Province of Pisa, Save the Children Italia Onlus. For more detailed information, please see: [www.osservatoriotratta.it](http://www.osservatoriotratta.it). The website is designed to contribute to the improvement of tools and practices for the knowledge, the analyses and the interventions on trafficking in human beings. Or contact the Observatory by email at: [info@osservatoriotratta.it](mailto:info@osservatoriotratta.it).

## **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. Among the roles of the office is to co-operate 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 May 21, 2007 in Vienna entitled "National Monitoring and Report Mechanisms to Address THB: the Role of National Rapporteurs" which examined the tasks of gathering and analyzing information, the role played by national referral mechanism, as well as the challenges at national level concerning trafficking in human beings. In addition, on September 22 and 23rd, 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. The technical seminar focused on the work performed by national rapporteurs and equivalent mechanisms based on existing practices among the participating States on the

following elements: gathering and analysis of information, provision of recommendations to the 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 related to reporting of child trafficking, trafficking for sexual and labour exploitation, trafficking in organs, access to data, other systemic problems, and so on). 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 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)

## **Regional Clearing Point (RCP) Programme for South Eastern Europe**

The RCP was established under the framework of the Stability Pact Task Force in Trafficking in Persons in 2002 to ensure standardized regional data on trafficking and victim assistance and to support the further development of victim assistance throughout SEE. The RCP, which opened its office in Belgrade in July 2002, was initially managed by IOM and ICMC in 2002 and 2003 and subsequently by IOM in 2004 and 2005. The overall objective of the RCP programme is to contribute to improved trafficking programmes and policy through a better understanding of the trafficking phenomenon in the SEE region, with particular attention to the needs and experiences of victims throughout the trafficking process. The RCP's first report, published in 2003, provided a factual snapshot of the number of victims assisted in each SEE country, as well as each country's current capacity and ongoing action in victim support activities. The RCP's second annual report, published in 2005, both updated the information presented in the first report as well as expanding the section on victim profiles, exploring factors that contribute to trafficking and the changing ways in which these vulnerabilities are exploited. Just as importantly, the report provides an overview of victim assistance programmes in each SEE country. In June 2005 the RCP office in Belgrade was moved to Vienna to join the NEXUS Institute there. For details of the RCP research, please see resources section below. The RCP's reports can be accessed at:

<http://www.iom.int/jahia/Jahia/cache/offonce/pid/1674?entryId=10375>

<http://www.iom.int/jahia/Jahia/cache/offonce/pid/1674?entryId=10161>.

## **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 centralized, 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 policy-making 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: firstly, to develop and to deliver a ready-to-use and statistically responsible IT-platform which builds on the templates developed in the Siamsect initiative, and which brings together the differential, disseminated and partial data of the 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 possible locally, nationally and at EU level. The IT platform will enable an accurate view of the phenomena of trafficking in human beings and missing and sexually exploited children to be ascertained and, secondly, 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 manner in which the phenomena of human trafficking and missing and sexually exploited children is described, interpreted and analyzed.

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)

### **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 which is accessible for the delegation in Albania, Romania, Kosovo and Moldova and seeks to identify common indicators and criteria to synthesize information about the four countries of intervention on child trafficking and child protection issues. For more information about Terre des hommes' Regional Child Protection Project please contact Vincent Tournecueillert – Email: [vincent.tournecueillert@tdh.ch](mailto:vincent.tournecueillert@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). TACT is a comprehensive and coordinated project to fight trafficking of Albanian children. The project is based on a strategy which tracks the phenomenon at all its stages and proposes concrete actions in the fields of prevention, protection, assisted voluntary return, reintegration, and coordination. TACT Project is implemented in three countries: Albania, Greece and Kosovo. A model of action have been developed and adapted in Romania and Moldova. TACT database is a case management system covering all the aspect of the project allowing an easy follow up and information exchange 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 TACT project contacts, please contact Thierry Agagliate – Email: [thierry.agagliate@tdh.ch](mailto:thierry.agagliate@tdh.ch) or visit the website: [tdh-childprotection.org](http://tdh-childprotection.org)

### **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 coordinated by UNODC Headquarters in Vienna. During 9 months of pro-active data collection activity, information was collected concerning 155 countries and territories with reference to the period 2003 – 2007.

