

# ASEAN and Trafficking in Persons

Using Data as a Tool to Combat  
Trafficking in Persons



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# ASEAN and Trafficking in Persons

USING DATA AS A TOOL TO COMBAT TRAFFICKING IN PERSONS



IOM International Organization for Migration





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# Acknowledgments

The research for this project was managed by International Organization for Migration (IOM), in collaboration with ASEAN. The project was funded by the United States government.

This report was written by Fiona David with the assistance of Syahgena Ardhila and Kristin Dadey. The country studies are based on reports researched and written by:

- Ken White (Principal, Prefer Software) and Suon Visal (Attorney, Phnom Penh, Cambodia).
- Medelina Hendytio, Dr Vidhyandika Jati Perkasa, Made Leo Wiratmat, F. Andrea, Udin Silallahi and Lia Suntoso (Center for Strategic and International Studies, Jakarta, Indonesia).
- Associate Professor Violeda Acosta Umali, Elma Laguna, Emerson Bañez, Mark Javelosa (University of the Philippines, Manila, the Philippines).
- Nippita Pukdeetanakul (Attorney, Bangkok, Thailand).

IOM would like to thank ECPAT International (Bangkok), and Fight Against Child Exploitation (Thailand) for providing background research material on Thailand. IOM would also like to thank the professional and dedicated staff at the ASEAN Secretariat for their support and assistance with this project.

## Foreword

Trafficking in persons is a crime. The perpetrators of this crime must be stopped. The victims have to be protected and cared for.

ASEAN member countries have committed themselves to the fight against trafficking in persons. This includes commitments to work together to prevent trafficking, to identify and protect the victims, and to ensure that offenders are punished. ASEAN member countries are working hard to put these commitments into action, through mechanisms such as the Senior Officials Meeting on Transnational Crime (SOMTC) and the Director-General of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs Meeting (DGICM) that initiated this Report.

To succeed in the fight against such trafficking, ASEAN member countries need access to the best possible information. This includes the raw data about the trafficking situation, and the information and knowledge this can generate about “what will work” to prevent trafficking, protect victims and prosecute traffickers.

Four ASEAN member countries, namely Cambodia, Indonesia, the Philippines and Thailand, allowed external researchers to examine and assess their internal processes of data collection. This demonstrates their commitment to continual improvement. The results of the research are compelling. There is clearly an urgent need to improve existing data on trafficking so that we can more fully understand the trafficking situation, and develop responses that are effective and efficient. This report is the first step in getting access to better data and ultimately better information and knowledge about trafficking in persons.

I am therefore pleased to present *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons* with the hope that it will support the development of appropriate, accurate, and sustainable data collection on such trafficking in ASEAN. The information will help arm decision makers with effective tools they need to make important decisions about how to combat trafficking.

I would like to thank the Department of State of the United States of America, the International Organization for Migration (IOM) and all those who contributed to this valuable output.



ONG KENG YONG  
Secretary-General of ASEAN

# Introduction

ASEAN member countries are committed to preventing trafficking in persons, punishing offenders, and protecting victims of trafficking. These commitments are expressed in the *ASEAN Declaration against Trafficking in Persons, especially Women and Children*, the *ASEAN Declaration against Transnational Crime*, and the *ASEAN Vision 2020*. Also, several ASEAN member countries have ratified the UN Convention against Transnational Crime and the UN Trafficking Protocol.

ASEAN member countries are taking many practical steps to combat trafficking. For example, several countries in the region have specific anti-trafficking laws, and some even have specialist anti-trafficking police units. Several countries have, or are seeking, agreements with their neighbours to facilitate return and reintegration of victims. These, and many other examples of good practices from the ASEAN region, can be found in ASEAN's first report on trafficking, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims* (2006).

ASEAN member countries are always looking for ways to improve their response to trafficking in persons. However, these efforts are being held back by a lack of relevant, reliable data on trafficking. Recognizing this problem, in 2005, the ASEAN member countries commissioned IOM to conduct a pilot research project to identify “best practice” in data collection on trafficking, and to prepare a situation report on data collection by government agencies in four ASEAN member countries (Cambodia, Indonesia, the Philippines and Thailand). This report presents the findings of that research.

This report reflects the work of four national research teams, based in Phnom Penh, Jakarta, Manila and Bangkok, and two central research staff, based at the ASEAN Secretariat in Jakarta. It analyzes information obtained through reviews of the existing literature, interviews with government officials, and examination of government documents, such as intake forms and annual reports. The report would not have been possible without the assistance and cooperation of the four host governments – Cambodia, Indonesia, the Philippines and Thailand.

The first chapter of the report takes the issue of “data on trafficking” back to basic principles. What is “data on trafficking”? Why do we need it? How and where do we get it? Drawing on the literature from trafficking, crime prevention, statistics, and information management, this chapter identifies and discusses several best practice principles that should assist governments wanting to improve their data on trafficking in persons.

Chapters 2 to 6 look at the data presently available from government sources in the four countries studied by this project: Cambodia, Indonesia, the Philippines and Thailand. They describe data collection practices of the four countries, and highlight some of the issues that need to be addressed in order to improve data on trafficking over time. A summary of the information gathered can be found in Annex 1.

The report's final chapter discusses lessons learned from the country studies, including common challenges facing each of the four countries. These challenges suggest practical solutions that are potentially relevant to all ASEAN member countries wanting to improve their data on trafficking. This chapter includes recommendations that can be adopted at the agency level, at the national level, and also at the ASEAN level. It is hoped that by

putting these recommendations into practice, the ASEAN member countries will move closer towards their objective of having the information and knowledge they need to combat trafficking effectively.



**STEVE COOK**  
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## Acronyms

### General

AIC	Australian Institute of Criminology
ARCPPT	Asia Regional Cooperation to Prevent People Trafficking
ASEAN	Association of South-East Asian Nations
CTM	Counter-Trafficking Module (developed by IOM)
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
FACE	Fight Against Child Exploitation
ILO	International Labour Office
IOM	International Organization for Migration
MOU	Memorandum of Understanding
NGO	Non-governmental organization
TAF	The Asia Foundation
UN	United Nations
UNICEF	United Nations Children's Fund
UNIAP	United Nations Inter-Agency Project
UNODC	United Nations Office on Drugs and Crime
UN Trafficking Protocol	UN Resolution No.55/25 of November 15, 2000 - "UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Trans-national Organized Crime"

### Cambodia

CDC Project	Coordination and Documentation Center Project
CNCC	Cambodian National Council for Children
CRIN	Child Rights Information Network
CSEC	Commercial Sexual Exploitation of Children
DAHTJP	Department of Anti-Human Trafficking and Juvenile Protection
LEASECT	Law Enforcement Against Sexual Exploitation of Children and Trafficking
MoCR	Ministry of Cults and Religions
MoEYS	Ministry of Education, Youth and Sport
MoFA	Ministry of Foreign Affairs
MoH	Ministry of Health
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoL	Ministry of Labor
MoP	Ministry of Planning
MoPWT	Ministry of Public Works and Transport
MoSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MoT	Ministry of Tourism
MoWA	Ministry of Women's Affairs
MPI	Migration Policy Institute

PDWA	Provincial Department of Women's Affairs
RGC	Royal Government of Cambodia
TSEC Info	Trafficking and Sexual Exploitation of Children Information Database
VBA	Village based activities
VPN	Virtual Private Network

## Indonesia

Binwasker	(Directorate General for the Development of Industrial Relations and Labor Inspection)
BPS-Statistics Indonesia	Biro Pusat Statistik (Indonesia Central Bureau of Statistics)
CID	Criminal Investigation Division
CMPW	Coordinating Ministry for People's Welfare
DGIM	Directorate General of Immigration
DMT	Department of Manpower and Transmigration
DSA	Department of Social Affairs
INP	Indonesian National Police
KOPBUMI	Konsorsium Pembela Buruh Migran Indonesia (Consortium for Indonesian Migrant Workers Advocacy)
LP	Laporan Polisi (Police Report)
MWE	Ministry of Women Empowerment
Polda	Police Office at Province level
Polres	Police Office at District level
Polsek	Police Office at Sub-district level
PPT	Pusat Pelayanan Terpadu (Integrated Service Center)
PTKLN	Pembinaan dan Penempatan Tenaga Kerja ke Luar Negeri (Directorate General of Overseas Employment Development)
RPK	Ruang Pelayanan Khusus (Women's Help Desk in Police Stations)
SAKERNAS	Survey Tenaga Kerja Nasional (National Labor Force Survey)

## Philippines

CFO	Commission for Filipinos Overseas
DFA	Department of Foreign Affairs
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
IACAT	Inter-Agency Committee against Trafficking
NBI	National Bureau of Investigation
NSO	National Statistics Office
PCTC	Philippine Center for Transnational Crime
PNP	Philippine National Police
POEA	Philippine Overseas Employment Agency
POLO	Philippine Overseas Labor Office

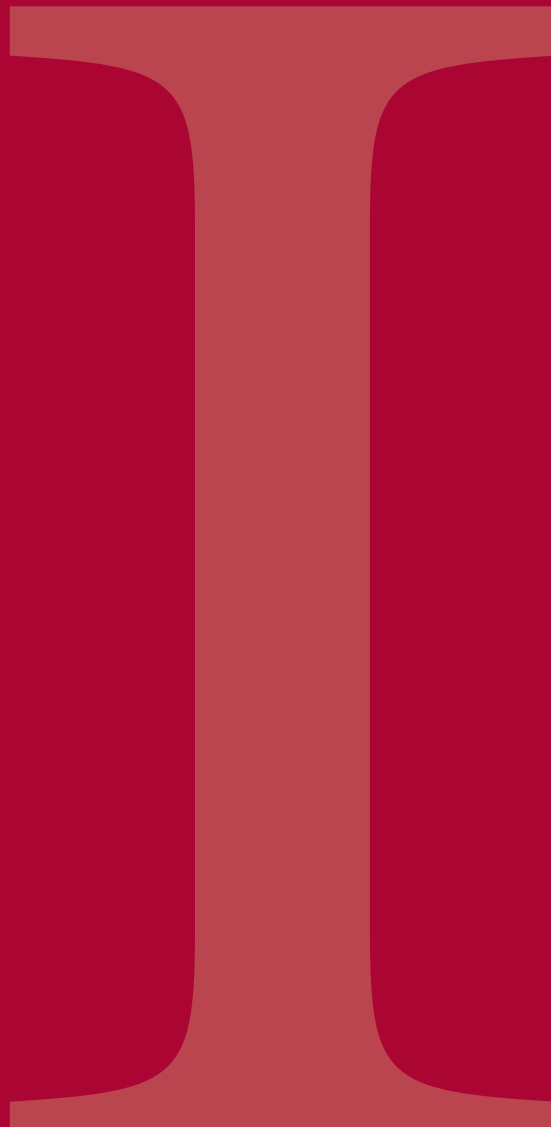
## Thailand

BACKBONE Programme	Integrated and Computerized Human Trafficking Database/Data Collection System
DSW	Department of Social Development and Welfare





**Towards  
Best Practice  
Principles  
for Data on  
Trafficking**



## I.1 Background

The challenges surrounding the collection of data on trafficking in persons are well documented (Makkai, 2003; EC, 2004; UNODC, 2006). Trafficking, like many crimes, is inherently difficult to quantify and study. Trafficking is an underground and organized criminal activity that cannot be measured by traditional data collection methods. Victims are often unwilling or unable to come forward and report their experiences to the authorities. As such, recorded crime statistics do not accurately reflect the real incidence of trafficking in persons.

In many countries, trafficking is a relatively new addition to the criminal statute books. As a result, most government officials and agencies are only just learning how to identify and respond to trafficking cases. If officials do not recognize a case as “trafficking”, then data on these cases will not be collected, or alternatively, valuable data about trafficking cases may be misclassified under other categories of crime, such as illegal migration, illegal prostitution or sexual assault.

The laws in many countries can undermine effective data collection. For example, the laws in some countries only cover certain forms of trafficking, such as trafficking in women and children for sexual exploitation, or trafficking in women and children across international borders. Some countries have no specific laws on trafficking. The lack of an effective and comprehensive legal framework to address trafficking limits the capacity of government officials to arrest offenders, identify and assist victims, and also to collect data about all forms of trafficking.

While there has been a growth in research on trafficking, this has not resulted in a comprehensive picture of the trafficking situation. It has not provided all of the information needed about how to combat trafficking effectively. Research on trafficking has focused mainly on international trafficking of women and children for sexual exploitation. Accordingly, the available data on trafficking is skewed towards these forms of trafficking.

There have been very few studies on trafficking of men, and trafficking for other forms of exploitation, such as forced labor. There have been very few studies that seek to evaluate systematically the impact of specific anti-trafficking initiatives. As a result, the level of knowledge about “what works” to combat trafficking is low.

While the challenges surrounding data on trafficking are known, effective solutions or strategies to overcome these challenges are not well documented. A review of the literature shows that there is no guidebook or agreed set of principles on how to successfully collect relevant, reliable data on trafficking. The lack of guidance on this issue reflects the newness and complexity of the subject and the large number of practical issues that need to be addressed, before it is possible to “improve data on trafficking”.

In order to take this matter forward, it is necessary to start developing some “best practice” principles to assist governments and agencies wanting to improve their data on trafficking. In an effort to contribute to this goal, this chapter will look at “data on trafficking”, with reference to the literature on trafficking, but also to some basic principles drawn from statistics, crime prevention and information management. These principles are not unique to trafficking. However, they have been applied to the trafficking context. It is hoped that these principles will be a useful starting point, for governments wanting to improve their data collection efforts.

## I.2 The Starting Point: What is “Trafficking”?

The UN Trafficking Protocol entered into force in 2003, as a supplement to the Convention against Transnational Organized Crime. Accordingly, these two documents need to be read together in order to understand fully the international legal framework for combating trafficking. The Trafficking Protocol provides a comprehensive definition of “trafficking” that can be separated into several components. According to the Protocol,

“trafficking in persons” (men and women) involves three elements which must be present for the situation to be considered trafficking: action, means and purpose. The UN Trafficking Protocol recognizes that there is a different standard for trafficking in children. Trafficking in children (boys and girls under the age of 18) involves only two elements: action and purpose.

## I.3 The Difference between “Trafficking” and “Migrant Smuggling”

It is important to recognize that under international law, “trafficking” is different to “migrant smuggling” and “illegal migration”.<sup>1</sup> Trafficking, like crimes such as homicide, assault and kidnapping, is a crime against an individual. Smuggling of migrants is generally a crime against the government, as a breach of immigration laws. Trafficking involves exploitation that can continue well after the victim has arrived at their destination. Migrant smuggling generally ends once a person has arrived at their destination.

Trafficking involves victims of a crime who have either never consented to migrating for work or, if they did consent initially, that consent has become meaningless due to the deception and abuse they suffer. In contrast, smuggling of migrants involves migrants who have consented to the smuggling. Trafficking can occur within a country (internal or domestic trafficking), and between countries (international trafficking).<sup>2</sup> In contrast, migrant smuggling is always transnational (UNODC, 2006).

Unless otherwise specified, this report uses the definition of “trafficking in persons” established in the UN Trafficking Protocol, as shown in Box 1.

### BOX 1

#### What are the elements of trafficking in persons?<sup>a</sup>

##### FOR MEN AND WOMEN

**Action** There must be an action by the traffickers, in the form of recruitment, transportation, transfer, harbouring or receipt of persons.

**Means** The action must be undertaken by one or more of the following means:

- force or the threat of force
- other forms of coercion
- abduction
- fraud
- deception
- abuse of power
- abuse of a position of vulnerability
- giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

**Purpose** The action must be for the purpose of “exploitation”. Exploitation includes, at a minimum:

- the exploitation of the prostitution of others or other forms of sexual exploitation
- forced labor or services
- slavery or practices similar to slavery
- servitude
- the removal of organs.

##### FOR CHILDREN

**Action** There must be an action by the traffickers, in the form of recruitment, transportation, transfer, harbouring or receipt of persons.

**Purpose** The action must be for the purpose of “exploitation”. Exploitation includes, at a minimum:

- the exploitation of the prostitution of others or other forms of sexual exploitation
- forced labor or services
- slavery or practices similar to slavery
- servitude
- the removal of organs.

<sup>a</sup>As defined in the UN Trafficking Protocol.

## I.4 What is “Data on Trafficking”?

Even if there is agreement on the meaning of “trafficking”, there are potentially many different types of “data on trafficking”. For example, there are global estimates of the number of trafficking victims and the profits made from trafficking. There is data from some countries about the exact number of people arrested and prosecuted for trafficking offences. There is data from victim support services about the injuries suffered by particular victims of trafficking. There is data from surveys of communities about knowledge and attitudes towards trafficking. Potentially, each of these examples involves some form of “data on trafficking”, but the data in each example is very different.

With so many options available, it is worth examining exactly what type of “data on trafficking” ASEAN member countries should be working towards. The possibilities can be narrowed, by considering some basic principles borrowed from statistics, crime prevention and information management.

## I.5 Best Practice Principles for Data on Trafficking

### Principle 1 To be useful, data has to be relevant to your objectives

It is common sense that different types of data are useful for different purposes. For example, if you want to know how many people live in a country, you need data about population. If you want to know how healthy the people living in a country are, you may need data about infant mortality, health services, water quality and life expectancy. The science of information management

takes this basic concept one step further. Information managers note that:

**Data creates information. Information creates knowledge.**

In other words, the type of data you need depends entirely on what information you need, in order to know how to solve a particular problem.

This deceptively simple principle helps to isolate exactly what data is needed to respond to any problem or issue. This principle is useful to ASEAN member countries who want to know exactly what type of data they should be collecting on trafficking.

#### BOX 2

#### What is data?

Data is the basis of **information**. Information is the basis of **knowledge**.

To work out what data you need to collect, ask the following questions:

- What **knowledge** do you need?
- What **information** will help you obtain that **knowledge**?
- What **data** will help give you that **information**?

With regards to trafficking, ASEAN member countries have very clearly defined objectives. As stated in the ASEAN Declaration on Trafficking, ASEAN member countries want to:

- prevent trafficking
- prosecute offenders, and
- protect victims.

Accordingly, it follows that ASEAN member countries need data that helps them to work out how to achieve these results (prevention, prosecution, protection), and to measure whether their efforts are having the intended effect (monitoring and evaluation).

## BOX 3

**Why do ASEAN member countries need trafficking data?**

ASEAN member countries need data that helps them meet their objectives to:

- prevent trafficking
- prosecute offenders, and
- protect victims.

ASEAN member countries need data that helps them to work out:

- how to achieve these results (prevention, prosecution, protection), and to
- measure whether their efforts are having the intended effect (evaluation).

These should be the “information objectives” of any data collection on trafficking.

Every government agency involved in the fight against trafficking should be operating within one or more parts of the prevention, prosecution, and protection framework. For example, law enforcement agencies are primarily responsible for prosecuting offenders, but they also play an important role in preventing trafficking and protecting victims. Social welfare agencies are generally responsible for prevention efforts and victim protection.

Every government agency will have relevant data to contribute to the larger objectives of working out how to prevent trafficking, prosecute offenders and protect victims. However, as the agencies have different mandates, they will also need data that is relevant to their individual mandates, so they are empowered to do their jobs effectively and efficiently. In effect, there are two levels of data required: data that is relevant to the larger government objectives, and data that is relevant to the individual agency.

## BOX 4

**What sort of data do ASEAN member countries need?**

ASEAN member countries need two levels of data:

- data that is relevant to the larger government objectives (prevention, prosecution, protection), and
- data that helps the individual agency to meet its operational objectives.

**What data will help ASEAN member countries prevent trafficking?**

There are many theories about how to prevent crime, including the crime of trafficking. One widely accepted theory is that crime can be prevented by:

- identifying and reducing the risk factors, and
- identifying and increasing the protective factors that help shield a person from the crime.<sup>3</sup>

If this theory is accepted and applied to trafficking, then ASEAN member countries need data that helps them to identify the risk factors and protective factors for trafficking, and data that helps ASEAN member countries monitor and understand changes in these factors over time. This data will assist ASEAN member countries to construct evidence-based trafficking prevention programs. This data will also allow ASEAN member countries to monitor and evaluate the impact of these programs.

**What data will help ASEAN member countries to prosecute traffickers?**

There are many types of data that will help ASEAN member countries to prosecute traffickers successfully. Primarily, this is data that helps law enforcement officials and prosecutors to be more strategic and effective in their operations.

For example, there is data available from victims of trafficking assisted by hospitals, social services agencies,

or NGOs that identifies where and how victims have been recruited, moved and exploited. Many services even have data about who the traffickers are. This data could empower law enforcement officials with the information they need to undertake targeted surveillance and investigations, ultimately leading to the arrest of those involved in trafficking.

As another example, it would be possible to generate data from successful and unsuccessful prosecutions of trafficking cases, to clarify issues such as what types of evidence are most likely to lead to successful prosecutions, and the impact of victim and witness protection on the likelihood of a successful prosecution. This data could inform law enforcement officials and prosecutors about what evidence they need to collect, and the protection they need to provide to victims and witnesses, to facilitate a successful prosecution. These are just some of the many examples of data that could be generated to help ASEAN member countries prosecute traffickers.

### What data will help ASEAN member countries protect victims of trafficking?

According to the UN Principles on Trafficking (UN, 2002a), protection for victims of trafficking involves ensuring that:

- trafficked persons are not detained, charged or prosecuted for their involvement in illegal activities, to the extent that this was a direct consequence of their situation as trafficked persons;
- trafficked persons are protected from further exploitation and harm, and have access to adequate physical and psychological care;
- legal and other assistance is available to the victim for the duration of any legal action against a suspected trafficker;
- the best interests of child victims are considered paramount at all times;
- victims are making informed and voluntary decisions in relation to services and return.

To respect these principles, ASEAN member countries need data that will help their social services agencies provide protection to trafficking victims and monitor and evaluate the impact of these protection policies and programs. Examples of the many types of data that could help ASEAN member countries to protect victims of trafficking include:

- data from victims of trafficking assisted by hospitals will indicate the sorts of injuries and illnesses that victims are experiencing. This will help agencies to identify the sorts of medical skills and psychological services they need to provide, in order to meet the needs of trafficking victims.
- data from deportation proceedings, where deportees are screened in order to identify victims of trafficking. This could provide valuable information about how many victims are being further penalized by the criminal justice system.
- data from embassies or consulates about migrant workers who seek their assistance could provide information on the location and types of industries where workers are facing exploitation. This information could inform pro-active policing and monitoring of labor conditions in these “problem” areas and industries.