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;
- 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 for 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 depict trends, patterns and trafficking flows for these 155 countries and territories on the basis of real cases of trafficking officially detected by the national authorities. Over time, the reiteration 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).

### 9.3: References and additional resources

The following are some publications which deal with the issue of trafficking data collection, employ different methodologies in undertaking research and data collection and/or discuss some of the methodological issues in anti-trafficking research and data gathering. This list is by no means exhaustive; it is meant as a starting point in considering relevant resources and methodologies for trafficking data collection and research.

Alexandru, M. and S. LazaroIU (2003) *Who is the Next Victim? Vulnerability of Young Romanian Women to Trafficking in Human Beings*. Bucharest, Romania: IOM. Available at: <http://www.iom.hu/PDFs/Who%20is%20the%20Next%20Victim%20-%20Vulnerability%20of%20Young%20Romanian%20Women%20to%20THB.pdf>

Andrees, B. & M. van der Linden (2005) 'Designing Trafficking Research from a Labour Market Perspective: The ILO Experience'. *International Migration, special issue on data research on human trafficking, a global survey*. 43(1/2).

Belser, P., de Cock, M. and F. Mehran (2005) *ILO Minimum Estimate of Forced Labour in the World*. Geneva: ILO. Available at: [http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD\\_BLOB?Var\\_DocumentID=5073](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5073) or [http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS\\_081913/PDF](http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS_081913/PDF).

Belser, P., Danailova-Trainor, G. & B. Kutnick (2007) *Methodologies for global and national estimation of human trafficking victims: current and future approaches*. Geneva: ILO - ILO, SAP-FL. Available at: [http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS\\_081989/PDF](http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS_081989/PDF)

Bernard, R.H. (2006) *Research methods in anthropology: qualitative and quantitative approaches*. NY, Toronto & Oxford: Altamira Press

Brennan, D. (2005) 'Methodological Challenges in Research with Trafficked Persons: Tales from the Field'. *International Migration, special issue on data research on human trafficking, a global survey*. 43(1/2).

Brunovskis, A & R. Surtees (2010) *Untold stories: biases and selection effects in qualitative human trafficking research*. Fafo (Oslo) and NEXUS Institute (Vienna & Washington).

Brunovskis, A & R. Surtees (2007) *Leaving the past behind: when victims of trafficking decline assistance*. Fafo Institute (Oslo) & NEXUS Institute (Vienna). Available at: [www.fafo.no/pub/rapp/20040/20040.pdf](http://www.fafo.no/pub/rapp/20040/20040.pdf)

Brunovskis, A & G. 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.

Brunovskis, A. and G. Tyldum (2004) *Crossing Borders: an Empirical Study of Transnational Prostitution and Trafficking in Human Beings*, Fafo Institute, Report 426: Oslo, Norway.

Craggs, S. & R. Surtees (2010) *Beneath the surface. Methodological issues in trafficking research and data collection*. IOM (Geneva) and NEXUS Institute (Vienna & Washington).

Cwikel, J. and Hoban, E. (2005) "Trafficked Women Working in the Sex Industry: Study Design, Ethics and Methodology", *Journal of Sex Research*, 42, (4), 306-16.

de Cock, M. (2007) *Directions for national and international data collection on Forced Labour*. Geneva: ILO, SAP-FL. Available at: [http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS\\_081986/PDF](http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS_081986/PDF)

Fafo (2004) *Manual for Rapid Assessment: Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*. Geneva: ILO-IPEC.

GAO (2006) *Better Data, Strategy and Reporting Needed to Enhance US Anti-trafficking Efforts Abroad*. Report to the Chairman, Committee on the Judiciary and the Chairman, Committee on International Relations, House of Representatives. Washington, DC: United States Government Accountability Office. Available at: <http://www.gao.gov/new.items/d06825.pdf>.

Gozdziak, E. & M. Bump (2008) *Data and research on human trafficking: Bibliography of research based literature*. Washington, DC: Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University. Available at: [http://isim.georgetown.edu/Publications/ElzPubs/NIJ\\_BIB\\_FINAL\\_REPORT-1.pdf](http://isim.georgetown.edu/Publications/ElzPubs/NIJ_BIB_FINAL_REPORT-1.pdf)

Gozdziak, 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.