### Where can ASEAN member countries obtain relevant data?

There are many potential sources of data. In addition to government agencies, there are non-governmental organizations, inter-governmental organizations and research institutions that will also have access to potentially relevant data that can increase the overall level of information available about trafficking. Governments need to ensure they have strong links with these organizations, to ensure that they have access to the widest possible “pool” of data.

For example, IOM has developed the Counter-Trafficking Module (CTM) database, a standardized tool that is available to all IOM Missions worldwide. Within the ASEAN region, the database is currently in use by the



IOM Missions in Thailand and Indonesia. The database is used to assist in case management of victims of trafficking assisted by IOM and also to collect valuable data from the victims themselves. IOM Missions using the CTM database tool are able to upload their data directly onto IOM's central database. At the end of May 2006, the central database contained information about 9,376 registered cases of victims of trafficking. This includes data from:

- victims of domestic and international trafficking;
- female and male victims; and
- adult and child victims of trafficking.

The data covers victims from 77 different nationalities travelling to 99 destination countries. The database contains a wealth of information about the profile of victims and traffickers, the causes of trafficking, trafficking routes, and the kinds of exploitation experienced by victims of trafficking. Data from the CTM database is being analysed by a research officer working for IOM. It is anticipated that findings from the database will be made available in 2007.

### **Principle 2 Data needs to be regular and reliable**

ASEAN member countries need to be able to monitor and evaluate the effectiveness of programs and policies over time. This will help them assess “what works”, and make judgements about what programs and policies are most effective for the money spent. This requires access to data that is collected and reported on a regular basis, consistently over time.

To give governments best guidance on how to respond to trafficking, data needs to be accurate and precise. In other words, data needs to be reliable.

There are many factors that impact on the reliability of data. These include:

- standards used for defining the data to be collected;
- procedures used for collecting data;

- training for the people involved in collecting the data;
- design of intake forms and client questionnaires.

Human error will always be a factor in any data collection system. However, this factor can be minimized through introduction of standard procedures, properly designed intake forms and questionnaires, training, and properly designed information systems.

### **Principle 3 Data must be protected**

Data on human trafficking inevitably requires the collection of personal and often very intimate details. For example, many agencies collect personal details such as place of residence, names and addresses of family members, medical history, including perhaps HIV status.

The potential for misuse of personal data is enormous. If personal data is not protected, the consequences are severe. Witnesses may be identified, located and intimidated. Victims could be publicly shamed or worse, their lives could be placed in further danger. Informants could be identified and targeted.

Additionally, misuse of personal information not only affects the individual, it also undermines the effectiveness of the entire anti-trafficking effort. If personal information is not safe from misuse, victims will be even more reluctant to come forward, and informants and witnesses will not assist law enforcement officials or prosecutors. As such, it is vital that proper policies and procedures are put in place to protect the security and privacy of personal information. This approach is consistent with human rights.<sup>4</sup>

Anonymous non-personal data is generally sufficient for policy-making purposes. Accordingly, access to sensitive, personal data should not generally be available to policymakers (EC, 2004: 77-80). Access and exchange of sensitive, personal data will often be required for legitimate operational reasons. Nonetheless, this access to data and exchange of personal information should be conducted within a framework of policies and

procedures that protect personal data from misuse (idem).

#### Principle 4 Data must be turned into information and knowledge

The actual “collection” of data should be just the first step in a larger process. Once collected, data has to be compiled, summarized and analysed so that it can be used to make informed policy and operational decisions. In other words, data needs to be turned into information. This involves implementing an appropriate and effective “information system”.<sup>5</sup> An information system is not simply a computerized “database” or spreadsheet. This is a common misperception.

##### BOX 5

#### What is an “information system”?<sup>a</sup>

An “information system” is a whole process that allows:

- relevant reliable data to be collected on a regular basis at its source (often far from the head office, for example, at a border post or hospital);
- data to be compiled and summarized;
- summaries of the data to be analysed and interpreted (often at the head office) for notable trends and policy or operational implications;
- reports to be generated for managers, including information about trends and policy or operational implications, so that managers can make well-informed decisions;
- system feedback about quality, quantity and usefulness of the data, so that refinements and adjustments can be made to the system as needed. This is particularly important, as laws change and the nature of trafficking changes over time.

<sup>a</sup>White, 2005.

A deficiency in one of these steps will have an impact on all the following steps. So if data is collected, but is not compiled and collated, it is impossible to analyse or interpret the data. Setting up an information system involves considerations not only of computer hardware

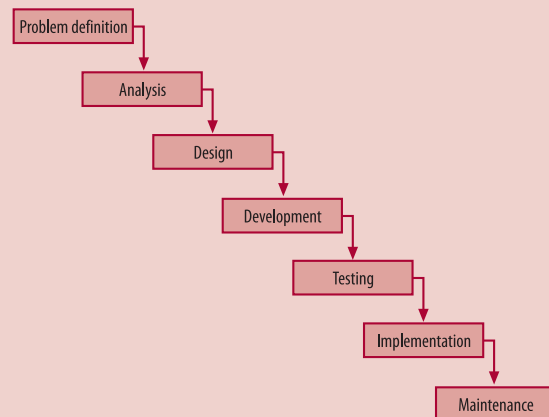
and software. The components of information systems also include:

- people: the social workers who interview the clients and fill in the forms; the data entry clerk; the police officer who prints off a summary report for his superiors; the middle managers who interpret trends; the senior managers who read the reports; and the information managers who oversee the whole process;
- data “fields”: these are the basic units of any information system. Examples of data fields include checkboxes for a “yes/no” answers on client intake forms, or a space in a spreadsheet to enter “number of arrests”. Data fields need to be precise and clearly defined to ensure they can be easily understood and entered correctly by a variety of users.

A deficiency in one of these elements will impact the overall effectiveness of any information system.

FIGURE 1

#### Steps in making an information system



Effective and sustainable information systems help ensure that the data is relevant, reliable, and collected on a regular basis. Information systems are the mechanism through which data is turned into useful information. The development of effective, sustainable information systems is essential to improving data on trafficking.



## BOX 6

**ASEAN and best practice for data collection on trafficking**

ASEAN member countries need access to “data on trafficking” that is relevant, regular and reliable.

Data is relevant if it provides the government with information about how to effectively prevent trafficking, how to identify, arrest and prosecute offenders, and how to effectively protect victims of trafficking. Data is relevant if it enables the government to monitor and evaluate the impact of anti-trafficking programs and policies.

Data needs to be collected and reported on a regular basis, to allow for tracking of changes over time.

Data needs to be reliable. That is, data needs to be accurate and precise, and the methodology for such collection must be clearly explained and defensible.

Data has to be properly protected, with clear policies and procedures that balance the interests of law enforcement with the need to ensure privacy, confidentiality and personal safety of individuals.

Anonymous, non-personal data is generally sufficient for policy-making purposes.

Specific, personal data may be required for operational reasons. Access to this data should be subject to strict controls.

Data has to be turned into information. This involves implementing an appropriately designed and maintained information system at the agency level and/or at the national level.

Information systems are not just computerized databases or spreadsheets. Information systems require hardware, software, people and clearly defined data “fields”. Information systems involve many steps, from identifying information needs and relevant data, to turning that data into information that is useful information for managers.

Information systems have to be properly designed, implemented and maintained. Information systems have to be sustainable.

## Notes

1. Migrant smuggling is covered by the UN Protocol against the Smuggling of Migrants by Land, Sea and Air (UN, 2000e).
2. Domestic trafficking is not specifically covered in the UN Trafficking Protocol (2000d). However, when the Protocol is read together with the Convention against Transnational Organized Crime, it is clear that “trafficking” includes both international and domestic trafficking.
3. This definition of “crime prevention” is used by the US Congress as the basis for monitoring the effectiveness of federally funded crime prevention programs, see further Sherman (n.d.).
4. Guideline 6.6 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking (UN, 2002a) provides that there should be no public disclosure of the identity of trafficking victims. Their privacy should be respected and protected to the extent possible, while taking into account the right of the accused to a fair trial. Guideline 8.9 notes that the privacy and identity of child victims should be protected.
5. This section is a summary of information found in White (2005).



# The Country Studies



## II.1 About the Country Studies

The country studies that follow give a rare “behind the scenes” insight into the data collection practices of government agencies in the four countries that participated in this pilot project: Cambodia, Indonesia, the Philippines, and Thailand. The willingness of these governments to participate in the research reflects positively on their commitment to making continual improvements in their response to trafficking.

The country studies focus on data that is collected, created, maintained or used by **government** agencies. While NGOs and international organizations and other organizations are potential sources of valuable data on trafficking, these sources were not examined in any detail in the course of this research.

Each country study has two main sections:

- A description of government practices regarding data on trafficking: information is provided about as many aspects of the data collection process as possible, including not only how the data is collected but also how it is compiled, summarized, and reported.
- A discussion of the major challenges being faced by the government in their data collection efforts.

Efforts have been made to present information consistently for all four countries. However, there are differences in the information provided for each country, reflecting the realities of the research process. Each research team had a slightly different set of skills and some agencies were more open or knowledgeable than others about their own processes.

## II.2 Research Underlying the Country Studies

The country studies are summaries of larger research reports prepared by national teams in Cambodia, Indonesia, the Philippines, and Thailand. Not all of the information gathered by the national teams is presented in these country studies. The following is a summary of the research process.

The national teams began by establishing the legal and policy framework for government data collection on trafficking. Legislation and policy have a direct impact on how government collects data. In many ways, they provide the “framework” within which data is collected. Accordingly, the researchers were asked first to establish the legal and contextual framework for data collection on trafficking. This included:

- the principal laws on trafficking and related acts;
- the definitions of key terms, such as trafficking (in law and policy);
- other laws and policies that affect data collection (e.g., division of government responsibilities in national policy statements).

Through literature reviews and consultations with government officials, researchers identified the main government data sets on trafficking or related information. These data sets could have been set up to provide specific information on trafficking (“trafficking specific”) or established for completely different purposes (e.g., migration management, managing cases in a hospital).

Finally, researchers looked at the methodology used to generate data on trafficking in order to identify policies or practices that may impact on data relevance, reliability and regularity of data. Issues examined included:

- what data is being collected;
- who data is collected from;

- how data is collected, stored, and reported;
- how key terms are defined (e.g., definition of “trafficking”).

Each of these issues was examined in order to identify strengths in existing data collection practices, but also challenges and opportunities for improving these practices.

The researchers used both quantitative and qualitative approaches to the research. Due to the time constraints on the project, the researchers were asked to undertake their research in a very short time frame of approximately three months.<sup>1</sup>

## II.3 Research Challenges

As with any research project, many challenges were identified during the course of the research. These included:

- low levels of awareness within many government agencies of data collection practices, making it difficult to source basic information about data collection practices;
- lack of coordination within and between government agencies, making it very difficult to locate the right person to consult regarding data collection;
- sensitivity around data on trafficking, related to possible criticism of government anti-trafficking practices;
- different skill sets of the research teams, resulting in different approaches and focuses in the research;
- growing awareness throughout the project of the impact, both positive and negative, that “information systems” can have on the usefulness and quality of data. This meant that researchers had to consider not only the raw data itself, but also the initial set-up of the surrounding “information systems”. Only one research team (Cambodia) had the right skill set to undertake this kind of technical analysis.

These research challenges had an impact, to varying degrees, on the research conducted in the four countries. Nonetheless, from the information gathered by the researchers, a picture of government data collection practices and of the major issues facing the governments and their agencies has emerged. This information is presented in the following country studies.

## Note

1. The Pilot Project was conducted between October 2005 and June 2006. Due to the time taken to identify national research teams, mobilize teams, develop methodology, and identify key government contacts, the primary research was carried out over a period of around three months.



# Country Study: Cambodia

Research conducted by **Ken White**, Principal, Prefer Software, and **Suon Visal**, Attorney, Phnom Penh

## III.1 Background

Cambodia is a country of origin, transit, and destination for trafficking.

The Cambodian government, together with many non-government and inter-governmental organizations, is actively engaged in the fight against trafficking. In 2005, a UNICEF survey found that there were around 80 government departments and non-governmental organizations in Cambodia that self-identified as working with child victims of trafficking. With so many agencies working on trafficking, a large amount of data is being collected. The challenge lies in turning this “data on trafficking” into useful information that can guide the government in its efforts to combat and prevent trafficking and to protect victims.

This country study looks at some of the government projects currently under way involving data on trafficking. Some of these projects have been more successful than others. However, it should be acknowledged at the outset that, given that Cambodia is a post-conflict, developing country, the level of effort being put into data collection by the government is very high.

## III.2 Government Data Collection Practices in Cambodia

There are at least nine Cambodian government ministries and 15 government departments dealing with aspects of trafficking (see Table 1). Within these ministries and departments, the present project identified seven “trafficking-relevant” information systems operating in four ministries: Ministry of Interior, Ministry of Justice, Ministry of Social Affairs, Veterans and Youth Affairs, and the Ministry of Women’s

Affairs. The research focused on the information systems currently in place within these government agencies.

Government data collection takes place within the larger framework, set out in Cambodian laws and policy. Cambodia has a government policy on trafficking in children, in the *Five Year Plan against Trafficking and the Commercial Sexual Exploitation of Children*. Cambodia does not currently have an equivalent policy statement for trafficking of adults.

In May 2002, the Cambodian government issued a sub-decree that created the Department of Anti-Human Trafficking and Juvenile Protection, within the Ministry of Interior. The purpose of the Department is to suppress and prevent trafficking and it focuses on trafficking within the framework of both national and international laws.

Cambodia was one of the first countries in the region to adopt laws on trafficking, the *Law on Suppression of the Kidnapping, Trafficking, and Exploitation of Human Beings*, 1996. This law prohibits the kidnapping of persons for trafficking, sale or prostitution, and the exploitation of persons inside or outside Cambodia. The law is quite brief, comprising only ten articles. The law does not define “trafficking”, which causes problems with implementation of the law.

In 2003, the Cambodian government drafted a replacement law, the *Law on Suppression of Human Trafficking, and Sexual Exploitation*. The draft is clearer than existing laws, includes a definition of trafficking, and covers many more aspects of trafficking cited in the UN Trafficking Protocol. There are positive signs that the government intends to enact this law.

Cambodia has MOUs with Thailand and Viet Nam which facilitate the return and repatriation of trafficking victims. Cambodia is part of the UN-sponsored COMMIT process, which facilitates cooperation between the six countries in the Mekong sub-region.



TABLE 1

**Government ministries and departments dealing with trafficking – Cambodia**

Acronym	Ministry	Focus
MoI	Ministry of Interior <ul style="list-style-type: none"> <li>■ Department of Anti-Human Trafficking</li> <li>■ Department of Foreigners</li> <li>■ Department of Immigration</li> <li>■ National Police</li> </ul>	Prevention and combating via investigations, border controls, arrests. Incorporates the Department of Anti-Human Trafficking, which was set up to investigate trafficking cases.
MoJ	Ministry of Justice	Preventing and combating via prosecutions.
MoSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation <ul style="list-style-type: none"> <li>■ Coordination and Documentation Center (CDC Project)</li> <li>■ Cambodian National Center for Children (CNCC)</li> <li>■ Child Labor Unit</li> <li>■ Child Protection Network</li> <li>■ Department of Child Welfare</li> </ul>	Protection and support via management of alternative care, information relating to trafficking and public awareness-raising.
MoWA	Ministry of Women's Affairs <ul style="list-style-type: none"> <li>■ Legal Protection Department</li> <li>■ Provincial Department Of Women Affairs (PWDA)</li> </ul>	Research and analysis into: <ul style="list-style-type: none"> <li>■ Socio-economic factors affecting levels of migration and trafficking.</li> <li>■ Description of the levels and types of migration.</li> <li>■ Risk factors associated with migration.</li> <li>■ Village-based activities for the prevention of trafficking within the targeted communities.</li> </ul>
MoLVT	Ministry of Labor and Vocational Training <ul style="list-style-type: none"> <li>■ Department of Employment and Manpower</li> </ul>	Labor migration issues associated with trafficking.
MoCR	Ministry of Cults and Religions	Raises the capacity of Monks and <i>Achars</i> <sup>a</sup> to identify trafficking victims and to support and assist them and their families.
MoFA	Ministry of Foreign Affairs <ul style="list-style-type: none"> <li>■ Consular Department</li> </ul>	Awareness raising, research and poverty reduction and providing protection, return and reintegration assistance to Cambodian victims trafficked to Malaysia, while also aiming to strengthen ongoing recovery and reintegration support both for Cambodian and Vietnamese trafficking victims.
MoH	Ministry of Health	Contribute to the psychosocial rehabilitation of children and their families in the target districts and to increase their awareness levels to the risk and avoidance mechanisms of trafficking.
MoT	Ministry of Tourism	Issues associated with sex tourism with a focus on children.

<sup>a</sup>Elder respected persons who assist with religious ceremonies.

## III.2.1 Ministry of Interior

### Agency mandate

The Ministry of Interior is responsible for law enforcement in Cambodia. The Department of Anti-Human Trafficking and Juvenile Protection (DAHTJP), within the Ministry of Interior, focuses specifically on trafficking and sexual exploitation of adults and minors in accordance with Cambodian and international laws.

DAHTJP has two information systems that are relevant to trafficking: the Law Enforcement against Sexual Exploitation of Children and Trafficking (LEASECT) database, and the Secured Regional Information Sharing Initiative. These systems will be discussed separately.

### III.2.1.1 LEASECT Database

#### Description of processes and practices involved in data collection

DAHTJP uses the LEASECT database to:

- monitor and investigate cases of trafficking;
- assist the Ministry of Justice with the prosecution of offenders;
- assist with interventions aimed at strengthening border controls.

LEASECT datasheets seek information on a large number of variables relating to case tracking, information about the victim, offender and the offence, and intervention tracking. They have tick boxes as a way of recording the offence type, including one for the offence of “human trafficking”. This term is not defined anywhere on the data sheets. The LEASECT information system relies on the data collection staff’s ability to understand and identify whether the case should be classified as trafficking in persons. An initial classification is made and is then confirmed, presumably by a more senior member of staff.

The data collection process begins when police at the commune level write up investigative reports for trafficking cases, based on interviews with victims, suspects, and witnesses. These investigative reports are sent to the provincial departments, where relevant data from the reports is extracted, and written onto the LEASECT datasheets.

### Compilation and storage of data

The LEASECT database is installed in DAHTJP local offices in five provinces<sup>1</sup> throughout Cambodia. These five provinces were selected according to priority given to tracking trafficking cases. In these provinces, data about cases is entered directly onto the databases. Every three months, data from these offices is manually collected by the consultant who created the information system. The consultant then replicates the data onto the central database at DAHTJP’s national office.

It is hoped that a more robust compilation process will be available when a virtual private network is implemented. Once this happens, the provincial police departments will fill in datasheets and then enter the information directly onto the database, via the virtual private network.

Information from the 19 other provincial offices is obtained from faxed reports. This involves high costs, because of the large number of pages in each report (there are 21 pages in the complete LEASECT set). Sometimes, the provincial offices will fax reports from the old information system in operation prior to the implementation of LEASECT. In this case, the consultant extracts relevant data from the faxed reports and enters it into the central database at DAHTJP’s national office.

### Reporting

Reports are available for suspect, case and victim details. They can be obtained by written request to the head of the Department. The LEASECT database has the capacity to generate a summary of any data within the

database, but generating reports depends entirely on the capacity of the staff operating the system.

### Issues identified

The most pressing technical issue is the need to address a bottleneck within the data compilation process. In its present form, data cannot be transferred via the system to the central office. As such, compilation of collected data relies heavily on input from the implementing consultant. The planned installation of a virtual private network may go some way to helping this situation for the five provinces that will be brought online. However, 19 other provinces will require connection to the system, if they are no longer to rely on faxing annotated reports.

The information system does not have formally defined information objectives. Accordingly, it is difficult to assess whether the data being collected is relevant to these objectives. For the purposes of this project, the researchers sought to map collected data back to presumed information objectives. This mapping suggests that the data being collected is relevant to the following objectives:

- **Case Tracking:** this relates to the overall objective to strengthen investigative initiatives and to assist in the prosecution of offenders;
- **Suspect Tracking:** the system captures data that can uniquely identify suspects, together with various related details;
- **Interventions Tracking:** collection of data allowing DAHTJP to decide on interventions to be carried out, the aspects of those interventions and, to some extent, the effect the interventions will have on preventing and combating trafficking.
- **Victim Support Tracking:** information collected will assist DAHTJP to determine the services provided to victims in each trafficking case.

To enable ongoing monitoring and improvement of the system, the information objectives of the system should be formally defined.

At present, there is little capacity for analysis and interpretation of the data produced. Also, there is no formal system for producing and distributing summary reports. Building capacity for analysis and interpretation and establishing formal reporting processes will help ensure that DAHTJP's law enforcement officers reap the benefits of information generated by the system.

One of the aims of the information system is to identify and track suspects so that DAHTJP can strengthen the Ministry of Justice's ability to prosecute. The intention is to help officials identify, for example, when a suspect leaves the country or whether a suspect has a history of other crimes. However, the information system needs to incorporate further fields if it is to achieve this objective. At the moment, the amount of data used to track suspects is commensurate to that of victims tracking.

### III.2.1.2 Secured Regional Information Sharing Initiative

#### Description of processes and practices involved in data collection

The Secured Regional Information Sharing Initiative (SRISI) was established to allow specialist anti-trafficking police units in Cambodia, Thailand, Laos and Myanmar to share real-time information about actual cases using a secure network. By tracking the passage of information back and forth between the agencies, the system helps ensure accountability in case handling and information sharing between agencies.

The information within the system is predominantly narrative, in the form of emailed messages. This reflects the fact that SRISI is primarily a communication tool, rather than a "database" in the traditional sense. Messages with information about trafficking cases are created by authorized staff. They are then passed to authorized SRISI unit supervisors who use translators to create the message in other relevant languages. The unit supervisor then prepares the message for sending via email.

SRISI has the capacity to generate some useful data. There are formal data fields for the narrative to be entered relating to: the quality and source of the intelligence received, levels of confidentiality of the information being shared, who creates and authorizes the message, and other details such as timeframe.

SRISI does not incorporate or provide a definition of “trafficking”. It relies on the capacity of personnel using the system to understand what trafficking is, and the meaning of other terms used. Training on identifying and handling trafficking cases has been provided to each specialist unit involved, through the Asia Regional Cooperation to Prevent People Trafficking project, funded by the Australian government.

### Compilation and storage

SRISI uses a “flat file” database: messages are saved as text files (or other file formats), then grouped and sorted through the creation of a series of directories and sub-directories on the recipient’s digital filing system (e.g., Windows Explorer). The system uses encryption software.

### Reporting

Access to further information about the management of the system was not available at the time of writing. However, it appears that it would be possible to:

- administer the system and identify bottlenecks through tracking of messages sent, received and acted upon;
- determine the numbers of messages sent over time.

### Issues identified

Hardware for the system within Cambodia has become unavailable. This has hampered efforts to encrypt and secure sensitive information. In Cambodia, the system has currently stalled.

## III.2.2 Ministry of Justice (MOJ)

### Agency mandate

The Ministry of Justice administers and regulates the judiciary in Cambodia.

### Description of processes and practices involved

MOJ collects data using a paper-based system on all criminal cases in Cambodia. The existing datasheet collects data on the type of offence (this could potentially include trafficking cases), actions taken by the prosecutors, and actions taken by the courts (see Annex 2). Datasheets are filled in by staff from the provincial courts. Court proceedings and case reports are faxed to the central office in Phnom Penh where they are manually filed and stored.

### Compilation and storage of data

Data is compiled manually using a paper-based filing system, which is also used to obtain summaries and analyses of data. An attempt to create a database to collate this information digitally was unsuccessful: the database created was abandoned as a useful tool in 2005 and only ever contained five records.

It is likely that a new database for monitoring data on child justice issues will be created. Its mandate will be to act as a national child justice data collection and monitoring system (with case tracking), including a database of information about cases of child victims of trafficking. It is expected to expand to include other case types and children in conflict with the law. At this point, the database is in the assessment phase and the final contents of the database have yet to be decided. However, it is likely that the information system will be based on the Ministry of Justice’s existing datasheet.

## Reporting

Reports are currently available for internal use only; but some datasheets are sent to Ministry of Interior on request. Summary reports are used to track the number of court cases remaining, pending and renewed, as well as case type and other information.

## Issues identified

Data sheets are generic to all criminal cases. They have not been designed to enable users to identify or collect data specifically about trafficking cases.

The current paper-based system has very limited access and therefore information relating to cases (including trafficking cases) is difficult to obtain. Additionally summary and analysis reports are difficult to produce and verify.

## III.2.3 Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY)

### Agency mandate

MoSVY is tasked with protecting and supporting victims of trafficking, via management of alternative care, and providing information in regard to trafficking and public awareness-raising.

MoSVY is a partner in several data-related projects: the Coordination and Documentation Center project, the “Child-Protection.info” Office, and the Trafficking and Sexual Exploitation of Children Information (TSEC) project. These will be discussed separately.

### III.2.3.1 Coordination and Documentation Center

#### Description of processes and practices involved in data collection

MoSVY is a partner in the Coordination and Documentation Center project (CDC project), which is supported by IOM. The CDC project aims to support the orderly return and reintegration of trafficked Cambodian women and children back from Thailand and Vietnamese women from Cambodia back to Viet Nam, through case tracking and monitoring. By building up relevant data, the CDC project’s ultimate aim is to assist MoSVY in its development of policy on trafficking-related issues.

Data is collected from victims of trafficking using a very comprehensive datasheet (the Case Management Manual). The Manual collects data that is directed towards case management (orderly return and effective reintegration) but also to understanding the process and risk factors involved in trafficking. Questions in the manual are structured so as to collect data on the elements of trafficking, as defined in the UN Trafficking Protocol.

The Manual is kept with the victim and filled in each time they are moved or processed by a different organization, shelter and detention center. Entries are made on the datasheets by the various officials involved in the process. In Thailand, this includes officials from the Thai Department of Social Development and Welfare and immigration authorities. On the Cambodian side, this includes border guards and workers from social affairs. Information is typically collected at the Ministry’s transit center located at the Thai-Cambodian border in Poipet and NGO Reception Centers.

#### Compilation and storage of data

Completed data sheets are sent to the CDC project main office in the MoSVY’s Directorate of Technical Affairs

where data is entered into the database using a Microsoft Access XP Data Project front-end interface. Data about Cambodians returned from Thailand, and Vietnamese victims of trafficking returned from Cambodia to Viet Nam, are entered into the database.

### Reporting

MoSVY creates annual reports from the system with the assistance of IOM. Plans are in place for implementing an updated information dissemination system that will require less input from IOM.

### Identified issues

The system has a relatively good success rate in terms of collecting and collating data, especially given the environment in which it is collected and the number of pieces of information on every trafficking case. The capacity of the system is currently limited due to a lack of staff with capacity to summarize, analyse and interpret the data. At the moment, this skills shortage is met by IOM. However, IOM is looking to identify ways to ensure capacity is built within the Cambodian government in the longer term.

### III.2.3.2 “Child-Protection.info” Office

#### Description of processes and practices involved

There are more than 200 agencies (government and non-government) working on child protection issues in Cambodia. Many of these agencies work with child victims of trafficking. There is a desire for data to be shared between these agencies. However, the practical impediments to meaningful data sharing are enormous. Following an initial assessment, the solution devised involves a series of steps, starting with the establishment of the “Child-Protection.info Office”. The Office will not be a central repository for all child protection data

collected in Cambodia. Rather, it will establish a “meta-database”, or a directory of data that will be available from the 200-plus agencies working on child protection issues. This meta-database will make it possible for all agencies to find out what data is available, where and how to get it, and the definitions that underpin the data.

The meta-database will also collect information from users, as part of working towards reconciliation of data from the different agencies. Information being collected will assist in determining (amongst other things):

- the main data needs of child protection organizations;
- possible common definitions of key terms.

The Child-Protection.info office will initially collect information about each organization and its data using paper datasheets. These datasheets will be filled in by Child-Protection.info staff and the information will be collected via email, telephone and on-site visits. Eventually it is expected that datasheets will no longer be necessary and data will be inputted and confirmed directly by each organization itself. The Child-Protection.info office will then concentrate on the tasks associated with administering the data collection process.

#### Compilation and storage of data

Collation is via an online database that has a web-based interface accessible by most Internet web browsers.

#### Reporting

The database will be available over the Internet (<http://www.child-protection.info>). The application will allow users to search for organizations, datasheets, reports, and specific data, such as indicators used by different agencies. In the longer term, the data directory will also be available via emailed report requests and an annual hardcopy publication.



### III.2.3.3 TSEC Database

#### Description of processes and practices involved

The Cambodian National Council for Children (CNCC), which operates under MoSVY, exists to promote, monitor, report and coordinate the implementation of the UN Convention on the Rights of the Child.

CNCC seeks to collect data on “indicators” of trafficking and sexual exploitation of children, using the TSEC database. These indicators are taken from various international documents, such as the Stockholm Agenda for Action against CSEC, and the Cambodian National Plan against Child Trafficking and Sexual Exploitation 2000-2004. Reflecting their origins, the indicators are very broad and open to interpretation. Examples of indicators include:

- training for government staff on social work and techniques for child victims of sexual exploitation and trafficking;
- materials produced on the problem of child sex tourism and CSEC law;
- child worker, drug users and child trafficking victims in non-formal education integrated in formal education;
- trafficked children assisted in repatriation by country of origin.

The TSEC information system is a third-party application: that is, the system presents data collected by partner organizations. Data is collected and then provided to TSEC by the various government ministries, NGOs and IGOs affiliated with the project.<sup>2</sup> As a third-party application, the TSEC system relies on the capacity of its partner organizations to understand the meaning of the indicators and provide relevant data accordingly. As the indicators are very broad and not precisely defined, this is understandably difficult.

#### Compilation and storage of data

Information is collated in two main ways:

- ministries’ provincial departments fill in a hardcopy datasheet and send in by mail to TSEC;
- national ministries and other organizations email MS Excel spreadsheets to the CNCC Office.

The data is stored in an MS Access database at CNCC.

#### Reporting

Reports from the system are informal and made available on an irregular basis, usually depending upon existing circumstances (for example, when a workshop is about to be held). Reports are shared with participating organizations and any reports are shared publicly.

#### Issues identified

The database is a central repository for data from multiple sources. There are inherent problems with this approach. For example, it is difficult for partner agencies providing the data to know exactly what data they should provide, “indicators” are very broad and open to interpretation, and CNCC does not always know how the data they receive relates to their indicators. As a result, the process of mapping supplied data to the relevant indicators is haphazard, inaccurate, and unsustainable. The data that is collated and then released by CNCC is difficult to understand, in terms of definition and context. The combination of these factors means the system is unreliable and unusable. For these reasons, the output of data from this project has stalled. There will be a workshop to discuss whether the data can be released.

## III.2.4 Ministry of Women's Affairs (MoWA)

### Agency mandate

MoWA is the national institution with the mandate to upgrade the status of women throughout Cambodia. The Ministry has a program for lobbying and resources for creating laws, policies and strategies for the punishment of trafficking of women and children. It can also seek support for the effective implementation of these laws and promote public awareness about trafficking and support for victims.

MoWA has two database projects that are relevant to trafficking: one collects data generated by the Counter-Trafficking Information Campaign, and the other is the Case Management Database. Each of these will be discussed separately.

### III.2.4.1 Counter-Trafficking Information Campaign

#### Description of processes and practices involved

The Counter-Trafficking Information Campaign (CTIC) is a project that aims to:

- collect information about knowledge, attitudes and practices in relation to migration and trafficking, which is then used to develop reliable counter-trafficking messages and materials based upon sound factual information;
- identify measurable indicators which can be used in assessment of awareness of trafficking;
- collect data on push factors relating to trafficking and migration, and assess levels of trafficking by province.

Data was collected during two separate projects in all 24 provinces of Cambodia. The first project involved taking a population sample, using three groups in each province, which included village chiefs, commune chiefs, police and local government workers, moto-taxi drivers

and students. One group was exposed to the information campaign, another to village-based activities, and the third acted as a control group.

Information was collected via datasheets by MoWA staff, assisted by IOM staff. Six teams conducted the individual interviews, each team consisting of two staff from the Provincial Department of Woman's Affairs (PDWA) and two MoWA staff members.

The objectives of the survey were to:

- collect data on risk factors relating to trafficking and migration;
- assess levels of trafficking by province;
- identify appropriate trafficking indicators;
- develop prevention interventions;
- support advocacy activities.

To ensure anonymity, no identifying information was collected. Data was collected on the background of the interviewee (age, sex, language, situation in regard to migration), socio-economic status of the interviewee and the village, features associated with migration from the village, and understanding of trafficking (see Annex 3 for the latest version of the datasheet and associated data fields).

The survey based its findings on the definition of "trafficking" provided by the UN Trafficking Protocol.

#### Compilation and storage of data

Data was entered into a locally installed database by provincial departments. The databases were then transferred to the national level by CD and then collated into a central database. Data is stored in a Microsoft Access XP database.

#### Reporting

Nineteen reports have been created for this information system. Two cover six provinces, and the remaining 17



have been produced in Khmer by MoWA's provincial departments and relate to one province each.

### Issues identified

This project is one of the few in Cambodia in this field that has addressed a wide range of information processing steps: it includes a summary, an analysis and interpretation strategy, and a feedback system to ensure that objectives are being met.

In the initial phases, the database was created without taking into consideration needs for networked access, replication, objectives feedback, information dissemination, analysis and reporting. As a result, subsequent upgrades to the database have been disjointed and haphazard so that there are now three different versions of the database and not all are entirely compatible with each other. This creates challenges for collation at the national level.

Government staff received training in summary, analysis and interpretation skills and this ensures that they can reliably obtain and interpret accurate results from the information system. Further training may be required to increase accuracy in this regard and to establish a reliable system of feedback to the objectives over the longer term. The system is currently on hold while attempts are made to attract further funding.

### III.2.4.2 Case Management Database

#### Description of processes and practices involved

The objective of the Case Management Database (CMD) is to see whether any significant improvements have been made in terms of awareness and attitude (including issues of trafficking and “blind” migration) of the primary target groups, which included villagers and local authorities. The project aims to collect information at the grass-roots level, that is, by people within the villages during village-based activities. This information will help to support information campaigns

and advocacy systems set up in the relevant provinces to combat trafficking, rape and domestic violence. CMD has been appended to the Counter-Trafficking Information Campaign (CTIC) project (see above) as an alternative means of collecting information on these issues and on services provided to victims.

Data collected from village people on trafficking cases includes:

- information about the victim
- details of referrals
- court case outcomes
- case type
- type of services provided (e.g., financial, skills, shelter, legal, other).

This information system relies on the capacity of its data collection staff to understand the definition of all key terms. In other words, there is no way of knowing whether or not the correct definition and context has been used for the key terms apart from what can be assumed from definitions used in national law or training manuals associated with the information system.

Information is collected by village chiefs and PDWA representatives during village-based activities. CMD has been used only in the provinces of Siem Reap, Kampong Cham, Kampong Thom and Banteay Meanchey. Sampling is dependent on whether or not village chiefs have already received training in the CTIC project's village-based activities.

#### Compilation and storage of data

PDWA staff members bring the information collected from provincial villages manually. The database is a simple Microsoft Excel spreadsheet.

## Reporting

The Ministry of Women's Affairs creates quarterly reports at the national level and disseminates them internally, to its PDWAs and to IOM.

## Issues identified

The CMD project is not yet fully implemented, in part because PDWA staff and village chiefs have yet to be trained on how to collect and collate basic data. It will expand its activities when additional funding is available and the ultimate aim is to implement a more formal referral system and system of data collection.

The accuracy of the CMD system's ability to identify cases of trafficking accurately and consistently is highly questionable. Accuracy and consistency could be improved by breaking down the existing data fields on the data sheets into smaller component "units". This will help ensure that the people collecting and providing the data are consistent in their understanding and application of the term "trafficking".

## III.3 Issues Identified

There are many different government agencies collecting data on trafficking in Cambodia, covering such aspects as prevention, protection, prosecutions, repatriation, and reintegration. This is very positive and reflects the level of attention that is being paid to combating trafficking in persons.

With so many projects underway, in different environments and with different objectives, it is inevitable that there will be a wide range of technical issues that need to be addressed. These technical issues include the following:

- the importance of identifying and defining key terms in law and in practice throughout the various information systems;

- the establishment of reliable connections between remote offices and central offices in Phnom Penh;
- the need to develop and implement software that will make it easier for the various people interacting with the information systems to compile data, prepare summaries, and undertake analysis;
- the present lack of training in information management, to ensure that people interacting with the various information systems can understand the steps involved (data collection, compilation, summary and analysis, reporting, system feedback);
- the lack of personnel available to undertake system maintenance and administration of the information systems.

These issues are discussed in more detail below.

### III.3.1 Definitions

The most pressing issue facing most government information systems is the need to identify and define key terms, to ensure that cases can be accurately and consistently identified and that data can be collected, compiled and reported with some degree of reliability. Part of the problem is the lack of clarity and coverage in Cambodian laws on trafficking. The laws do not provide a sound basis for data collection on trafficking, as it is defined in the UN Trafficking Protocol. Consequently, most of the information systems have not been set up for the purpose of collecting data on trafficking, in the sense of the UN Trafficking Protocol.

In order to collect data on "trafficking", this term (and its constituent elements) needs to be defined very clearly and precisely. It must then be understood by the people involved in the information system and put into practice, at every stage in the information system's processes. For example, the easiest way to ensure that the definition is clearly understood and put into practice is to incorporate or build the definition (or its constituent elements) into an intake form or data sheet.

Most government information systems in Cambodia rely entirely on the assumption that staff collecting the

data do understand the definition of trafficking and apply it when collecting the data. Given the complexity of the definition, it is very unlikely that data is being collected in any standard way. This has a serious impact on the reliability of data being collected. Therefore, it is important that the definition of trafficking be incorporated into the data sheets themselves. For example, data sheets could be designed so that data being entered can be directly matched against criteria, such as the constituent elements of the definition of “trafficking”.

“Trafficking” is only one of many key terms that need to be identified, clearly defined, and then implemented throughout the information system. Defining key terms and understanding and applying them uniformly are at the heart of establishing standardized data and of ensuring reliability of statistics.

### III.3.2 Limits of Existing IT

Several information systems are experiencing problems associated with getting data from the source (e.g., in remote areas or in the regions) to the central office where it can be compiled, summarized and analysed. These problems reflect issues such as:

- lack of infrastructure (e.g., no Internet connections, no email facilities);
- lack of hardware (e.g., no computers).

In addition to these problems, staff involved in the information transfer must be given training to develop their skills (e.g., use of computers, Internet, and email).

### III.3.3 The Need to Build Capacity in Information Management

An information system involves many steps, starting from data collection, followed by:

- compilation of data
- production of summaries
- analysis and interpretation of data
- reporting
- system feedback.

For an information system to operate effectively, each of these steps must be addressed. A breakdown in any one of these steps has an impact on all of the following steps. If you cannot summarize data, you cannot analyse the data. If you cannot analyse the data, you cannot turn it into information that is useful for operational or policy decisions. No data collection project can reach its full potential, without giving attention to each of these features. To be sustainable, responsibility for each of these features has to be increasingly transferred to local staff.

In Cambodia, there is an urgent need for ongoing capacity building and training in:

- information management;
- information systems.

This is essential if the Cambodian authorities are ever to meet the larger objective of generating relevant and reliable data on a regular basis that will help construct an effective response to trafficking.

### III.3.4 Towards Integrated Data on Trafficking

As noted above, a large amount of data is being collected on various aspects of trafficking: protection, prevention and prosecution. However, there is no overall system to manage and administer trafficking data within the Cambodian government. Such a system is needed to ensure that data can be brought together from multiple sources, applied to the various objectives of preventing trafficking, protecting victims and prosecuting traffickers, and generate knowledge about each of these issues.

It must be recognized that creating such a system is a challenging task and requires a great degree of commitment. Collating data from a variety of sources is very difficult and this is currently the situation in Cambodia. The properties and requirements for collecting, storing and eventually transferring this data are different for each project and each information system. Also, these properties and requirements need to be reviewed and revised regularly, since projects and needs are continually changing.

Data from these different projects must be “mapped” against the broader government objectives of protecting victims, prosecuting traffickers and preventing trafficking. This requires a “reconciliation platform”: this consists of a set of rules and a framework which matches data collected from different sources against the system’s information objectives.

A reconciliation platform will only succeed if it is supported by a network of well-trained persons who act as focal points. These focal points will have to make informed decisions, based on criteria, about which data is relevant to which objective. Their decisions will have to be made on the basis of a consistent understanding of the agreed criteria. This consistency needs to extend over long periods of time, which is often difficult to achieve as focal points change and are located in different offices.

The agency or organization responsible for establishing the reconciliation platform must be given a strong mandate, capacity and budget for its task. The mandate should include:

- ongoing monitoring of the government’s broader objectives, so that these can be adjusted as circumstances change (e.g., if sufficient data comes online about **how** to protect victims, the government may want to start monitoring **if** victims are in fact being protected against agreed standards);
- moving towards national standards to implement a sustainable national information system.

The agency needs human resources for the overall management and administration of the reconciliation

#### BOX 7

### Setting up a reconciliation platform

Setting up a reconciliation platform involves the following key steps:

- 1 Determine the government’s objectives:** At the highest level, these include preventing trafficking, prosecuting traffickers, protecting victims, and monitoring success of interventions. These objectives need to be defined very precisely, so that it is possible to work out exactly what data needs to be collected in order to give the government information and knowledge about each of these objectives.
- 2 Work out what data is already available:** Find out the “properties of derivation”<sup>a</sup> of the data. This includes how the data is collected, what key definitions are used, and other relevant properties of the data.
- 3 “Map” the data:** To check that the data being collected meets the government’s objectives for responding to trafficking.
- 4 Make an assessment of issues relating to data transfer between organizations:** e.g., format of data transfer, security issues, methods for transferring data, and ongoing availability of the data.
- 5 Identify gaps in the data that is being collected and try to find solutions:** this could include asking partner organizations to collect more data.
- 6 Undertake discussions with the organizations that have the relevant data about getting access to that data:** this should include establishing processes for resolving any conflicts along the way.
- 7 Find ways to ensure that the reconciliation platform produces reports** or other products that are of use to all the contributing organizations in order to ensure their continued commitment to the project.
- 8 Find ways to ensure that the reconciliation platform is “dynamic”:** partner organizations will change over time, and projects will come and go. There needs to be flexibility and capacity to respond to change.

<sup>a</sup>“Properties of derivation” includes: what method is used to collect, collate and analyse the data; who processes the data; when and how frequently the data was collected; what software was used to collate or analyse the data; the purpose for which the data was collected in the first place; where the data was collected; any other data that must be supplied in order to retain the context or integrity of the supplied data.

platform and will require access to focal points in all of the government agencies involved in combating trafficking.

There will need to be a great deal of training to provide capacity building for department directors and above, since the decisions to be made on the objectives of the government and the data needed to address these objectives require a good level of knowledge not only about information management, but also about trafficking. As noted previously, there are presently very low levels of capacity within government with regard to information management.

While creating an effective reconciliation platform is an ambitious undertaking, it is a worthwhile long-term objective, given the urgent need for information and knowledge about how to respond effectively to trafficking. Implementing the reconciliation platform will mean that after a period of time, the government will know what data they need and what data will be available. This will offer a more practical, sustainable and measurable means of meeting the objectives of preventing trafficking, prosecuting traffickers and protecting victims. The establishment of a national information system on trafficking would lead to the ability of the Cambodian government to share meaningful information at the regional level.