Gramegna, M. & F. Laczko (2003) 'Developing Better Indicators/variables of Human Trafficking'. Brown Journal of World Affairs. Vol. X, Issue 1. Available at: <http://www.watsoninstitute.org/bjwa/archive/10.1/SexTrafficking/Laczko.pdf>

Hunzinger, L. & P. Sumner-Coffey (2003) *First Annual Report on Victims of Trafficking in Southeastern Europe*. Belgrade: RCP, IOM, ICMC & SPTF. Available at: <http://www.iom.int/jahia/Jahia/cache/offonce/pid/1674?entryId=10375>

ICPSR (2005) *Guide to Social Science data preparation and archiving*. Michigan: ICPSR

IOM (2008) *IOM Data Protection Principles, Instruction 138*. Geneva: IOM.

IOM & MoI of Austria (2008) "Development of Guidelines for the Collection of Data on Trafficking in Human Beings, including Comparable Indicators/variables" Vienna: IOM & Austrian Ministry of the Interior (MoI). Available at: [www.iomvienna.at](http://www.iomvienna.at)

IOM (2007) *Asean and Trafficking in Persons: Using data as a tool to combat human trafficking*. Geneva: IOM. Available at: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/books/lowres%20asean%20report-complete.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/lowres%20asean%20report-complete.pdf)

Kelly, L. (2005) "You can Find Anything you Want": Research on Human Trafficking in Europe in the twenty-first century". *International Migration, special issue on data research on human trafficking, a global survey*. 43(1/2).

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)

Laws, S. (2002) *Research for Development, A Practical Guide*. UK: Sage Publications Ltd.

Lewis-Beck, M. (1995); *Data Analysis: an Introduction*. Thousand Oaks, California: Sage Publications, Inc.

Machado, P., Penedo, R. & F. Pesce (2007) *From data collection to monitoring systems: Analysis and proposals*, AA.VV, Headway. *Improving Social Intervention Systems for Victims of Trafficking*. Noktus, Warsaw.

NRM (2008) *Trafficking in Human Beings, Supplementary figures. Sixth Report of the Dutch National Rapporteur*. Available at: <http://english.bnrm.nl/>

Ministry of the Interior of the Czech Republic (2009) *2008 Status Report on Trafficking in Human Beings in the Czech Republic*. Available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx>

NRM (2007) *Trafficking in Human Beings, Fifth Report of the Dutch National Rapporteur*. Available at: <http://english.bnrm.nl/>

NRM (2005) *Trafficking in Human Beings, Supplementary figures. Fourth Report of the Dutch National Rapporteur*. Available at: <http://english.bnrm.nl/>

NRM (2005) *Trafficking in Human Beings, Third Report of the Dutch National Rapporteur*. Available at: <http://english.bnrm.nl/>

NRM (2003) *Trafficking in Human Beings, Supplementary figures. Second Report of the Dutch National Rapporteur*. Available at: <http://english.bnrm.nl/>

NRM (2002) *Trafficking in Human Beings. First Report of the Dutch National Rapporteur*. Available at: <http://english.bnrm.nl/>

Pedersen, J. (2004) *What should we know about children in armed conflict, and how should we go about knowing it?* Oslo, Norway: Fafo Institute. Available at: <http://programs.ssrc.org/children/publications/Pedersen-web.pdf>.

Redman, T. C. (2004); 'Data: An Unfolding Quality Disaster'. *DM Review Magazine*. August.

Rende Taylor, L. (2008) *Guide to ethics and human rights in counter trafficking. Ethical Standards for counter-trafficking research and programming*. Bangkok: UNIAP.

Surtees, R. (2008) "Trafficked men, unwilling victims," *St. Antony's International Review (STAIR). Special issue: the politics of human trafficking*. 4(1): 16-36.

Surtees, R. (2008) *Trafficking in men, a trend less considered. The case of Ukraine and Belarus*. Geneva: IOM Migration Research Series. Available at: [www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/serial\\_publications/MRS-36.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/MRS-36.pdf)

Surtees, R. (2008) "Traffickers and Trafficking in Southern and Eastern Europe: Considering the Other Side of Human Trafficking". *European Journal of Criminology*. 5(1): 39-68.

Surtees, R. (2007) *Handbook on anti-trafficking data collection in South Eastern Europe: developing regional criteria*. Vienna: ICMPD. Available at: <http://www.anti-trafficking.net/>

Surtees, R. (2007) *Trafficking victims in South Eastern Europe – what we know and what we need to know*. Paper presented at ‘Human Trafficking Conference’, Centre for Information and Research on Organised Crime (CIROC), Amsterdam, Holland, October 31, 2007.

Surtees, R. (2007) *Listening to victims: experiences of identification, return and assistance in SEE*. Vienna, Austria: ICMPD. Available at: <http://www.anti-trafficking.net/>

Surtees, R. (2005) *Second annual report on victims of trafficking in Southeastern Europe*. Geneva: IOM. Available at: <http://www.iom.int/jahia/Jahia/cache/offonce/pid/1674?entryId=10161>

Surtees, R. (2003) *Documenting: Trafficking in Indonesian Women and Children: a Research Manual*. Indonesia: ICMC, ACILS & USAID.

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).

UNICEF & UNMIK (2005) *Let's Talk: Developing Effective Communication with Child Victims of Abuse and Human Trafficking*. Pristina, Kosovo: UNMIK & UNICEF.

UNODC (2008) *Global Report on Trafficking in Persons Report*. Vienna: UNODC. Available at: <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

UNODC (2006) *Trafficking in Persons: Global Patterns*. Vienna: UNODC. Available at: [http://www.unodc.org/unodc/trafficking\\_persons\\_report\\_2006-04.html](http://www.unodc.org/unodc/trafficking_persons_report_2006-04.html)

Vermeulen, G. et al. (2006) *The Siamsect files: Standardised templates and blueprints for EU wide collection of statistical information and analysis on missing and sexually exploited children and trafficking in human beings*. Antwerp: EC, IRCP and Transcrime.

Wand, Y. and Wang, R. (1996) ‘Anchoring Data Quality Dimensions in Ontological Foundations’, *Communications of the ACM*, November, pp. 86-95

Warnath, S. (2008) *Efforts to Combat Trafficking in Human Beings in the OSCE region: Co-ordination and Reporting Mechanisms. 2008 Annual Report of the Special Representative and Coordinator for Combating Trafficking in Human Beings*. Vienna: OSCE, Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings.

WHO (2003) *Ethical and safety recommendations for interviewing trafficked women*. Geneva: WHO.

WHO (2005) *Mental Health Information Systems*. Geneva: World Health Organization. Available at: [http://www.who.int/mental\\_health/policy/mnh\\_info\\_sys.pdf](http://www.who.int/mental_health/policy/mnh_info_sys.pdf)

Zimmerman, C., & C. Watts (2006) *Stolen Smiles: the physical and psychological health consequences of women and adolescents trafficked to Europe*. London, UK: London School of Hygiene and Tropical Medicine. Available at: [www.lshtm.ac.uk/hpu/docs/StolenSmiles.pdf](http://www.lshtm.ac.uk/hpu/docs/StolenSmiles.pdf)

## LINKS

[www.national-rapporteurs.eu](http://www.national-rapporteurs.eu)

During the Czech Presidency of the Council of the EU the website on the EU national rapporteurs or equivalent mechanisms was created to provide information on the offices of national rapporteurs or equivalent mechanisms within the EU territory. Under this link there is information available on national reports, action plans and researches.





## **Part 10**

### **Annexes<sup>126</sup>**

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<sup>126</sup> The annexes were initially prepared in the context of ICMPD's DCIM project by the NEXUS Institute. See Surtees, R. (2007) *Handbook on anti-trafficking data collection in SE Europe: developing regional criteria*. Vienna: ICMPD. Legal materials presented here – namely sample MOUs, confidentiality agreement and the consent form – were prepared by Jean Lanoue, Senior Legal Advisor, ICMPD, Vienna for the DCIM and DCIM-EU projects.