## Notes

1. The provinces of Phnom Penh, Siem Reap, Banteay Meanchey, Battambang, and Sihanoukville.
2. Partner agencies include Ministry of Social Affairs, Veterans and Youth Affairs, Ministry of Women's Affairs, Ministry of Education Youth and Sport, Ministry of Interior, Ministry of Justice, Ministry of Labor, Ministry of Foreign Affairs, Ministry of Cults and Religion, Ministry of Information, Ministry of Tourism, Ministry of Planning and Ministry of Public Works and Transport, ECPAT, Cosecam, Child Rights Foundation, Committee of Child Rights and UNICEF.



# Country Study: Indonesia

Research conducted by **Medelina Hendytio, Dr Vidhyandika Jati Perkasa, Made Leo Wiratmat, F. Andrea, Udin Silallahi and Lia Suntoso**, Center for Strategic and International Studies, Jakarta, Indonesia

## IV.1 Background

Indonesia is a country of origin for trafficking. Domestic (or internal) trafficking is also a major issue within Indonesia (Rosenberg, 2003: 85).<sup>1</sup> Despite national efforts and policies to combat trafficking, there is no doubt that trafficking from and within Indonesia continues to occur. In the period April 2005–October 2006, 1,650 victims of trafficking received assistance from IOM's Recovery Centers for Trafficking Victims, located at three police hospitals. Of those assisted, 26 per cent were children and 10 per cent were male victims. All victims were identified using a screening process based on the UN definition of trafficking.

The Consortium for Indonesia Migrant Workers Advocacy (KOPBUMI) estimates that there are between 1.4 million and 2.1 million Indonesian female migrant workers currently abroad (KOPBUMI, 2004). While not all Indonesian female migrant workers will experience “trafficking”, there are plenty of indications to suggest that these workers are particularly vulnerable. With such a large population of Indonesian female migrant workers, the potential for victimization is enormous.

Given the seriousness of the trafficking problem in Indonesia, there is a clear and urgent need to build up data resources that will inform strong and effective prevention and protection programs and assist in the identification and prosecution of offenders involved in trafficking. This country study aims to contribute to this objective, by examining the data collection practices of government agencies involved in the fight against trafficking. The study concludes with some findings and recommendations for the future.

## IV.2 Government Data Collection Practices in Indonesia

Indonesia has established a National Task Force to Implement the National Plan of Action for the Elimination of Trafficking in Women and Children (Indonesia, 2002b). Task Force members include:

- State Ministry of Women Empowerment (MWE)
- Coordinating Ministry for People's Welfare (CMPW)
- Department of Social Affairs (DSA)
- Department of Manpower and Transmigration (DMT)
- Directorate General of Immigration (DGIM)
- Indonesian National Police (INP)
- Ministry of Foreign Affairs.

This country study will focus on the policies and practices of these members of the Task Force.

According to the National Plan of Action, the Task Force is responsible for coordinating data collection efforts. Since 2002, the Task Force has compiled annual reports which include some data on trafficking in persons gathered by members of the Task Force. The Coordinating Ministry for People's Welfare acts as central coordinator. Accordingly, the quality of the data in these reports depends entirely on the capacity of individual agencies to provide relevant and reliable data. However, data sent to the coordinator is not standardized in any way and there is very little coordination between agencies and no clear guidance on what data should be provided for the report. In the past, most Task Force members have provided some data related to trafficking, but they included whatever information they have without in any way synchronizing the data or the basis of collection. As a result, the quality and usefulness of the data in the annual reports is very low.



Agency practices have to be understood within the larger context of the legal and policy framework. While Indonesia has laws that cover some elements of trafficking, Indonesia has no specific national law on trafficking. There is no definition of “trafficking” in national law. Accordingly, most agencies refer to one of two national policies on trafficking found in Presidential Decrees. These decrees provide two different definitions of trafficking.

The main government policy on trafficking is found in the Presidential Decree on Trafficking in Women and Children (Idem). This Decree provides as follows:

Trafficking in women and children within the meaning of this national plan of action encompasses all forms of actions undertaken by perpetrators of trafficking that have **one or more** of the elements of recruiting, transporting between regions and countries, transferring, sending, receiving and temporary placement or placement at their destination of women and children. It includes using threats, verbal and physical abuse, abduction, fraud, deception, misuse of vulnerability (e.g., if someone has no alternative, is isolated, addicted to drugs, trapped in debt), giving or receiving payments or profits in cases involving women and children who are used in prostitution and sexual exploitation (including paedophilia), legal or illegal migrant workers, child adoptions, fishing platform work mail order brides, domestic helpers, begging, pornography, drug dealing, selling of body organs as well as other forms of exploitation” (emphasis added).

This definition is very broad. The structure of the definition means that arguably many simple acts such as the act of “recruiting” a person could be classified as trafficking or acts related to trafficking.

A second statement of policy on trafficking is found in the Presidential Decree on the Commercial Sexual Exploitation of Children (Indonesia, 2002a). This Decree directly incorporates the definition of trafficking from the UN Trafficking Protocol and sets policy with regard to children.

## IV.2.1 State Ministry of Women Empowerment (MWE)

### Agency mandate

MWE is responsible for delivering services and supporting all efforts toward ensuring gender equality and justice in all levels (family, society, nation) including the promotion of welfare and protection of children. As the leader of the National Task Force, the MWE is responsible for coordinating and outlining measures to prevent trafficking and to ensure victim protection at the national level.

### Description of processes and practices involved in data collection

MWE does not collect primary data itself, but relies on data provided by other government agencies, NGOs, IGOs, universities and other research institutions. For this reason, the data included in the MWE reports is diverse and not readily comparable. For example, reports include data provided by the Ministry of Manpower and Transmigration, the Indonesian National Police, the Ministry of Foreign Affairs, the Coordinating Ministry for People’s Welfare, IOM, ACIL, ICMC, *Kompas* (a national newspaper), and KOPBUMI (an NGO focusing on migrant workers’ issues).<sup>2</sup> Each of these institutions may use different conceptions of key terms, such as “trafficking” and “exploitation”, and have developed very different policies and practices for collecting and compiling data.

As MWE only collects secondary data, it is not clear whether the data it receives reflects any particular definition of trafficking. The definitions contained in Presidential Decrees Nos. 87 and 88 (Indonesia, 2002a, 2002b) are both quoted in MWE reports. One report issued by a senior MWE official, the Child Protection Act Deputy, adopts a very broad definition of trafficking. The report, *The Effort to Eliminate the Trade in Women and Children in Indonesia, 2004-2006* notes that, if migrant workers’ salaries are unpaid, or if they have

suffered from sexual harassment, were in the possession of false documents, or were being employed in an occupation not included in the initial agreement, these workers should be included as victims of trafficking (Indonesia, 2006a: 2).

MWE receives only limited data from the regions. It does not have its own representative offices in the regions but acts as coordinator for a number of regional *dinas* (regional agencies that deliver services) responsible for the welfare of women.<sup>3</sup> These *dinas* handle cases of violence against women and children, including trafficking victims. As a result of the government's policy of decentralization, the *dinas* are under no obligation to provide or share their data with central government agencies, such as MWE, and at present they do not share their data on trafficking with MWE.

In theory, MWE should also obtain data from a number of local task forces responsible for implementing the National Action Plan at the regional, provincial and district level. As of February 2006, 26 local task forces had been established at the provincial and district level.<sup>4</sup> Under the National Action Plan mandate, the local task forces are supposed to report data to MWE. However, this does not occur and there is no structural mechanism in place to ensure that this could occur.

### Compilation and storage of data

MWE has not set up any specific systems for compiling data received from other agencies, other than storing it for later reporting.

### Reporting

MWE reports the data it receives from other organizations (Indonesia, 2004e and 2006) including:

- percentage of Indonesian workers facing problems in other countries (data provided by DMT);
- list of workers' origins, transit and destination (data provided by Atmajaya University, Jakarta);
- number of commercial sex workers in some regions (source unknown);
- number of Indonesian migrant workers, 2001-2005 (data provided by Ministry of Home Affairs);
- number of cases reported to police of trafficking in women, children and infants, illegal adoption, kidnapping of underage females and babies, beggars and fraudulent migrant workers, 2002-2005, (data provided by INP).

The quality of data reported by MWE reflects the quality of the original source. MWE does not check or validate in any way data received from other sources and thus it is difficult for MWE to know the origins or quality of this data.

## IV.2.2 Coordinating Ministry on People's Welfare

### Agency mandate

CMPW is responsible for coordinating the efforts of government agencies in planning, implementing, and monitoring policies on people's welfare and poverty eradication.<sup>5</sup> CMPW acts as coordinator of the National Task Force.

### Description of processes and practices in data collection

As a coordinating ministry, CMPW collects and publishes secondary data which it receives from other Task Force members, INP, the Justice Department, the Attorney-General's Department (*Kejaksaan Agung*), research institutions/universities and other studies conducted by IGOs and NGOs. Data from the IGOs and NGOs includes the number of cases and activities related to human trafficking, origins of the victims, transit areas and trafficking routes, final destinations, and problems associated with trafficking cases (see e.g., Indonesia, 2004f).

CMPW officials also collect data during regional visits carried out for general monitoring or operational purposes. Field data is collected from regional governments and regional shelters. Unfortunately, because funding for regional visits is extremely limited, this source provides an insignificant amount of data. At one point, CMPW operated a media center to collect data on Indonesian workers deported from Malaysia but financial limitations forced the Ministry to shut down the center.

At the senior policy level, CMPW has adopted the definition of trafficking in the Presidential Decree on Trafficking.<sup>6</sup> This definition is not necessarily applied to data collected from other agencies.

### Compilation and storage of data

Each Task Force member submits its collected data to CMPW upon request. The CMPW coordinator issues a request once a year for data, in preparation for the compilation and publication of the annual report. Data is often transmitted to the coordinator in hard copy or by fax, meaning it must be retyped. This makes it difficult for the data archivist to maintain and manage the available data.

### Reporting

CMPW reports the data it receives from other organizations. As with MWE, the quality of the data reported by CMPW reflects the quality of the original source. CMPW does not check or validate in any way the data that it receives from other sources so it is difficult for CMPW to know the origin or quality of the data they are reporting. Other problems include the irregularity of reports submitted by other Task Force members, and the submission of data in hard copy.

CMPW also publishes data collected from the mass media (Indonesia, 2004f). In an interview with one respondent (CPWM interview 2006), it was stated that CPWM uses the media as their source for cases with a

lot of media coverage, as those cases have generally been thoroughly investigated by the journalists.

## IV.2.3 Department of Social Affairs (DSA)

### Agency mandate

DSA's mandate is to promote the quality of people's life through encouraging society's active participation in improving social welfare, to prevent and handle social problems arising from the process of industrialization, socio-economic crises or globalization, and to develop social protection and information system.

DSA facilitates the rehabilitation and reintegration process of migrant workers, including trafficking victims, who have been exploited or subjected to violence. These workers are broadly described by DSA as stranded or abandoned migrant workers, or migrant workers with problems. DSA also handles children who have been forced to become beggars and street vendors. DSA has provided training and education for *penyandang masalah sosial* (people with social problems, e.g., the poor, the homeless, the displaced persons, etc.) so that they are able to become independent and to have an adequate social life in society.

### Description of processes and practices involved in data collection

DSA comes into contact with trafficking victims through its help desks, located at:

- Terminal 3 of Jakarta Airport (a special terminal for returning migrant workers);
- *Tanjung Priok* harbour in Jakarta;
- some border crossing posts.

These three locations are the main points of entry for returning Indonesian migrant workers. The function of the help desks is to receive returnees, provide first aid and identify which support programs should be given to

the victims. Victims of trafficking may approach the help desks for assistance.

DSA also comes into contact with victims of trafficking through field operations. Also, DSA receives referrals of trafficking victims from MWE, the Ministry of Foreign Affairs (for example, through the Indonesian embassy in Kuala Lumpur) and NGOs. At the provincial level, DSA is responsible for migrant workers who are deported to their city of origin, which makes it possible for DSA to collect data at the regional level.

DSA does not have a particular interview or other intake form for interviewing victims of trafficking (DSA interviews 2006). According to DSA, officers use a personal approach (that is, interviewers seek to earn the trust of victims) during interviews to determine whether or not an individual has been a victim of trafficking. According to DSA, there is no rule on how information on cases should be recorded, what kind of information should be recorded, or how it should be put in the record. Data on exploited male workers tend to be disregarded. According to DSA, this is because cases of male trafficking are rarely reported.

As a government institution, DSA uses the definition of “trafficking” in the National Decree on Trafficking (Indonesia, 2002b). Using this definition, DSA has, in the past, tried to identify and collect data related to human trafficking. Between 2002 and 2004, the DSA divided its data collected into two categories:

- “stranded migrant workers”
- “trafficking victims”.

However, DSA has encountered difficulties with separating victims of “trafficking” from other cases of stranded migrant workers. Accordingly, DSA has stopped collecting data specifically on “trafficking”.

### Compilation and storage of data

As DSA does not collect data on trafficking, there are no processes in place to compile or store data on trafficking.

### Reporting

As DSA is not currently collecting data on trafficking, it cannot report on such data. According to one DSA officer “it is now impossible to distinguish, in DSA reports, how many of the stranded migrant workers might also be trafficking victims” (DSA interviews 2006).

## IV.2.4 Department of Manpower and Transmigration (DMT)

### Agency mandate

DMT’s primary role is to protect Indonesian workers, including child laborers and Indonesian migrant workers. In relation to human trafficking, DMT’s main responsibility is to implement preventive measures. To date, prevention activities have included disseminating information and training migrant workers so that they do not fall victim to human trafficking.

The majority of Indonesian migrant workers are women, including large numbers of domestic workers. The number of female migrant workers is often used as the basis of the estimated number of trafficking cases. This practice has led to the tendency of DMT to focus on the trafficking of women and children.

### Description of processes and practices involved in data collection

DMT is in charge of collecting data on “problematic migrant workers”. It does not specifically collect data on cases of trafficking.

### Compilation and storage of data

As DMT does not collect data on trafficking, there are no processes in place to compile or store such data.

## Reporting

As DMT does not specifically collect data on trafficking cases, it does not report any data on trafficking. For example, the 2005 Annual Report issued by DMT's Directorate General of Overseas Employment Development (PTKLN) does not include any data on trafficking in persons as part of the data about the Indonesian overseas workforce.

## Potential sources of data within DMT

The DMT has two directorates that could **potentially** be important sources of trafficking data:

- Directorate General of Overseas Employment Development (PTKLN), which collects and reports data on migrant workers;
- Directorate General for the Development of Industrial Relations and Labor Inspection (*Binwasker*), which collects and reports data on child labor.

Data on Indonesian migrant workers and child laborers is potentially very relevant to understanding the trafficking situation. Exploited migrant workers are known to face low remuneration, excessively long working hours, hazardous working conditions, physical and mental abuse, and bonded labor. Depending on the circumstances, many of these “exploited migrant workers” might also be “trafficking victims” (Syafaat, 2002: 24-26). Unfortunately, the two Directorates do not currently collect or report data on trafficking. However, as they have the potential of accessing data on trafficking, their practices are discussed below.

## *Penempatan-Tenaga Kerja Luar Negri (PTKLN)*

Every year, PTKLN publishes data on migrant workers obtained from its provincial offices, as well as from a technical coordinator unit at the regional level known as the Worker Services and Placement Agency (PTKLN interview 2006).<sup>7</sup> For this publication, data on “exploited migrant workers” is obtained from various sources

namely: the Indonesian Embassy in the relevant country, Terminal 3 at Jakarta Airport, as well as other members of the National Task Force, especially INP. Data on migrant workers is also provided by NGOs specializing in migrant workers such as Kopbumi, Migrant Care and other international organizations. The data published by PTKLN includes:

- placement of migrant workers;
- final destination;
- data on problems faced by migrant workers;
- re-entry data;
- number of employment agencies that have been disciplined.

Even though some exploited migrant workers could also be considered “trafficking victims”, the PTKLN annual report does not include trafficking victims as one of the reports’ categories.

## *Binwasker*

*Binwasker*'s responsibilities include monitoring the norms of female workers, and also child workers, especially those who are exploited or employed in worst forms of child labor. The “worst forms of child labor” include children who have been enslaved, forcibly recruited, prostituted, trafficked, forced into illegal activities, or exposed to hazardous work (Indonesia, 2005b). These children are subject to long hours with no remuneration, and physical and mental abuse. By definition, many of these child laborers are trafficking victims.

Officials at *Binwasker* note that one of the primary challenges is determining whether a child is a “victim of trafficking” or simply a child worker (that is, a child engaged in work that does not harm their health, development or education).<sup>8</sup> To make this judgement, *Binwasker* officials would need to undertake more direct observation and thorough investigation of cases than they do at present. Officials note that, because of limited human and financial resources, investigations are not conducted optimally or regularly (*Binwasker* interview 2006).



*Binwasker* uses two main sources of data on child labor that could be useful for understanding child trafficking. The first one is the Statistical Year Book published by BPS-Statistics Indonesia (Indonesia's central bureau of statistics),<sup>9</sup> which contains data on the population aged 10 years and over who worked during the previous week by age group and total working hours. This data shows the number of child workers within the 10-14 years age group.

The second source of data is the national labor force survey (SAKERNAS), which is also conducted by BPS-Statistics Indonesia. It covers national labor market characteristics of all working age individuals within sampled households. Labor statistics are published quarterly and annually. This survey provides data on the number of 10-14 year old workers.

*Binwasker* is the leader of the National Committee on the Worst Forms of Child Labour, a multi-agency committee tasked with implementing the ILO Convention on the Worst Forms of Child Labour (ILO, 1999). The committee includes representatives from central and regional government agencies, and NGOs. It has also established local committees in eight provinces and 20 districts and cities. With such an organizational structure, the Committee should be able to obtain national data on the worst forms of child labor, which is directly relevant to understanding trafficking in children.

This National Committee on the Worst Forms of Child Labour has issued an annual report (Indonesia, 2005c), which includes data on:

- number of child laborers;
- children in the worst forms of child labor;
- number of child victims treated at the police hospital;
- children trafficked for prostitution;
- children engaged in the trafficking of banned drugs.

The data in this report was taken from a study undertaken by ILO and research institutions. Whether the available data could be used as the basis for

estimating the scope and scale of child trafficking cases will depend on the data quality and reliability.

Other data collected and published by the National Committee on the Worst Forms of Child Labour includes sectoral data with an estimate of the number of child laborers involved in each sector. This data was sourced from 13 provinces and from the police. The Committee also collects and publishes data on the number of children treated at the police hospital, including figures on children who have been physically, sexually, or psychologically abused.

The role of the National Committee on the Worst Forms of Child Labour directly overlaps with the role of the National Working Group for the Eradication of Commercial Sexual Exploitation of Children (led by MWE). There are no systems in place to avoid overlap and double counting of data by the two committees.

## IV.2.5 Directorate General of Immigration (DGIM)

### Agency mandate

DGIM's primary role is to handle immigration matters, immigration documents, and cross-border issues.

### Description of processes and practices involved in data collection

DGIM collects data on offences committed such as smuggling, illegal migration and other immigration law violations. It does not investigate these cases to determine whether they are trafficking cases. Perpetrators and trafficking victims cannot be identified simply through document checks. Accordingly, DGIM has no way of identifying trafficking cases or of collecting data on trafficking.

DGIM does not have an articulated definition of “trafficking” for the purposes of data collection, as they do not collect data on this issue. According to DGIM, if the Department investigated and found trafficking cases, these would be categorized as immigration cases, since Indonesia has not yet passed laws on human trafficking. DGIM notes that Indonesia also has not ratified the UN Trafficking Protocol, which leaves the country with only a moral obligation to persecute human traffickers. Law no 99/1992 and Government Decree 34 on Immigration do not address trafficking in persons. Until such laws exist, the perpetrators (and presumably victims) can only be persecuted under existing immigration laws.

According to DGIM, there are compelling administrative and financial reasons for not addressing the issue of trafficking: the UN Trafficking Protocol would impose measures that are difficult to administer and involve a high financial burden on agencies. The Protocol requires a certain level of victim protection and treatment. If trafficking victims were sought out and identified, they would have to be sheltered, fed and cared for until their cases are on trial. Without authority for this matter or funding for assistance to trafficking victims, DGIM prefers to classify all its cases as immigration violations. According to DGIM, if it were to include trafficking as a category for data collection, this would cause difficulties as it is unclear which institution would care for the victim up to the trial, and there are no funds set aside for victim care.

### Compilation and storage of data

As DGIM does not collect data on trafficking cases, issues of compilation and storage do not arise.

### Reporting

As DGIM does not collect data on trafficking, it does not report data. However, DGIM provides the National Task Force on Trafficking with more general data it collects as part of its work on violations of immigration law, such as:

- number of people with false passports;
- number of artists who arrive without a sponsor;
- number of visitors overstaying;
- number of people falsifying immigration documents;
- number of cases of deportation, classified by citizenship.

Table 2 offers an example of data reported by DGIM, for 2003 and 2004. This and other available data is shared with other departments, including CMPW and MWE, as the coordinator and leader of the Task Force respectively.

TABLE 2

### Summary of deportation cases – Indonesia, 2003-2004

Types of Cases	2003	2004
Overstay/Illegal migration	491	658
Immigration law violations	179	109
Refugee	463	230
Others <sup>a</sup>	534	780
<b>Total</b>	<b>3,670</b>	<b>3,781</b>

<sup>a</sup>Including: Illegal sponsorship, smuggling, illegal immigration documents (false visa, false passport).

Source: Directorate General of Immigration.

## IV.2.6 Indonesian National Police

### Agency mandate

The Indonesian National Police (INP)’s Criminal Investigation Division (CID) is responsible for investigating cases of trafficking, as well as handling trafficking victims in some cases. INP undertakes surveillance, investigation and arrests of individuals suspected of being engaged in trafficking. Data collection and recording by INP reflects these specific roles and responsibilities.

### Description of processes and practices involved in data collection

INP collects primary data on trafficking cases. Trafficking is specifically included as a crime category in their database. All police stations regularly submit data to the CID.

INP uses the definition for trafficking from the Presidential Decree on Trafficking (Indonesia, 2004g). Also, INP has broken the category of trafficking down into specific offences in order to make it easier for police officers to identify trafficking cases clearly and consistently:

- sexual exploitation includes: prostitution, pornographic industry, victims of paedophiles;
- economic exploitation includes: hawkers, beggars, petty thieves, drug dealers;
- workforce exploitation: having to work long hours similar to a slave and not receiving the proper compensation, having to work in an occupation not previously contracted into, employing children in *jermal* work,<sup>10</sup> providing mail-order brides;
- trade and smuggling of infants;
- child adoption;
- transplantation of organs;
- other forms of exploitation.

This definition provides the basis for identifying and prosecuting trafficking cases and has given the police a guideline for identifying and deciding which cases should be included in trafficking data.

Through case investigations, INP collects data on trafficking incidence, victims and perpetrators. Information is gathered from interviews and case notes. Information on victims includes biographical facts (victim's name, age, sex, address/contact number), together with information on the nature of complaint.

Trafficking cases are usually handled by special units within police departments to assist women as victims of violence (*Ruang Pelayanan Kusus – RPK*). RPK's are typically managed by female police officers (Warapsari,

2003: 41-42). The police have also established a presence in some hospitals through the integrated service centers (*Pusat Pelayanan Terpadu – PPT*). Although the centers handle all crime victims, they have a specific role to play in screening for trafficking victims.<sup>11</sup> Trafficking cases are also identified and brought to the attention of the police by other government agencies, NGOs, as a complement to the police's own surveillance.

INP data is recorded in a police report (*Laporan Polisi – LP*). The form of the report is generic and not designed exclusively for trafficking cases. The type and quality of data recorded in the report is heavily dependent on police officers' ability to understand the circumstances surrounding trafficking cases or incidents and to assess whether a case is in fact one of trafficking in persons.

INP is unique in that its chain of command structure ensures that police offices at the sub-district (*Polsek*), district (*Polres*), and province (*Polda*) levels throughout the country are obliged to report their data to police headquarters (see Annexes 4 and 5).

#### BOX 8

### The Transnational Crime Coordination Center

The Transnational Crime Coordination Center (TCCC) was officially opened in 2004. The Center was established within the INP to:

- undertake intelligence projects, researching and analysing the criminal environment;
- provide targeting and operational support for criminal investigations;
- produce intelligence assessments and conduct intelligence briefings;
- create networks;
- utilize the database to search for intelligence-related information.

When fully operational, the TCCC will collect intelligence on eight different issues, including people smuggling/trafficking in persons. The project is being supported by the Australian government.

Source: NCB-Interpol information brochure.



### Compilation and storage of data

While local police stations collect detailed information about cases in their written police reports, CID only compiles data on the number and status of cases. This data is entered onto a database at CID Headquarters.

### Reporting

Police data is shared with other institutions upon request. Other institutions commonly use police data on:

- number of cases;
- information on route of trafficking;
- mode of trafficking;
- suspect or perpetrators;
- status of the case.

Examples of how INP summarizes and reports data are provided in Annexes 6 and 7.

## IV.3 Issues Identified

### IV.3.1 The Need for Primary Data

Examination of government data collection practices confirms that government agencies gather very little primary data on trafficking, with the exception of the Indonesian National Police. INP has made real efforts to collect data on identified cases of trafficking, even though there are no clear and comprehensive anti-trafficking laws in Indonesia.

### IV.3.2 Definitions and Data Categorization

Collection and accurate categorization of data on trafficking depend on the existence of clear standards, including definitions of key terms. Any effort to collect

data on trafficking is hampered by the lack of a clear definition of “trafficking”, either in Indonesian law or in government policy documents. The definition of “trafficking” in the Presidential Decree on Trafficking is so broad that it could cover many situations that would not be considered trafficking under international law.

Indonesia has adopted the definition used in the UN Trafficking Protocol for the purposes of the Presidential Decree on the Commercial Sexual Exploitation of Children. However, as this Decree sets policy on children, presumably this definition is only intended to apply to trafficking of children. It is not clear how the definitions in the two Decrees are intended to relate to one another, nor to other related policy issues, such as implementation of the ILO Convention on the Worst Forms of Child Labour (ILO, 1999). This confusion and duplication is reflected in the practices of the various agencies responsible for responding to trafficking.

In data collection and categorization, several government agencies have adopted the definition in the Presidential Decree on Trafficking (Indonesia, 2002b). Some agencies appear to use both definitions, while others have no articulated definition of “trafficking” for data collection or other purposes. This confusion directly impacts on data categorization. Table 3 illustrates how data is categorized by each agency. It can be seen that:

- Trafficking data categorized and issued by the police relates to their adopted understanding or definition of human trafficking, which is based on a composite of existing laws that have been matched up against parts of the UN definition of trafficking.
- The official definition of trafficking issued by the Department of Social Affairs follows the language stated in the Presidential Decree on Trafficking. As this definition is very broad, data collected against this definition is potentially very broad. Up until 2004, the Department of Social Affairs issued trafficking data according to the number of abandoned migrant workers, without identifying the trafficking element inherent to each case (see Annex 8).
- The Department of Manpower and Transmigration collects data on “problematic and non-problematic

workers”, including workers who have experienced abuse and non-payment. “Problematic” workers are not screened for victims of trafficking.

The confusion over definitions is reflected in the Implementation Report of National Action Plan for the Elimination of the Worst Form of Child Labour (Indonesia, 2005b). The report contains a listing of the worst forms of child labor, among others: drug dealing, pearl divers, *jermal* work, child labor in production and usage of explosives. The report presents separate data against the headings of “trafficking” and “worst forms of child labor”. In legal terms, there is a clear overlap between these two categories. For example, recruiting children to work as drug dealers (one of the “worst forms of child labor”) would also satisfy the test of “trafficking”, under the UN Trafficking Protocol. However, it appears from the report that the two categories of data are considered to be entirely separate.

The differences in defining and understanding trafficking have created various interpretations in classifying trafficking cases and data. This has an impact not only on data collection, but also on handling of trafficking cases and service delivery. In the absence of a clear trafficking law, victims are not being identified by many agencies and many offenders are escaping detection and prosecution. There is an urgent need for passage of an anti-trafficking law that clearly defines trafficking in accordance with international standards. Such a law must ensure that all agencies with relevant roles and responsibilities are mandated to combat trafficking. Passage of a clear anti-trafficking law will also facilitate development of urgently needed screening procedures, to ensure that trafficking cases are being identified in a clear and consistent manner. Without screening procedures, it is impossible to ensure that victims are identified and protected, or that offenders are being prosecuted. Law reform and implementation of screening procedures are essential if the government is to be able to issue any meaningful data on trafficking cases.

TABLE 3

### Categories of data used by three government agencies – Indonesia

Criminal Investigation Division of INP	Department of Social Affairs (DSA)	Department of Manpower and Transmigration (DMT)
Document Title: Data on Human Trafficking, January-December 2005	Document Title: Data on Abandoned Migrant Worker and Trafficking	Document Title: Migrant Worker Arrival at Terminal 3
Trafficking in Persons consists of: <ul style="list-style-type: none"> <li>■ Trading of women</li> <li>■ Trading of minors</li> <li>■ Trading of infants</li> <li>■ Illegal adoption</li> <li>■ Kidnapping of infants for begging</li> <li>■ Kidnapping of minors of female sex without consent</li> <li>■ Deceitful operations for women domestic worker</li> </ul>	Data categorized as: <ul style="list-style-type: none"> <li>■ Trafficking</li> <li>■ Abandoned migrant worker</li> </ul>	Data categorized as: <ul style="list-style-type: none"> <li>■ Non-problematic domestic workers</li> <li>■ Workers with problems such as:               <ul style="list-style-type: none"> <li>– Inability to work</li> <li>– Unpaid salary</li> <li>– Physical abuse</li> <li>– Sexual harassment</li> </ul> </li> <li>■ Employer died</li> <li>■ Problematic employer</li> <li>■ Miscommunication</li> <li>■ Undocumented</li> <li>■ Unfairly fired</li> <li>■ Accident at work</li> <li>■ Illness from work</li> </ul>

### IV.3.3 Data not Comparable

Agencies collect data completely independently of each other, even when they have responsibilities that are closely linked to the operations of other agencies. There are no systems in place to allow tracking of cases as they move from one agency to another. For example, DSA collects data on the number of “stranded migrant workers”. INP collects data on trafficking cases. It is not possible to tell if DSA’s data includes data that is also included in INP’s figures, or vice versa. It is not possible to tell if any of DSA’s cases have been referred on to the police for action, or vice versa. Data from one agency cannot be legitimately compared or cross-checked against data from other agencies. Forcing aggregation of data from the different agencies would result in inaccurate, misleading figures.

### IV.3.4 Data Collected for Different Objectives

Individual agencies collect data to meet their own individual agency objectives. While this approach may meet the needs of the individual agencies, this approach does not meet the larger objectives of the Indonesian government: collection of data that will help all its agencies prevent trafficking, protect victims and prosecute traffickers. Meeting these larger objectives requires the cooperation and assistance of all agencies.

The agencies need to work together to generate a common understanding about the government’s needs regarding data on trafficking. From this starting point, the agencies need to work together to meet these larger objectives. With the right processes and structures in place, it is likely that all the various agencies could collect data that helps meet their needs, but also those of other agencies. For example, DSA and MMT could screen abandoned migrant workers and workers with problems to identify trafficking cases. This would allow victims to be identified and protected and useful data to be gathered and passed onto the police to assist with investigations and prosecutions.

In Indonesia’s case, there is still long way to go. As a first step, those agencies with the potential to collect data on trafficking should be encouraged to do so. Along with this, the many challenges to data collection, such as lack of coordination and cooperation, lack of resources, lack of human resources skills, and a weak information technology system, need to be addressed. Because of the number and type of problems, it is likely that addressing these issues will require assistance from donors.

### IV.3.5 Unrecorded Data

The only government agency that currently issues primary quantitative data is INP’s Criminal Investigation Division. As a result, many other agencies refer to this data.

While INP is to be congratulated, it is the first to admit that their data represents just the “tip of the iceberg”. As with any crime, there are a lot of trafficking cases that are never reported to the police. This is particularly true in Indonesia’s case, where trafficking is not a specific crime on the statute books, and police are still learning how to identify and respond to trafficking.

It is possible to get a sense of how much trafficking goes unreported by comparing police data on reported “cases” (i.e., where an official report is made to the police, and the matter is investigated), and data from police hospitals about the number of victims of trafficking who have been identified and assisted. In 2005, INP recorded 30 trafficking “cases” (see Table 4). In contrast, from March 2005 to May 2006, there were over 1,000 **victims** of trafficking assisted through the Recovery Centers for Victims of Trafficking at three police hospitals in Indonesia (for further statistics, see Table 5).<sup>12</sup> These persons were identified as “victims of trafficking” using a screening form that reflects the definition of trafficking from the UN Trafficking Protocol (see Annex 9).

TABLE 4

### Trafficking in persons, as reported to INP's Criminal Investigation Division – Indonesia, 2002-2005

No.	Year	Number of Reported Cases	Cases Transferred to Prosecutor	Per cent
1.	2002	155	96	61.9
2.	2003	138	88	46.8
3.	2004	68	30	44.1
4.	2005	30	8	26.6
<b>Total</b>		<b>391</b>	<b>222</b>	<b>100.00</b>

Source: Indonesia (2006b).

TABLE 5

### Victims of trafficking (VOT)<sup>a</sup> assisted by recovery centers in police hospitals – Indonesia, March 2005-October 2006

Sex	Age of VOT			Total
	Infant (<1 year)	Child (<18 years)	Adult (>18 years)	
Male	2	66	105	173
Female	6	370	1,101	1,477
<b>Total</b>	<b>8</b>	<b>436</b>	<b>1,206</b>	<b>1,650</b>

<sup>a</sup>VOT at the Recovery Centers for Trafficking Victims in the police hospitals assisted by IOM Indonesia.

Source: IOM Indonesia.

INP notes that their data on reported cases does not reflect the full extent of the trafficking situation in Indonesia. Available police data suggests that there were only 391 trafficking cases between 2002 and 2005 (Table 4). The data also suggests that trafficking in Indonesia declined over this time period. The author of this data, the Chief of CID, notes that this data cannot be accepted as a benchmark of the actual situation of trafficking in Indonesia. There must be some explanation for why

trafficking data from the police is declining. The reason is unlikely to be that there is an actual reduction in the incidence of trafficking.

Police data on reported cases reflects endemic levels of under-reporting of trafficking. There are many factors that may prevent victims from reporting their experiences to the police. Fear of embarrassment and unwillingness to expose private or sensitive matters to public scrutiny combined with institutional disincentives ensure that only a fraction of trafficking cases are actually reported. Institutional disincentives include policies that criminalize rather than protect victims, the absence of witness protection programs, and judicial proceedings that tend to re-victimize the victim.

There are also family and cultural factors that lead to under-reporting. Sometimes, family members themselves may be involved with traffickers. In other cases, families and community will withhold information to protect their reputation and avoid legal consequences. The victims themselves may not realize that they are indeed victims of the criminal act of human trafficking. This can happen in cases of deceit, or smuggling, where the *modus operandi* is very persuasive. In the Indonesian context, victims may believe that what happened to them “is meant to be” (Harkrisnowo, 2003: 109).

Ensuring that police are trained in how to identify and handle trafficking cases sensitively and appropriately is a sound and effective way to overcome low levels of reporting. Although there has been a significant increase in police knowledge by way of training and education on trafficking, not all officers have the ability to handle human trafficking cases. There are cases that are wrongly recorded as regular indecencies, when they should have been categorized as trafficking cases. This in turn raises the question of whether crimes closely associated with trafficking have been properly identified as trafficking cases.

### IV.3.6 Data Validity

It is important that data that is reported by government agencies reflects the original source accurately and correctly. Unfortunately, when data is copied from other sources, mistakes can and do occur in transcription. Also, data can be used inappropriately when distanced from its original source. When agencies then rely on these incorrect versions of reported data, or data that has been misused, mistakes can be reproduced over and over again.

By examining a number of government reports on trafficking, it is possible to find several examples of where this has occurred: for example, some government reports contain multiple, different versions of what is said to be the same data. It is not possible to ascertain which version is the original, correct version, and which versions reflect errors in transcription or other mistakes.

For example, Table 4 is taken from data reported by CID, which indicates that 155 trafficking cases were reported to CID in 2002, 138 in 2003, 68 in 2004, and 30 in 2005. Similar, but not identical, data is presented in other reports, reproduced in Tables 6 and 7. There are many discrepancies in the data presented in the three versions of the tables, each of which claims to be data sourced from the INP. For example, in 2003, according to Table 4, there were 138 reported cases of trafficking, whereas Table 6 reports 134 cases and Table 7 reports 125 cases. It is not possible for the reader to know which figure is correct.

TABLE 6

#### Reports accepted by CID (INP)

Year	Reported	Completed
2002	155	95
2003	134	84
2004	43	23
2005	14	3

Source: Director I/KAM & TRANNAS, CID (INP), September 2005.

TABLE 7

#### Trafficking in persons – Indonesia, 1999-2004

No.	Year	Number of Reported Cases	Cases Transferred to Court	Per cent
1.	1999	173	134	77.46
2.	2000	24	16	66.67
3.	2001	179	129	72.07
4.	2002	155	90	58.06
5.	2003	125	67	53.60
6.	2004	43	23	53.48
7.	2005			

Source: CMPW (Indonesia, 2004:19), the source quoted is "Criminal Investigation Division of the INP (2005)".

As the central agencies rely on secondary data, inconsistencies reported in a single table may be replicated again and again in various government reports. It is possible that there are multiple versions of the same data simply because of errors in transcription. However, the results of errors in transcription are very serious. The existence of multiple reported versions of the same data undermines the credibility of the data that the government is reporting, and calls into question the strength of the government's anti-trafficking efforts. The existence of several versions of the one data set underscores the importance of government officials being trained in using and presenting data properly and in verifying that data is accurate and genuine by going back to the original source.

### IV.3.7 Use of Secondary Data

Examination of government reports confirms that several government agencies are using secondary data as the basis for their policy arguments. There are many risks inherent in this approach, including:

- data is not being used correctly (e.g., data that was not collected for the purposes of understanding trafficking is then applied to the trafficking situation);



- users are not checking the credibility of data (e.g., whether the version of a table being relied on is accurate);
- users are not checking the reliability of data (e.g., whether the data is primary data collected at the source, or simply a reproduction of data produced by a third party).

For example, INP has noted that data collected between 1999 and 2001 is not valid, as it included a mix of general offences against women and children, and not just “trafficking” cases.<sup>13</sup> Nonetheless, this data is still being reproduced in some government reports.

In many government reports, authors do not list the source of their data. This makes it impossible for the reader to trace, verify and compare the data. Not disclosing the source raises the question of whether the data was accurate to begin with. A lot of data appearing in government reports comes from newspaper reports, yet these are not a reliable source of data as they may be reporting data provided by other sources. It is usually not possible for readers to verify the source and check the validity of the data.

### IV.3.8 Problems with Cooperation and Coordination

No single agency can collect all of the data necessary for formulating an effective policy response to trafficking. The various agencies have to work together to ensure that relevant data on all aspects of trafficking is being collected in a standardized, systematic manner.

The National Task Force is meant to coordinate data collection and publication. Due to the many factors identified in the report, this objective has not been met. The already difficult task of coordinating data on trafficking has also been affected by a lack of cooperation among members of the Task Force. This can be attributed to miscommunication, misinterpretation of their responsibilities, and data misclassification, as well as an array of technical reasons. For instance, there is no

mechanism for smooth information exchange and data distribution among Task Force members. Some members of the Task Force do not have the skills or knowledge to know how trafficking data could be consolidated at the national level or are unclear as to which agency or agencies should be responsible for data collection, and which agency should manage trafficking data.

Some Task Force Members have noted that there is lack of will, or a lack of understanding, of the various agencies’ responsibilities, despite the fact that the Presidential Decree on Trafficking clearly mandates all agencies to take action against trafficking and identifies their specific roles and responsibilities. For example, victim care is listed in the Decree as the responsibility of the Department of Social Affairs. Accordingly, Directorate General of Immigration could put policies in place to ensure that any victims of trafficking identified by immigration officials can be referred to DSA for assistance and support. However, this has not happened. The lack of clarity over roles and responsibilities impacts primarily service delivery, but also data collection.

Despite the Presidential mandate for centralized collection on data on trafficking, very little data is actually shared or exchanged between the agencies. There are no procedures or policies in place to facilitate data exchange. Also, there is considerable fear and suspicion within individual agencies that “their” data might be used against them. In addition, most members have yet to realize the importance of, and the need for, standardized national data on trafficking.

An example of the profound lack of coordination is the *Tanjung Priok* Port in Jakarta. At the port, there is a formal “return point” which is designated to handle Indonesian migrant workers who have experienced problems (e.g., Indonesian migrant workers who have been deported). There is a “one-stop center” at the port where each agency involved in assisting migrant workers is represented in order to expedite the process and serve the workers better. Information from interviews suggests that each agency works independently from the other agencies at the one-stop center and undertakes its own data collection processes. Despite the immediate physical

proximity of the agencies at the port, no effort is made to coordinate, share or consolidate their data.

In addition to lack of coordination between agencies, there can also be lack of coordination within agencies. Areas within agencies maintain separate records and make no effort to cross-reference their records with other areas within the same agency or their partner agencies. Agencies do not have single focal points which are responsible for coordinating data within the agency. In order to obtain all the data that an agency might collect, it is necessary to contact each area of the agency separately.

For example, the Sub Directorate of Working Norms for Women and Children, which represents DMT, on the National Task Force does not keep any data on “exploited migrant workers”, despite the fact that data on migrant workers is stored next door by PTKLN, another area of the same department. Similarly, PTKLN does not keep any data on children working in the worst forms of child labor. To access data on this issue, it would be necessary to contact *Binwasker*, another area of the same department. This lack of coordination reflects the need for agencies to develop clear policies and procedures regarding management of data.

### IV.3.9 Lack of Resources

Every Task Force member noted the impact of financial and human resource constraints on data collection. For instance, until 2005, CMPW was responsible for publishing the Task Force’s annual report. This job was the responsibility of only two officials. Given that these officials receive data in hard copy from other agencies, their time was taken up with typing. There was little opportunity for networking with agencies or building relationships to secure data for the report. There was no capacity to reconcile data from different sources. As official data was extremely limited, the officials tried to supplement official data with data from other sources, such as NGOs and the media.

### IV.3.10 Decentralization and its Effects on Data Collection

Indonesia adopted a policy of regional autonomy, or decentralization, in 2001 when the central government transferred authority for many essential services to the regional governments. The objective of decentralization is to give regions greater freedom in planning and development in accordance to local needs. In addition, decentralization is also aimed at increasing public participation in development and improving wealth distribution at the regional level. Unfortunately, decentralization has created new challenges for data collection at the national level.

In order to obtain nationwide data on trafficking, the central government agencies in Jakarta need to have access to data from the regions. With decentralization, there is no hierarchical relationship between the central agencies and regional institutions, since these are now independent and under no obligation to provide or share their data with the central government. This has an impact on the comprehensiveness of data collection efforts.

For example, MWE acts as the coordinator for regional *dinas* (government service agencies) which are responsible for the welfare of women and handle cases of violence against women and children including trafficking victims. In spite of MWE’s role and responsibility, sharing of data on trafficking by the regional *dinas* with MWE is very limited.

The Director in charge of Working Norms for Women and Children, a division of DMT, faces similar obstacles. This area is responsible for monitoring the worst forms of child labor, including trafficked children. According to the Director, “it is extremely difficult to collect data from the regions because the regional institutions are generally reluctant to share their data with the central government”. Accordingly, data on trafficked and abused children published in the annual report does not include data from the regional offices. The report only includes data from the police and the national committee for

the protection of children (*Komnas Perlindungan Anak*) without any contribution from the regional office (Indonesia, 2004h).

### IV.3.11 Case Identification and Handling

Officials responsible for human trafficking cases must be able to identify trafficking cases easily, especially victims and perpetrators, whether they are officials from the police or from the services for immigration, social welfare and labor. In addition to identifying cases, they must be able to document the cases consistently and thoroughly. In a study carried out in Norway, it was found that data collection and documentation improved tremendously after police officers received training on how to identify trafficking victims (Tyldum and Brunovskis, 2005).