## Annex 1: Glossary – Standardised definitions and terminology<sup>127</sup>

Term	Definition
Aggregate data	Describes data combined from several measurements. It may also be described as statistical data which relates to broad classes, groups, or categories, so that it is not possible to distinguish the properties of individuals within those classes, groups, or categories.
Arrest	To seize (a person) by legal authority or warrant and to take into custody or detention. 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 detain and arrest 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.
Damaged party/injured party	According the Act num. 141/1961 Coll., Czech Penal Code, section num. 43 (1) the damaged party is the person (both an individual or a corporate body), to whom bodily harm or material damage has been done/caused by a criminal act, who was defamed or who suffered other damages. For Portugal this definition refers to the person whose body has been harmed, to whom material, moral or other damage has been caused or whose other rights or freedom protected by law have been breached or threatened by a criminal act.

<sup>127</sup> 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.

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 data set's integrity constraints.
Disaggregated data	Data about individuals or single entities; for example, a person's age, sex, income, or occupation. Disaggregated data may also be described as personalised data, as it can reveal the significance of particular factors.
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")

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 co-operation 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 upon another, 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.
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.
Detected/"flagged" trafficking victim	A detected/"flagged" trafficking victim refers to a person who has been detected as being trafficked (and thus is presumed to be a trafficking victim) but whose status is still under review/investigation. See also Reported Victim of trafficking.

Suspect	A person that 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 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 co-operation 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.
Transgender	Transgender refers to a person whose gender identity differs from his/her biological sex.
Value	Refers to the possible entry in each field of the data set.
Victim of trafficking	Persons who qualify as victims of trafficking are 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.
Reported Victim of Trafficking	Victim identified or reported by NGO as being a Victim of Trafficking without confirmation by law enforcement agencies. See also detected/“flagged” victim of trafficking.
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 regulating victim-centre data exchange

This agreement provides a sample template for the national repository and the possible contributing agencies with regard to the collection and sharing of victim-centred data set. 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 maintain the data set)** (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 data set;

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;

RECOGNIZING that co-operation 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 co-operation 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 the 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 national 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, and such information may 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 maintain the data set)**

**Insert Name in Full**  
**(NGO, police or**  
**government institution**  
**contributing victim data)**



## Annex 3: Sample MOU regulating Trafficker-centred criminal justice data exchange

This agreement provides a sample template for the national repository and the possible contributing agencies with regard to the collection and sharing trafficker-centred, criminal justice data. 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;

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 data set ;

RECOGNIZING that co-operation 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 co-operation 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 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 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 maintain the data set)**

**Insert Name in Full**  
**(NGO, police or**  
**government institution**  
**contributing trafficker data)**

## Annex 4: Sample consent form for processing of personal data

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 entered in a data set:

- Name;
- Date of birth;
- Place of birth;
- Nationality;
- Gender;
- 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 data set 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 5: Sample confidentiality agreement for staff involved in the collection of victim-centred/trafficker-centred data**

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 data sets, 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 data set 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 data set unless specifically authorised to do so. In particular, they are fully informed that any breach of confidentiality in regard to the contents of the data set 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 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