Some government officials have received training on trafficking and on how to identify and handle trafficking cases run by NGOs and international organizations. For example, IOM, ICITAP and UNICEF have supported and conducted training for police officers on identifying trafficking cases. IOM, in collaboration with DMT, has also facilitated training in the airport's Terminal 3 on how to repatriate returned migrant workers (all irregular migrants, including trafficked victims). However, the need for capacity building on trafficking issues is far from being met. Most agencies do not have policies or procedures in place to facilitate identification of trafficking cases or to guide management of trafficking cases. Without these policies and procedures, individuals working within the agencies will either ignore trafficking cases, or make their own best guess at how to respond, without the benefit of training or any other form of capacity building.

### IV.3.12 Building Capacity in Information Management

It is important to increase the number and the capabilities of staff members responsible for data management. The main challenge in achieving this objective is financial constraints. The agencies responsible for handling human trafficking receive limited funding for data collection and management. The low data quality in Indonesia reflects this limitation. Also, officials who are responsible for data collection and management should be encouraged to form close working relationships with other institutions that are also responsible for handling human trafficking cases. Such cooperation could be encouraged, for example, through the development of standard procedures or MOUs for cooperation between agencies, including on referral of cases and data exchange.

### IV.3.13 Building Capacity in Data Handling

There is also a need to improve the capabilities of staff who use data, and who prepare reports that include data. Several government reports and documents on trafficking do not convey the data and information clearly. Quantitative data are often presented without supporting documentation or other explanation. Some reports fail to mention data sources and are published with incomplete references. Some reports present data that does not support the policy position being advocated. In addition, numerous reports do not include the data collection methodology. This suggests that government officials could benefit from capacity-building activities, aimed at improving:

- **Clarity of reports:** agency reports of “data on trafficking” should be clear, and easy to understand. The readers should be able to see what kind of document it is (for example, an annual report, a policy document or a situation analysis) and what



information it contains (for example, whether the data is from primary or secondary sources).

- **Use of available data:** officials should be encouraged to move beyond simply reporting the number of cases identified by the police and to interpret and analyse available data for its implications. This could include consideration of other factors that may impact trafficking, such as economic indicators, levels of violence against women, and institutional weaknesses.
- **Data presentation:** quantitative data is normally presented without any form of analysis making the data less meaningful. Secondary data are normally included without any critical analysis. Such presentation can be misleading since the original context may not be related to human trafficking.
- **Transparency about methodology:** most reports fail to include a thorough explanation of the methodology and tools that underpin the data that was collected and reported.

### IV.3.14 Improving IT

Indonesia's government agencies operate with very low levels of access to information technology. In a country as large as Indonesia, this poses many challenges, particularly with regard to communicating over long distances and managing data from many and varied sources. Information technology is not the answer to all data-related problems. For example, the provision of computers and Internet access will not assist government officials to communicate their data on trafficking if the agencies have no policies or processes in place to collect the data in the first place.

Information technology can be a useful tool to assist government officials to do their work more efficiently and effectively. For example, the provision of information technology can help speed up the transfer of data between different agencies (e.g., by use of email to transfer data, rather than faxing hard copies). Improving information technology can also facilitate communication between remote areas (e.g., border points) and central offices responsible for policy.

Information technology can also help officials to store and manage their data in more efficient ways.

Consideration of improving information technology should be undertaken in the larger context of developing suitable **information systems** to collect, compile, summarize and report data on trafficking. Proper thought needs to be given not only to hardware and software, but also to the capacity and needs of people involved in the process (in head offices, but also regional and remote areas), and to the data fields used to collect the data.

For an information system to be capable of generating **reliable** data, the data fields used need to reflect a level of standardization on key issues, such as the meaning of "trafficking" and "victim of trafficking". This will be greatly assisted by the passage of a clear, comprehensive law on trafficking. However, even if a new law is passed, there will still be the need for increased and more intensive cooperation between agencies to standardize the processes and procedures regarding trafficking. In particular, agencies will need to work together to ensure that they have consistent and complimentary processes and procedures to **identify** trafficking cases (victims, offenders, intelligence), to **handle** trafficking cases (ensuring victims are protected while offenders are identified and prosecuted, referring relevant information to other affected agencies), and to **collect reliable and relevant data** on trafficking.

Given the seriousness of the trafficking situation in Indonesia, this is a task that should be tackled with urgency and dedication by all of the government agencies involved. Given the profound lack of resources experienced by so many government agencies, these efforts should be supported by the international community.

## Notes

1. Several areas in Java, Sumatra, Bali, Kalimantan, Sulawesi, Nusa Tenggara, and Papua have been identified as points of origin for trafficking victims, and also as destination and transit areas for domestic trafficking. Victims of international trafficking are usually moved through Java, Sumatra (specifically Batam) and Bali. Indonesian girls and young women are sent abroad to Japan; Hong Kong, Special Administrative Region of China; Malaysia; Saudi Arabia; Taiwan, Province of China; Singapore; Brunei; and Australia.
2. See Indonesia (2004e, 2006), which include data provided by: the Ministry of Manpower and Transmigration, the Indonesian National Police, the Ministry of Foreign Affairs, Coordinating Ministry for People's Welfare, IOM, ACIL, ICMC, *Kompas* (a national news paper), and Kopbumi (an NGO focusing on migrant workers' issues).
3. Indonesian "Departments" have their own regional/provincial representative agencies (*kantor wilayah*) within their corporate structure. State ministries do not, but are usually associated with or attached to a technical unit/institution (*dinas*) under each regional/provincial government body.
4. The focal point of each task force is attached to the respective *dinas*.
5. These include five departments (health, education, social affairs, religious affairs, culture and tourism), five state ministries (environment, women empowerment, administrative reforms, public housing, youth and sports affairs), and other related institutions.
6. For example, this definition is infused in Indonesia (2004f).
7. The Worker Services and Placement Agency is called *Badan Pelayanan dan Penempatan Tenaga Kerja*.
8. International standards distinguish between "child work" and "child labor". "Child work" includes children's participation in economic activity that does not negatively affect their health and development or interfere with education. Work that does not interfere with education (light work) is permitted from the age of 12 years under ILO Convention 138. "Child labor" is more narrowly defined and refers to children below 12 years of age working in any economic activity, children aged 12 to 14 years engaged in harmful work, and all children engaged in the "worst forms of child labor" according to ILO Convention 182. See further [http://www.unicef.org/protection/index\\_childlabour.html](http://www.unicef.org/protection/index_childlabour.html)
9. *Statistical Yearbook of Indonesia* is a comprehensive publication, providing general picture of geographic and climate, socio-economic characteristics of the population as well as social and economic conditions of Indonesia. This publication presents a collection of data from various fields with descriptive analysis and technical notes for each sector.
10. *Jermal* work involves working on fishing platforms constructed out to sea. About the size of a football field, the platforms generally have no facilities, other than a small shelter. There is no way for people to get on or off the platforms without assistance.
11. PPT receives all victims and screens trafficking victims for referral to RPK.
12. Recovery Centers for Victims of Trafficking are located at police hospitals in Jakarta; Surabaya, East Java; Makassar, South Sulawesi, and at IOM in Pontianak, West Kalimantan.
13. Communication from National Central Bureau of the ICPO-Interpol Jakarta, November 2006.

# Country Study: The Philippines

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## V.I Background

The Philippines is a country of origin for trafficking, which occurs against a backdrop of large-scale labor migration. Internal trafficking, or trafficking within the Philippines, is also a significant issue.

The Philippines was one of the first countries in the region to begin collecting data on trafficking cases. In 2001, the Philippine Center for Transnational Crime (PCTC) received international support for the establishment of a small database on trafficking cases. Since that time, there have been major reforms in Philippine law and government practices. In 2004, the Philippines enacted a specific law on trafficking, the Anti-Trafficking in Persons Act 2003, also known as Republic Act 9280. As a result of this law, there are now many government agencies involved in combating trafficking and in collecting data on trafficking cases.

With many agencies involved and a relatively new law, the Philippines still struggles with the challenges of collecting reliable and relevant data on trafficking. It is hoped that an examination of the data practices of the government agencies involved in the fight against trafficking in the Philippines will contribute to further improvements over time.

## V.2 Government Data Collection Practices in the Philippines

Government data collection efforts occur in the legal and policy framework set out in the Anti-Trafficking in Persons Act 2003. The Act defines “trafficking in persons” as:

... the recruitment, transportation, transfer or harbouring, or receipt of persons with or without

the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the persons, or, 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 which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

This definition follows the general terms of the UN Trafficking Protocol. The Act also provides that the “recruitment, transportation, transfer, harbouring or receipt” of children for exploitation, even if carried out without the means specified (i.e., threat, use of force, deception), is a form of trafficking in persons.

The Act established the Inter-Agency Committee against Trafficking (IACAT). Under the Act, the member agencies of IACAT have specific roles and functions in the fight against human trafficking. The agencies also have a common mandate to maintain a database on human trafficking and to share trafficking data and reports with relevant agencies. It is anticipated that the individual agencies’ efforts will complement the central databank that IACAT is expected to establish (see Anti-Trafficking Act, IRR, Sec. 16, Art. V).

There are 12 members of IACAT: nine government agencies and three NGOs.<sup>1</sup> This country study discusses the practices of the following agencies, considered central to the anti-trafficking effort:

- Department of Justice (DoJ);
- National Bureau of Investigation (NBI);
- Philippine National Police (PNP);
- Philippine Overseas Employment Administration (POEA);
- Office of the Undersecretary for Migrant Workers Affairs (UMWA), Department of Foreign Affairs (DFA);

- Department of Social Welfare and Development (DSWD).

The research also examined the practices of the Philippine Center for Transnational Crime (PCTC). Although PCTC is not a member of IACAT, it was included in the research as it is a government agency mandated with coordinating efforts to prevent and control transnational crime. Accordingly, the efforts of PCTC are relevant to trafficking.

## V.2.1 Department of Justice (DoJ)

### Agency mandate

DoJ has responsibility for prosecuting people accused of trafficking. It is also tasked with designating and training special prosecutors to handle and prosecute cases of trafficking. In addition, DoJ acts as the IACAT Chair and currently heads the Secretariat that assists IACAT in the implementation, coordination and monitoring of its policies and programs.

### Description of processes and practices involved in data collection

As the lead agency for the prosecution of cases, DOJ serves as the repository of trafficking cases filed in courts. In connection with this, the Justice Secretary issued a Department Order requiring that all city, provincial and regional prosecution offices submit to DoJ a report on all trafficking cases that have been filed in court, as well as of cases that are pending preliminary investigation. There is no standard format for these reports.

DoJ identifies and classifies trafficking cases based on the definitions set forth in the anti-trafficking law. However, DoJ notes that this is not a straightforward process. There has been some confusion about the proper classification of cases, especially in the early part

of the implementation of the Anti-Trafficking Act (Larga, interview 2006). Through time, as the prosecutors and law enforcers have become more familiar with the law – as a result of their direct experience in the implementation of the law and the training programs that DOJ and IACAT have conducted for prosecutors – misclassification of cases has been minimized.

DoJ has conducted orientation and training on the Anti-Trafficking Act for prosecutors throughout the country. The Department has also developed an operations manual for prosecutors dealing with trafficking cases. The manual is in the final stages of editing and is due to come out soon. DOJ is also working closely with law enforcers so that trafficking cases are properly classified and processed (Philippines, 2006).

### Compilation and storage of data

As Chair of IACAT, DoJ receives and compiles the reports of all agencies that are involved in anti-human trafficking efforts. There is no standard format for the reports that are provided to DoJ. Each agency's report format is based on its own system of data gathering and reporting. Most agencies submit a statistical summary of the trafficking cases that they have handled over a particular reporting period. Some agencies also submit supporting documents such as sworn statements or case folders.

At present, DoJ does not have a computer-based system in place for storing trafficking data.

### Reporting

Even though there is no data storage system, DoJ (as Chair of IACAT) regularly prepares updates on the status of implementation of the Anti-Trafficking Act. These updates are based on reports submitted by the various IACAT member-agencies, and contain information such as the number of convictions, cases for prosecution, rescue operations conducted by the police, investigations

conducted by NBI, victim protection and assistance provided by DSWD, and recovery and repatriation assistance conducted by DFA and POEA. This report is submitted to the Office of the President and shared with IACAT member-agencies.

## V.2.2 National Bureau of Investigation (NBI)

### Agency mandate

NBI is one of the agencies under DoJ. The Bureau conducts surveillance and criminal investigations in connection with violations of the Revised Penal Code and other special laws with penal sanctions, such as the Anti-Trafficking Act.

Trafficking cases referred to NBI are handled by the Anti-Human Trafficking Division. Prior to the passage of the anti-trafficking law, this Division was known as the Anti-Illegal Recruitment Division. Illegal recruitment continues to comprise the bulk of cases handled by the Division (NBI interview 2006).

### Description of processes and practices involved in data collection

NBI classifies trafficking cases guided by the provisions of the anti-trafficking law. The Anti-Human Trafficking Division reports that it differentiates between illegal recruitment and trafficking cases based on certain criteria. The main criterion is that in “illegal recruitment”, the victim is not deployed for work at all. Human trafficking, on the other hand, usually results in the placement of the victims in brothels for prostitution, and in some instances, in sweatshops for forced labor (Idem).

NBI gets information and leads on trafficking cases from four sources: complaints filed by individuals, referrals from government agencies and NGOs, leads from

concerned citizens, and reports from NBI local/field offices.

Walk-in complaints (that is, trafficking reports directly filed by individuals in NBI) are processed through the use of a generic complaint form. This form gathers information about the victim, the nature of the case, the perpetrators, and the complainant (if the complainant is not the same person as the victim). A sworn statement, which provides important details about the complaint, is obtained from the complainant. In addition, a birth certificate is secured from the National Statistics Office (NSO) when the victim is a minor. If the complainant is the victim, a medico-legal examination is required.

The facts gathered are then monitored, investigated, and validated by NBI. These data are used for case build-up, planning the operation to rescue the victims, and apprehending the offenders. When a case is officially filed in NBI, detailed information is obtained from the sworn statements executed by the complainant. There is no prescribed format for the sworn statements.

Cases referred by other agencies are processed in the same way as walk-in complaints. The leads provided by the referring agencies are validated through surveillance and when there is sufficient evidence, an operation to rescue the victims and arrest the perpetrators is undertaken.

When the case involves a trafficking victim who was deployed for foreign employment, it is the embassy concerned that prepares the sworn statements. The sworn statements are submitted to the Department of Foreign Affairs (DFA), which then turns over the papers to NBI. One problem here is that embassies usually submit only the photocopies of the sworn statements, which are not admissible in court. In such cases, NBI will have to wait for the complainant to arrive back in the Philippines before it can act on the case.



### Compilation and storage of data

The Anti-Human Trafficking Division has an internal database of all cases it has handled. Data from the complaint sheet are encoded using Excel software. The Division has a staff member assigned to encode the data from the complaint sheet. At present, the Division finds its present database setup sufficient for its needs; hence, there are no plans as yet to send the person-in-charge for further training in data handling (PNP interview 2006).

### Reporting

The encoded data are processed for the purposes of preparing the Department's accomplishment report. This report is internally circulated and also submitted to IACAT and NBI's other partner agencies. The report generally includes tables and a narrative statement.

The tables contain data such as the number of local trafficking cases filed in the NBI from the beginning of the year (January) until any given month of the same year. Data is also included on the number of trafficking cases filed per month, and the status of cases (i.e., whether investigation has been terminated or is still ongoing). Terminated cases are further classified into three categories: for closure, for prosecution, and for inquest. Information is also included about the complainant and/or victim and the subject and/or perpetrator. For the latter, the number of those arrested and those at large are shown.

The narrative part on the reports is brief and includes information such as the name of the subject, name of complainant and/or victim, nature of the case, circumstances surrounding the case, and action taken by the agency. In some instances, the narrative also includes information on the dates when the intelligence report was obtained and the rescue and apprehension operation was conducted. "Internal" trafficking cases are separated from international cases. For international trafficking cases, the narratives are further categorized according to the victim's country of destination.

### Issues identified

Illegal recruitment continues to be the most common case handled by the Anti-Trafficking Unit. While the NBI claims that misclassification of trafficking cases as illegal recruitment (or vice versa) rarely occurs, the researchers were not able to validate this claim. Also, it is clear from the interview conducted and from analysis of the agency's reports that "trafficking" cases handled by the NBI only involve women as victims. It is possible that women are predominantly the victims of trafficking. However, it is also possible that there is a perception within the NBI that trafficking is a crime that only affects women. To avoid the possibility of mistakes being made, NBI should formalize its system for identifying victims of trafficking.

Although rudimentary, the NBI should be commended for its effort to store trafficking data in electronic format. However, the agency should look into the possibility of upgrading to a more advanced database software (instead of Excel) and having more than one person handle the maintenance of the database.

The agency's current reporting system is quite basic. Given the amount of information contained in its intake form, the NBI should be able to provide more detailed data on the trafficking victims and suspects, as well as the nature of the cases. Unfortunately, the NBI's current report is only a summary of the number of cases handled by the agency for a given period. The narrative information is confined to a brief description of cases and the persons involved. The intake form captures much more data than what are currently being reported.

## V.2.3 Philippine National Police (PNP)

### Agency mandate

PNP is the primary law enforcement agency that undertakes surveillance, investigation, and arrest of

persons suspected of involvement in trafficking. It works closely with NBI, Philippine Coast Guard, and the Bureau of Immigration. In practice, trafficking complaints are usually lodged at the Women's Desks located at all police stations in the country. Cases are then referred to the Women and Children Crime Division of the Crime Investigation and Detection Group. The Crime Investigation and Detection Group is mandated to assist territorial police units in the conduct of investigation, implementation, and enforcement of special laws such as the anti-trafficking law.

### Description of processes and practices involved in data collection

The Women and Children Crime Division has a procedure manual for investigating various types of crimes, but not identifying and handling trafficking cases. Currently, the Division, as well as the local police desks, rely on the Implementing Rules and Regulations of the Anti-Trafficking Act and the procedures adopted by the National Law Enforcement Coordinating Council, for guidance on how to identify and handle trafficking cases. According to the police, police desks occasionally misclassify cases as illegal recruitment, rather than human trafficking, or vice-versa, as there is a very thin line between these two types of cases. Also, it is sometimes difficult to be definite about a trafficking case because the aspect of "purpose" is difficult to establish, particularly if a "rescue" operation is pre-emptive (Idem).

PNP receives information about trafficking cases from various sources: complaints filed by individuals, referrals from government and NGO, leads from concerned citizens and the media, reports from its local field offices, and reports filed through the PNP phone hotline (known as "Text 290").

Data about all cases, including trafficking cases, is recorded in a generic intake form that records information about the circumstances of the case, the victim, and the suspect. Data collected on the victim includes basic details such as name, age, sex, civil status, educational attainment, occupation, and address and

contact number. Perpetrator data includes information on name, alias, address, age, and sex. A brief description of the complaint is entered under the field heading "Nature of the complaint" and includes such facts as the date and place of occurrence of the incident. If the complaint has been reported previously in another agency, the name of the agency, the reporting person, and the date and time of reporting are obtained. Finally, information about the status of the case can be found under the field name "Disposition referred to", wherein the interviewer indicates the person to whom, or the organization to which, the case was referred.

Once a complaint is filed or a lead identified, monitoring, investigation and validation of the information from the sources is then executed. Once the authenticity of the information is confirmed, the process of case building starts, along with planning for the rescue of the victim and apprehension of the offender. A case that is officially "filed" with PNP entails the preparation of sworn statements provided by the complainants. There is no fixed format for the sworn statements.

### Compilation and storage of data

All PNP local stations, including the Women and Children's Crime Division, are required to regularly submit to the Directorate for Investigation and Detective Management a report on the cases that they are handling. The Directorate is a unit within PNP with responsibility for all PNP sub-units throughout the Philippines. The Directorate for Investigation and Detective Management is the repository of data on all crimes handled by PNP.

Local police stations that have the necessary facilities can upload their reports online, while those without Internet connections submit soft copies of their reports to the Directorate. In addition to their online or soft copy submissions, the local stations are required to send hard copies of their reports to the Directorate.

The Directorate's database excludes all allegations and reported crimes that do not result in a formal criminal



complaint. Thus, the information in the database only includes those cases that have been filed and excludes reported cases that were eventually withdrawn, settled or not pursued. This limits the information on trafficking incidents in the country.

The Directorate has ten regular staff members in charge of updating and maintaining its database. The office also hires contractual encoders whenever the need arises.

### Reporting

The Women and Child Crime Division submits a summary report about trafficking cases to the higher PNP offices upon request. The report includes basic information on the victim, suspect, and the status of the case. It is largely internally circulated, but is also used to justify requests for additional funding and planning for advocacy programs and rescue operations.

A report on trafficking cases that PNP has handled is also found in the Women and Child Crime Division's yearly report. This report contains the following information: the date the trafficking was committed; place where trafficking was committed; name of respondent(s); date case was filed; court where case was filed; nature of offence; name of case investigator; and the status of the victim, suspect, and case.

### Issues identified

Analysis of PNP's data collection system shows that the agency has a clear system for gathering trafficking information in place. One weakness, however, is that the intake form being used to record trafficking complaints is generic. Accordingly, the form does not have all the pertinent fields for documenting trafficking cases. Also, misclassification of cases does occur. It is noteworthy, however, that PNP is continuously working on instilling in its personnel the need to be familiar with the Anti-Trafficking Act and observe PNP's operation procedures.

PNP's system for collection, storage and management of trafficking data is, technically speaking, relatively more advanced than those found in other agencies involved in anti-trafficking efforts. However, within the PNP network, reporting of cases by various local police stations can vary depending on the locality's access to technology. This could tip the balance towards more reporting by urban areas where local police stations have greater access to information technology and the possibility some trafficking cases in rural areas will remain unreported.

## V.2.4 Philippine Overseas Employment Administration (POEA)

### Agency mandate

POEA focuses on human trafficking that occurs in connection with overseas employment of Filipino workers. POEA is mandated to prevent illegal recruitment through the conduct of pre-employment orientation seminars and a pre-departure counselling program to applicants for overseas employment. The agency has a remedial function, which consists of filing administrative cases against unlicensed recruitment agencies. It also provides legal assistance to trafficked victims and assists in the prosecution of offenders.