## Annex 6: Comparative Table on Data Protection in National Legislation

Data protection legislation, compliance with EU legislative framework

	EC Directive	PORTUGAL	SLOVAKIA	CZECH REP.	POLAND
	<b>Directive 95/46/EC</b> on the protection of individuals with regard to the processing of personal data and on the free movement of such data	<b>Act 67/98</b> of 26 October Act on the Protection of Personal Data	<b>Act No. 428/2002</b> Coll. on Protection of Personal Data	<b>Act N°. 101/2000</b> Coll., Act on Personal Data Protection  <b>Law on Free Access to Information</b> , 11 May 1999. num. 106/1999 Coll.	<b>Act of August 29, 1997</b> on the Protection of Personal Data
<b>The right to privacy and confidentiality</b>	Member States shall protect the fundamental rights and freedoms of natural persons and in particular their right to privacy with respect to the processing of personal data.	Art. 11 states that if the data are not used for taking measures or decisions regarding any particular individual, the law may restrict the right of access where there is clearly no risk of breaching the fundamental rights, freedoms and guarantees of the data subject, particularly the right to privacy (...)	Section 5. Personal data may be processed only by the controller or processor.  Section 18. The controller and the processor shall be obliged to maintain secrecy about the personal data which they process. The obligation to maintain secrecy also applies after termination of the processing.	Only authorized persons can collect data and access the database and that responsible persons are bound to keep the secrecy. The creation of any database and the purpose of the database have to be notified to the National Office for the Personal Data Protection. In addition, the <i>law 106/99</i> regarding protection of personality and privacy allows information to be shared only with the consent of the subject and, after their death, only if the subject's human dignity, personal honour, good reputation will be preserved and good name protected.	Article 1. Any person has a right to have his/her personal data protected. The processing of personal data can be carried out in the public interest, the interest of the data subject, or the interest of any third party, within the scope and subject to the procedure provided for by the Act.  Article 32. The data subject has a right to control the processing of his/her personal data contained in the filing systems.
<b>Consent</b>	Article 7. Member States shall provide that personal data may be processed only if: (a) the data subject has unambiguously given his consent; or (b) processing is necessary for the performance of a contract	Art. 6 states that personal data may be processed only if the data subject has unambiguously given his consent. It also lists 5 exceptions depending on the reason why the processing is necessary	Section 7. Personal data may only be processed upon consent of the data subject, unless otherwise stipulated by this Act.	Act. 101 of April 4, 2000 on the Protection of Personal Data, the data subject must be informed about the purpose of data processing, what personal data is to be collected, the controller of the database and what period of time consent is being given for. Without this, the administrator may process data in select circumstances	Article 23 .1. The processing of data is permitted only if: the data subject has given his/her consent, unless the processing consists in erasure of personal data

<p><b>Data storage and maintenance</b></p>	<p>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.</p>	<p>Art 14. The controller must implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, in particular where the processing involves the transmission of data over a network, and against all other unlawful forms of processing.</p>	<p>Section 12 The controller shall ensure accurate and up-to-date personal data. Personal data shall be deemed accurate, unless the contrary is proven.</p>	<p>Art.5.e) preserve personal data only for a period of time that is necessary for the purpose of their processing. After expiry of this period, personal data may be preserved only of purposes of the state statistical service, and for scientific and archival purposes. In the Czech Republic, there are no specific limits for deletion of data or time period for revision if data is still needed.</p>	<p>Article 26 1. The controller performing the processing of data should protect the interests of data subjects with due care, and in particular to ensure that the data are processed lawfully and are collected for specified and legitimate purposes</p>
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<b>Transmission of sensitive data</b>	<p>Art. 8 Member States shall prohibit the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life. Exemptions: data subject's consent, employment law, etc.</p>	<p>Article 7 - The processing of sensitive data distinguish data revealing philosophical or political beliefs and data relating to health and sex life, including genetic data</p>	<p>The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, membership in political parties or movements, trade-union membership, and the processing of data concerning health or sex life shall be prohibited.</p>	<p>Article 9 Sensitive data may be processed only if the data subject has given his express consent to the processing.</p>	<p>Article 27. The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, religious, party or trade-union membership, as well as the processing of data concerning health, genetic code, addictions or sex life and data relating to convictions, decisions on penalty, fines and other decisions issued in court or administrative proceedings shall be prohibited.</p>
<b>Information-sharing and exchange</b>	<p>Besides the authority in control (the data controller), only the person concerned has access to his data. Article 25 The Member States shall provide that the transfer to a third country of personal data may take place only if (...) the third country in question ensures an adequate level of protection.</p>	<p>Conditions and restrictions under which personal data may be transferred to EU and Non EU countries are different. Article 18 (Principle), without prejudice to the tax or customs decisions of the Community, personal data may move freely between Member States of the European Union. As far as transference of personal data outside the European Union, several restrictions and conditions are mentioned</p>	<p>Section 23. the third country has to ensure an adequate level of protection of personal data. The adequacy of the level of protection shall be assessed in the light of all the circumstances surrounding the transfer. Particular consideration shall be given to the respective legal regulations in the country of final destination with respect to the nature of the personal data, the purpose and duration of the processing</p>	<p>Article 27 (1) Free flow of personal data shall not be restricted if data are transferred to a member state of the European Union. (2) Personal data may be transferred to third countries if the prohibition of restriction of the free movement of personal data is ensuing from an international treaty to the ratification of which the Parliament has given his assent and which is binding the Czech Republic, or if the personal data are transferred on the basis of decision of an institution of the European Union. The Office in the Official Journal publishes information about such decisions.</p>	<p>Article 47. 1. The transfer of personal data to a third country may take place only, if the country of destination ensures at least the same level of personal data protection in its territory as that in force in the territory of the Republic of Poland.</p>