### Description of processes and practices involved in data collection

POEA refers to the Anti-Trafficking Act to identify and classify trafficking cases. However, the agency reports that some difficulties have been encountered in proving the law's elements, particularly the "purpose" and the "acts". The agency also has to contend with conceptual differences in the way its various partner agencies interpret the law, as exemplified by the fact that some NGOs consider all prostituted women to be trafficking

victims. These conceptual differences have important implications for the agency's operations, since POEA receives referrals on trafficking cases from NGOs (POEA interview 2006).

POEA collects trafficking data from walk-in complainants, while Philippine Overseas Labor Office (POLO) reports (for victims needing repatriation assistance), referrals from NGOs, the media, and its regional units.

Walk-in cases are processed using the complainant intake form for "illegal recruitment". A sworn statement is taken to establish other details of the complaint. The sworn statement helps assess whether the elements of trafficking in persons are present in the case. If there is a need to refer the case to DoJ, POEA fills in the appropriate referral form and attaches the files of the case to this form.

The complainant intake form also provides the basis for rescue operations. After a complaint has been filed, POEA agents usually conduct surveillance operations to gather more facts about the case. If the facts so warrant, POEA would then coordinate with PNP and the Philippine Center for Transnational Crime for a rescue operation. If there is a need for counselling services, the case is also referred to the Department of Social Welfare and Development.

For reports from POLO, the first step is to check POEA's database of deployed workers to determine whether or not the victim is a documented overseas Filipino worker. POEA then advises POLO regarding the repatriation process. The repatriation process is the same for both documented and undocumented workers.

Referrals from NGOs are processed in the same way as walk-in complaints. The intake form is used to get basic information about the complainant and the case, while the sworn statement provides the details about the nature of the complaint. On the other hand, news articles about trafficking are filed, but are not acted upon by POEA.

The POEA intake form has fields pertaining to complainant data: complainant's name, address, age, sex, educational attainment and the date of filing the complaint. The data on the victim is also defined by the same set of fields. For perpetrator data, the form includes questions for name, address and the organization or agency to which the perpetrator belongs. The last field is unique to the POEA form. Its inclusion in the intake form reflects the fact that many of the complaints filed in this agency involve complainants victimized by bogus recruitment agencies.

### Compilation and storage of data

POEA's Illegal Recruitment Branch maintains a simple database (in Excel format) of human trafficking cases it has handled. This database is mainly for the Branch's internal use, but it is also used to prepare the trafficking report that POEA regularly submits to IACAT.

At present, the Illegal Recruitment Branch has three staff members who collect and store data on illegal recruitment and human trafficking. However, there is only one member of staff to handle and process trafficking cases.

### Reporting

The report generated is basically a statistical summary of the number of trafficking cases filed with POEA, number of victims, countries of destination, and mode of trafficking employed. It also distinguishes between the sources of data: walk-in complainants, POLO reports, newspaper articles, or reports from other government agencies and NGOs.

Information collected on trafficking is for internal use only. A summary report is submitted regularly to the POEA Administrator for information purposes. Within the Division or Branch, the data collected helps in identifying hot spots for anti-trafficking advocacy campaigns.

The agency gives an accumulative report of trafficking cases it has handled from June 2003 up to any given month. The main report presents the details of cases in tabular form, and contains information on names of victims, total number of cases classified by data source (walk-in complainant, POLO reports, newspaper report) and by country of destination, number of victims per country, mode of trafficking, and action taken by POEA. All the columns are in blank field format. In some completed tables, the name of the victim is not available; only the number of victims is entered. There are also instances where the “action taken” column also contains information on the data source, or the address and contact number of the victim.

### Issues identified

The special focus of POEA on trafficking through overseas employment cases makes their job less complicated than other agencies. However, POEA still has to grapple with some basic issues, such as lack of resources and personnel to do the job. Only three people work on illegal recruitment and trafficking cases and each has to deal with a heavy workload, given the volume of complaints (mostly illegal recruitment). There are also procedural practices with regard to illegal recruitment that affect processing of possible trafficking cases. POEA has the remedial function of mediating illegal recruitment complaints. In most cases, the parties arrive at a settlement and when this happens, any trafficking elements present in the case go unreported.

In terms of data management, POEA has yet to put in place a system that will centralize information on trafficking that it collects from various sources. Finally, with regard to the trafficking report that the agency prepares, it was found that this is just a basic statistical report. A more detailed and in-depth report could be generated, given the amount of information that POEA collects from its various sources.

## V.2.5 Office of the Undersecretary for Migrant Workers’ Affairs (UMWA), Department of Foreign Affairs

### Agency mandate

UMWA is mandated to facilitate the repatriation of trafficked migrant workers and to assist in the prosecution of trafficking offenders.

### Description of agency data collection practices

UMWA refers to the Anti-Trafficking Act for identification and classification of trafficking cases. However, the problems faced by POEA on identification and classification of cases also confront UMWA. That is, the Office has to contend with conceptual differences in the way its various partner agencies interpret the law and interpret “trafficking”.

UMWA does not have specific procedures in place to collect data on trafficking cases. It attends to trafficking cases referred to it from embassies, consulates, and NGOs. Embassies and consulates obtain a sworn statement from alleged trafficking victims, but there are no uniform procedures for obtaining sworn statements, nor a standard intake form. According to UMWA, it is not in a position to design standard forms and procedures; as an IACAT member, it has to adopt whatever forms and procedures the Council is going to develop in the future (UMWA interview 2006).

Some trafficking cases are brought to UMWA’s attention by the families and friends of migrant workers in need of assistance. In this case, the complainants fill out the Assistance to Nationals form, which contains the following fields: name and address of the complainant, date of filing of the complaint, and complainant’s relationship to the victim. This form has the potential to serve as an additional source of information on the incidence of trafficking and the concerns of trafficked

victims deployed overseas. Nevertheless, sworn statements from the concerned parties must be taken before the Office of the Undersecretary can file the case with NBI for investigation and prosecution. Once a victim is repatriated and if they decide to file a case, additional information will be obtained, mainly through the sworn statement.

No information about the perpetrator is found in the Assistance to Nationals form. As complaints may be filed by relatives of the victim, it may be that the relatives have no knowledge about the offender. For data on the offence, information can be gleaned from a brief narrative of the complaint.

### Compilation and storage of data

UMWA maintains a database of all cases of assistance to nationals that it has handled. However, there is no field in the Assistance to Nationals form that would facilitate the identification of trafficking cases from other forms of complaints. Accordingly, it is not possible to tell which cases on the database might have involved trafficking.

### Reporting

UMWA prepares case folders of the trafficking complaints, copies of which are submitted to IACAT via DoJ.

### Issues identified

Similar to POEA, UMWA's efforts to address the problem of human trafficking is affected by the lack of staff and resources. At present, there is only one staff member attending to human trafficking cases referred to UMWA.

There is no data collection system currently in place. The generic form (the Assistance to Nationals form) does not provide sufficient information on the extent of international trafficking of Filipinos. In addition, there is no initiative within UMWA to innovate its present data

collection mechanism because of its strict adherence to bureaucratic procedure. That is, being an IACAT member, it has to adopt the data collection system that IACAT will eventually propose.

Despite the absence of an internal system of data collection, information on trafficking received by the agency, however limited, is used in the development of training modules for the pre-departure orientation and post-arrival orientation seminars administered to foreign-service officers.

## V.2.6 Department of Social Welfare and Development (DSWD)

### Agency mandate

DSWD is responsible for implementing rehabilitation and protection programs for trafficked persons. This includes the provision of counselling and temporary shelter for trafficked persons and the development of a system for accreditation of NGOs for the purposes of establishing centers and intervention programs at the community level.

### Description of processes and practices involved in data collection

While DSWD uses the Anti-Trafficking Act as a basis for identifying and classifying trafficking cases, its rehabilitative function impacts significantly on how it classifies cases in practice. Generally, a trafficking case will only be classified as "trafficking" if:

- the person concerned is a victim of **international** trafficking **and** DSDW assists with repatriation; or,
- when the case involves **domestic** or internal trafficking, the victim was rescued in transit (that is, they were rescued **before exploitation** occurred).

If a trafficking victim is rescued from a situation involving sexual exploitation or hard labor, DSWD will usually classify the victim's case as "sexual exploitation" or "hard labor" rather than as "trafficking". According to DSWD, this is because, at the time victims are rescued, they are most in need of assistance or treatment for the trauma of sexual exploitation or hard labor rather than trafficking.

The majority of cases that DSWD handles are walk-in complaints. In such cases, a generic intake form is used. This form, which is used for all cases handled by DSWD, records background information about the victim and their family, the circumstances of the case, the social worker's assessment of the case, and the assistance recommended for the victim. There is also a separate form for cases that require extending psychological rehabilitation services to the victim.

DSWD also handles referrals from government agencies and NGOs. Referred cases are processed in the same way as walk-in complaints except that information about the victim and the case are obtained from the documents prepared by the referring agency, instead of first-hand from the victim. As much as possible, DSWD avoids getting another statement from the victim, to avoid further stress.

DSWD intake form focuses mainly on women and children. The form collects the most complete information (compared to other agencies' forms) about the victim, such as name, aliases, sex, age, birthplace, address, educational attainment, religion, presence of a guardian, and victim's relationship to the guardian. In addition, the form generates information on the victim's family background, specifically, information about the age, sex, civil status, educational attainment, occupation, and income of family members. The DSWD form is the only one with a field for recording the relationship of the offender to the victim.

A free text format field for a brief statement of the case is provided for the victim. It is here that the details of the offence are found.

### Compilation and storage of data

DSWD does not maintain a database of trafficking cases. However, there is a central file of all cases handled by DSWD and it is lodged at the Planning Department. The Rehabilitation Unit, which receives and processes the cases, submits regular reports on its caseload to the Planning Department. The report basically presents summary statistics categorized according to year, sex of the victims, and case categories. Aside from this report, the Rehabilitation Unit staff members also submit regular Progress Reports on their caseload to the unit head.

### Reporting

DSWD prepares summary tables on the number of "child abuse" victims and of "women in especially difficult circumstances" to whom it has extended assistance in the period 2000-2005. The data is presented per year and further categorized according to the type of abuse, characterized as acts that violate women's and children's rights. These abuses are enumerated in DSWD's intake form, and include prostitution, illegal recruitment, battery and physical abuse, sexual abuse, human trafficking, armed conflict, and detention.

While the intake form has a separate section for victim information, the report does not reflect all of the information collected. Further, as a source of information on trafficking cases, the report is limited by some important concerns:

- while the intake form distinguishes between local and international trafficking, the report lumps the two together, for both women and children victims;
- cases of sexual exploitation of older women are included in the "others" category, along with abandonment, emotional distress, and neglect.

The reports include data on number of cases by year, but do not explain apparent trends in any way. For example, in a table on the number of women trafficked there is a substantial drop in the number of reported cases between 2001 and 2002, from 815 to 10, without explanation.



### Issues identified

DSWD is an important source of data on human trafficking. The agency has access to cases that do not result in prosecution and are therefore not captured by the law enforcement agencies. However, DSWD's data collection practices need to be adjusted, before they truly capture data on all of the trafficking cases they handle. The approach of classifying cases based on the intervention required is likely to result in under-reporting of actual trafficking cases. Also, the intake form that the agency presently uses is biased towards women and children victims, meaning the agency is unlikely to identify and record data on cases involving men. Without a more sophisticated data management system, a lot of information on trafficking that the agency collects remains unreported.

DSWD also faces challenges relating to decentralization. With the implementation of the Local Government Code, many of the service delivery functions of government central offices, including DSWD's victim rehabilitation and reintegration functions, have been devolved to local government units. As a result, DSWD regional offices have to coordinate closely with the local government units for the implementation of community and family level reintegration of the victims and for the processing of cases that the local government units refer to DSWD. There is a clear need for DSWD staff to receive updates on these activities from their local government unit partners. However, DSWD does not have a mandate to require the local government units to submit progress reports to them and therefore has to explore other ways of obtaining data from local government units.

## V.2.7 Philippine Center on Transnational Crime

### Agency mandate

The Philippine Center for Transnational Crime (PCTC) is tasked with coordinating efforts for the prevention and control of transnational crimes. Although PCTC

is not a member of IACAT, the Center contributes significantly to efforts in combating trafficking. One of its main functions is the establishment of a shared database on all transnational crimes such as smuggling, money laundering, terrorism, drug trafficking, and human trafficking. The Center also coordinates with foreign governments and agencies on the prevention and detection of transnational crimes and with INTERPOL for cases related to lost visas and passports. In 2001, PCTC received UN funding for the creation of a database specifically for human trafficking and illegal recruitment cases.

### Description of processes and practices involved in data collection

The Center's data on trafficking come from reports submitted by:

- its field offices located in the Visayas, East Mindanao and West Mindanao, which, in turn, obtain the data either directly from trafficking victims who approach their office for assistance or as a result of their surveillance and rescue operations; and
- government agencies such as POEA, Commission for Filipinos Overseas (CFO) and Department of Labor and Employment.

PCTC's regional and field offices use an intake form, developed in 2003, to document information about the victims, suspects and/or perpetrators, and circumstances surrounding the trafficking case or incident. On the other hand, the partner agencies use their own internal report formats when submitting updates to PCTC, since PCTC does not prescribe a format that other agencies must use when submitting trafficking reports.

### Compilation and storage of data

PCTC's Research Analyst manually extracts the pertinent data from the submitted reports and enters this data into the appropriate field in the PCTC datasheet. Data from this form is then encoded into PCTC's trafficking

database. The datasheet and the database contain information about trafficking victims, individual suspects and offenders, the case details of suspects, and crime organizations.

The fields for all four types of information are quite comprehensive. If the primary source for victim data is the victim him/herself, the fields are able to provide a complete picture of trafficking from the perspective of victims. In addition to the victims' demographic characteristics, the form asks for specific data on the nature and circumstances of the trafficking, such as method of victimization, routes (countries of origin, transit, and destination), how contact with the trafficker/recruiter was established, victim's awareness of the danger, presence of debt bondage, and payment given to the recruiter. The form does not ask about the purpose of the trafficking.

The data fields for offenders, if properly completed, are also rich sources of information about suspects and organizations. These can generate information on individual offenders, including their family background, physical attributes, education, and employment record. On the other hand, the fields for crime organizations can lead to a complete picture of how and where they operate, as well as basic information on the group leader.

To date, the database contains 6,500 entries from local and international counterparts, as well as external sources like the print media. Of these, 2,000 are trafficking cases while 4,500 are illegal recruitment cases.

## Reporting

PCTC provides data and other reports to government agencies, NGOs and researchers upon request. They do not prepare regular reports or updates for dissemination to various agencies and the public. However, PCTC is often called upon to prepare reports for presentation in conferences and other official meetings both in the country and abroad.

## Issues identified

Maintaining the database has been hampered by several factors. The development team left PCTC without turning the database and its corresponding documentation over to the proper personnel. It was only recently that the new anti-trafficking team learned about the existence of the database.

PCTC's Human Trafficking Division lacks personnel who can take charge of maintaining the database. At present, the Division has only one research analyst who single-handedly reviews all human trafficking reports from various agencies and enters information in the database form.

The database format and platform (Microsoft Access) is not capable of handling the volume of information that is being processed, does not have features for generating more sophisticated reports, and does not have the capabilities for serving large, distributed workgroups spread across a network. The database is not networked, but is held on a single "stand alone" computer.

The database needs to be revised to conform to the provisions of the Anti-Trafficking Act (since it was developed before the legislation was passed in 2003). It only records data on "international" trafficking cases, perhaps reflecting PCTC's focus on transnational crime. However, this approach means that it is not possible for the center to identify possible links between internal trafficking and international trafficking.

Some agencies are reluctant to share their data with PCTC and it does not have a mandate to require these agencies to submit reports. This limits the completeness of the information on the database.

## V.3 Issues Identified

### V.3.1 Legal and Practical Issues

The Philippines has made some significant headway in its implementation of its specific anti-trafficking law. The most immediate proof of this is the fact that in the period June 2003-January 2005, DoJ had received 65 complaints involving trafficking in persons. As at July 2006, 24 complaints had been filed in court, and there have been seven convictions.<sup>2</sup>

Nonetheless, as a relatively new law, there are still some challenges in the implementation. The Philippine's Anti-Trafficking Act exists alongside a host of pre-existing laws that cover many of the "elements" of trafficking, but with varying emphasis and penalty regimes. To date, there is no binding jurisprudence from the Philippine Supreme Court to clarify how the new law should be interpreted and applied with, or in preference to, the pre-existing laws. It is open to law enforcers, prosecutors and judges to continue to respond to trafficking cases by using either the specific Anti-Trafficking Act or any of the pre-existing "generic" offences.

There may be legitimate operational reasons for using generic offence provisions rather than the Anti-Trafficking Act. For example, there may be cases where it is possible to prove "deceptive recruiting" but it is not possible to prove "trafficking". However, it is also likely that some officials continue to use the pre-existing laws out of familiarity, habit or an unwillingness to put in the extra effort required to develop a trafficking case properly. Decisions about which offence provisions to use should be made carefully, bearing in mind the seriousness that the Philippine government attaches to the crime of trafficking. Using the generic offences may result in reduced sentences for offenders. Using generic offences also prevents trafficking cases from being discernible in the crime statistics and does not give the government an accurate picture of its efforts to combat trafficking.

### V.3.2 Double Counting and Under-reporting

There are various practices and operational realities that result in under-reporting in some contexts, and over-reporting in others.

At the political level, the fight against trafficking is seen as a multi-agency undertaking. However, in reality, trafficking cases are still largely handled in a "compartmentalized" manner by the agencies concerned. There is no system for keeping track of cases as they are referred from one agency to another and this results in double or even multiple counting of single trafficking cases, as cases are passed between agencies and thus in distorted statistics.

The lack of a tracking system means that individual agency reports must remain as stand-alone reports. Data from different agencies cannot be reconciled in order to yield national-level trends in, or estimates of, human trafficking. Instituting a tracking mechanism or unique case identification system for use by all agencies is the only way of resolving the problem of double, even multiple, counting of cases that is endemic to the current system of data collection and reporting.

The lack of satellite or regional offices of some agencies may result in under-reporting of trafficking that may be occurring outside of the big cities. For example, most of the "rescue" operations that have been undertaken have taken place in Metro Manila and the other major cities. It is possible that trafficking is at its worst or most visible in the big cities. However, it is also possible that agencies are just more likely to identify trafficking cases within their immediate area of operations. Very few of the anti-trafficking units within agencies have regional offices. This could result in under-reporting of trafficking cases in regional areas.

The comprehensiveness of the data that is collected is affected by decentralization. Under decentralization, responsibility for many essential services has been devolved to the local government units. For example,



DSWD shares the work of rehabilitating and reintegrating victims with local government units. While in theory the local government units are supposed to update DSWD on the status of the rehabilitation and reintegration efforts, in practice, these reports are often not made. DSWD has no legal mandate or other capacity to require the local government units to submit data from these cases or other reports to them. As a result, some data is held by the central agency, while other data about the same cases is held by the local government units. There are no systems in place for the central agency and local government units to share or integrate their data.

### V.3.3 Questions about Reliability of Data

Within and across agencies, there are very few systems in place to ensure that individual officers apply similar standards to identify trafficking cases. In interviews, most agencies refer to the law as the yardstick for identifying trafficking cases. While this is a good starting point, the reality is that the law on trafficking is complex. Within any organization, there will be many different views on the meaning of terms such as “exploitation” and “sexual exploitation”. Accordingly, there will be different views on who is a victim of trafficking. For data to be reliable, it has to reflect the consistent application of standards. Accordingly, there is a need for agencies to develop and document practical, user-friendly standards on key issues, such as how to identify trafficking victims.

### V.3.4 The Need to Improve Agency Data Skills

Agency reports mainly involve simple statistical tallies of the number of cases that have been identified. This is the case even when agencies are collecting data on a wide range of variables. They do not analyse or interpret all the data they collect and a lot of data is never reported. The data they collect could give useful insights into

issues such as where victims are being exploited, who the offenders are, methods used to recruit victims, key places of referrals for victims, and so on. However, as much of the data is never analysed or reported, the information potentially available from this data is not accessible to policymakers.

### V.3.5 Agency Practices are not Geared towards Collecting Data on Trafficking

Agencies did not change their data collection, compilation, storage and reporting mechanisms in response to the passage of the Anti-Trafficking Act in 2003. As far as individual agencies are concerned, their existing systems are adequate for their own needs and purposes. Rather than developing new systems, agencies simply began adding data from trafficking cases into their existing systems. All agencies continue to use intake forms developed **prior** to the passage of the Anti-Trafficking Act.

Reluctance to change is understandable, as it involves the least disruption to well-established agency practices. However, in reality, the existing practices are not suitable or capable of meeting the government’s needs (or those of individual agencies) for information about trafficking. The government needs an overall understanding of the trafficking situation in order to make informed policy and budget decisions. The government needs to know whether its efforts in prevention, protection and prosecution are actually working. However, it is not possible to obtain this kind of information at present. Agencies are collecting very different data in very different ways. As a result, the data from each agency is “stand-alone” and cannot be integrated with data from other agencies. There are also issues about the reliability of the data that is collected, reflecting the lack of standardization in agency data practices.

### V.3.6 Towards Integrated Data on Trafficking

The agencies acknowledge that for the purposes of coordinating inter-agency anti-trafficking efforts, another system of data collection, reporting and sharing has to be put in place. All agencies see this as a task that should be handled by another agency, and more specifically, as by IACAT. On one level, this is correct since the Anti-Trafficking Act has mandated IACAT to serve as the repository of an integrated database on human trafficking cases, both domestic and international. On another level, however, there is a fundamental problem with this approach. IACAT does not have any independent existence, as it is essentially an inter-agency committee relying on the efforts of individuals from the various agencies to work together to meet the government mandate, and has no allocated staff or budget.