<b>Security issues and considerations</b>	<p>Articles 16 and 17 stipulate issues related to the security of the data set with personal information and sanctions are foreseen in Articles 23 and 24. 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.</p>	<p>Article 14. The controller must implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, in particular where the processing involves the transmission of data over a network, and against all other unlawful forms of processing. Special security measures are described in art. 15</p>	<p>Section 15. The controller and the processor shall be responsible for security of personal data by protecting them against accidental or unlawful damage or destruction, accidental loss, alteration, unauthorized access and making available, as well as against any other unauthorized forms of processing</p>	<p>Article 13. The controller and the processor shall be obliged to adopt measures preventing unauthorised or accidental access to personal data, their alteration, destruction or loss, unauthorised transmission, other unauthorised processing, as well as other misuse of personal data. This obligation shall remain valid after terminating personal data processing.</p>	<p>Article 36. The controller shall be obliged to implement technical and organisational measures to protect the personal data being processed, appropriate to the risks and category of data being protected, and in particular to protect data against their unauthorised disclosure, takeover by an unauthorised person, processing with the violation of the Act, any change, loss, damage or destruction.</p>
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## **Annex 7: Selected Provisions of Act No. 40/2009 Coll. Criminal Code of Czech Republic**

### **Selected Provisions of Act No. 40/2009 Coll., the Criminal Code, effective as of 1 January 2010 in Czech Republic**

#### **Section 168 Trafficking in Human Beings**

(1) A person who makes, procures, hires, lures, entices, transports, conceals, detains or conveys a child in order to be abused by another person for

- a) sexual intercourse or other forms of sexual exploitation or harassment or for the production of pornography;
- b) taking tissue, cells or an organ from his/her body;
- c) service in armed forces
- d) slavery or servitude; or
- e) forced labour or other forms of exploitation;

or

a person who gains a profit from such conduct shall be sentenced to a term of imprisonment of between two and ten years.

(2) A person shall be sentenced to the same term of imprisonment if he/she, by using violence, a threat of violence or a trick or by using an error, or by abusing another's distress or dependence, makes, procures, hires, lures, entices, transports, conceals, detains or conveys any other person than the person referred to in subsection (1) in order to be abused for

- a) sexual intercourse or other forms of sexual exploitation or harassment or for the production of pornography,
- b) taking tissue, cells or an organ from his/her body;
- c) service in armed forces;
- d) slavery or servitude; or
- e) forced labour or other forms of exploitation;

or

a person who gains a profit from such conduct shall be sentenced to the same term of imprisonment.

(3) An offender shall be sentenced to a term of imprisonment of between five and twelve years if he/she

- a) commits an offence referred to in subsection (1) or (2) as a member of an organised group;
- b) exposes another person by such offence to aggravated bodily harm or death;
- c) commits such offence with the aim of acquiring a substantial benefit for him/herself or for any other person; or
- d) commits such offence with the aim of abusing another person for prostitution.

(4) An offender shall be sentenced to a term of imprisonment of between eight and fifteen years or to a sentence of forfeiture of property if he/she

- a) exposes another person by the offence referred to in subsection (1) and (2) to aggravated bodily harm;
- b) commits such offence with the aim of acquiring a substantial benefit for him/herself or for any other person; or
- c) commits such offence in relation to an organised group operating in several countries

(5) An offender shall be sentenced to a term of imprisonment of between ten and sixteen years or to a sentence of forfeiture of property if he/she causes, by an offence referred to in subsection (1) and (2), death.

(6) Preparation for such conduct is punishable.

### **Section 189 Procuring**

(1) A person who makes, procures, hires, induces, lures, entices or abuses another person to practice prostitution, or who exploits prostitution practiced by another person, shall be sentenced to a term of imprisonment of between six months and four years, to a ban on business activities, or to a sentence of forfeiture of property.

(2) An offender shall be sentenced to a term of imprisonment of between two and eight years if he/she commits an offence referred to in subsection (1)

- a) with the aim of acquiring a substantial benefit for him/herself or for any other person; or
- b) as a member of an organised group.

(3) An offender shall be sentenced to a term of imprisonment of between five and twelve years or to a sentence of forfeiture of property if he/she causes, by an offence referred to in subsection (1), aggravated bodily harm.

(4) An offender shall be sentenced to a term of imprisonment of between eight and fifteen years or to a sentence of forfeiture of property if he/she causes, by an offence referred to in subsection (1), death.

### **Section 190 Prostitution Endangering morals of Children**

(1) A person who practices prostitution in the near environs of a school, school facility or similar facility or a place which is reserved or designated for a stay of or visits by children shall be sentenced to a term of imprisonment of up to two years.

(2) A person who organises, guards or operates prostitution by any other manner in the near environs of a school, school facility or a similar facility or a place which is reserved or designated for a stay of or visits by children shall be sentenced to a term of imprisonment of up to three years, to a ban on business activities or to forfeiture of property.

(3) An offender shall be sentenced to a term of imprisonment of between six months and five years if he/she commits an offence referred to in subsection (1) and (2)

- a) in at least two such places; or
- b) more than once.

### **Section 193 Abuse of a Child for Production of Pornography**

(1) A person who makes, procures, hires, induces, lures, entices or abuses a child to produce pornography or who gains a profit from the participation of a child in such pornography shall be sentenced to a term of imprisonment of between one year and five years.

(2) An offender shall be sentenced to a term of imprisonment of between two and six years if he/she commits an offence referred to in subsection (1)

a) as a member of an organised group; or

b) with the aim of acquiring a substantial benefit for him/herself or for any other person.

(3) An offender shall be sentenced to a term of imprisonment of between three and eight years if he/she commits an offence referred to in subsection (1)

a) as a member of an organised group operating in more than one country

or

b) with the aim of acquiring a substantial benefit for him/herself or for any other person.

### **Section 342 Unauthorised Employment of Foreign Nationals**

(1) A person who in a substantial capacity employs or intermediates employment of foreign nationals residing illegally in the Czech Republic without being authorised to do so, or a person who in a substantial capacity employs or intermediates employment of foreign nationals who are not in possession of valid labour permit under another legal regulation without being authorised to do so shall be sentenced to a term of imprisonment of up to six months, to a ban on business activities, or to confiscation of property

(2) An offender shall be sentenced to a term of imprisonment of up to one year if he/she commits an offence referred to in subsection (1)


a) as a member of an organised group,

b) for a pecuniary consideration; or

c) more than once.

(3) An offender shall be sentenced to a term of imprisonment of between six months and three years if he/she by an offence referred to in subsection (1) gains a considerable benefit for him/herself or for any other person.

(4) An offender shall be sentenced to a term of imprisonment of between one year and five years, and in addition to this sentence he/she can be sentenced to forfeiture of property if he/she by an offence referred to in subsection (1) acquired a substantial benefit for him/herself or for any other person.



The *Anti-Trafficking Data Collection and Information Management in the European Union – a Handbook- The situation in the Czech Republic, Poland, Portugal and the Slovak Republic* was developed as part of the EU funded project *Trafficking in Human Beings Data Collection and Harmonised Information Management Systems*. The handbook aims to present, discuss and test a model for two types of data collection: data about victims of trafficking and data about alleged/convicted perpetrators of trafficking.

One of the main obstacles to the implementation of anti-trafficking efforts is the lack of systematically collected and managed data relevant to trafficking in persons. This, in turn inhibits structured, comprehensive and systematic understanding of the phenomenon, and the subsequent design and monitoring of effective programmatic anti-trafficking responses. The handbook seeks to address this gap, working toward the improvement and availability of reliable and standardised data, with regard to both trafficking victims and traffickers in four EU project countries.

The handbook is intended as a practical tool and, thus, outlines not only how data can be collected from a methodological and legal perspective but, equally, what type of victim and trafficker/criminal justice information can be important to collect and analyse in efforts to combat human trafficking.