For IACAT to undertake a task as ambitious as designing and implementing a centralized information system, it will need significant, long-term financial and political support. It will also need genuine support and a commitment from its various government agencies. Every government agency in the Philippines, at every level of government, is somehow involved in the anti-trafficking effort. Each of these agencies has well-entrenched practices for collecting data, including data on trafficking, for their own purposes. In order to make data reconciliation possible, some of these practices will need to change, or at the very least, be further refined. The challenges of achieving any level of standardization, and thus allow meaningful reconciliation of data, are immense. It is unrealistic to expect that an inter-agency committee, operating without staff or a budget, could successfully undertake such a project. Efforts to attract a donor have so far proved unsuccessful.

If IACAT is successful in securing funding for the development of a centralized information system, one of the many issues it will need to consider is the role of the PCTC database on trafficking cases. Unlike IACAT, there is no mention of PCTC or its database in the Anti-

Trafficking Act. It is possible to foresee a role for both IACAT and PCTC. PCTC database is in practice a very small operation (a single stand-alone computer), which only records data on “international” trafficking cases, while IACAT would be expected to centralize data on all trafficking cases, both international and domestic. The PCTC system needs to be updated to reflect the current state of Philippine law and this could present an opportunity for reinvigorating the database, perhaps as part of the larger efforts involving IACAT.

## Notes

1. Department of Justice (Chair), Department of Social Affairs and Development (Co-Chair), Department of Labor and Employment, Philippine Overseas Employment Administration, Bureau of Immigration, Philippine National Police, National Commission on the Role of Filipino Women, Department of Foreign Affairs, Department of Interior and Local Government, and three NGOs with respective, specific focus on women, overseas Filipino women and children.
2. *People v. Zarazara*, Criminal Case No. 14141, decision of the 4<sup>th</sup> Branch of the Regional Trial Court in Batangas City (4<sup>th</sup> Judicial Region), judgment penned by Judge Conrado R. Antona, 9 November 2005; *People v. Baes-Burog*, Criminal Case No. 14027, decision of the 4<sup>th</sup> Branch of the Regional Trial Court in Batangas City (4<sup>th</sup> Judicial Region), judgment penned by Judge Conrado R. Antona, 14 November 2005; *People v. Lalli, et. al*, Criminal Case Nos. 21908 and 21930, decision of the 16<sup>th</sup> Branch of the Regional Trial Court in Zamboanga City (9<sup>th</sup> Judicial Region), judgment penned by Judge Jesus C. Carbon Jr., 29 November 2005; *People v. Tongco*, Criminal Case No. Q-04-123083-87, decision of the 86<sup>th</sup> Branch of the Regional Trial Court in Quezon City (National Capital Judicial Region), judgment penned by Judge Teodoro A. Bay, 8 December 2005; Trafficking in Persons Philippine National Police Women and Child Crime Division, (CIDG-WCCD).

# Country Study: Thailand

Research conducted by **Nippita Pukdeetanakul**, Attorney, Bangkok, Thailand

## VI.1 Background

Thailand has been actively engaged in the fight against trafficking for many years. The issue of trafficking first came onto the public agenda in 1984, when several victims of trafficking were burnt to death while confined in prison like conditions in a brothel. Since this time, Thailand has been actively seeking to combat trafficking, using increasingly sophisticated responses (Thailand, 2004a).

Despite the level of attention given to trafficking by Thailand, the government recognizes that there is a need to improve data on trafficking. This is most clearly demonstrated by the establishment in 2005 of the National Sub-Committee to set up a National Database on Human Trafficking, which will develop a database for the centralization of data on trafficking. Since that time, round tables and workshops have been held, preliminary studies have been conducted, and plans put in place for a centralized database.<sup>1</sup>

It is clear that Thailand is working towards improving its access to relevant, reliable and regular data on trafficking. Nonetheless, the Thai government agreed to participate in the current study in order to have a better understanding of the challenges it faces, not only at the national level but also in the broader regional context.

## VI.2 Government Data Collection Practices in Thailand

The data collection practices of several government and non-government agencies were studied by ECPAT International and Fight Against Child Exploitation (FACE) in 2005 (Jaiharn and Sereewat, 2005). As a result of this research, some information about the practices of several agencies was already available. In consultation with ECPAT International and FACE, the project decided to use the previous research as a starting point, while seeking more in-depth information about agency practices. Having examined the mandates and roles of

the other government agencies, the project decided to focus on:

- Royal Thai Police
- Immigration Bureau
- Department of Social Development and Welfare
- Attorney-General's Office.

The efforts of these agencies to collect data on trafficking take place within a fairly complex legal and policy framework. Thailand does not have a single law on trafficking. Rather, the offence of trafficking is defined in the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act (Anti-Trafficking Act) by reference to several other Thai laws. Under the Anti-Trafficking Act, “human trafficking” is defined as:

... buying, selling, vending, bringing from or sending to, receiving, detaining, or confining any women or child, or arranging for any women or child to act or receive any act, for sexual gratification of a third person, for an indecent sexual purpose, or for gaining any illegal benefit for him/herself or another person, with or without the consent of the women or girl, which is an offence under:

- the Penal Code; or
- the Law on Prostitution Prevention and Suppression; or
- the various laws on safety and welfare of children; or
- the Anti-Trafficking Act itself.

Accordingly, to understand the definition of “trafficking”, it is necessary to understand the legal provisions of several pieces of legislation. These laws focus mainly on offences such as forced prostitution and sexual exploitation of women and children.

Thailand's existing law on trafficking is widely regarded as inadequate for responding effectively to trafficking. The government has drafted a new law prior to ratification of the UN Trafficking Protocol.

Thailand's national policy on trafficking is found in the National Plan and Policy on Prevention and Resolution of Domestic and Cross-border Trafficking in Children and Women (Thailand, 2003i). While the National Plan

reflects existing Thai law, the policy is also informed by the international legal framework on trafficking, particularly the UN Trafficking Protocol. This is the case for many Thai government policies related to this subject. Thailand is part of the COMMIT process, in which five countries in the Mekong sub-region cooperate on trafficking issues. Thailand has MOUs with several neighbouring countries on trafficking and related issues, including with Cambodia, Lao PDR and Myanmar (see Thailand, 2003e; 2002 and 2005c; 2003d, respectively).

## VI.2.1 Royal Thai Police

### Agency mandate

The Royal Thai Police is responsible for identifying trafficking victims and arresting traffickers. Since 2006, the Royal Thai Police has a specialist unit responsible for combating trafficking, as part of the Children Juveniles and Women Protection Division. This Division has principal responsibility for collecting data on trafficking.

### Description of the processes and practices involved in data collection

There are three main forms that are used by police in the data collection process:

1. the Memorandum of Preliminary Identification to Separate Human Trafficking Victims (or the Preliminary Identification Form), used to identify trafficking victims (see Annex 8);
2. the 1/48 Form, used to collect data from trafficking victims (see Annex 9);
3. the Additional Report Form 1/48, to record the progress of the case through the criminal justice system (see Annex 10).

The Preliminary Identification Form (and accompanying guidelines) was developed with the support and cooperation of both government and non-government

organizations, under the framework of the “internal” MOU on cooperation between government and NGOs working with trafficking cases (Thailand, 2003f). Currently, the Preliminary Identification Form is used in all police stations and immigration bureaus throughout the country, as the basis for identifying trafficking victims.

In the absence of a single trafficking law, the Preliminary Identification Form brings together various offences available under Thai law to construct a framework of laws that can be used to identify trafficking cases, and to arrest and prosecute offenders (see Annex 8). Police use the form as a “checklist” to determine if a case is in fact “trafficking”.

The term “trafficking” is defined on the front page of the Preliminary Identification Form. The definition is based on the MOU on Operational Guidelines (Thailand, 2003f). However, the elements of trafficking contained in the “checklist” part of the form are based on a different definition of “trafficking”. This definition is found in one of the manuals that accompany the form, the *Guideline on Definition of Trafficking, Relevant Laws and Mechanism*, a directive issued to police by Police Major General Chadchawan Suksomjit.

The elements of trafficking used in the checklist are derived from many national laws, such as:

- the four directly related laws: Measures in Prevention and Suppression of Trafficking in Women and Children Act, 1997; The Prevention and Suppression of Prostitution Act, 1996; The Penal Code Amendment Act, 1997; and The Child Protection Act, 2003;
- supporting laws, such as Thailand Job Placement Agencies and Job Seekers Protection Act 1985, Labor Protection Act, 1998, Immigration Act, 1979, Money Laundering Act, 1999;
- international treaties, such as International Convention on the Rights of the Child.

The Preliminary Identification Form is divided into four sections, covering:

1. age of victim (thereby separating women from children under 18);
2. offences relating to the “Action” element of trafficking, under the UN Protocol (e.g., seducing, exporting, accepting, or transferring victims);
3. offences relating to the “Means” element of trafficking under the UN Protocol (e.g., using a confidence trick, force, or coercion on a victim);
4. offences relating to the “Purpose” element of trafficking, under the UN Protocol (e.g., sexual exploitation and slavery) (see Annex 8).

It states that, for **adult women** to be a victim of trafficking, an offence must have been committed against them under each of the three categories: action, means, and purpose. **Children** can be considered to be victims of trafficking, if two elements, action and purpose, are satisfied.

To collect data, police conduct interviews with victims using the Preliminary Identification Form as a point of reference. Police officers will normally note all the information gained from the interview onto a piece of blank paper, and later transcribe the data onto the Preliminary Identification Form.

Two manuals or references for guiding this process are available (Thailand, 2003g; n.d. d).

Police are assisted in this interview process by social workers, under the coordination of *Kredtrakan* Protection Vocational Training Center (which is supervised by the Department of Social Development and Welfare). The social workers help police officers make a decision as to whether or not the person is a victim of trafficking by using the Preliminary Identification Form (Thailand, 2000). If a person is suspected as a victim of trafficking, the police must delay the deportation process and contact a vocational training center or shelter to assist the victim. Investigation officers will also be involved for further prosecution process as soon as possible (Thailand, n.d. h).

Having identified a person as a victim of trafficking, the police officer will collect data using the Preliminary Identification Form, and two other forms:

- Report Form 1/48 (Annex 9);
- Additional Report Form 1/48 (Annex 10).

When considered together, the three forms collect data under the following headings: arrests, charges, personal details, trafficking elements, investigation, follow-up actions, referrals.

Data is collected on a wide range of fields relating to each of these categories. The forms use a combination of check boxes and space for narrative answers. Examples of the data and narrative answers collected include:

- actions taken by the trafficking offender (tick boxes for all trafficking-related offences);
- means by which the offender facilitated the exploitation (tick boxes for trafficking-related means);
- types of exploitation involved (tick boxes for trafficking-related types of exploitation);
- details of referral to prosecutor/court (narrative question);
- method of investigation which led to the crime report;<sup>2</sup>
- source and nature of intelligence;
- assets confiscated;
- evidence recorded and protected;
- number of victims involved;
- offender’s suspected involvement in other trafficking cases;
- number of other suspected offenders;
- follow-up actions required and/or taken (further arrest, referral for prosecution/trials);
- details of key witnesses;
- reasons for the success or failure of a case or investigation.

### Compilation and storage of data

Data collected using the Preliminary Identification Form is kept as paper files.



Police stations do not compile all of the data collected on the three forms. They provide data to the Division for the Protection of Children, Youth and Women, Royal Thai Police on certain aggregate figures, including number of arrests, cases brought or not brought to court, cases deemed suitable for prosecution, cases sentenced and dismissed, according to each respective offence (see Annex 11). This Division records the aggregate data on a computer database.

A lot of the data that is collected is never compiled in any way. As many of the responses on the forms are in narrative form, it would be necessary for someone to examine each narrative answer and “code” the answers, before these answers could be turned into quantitative data. This would make it possible for the police to compile quantitative data on all of the issues covered by the forms.

### Reporting

The following reports are generated by the Child and Women Protection Division of the Royal Thai Police:

- Number of Offences under the Prevention and Suppression of Prostitution Act;
- Number of Related Offences under the Penal Code;
- Number of Offences under the Anti-Trafficking Act;
- Number of Offences under the Immigration Act;
- Number of Offences under the Thailand Job Placement Agencies and Job Seekers Protection Act;
- Number of arrests;
- Number of cases brought to court/not brought to court;
- Result of the case in prosecution stage (whether the prosecutor has considered the case suitable for prosecution);
- Result of the case in court stage (number of cases sentenced and dismissed).

These reports are usually intended for the Deputy Commissioner, Director of the Center, and the responsible officers. They use the reports to follow up and monitor cases, as well as to issue an annual report.

To ensure that the information is not misused, assumed names are used in the report.

### Access and data protection

Access to data and answers collected are available to the officers with direct responsibility for the case, their supervisor, the clerk who records the data, and the Children Juveniles and Women Protection Division team. Access is possible through their desktop computers. There are no written guidelines or procedures in place to regulate sharing or protection of personal information.

## VI.2.2 Immigration Bureau

### Agency mandate

The Immigration Bureau is one of the departments under the Royal Thai Police. With regard to human trafficking, the Immigration Bureau focuses on separating trafficking victims from illegal migrants. Unlike the Police, the Immigration Bureau does not have a role in arresting traffickers. Once a victim is identified, the case will be passed on to the police for investigation.

### Description of the processes and practices involved in data collection

The exact process for screening victims of trafficking is a little unclear. Information from interviews suggests that all persons who are caught for illegal entry in Thailand are sent to the Immigration Bureau’s Headquarters for screening of whether they constitute victims of trafficking. However, it is possible that in practice, only women and children who are caught for illegal entry are sent to the Headquarters, since the immigration procedures only cover women and children. Also, it seems likely that, in practice, the various offices do the screening themselves as there are only two screening officers at the Headquarters. Also, the local bureaus



are said to produce monthly data on trafficking, which means they must undertake some screening themselves.

As with the police, if a person is suspected to be a victim of trafficking, immigration officials are required to delay the deportation process. Detention of suspected victims for interviewing is required to be no more than 24 hours. Immigration officials contact the vocational training center or shelter for victim assistance and police investigation officers will also be involved for further prosecution process as soon as possible (Thailand, n.d. h).

Like the Royal Thai Police, the Immigration Bureau uses the Preliminary Identification Form to identify trafficking victims, together with a data collection form developed by its headquarters, the Memorandum of Preliminary Identification to Separate Human Trafficking Victim, Sub-Division 3, Investigation and Inquiry Center, Police Bureau of Immigration (see Annex 12). Both immigration officers and social workers use this form, together with the Preliminary Identification Form in the first interview. A guideline is provided for the purpose of collecting the data (Thailand, n.d. h).

Since the Immigration Bureau uses the Preliminary Identification Form, they apply, in theory, the same definition of trafficking in persons. In practice, however, immigration officers apply three criteria to identify irregular migrants as trafficking victims:

- recruitment
- transferring
- exploitation.

These criteria are not written on any of the forms (Immigration Bureau interviews 2006).

Using the Immigration Bureau's own Memorandum of Preliminary Identification to Separate Human Trafficking Victim, immigration officials collect data which adds to the information gathered using the Preliminary Identification Form. The Immigration Bureau's Memorandum collects data and narrative answers on:

- transit point, transit route;
- people involved in the trafficking process, i.e., agent, employer;
- physical description of the people involved;
- working hours and holidays;
- reasons of arrest;
- status of victim (trafficked or not trafficked);
- information on suspected offenders;
- work arrangements before entering Thailand;
- information regarding success or failure of victim identification and assistance.

### Compilation and storage of data

The exact procedures for compiling the data are a little unclear. Information from interviews suggests that the completed paper forms are kept by each Immigration Bureau (there are many immigration bureaus throughout the country). The individual Immigration Bureaus have a paper-based, rather than computer-based system for compiling the data. There is no centralized data system for the offices.

However, in interviews, it was also noted that the completed paper forms are sent by the respective Immigration Bureaus to Immigration Headquarters, which has a manual system for compiling data on trafficking, i.e., data is added up manually, and typed onto an Excel spreadsheet for reporting purposes.

### Reporting

The Immigration Bureau's Headquarters keeps statistics on the number of victims for each law broken. An example of the statistics report records the number of victims arrested, the number of decisions made in investigation stage, decisions made by the Attorney-General, and the number of court's judgment (see Annex 13).

Monthly reports are made by the Immigration Bureaus throughout the country and sent to the Royal Thai Police's Children Juveniles and Women Protection

Division, which keeps all the data in statistical form (see Annex 11). These reports are used for developing new policies and sharing general information.

### Access and data protection

Personal information on victims is kept by the investigation officers and is accessible by the responsible officers and their supervisors. There are no written guidelines or procedures in place to regulate sharing or protection of personal information.

A supporting system to avoid double counting of data does not exist. The immigration officers will generally ask the victim before the interview whether other police offices have reported the case to prevent double counting of data.

## VI.2.3 Office of the Attorney-General

### Agency mandate

The Office of the Attorney-General is responsible for prosecuting cases previously identified by the police as trafficking cases. Prosecutors do not seek to identify trafficking cases themselves. Rather, the identification of trafficking cases is left to the Royal Thai Police and Immigration Bureau (Office of the Attorney-General, interview 2006).

### Description of processes and practices involved in data collection

The Office of the Attorney-General does not have specific intake forms to record trafficking data. Rather, prosecutors use a general intake form for every case, including trafficking cases.<sup>3</sup> All data recorded on the form comes from information provided by the police.

The general intake forms do not have a specific category to record trafficking cases. Accordingly, there is no definition on the form of “trafficking.” In interviews, it was noted that prosecutors based their trafficking definition on the relevant trafficking laws (Office of Attorney-General interview 2006).

Data collection at this level focuses on the result of cases at the prosecution and court outcome stages. The intake forms collect data on:

- referrals from police;
- follow-up of cases;
- offences charged;
- offences prosecuted;
- court verdicts;
- personal information about the offenders and the victims (name, age, nationality);
- summary of court judgments (this may include reasons for success or failure of the case).

References and guidelines to collect data on trafficking at this stage are available (Thailand, n.d. b and c).

### Compilation and storage

Data from the intake forms is entered onto a computer by administrative officers in each branch of the Office of the Attorney-General throughout Thailand. Access to the computers is password protected.

### Reporting

The reported data is used by the following areas of the Office of the Attorney-General: the Department of the Public Prosecutor Commission, Personnel Division, and the Office of Policy and Planning. The first two divisions use the data to plan the workload of the State Attorneys nationwide, whereas the Office of Policy and Planning uses the data to seek budget approval from the Thai government and to provide reports to the Attorney-General.

The Office of the Attorney-General also produces specific summaries of data on trafficking cases. This data is separated out from other criminal offences in Thailand by looking at the offence type (i.e., trafficking offences under the Penal Code, Anti-Trafficking Act and other relevant laws). Given the broad and complex nature of Thailand's laws on trafficking, it must be very difficult to identify cases categorically as “trafficking” cases, simply by looking at the offence type. Nonetheless, this data has been kept since 2004 and is summarized into a specific report on trafficking cases (produced periodically, monthly and annually) (see Annex 14).

### Access and data protection

Access to personal information of victims, witnesses, or offenders is available only to those who have direct responsibility on that case. Access to information about victim or witnesses is protected by a password system. Access can be limited to varying levels of information.

There are no guidelines or procedures in place to regulate sharing or protection of personal information.

## VI.2.4 Department of Social Development and Welfare (DSW)

### Agency mandate

DSW, in the Ministry of Social Development and Human Security, focuses on the rehabilitation and reintegration of trafficking victims. It runs 99 welfare homes in 75 provinces, which provide temporary assistance to abused women and children. In addition, there are six vocational training centers that provide medical, psychological and social assistance to the victims. The shelters also provide reintegration, rehabilitation, and repatriation services. They also collect and submit data to DSW.

*Baan Kredtrakan* is one of the six vocational training centers<sup>4</sup> established by the Ministry of Social Development and Human Security to assist victims

of abuse, including victims of trafficking. *Baan Kredtrakan* provides shelter and welfare support and assistance to three categories of girls and women: girls and women taken out of prostitution; women suffering from social problems; women and girls who are victims of trafficking. *Baan Kredtrakan* provides services for Thai and non-Thai women and girls.

In its shelter capacity, *Baan Kredtrakan* can accommodate up to 550 women and girls enrolled for recovery services. Other services include food, medical care, counselling, psychosocial recovery, education, vocational training, early child development center, reintegration assistance, and family assistance.

The data collection practices of *Baan Kredtrakan* were studied, as an example of DSW data collection practices.

### Description of processes and practices involved in data collection

The workers at *Baan Kredtrakan* collect primary data from trafficking victims through interviews. Data is collected using the Trafficked Person Case Interview Report (see Annex 15). This form is used in all six vocational training centers established by Ministry of Social Development and Human Security and the 99 welfare homes throughout Thailand.

Prior to the initial interview, victims are informed about the reasons why they have to stay in the center (for example, to await a prosecution). A preliminary introductory video is provided in various languages. New victims will be put together in a separate section for preliminary adjustment and orientation, normally about two weeks, to reduce victims' anxiety before their first interview.

The Trafficked Person Case Interview Report does not actually define “trafficking”. However, the data fields reflect some of the national laws on trafficking. In practice, the center uses the following criteria to identify trafficking cases:

- women or children (aged under 18);
- for what purposes the victim was exploited;
- by any means.

Despite the absence of a definition of “trafficking” on the Report itself, the shelters organize trainings on “what is trafficking” for their social workers to help them during data entry process. While there is no specification on the Report that the cut-off point for a child is 18, the social workers are aware of this. Eventually, both the training for social workers and the process for identifying and screening victims of trafficking will refer to the definition of “trafficking” in the UN Trafficking Protocol.<sup>5</sup>

The Trafficked Person Case Interview Report is very long (18 pages). It normally takes two to three hours to complete the Report (Kredtrakan Vocational Training Center interview 2006). It is designed to collect fairly detailed information on:

- the victim’s personal details, including details of family, past education, current health condition, and understanding of Thai language;
- elements involved in the trafficking elements (e.g., circumstances of recruitment and departure, workplace and type of work, trafficking circumstances in Thailand such as harbouring and receipt, money gained, living and working conditions);
- information about the alleged recruiters, facilitators, and/or employers, including relationship between victims and offenders;
- the victim’s debt and escape and flight from the workplace;
- factors relevant to repatriation, such as the existence of any “push” factors at the place of origin, the victim’s expectation or wishes, a family assessment, and repatriation details;
- health conditions and medical record (pregnancy, physical health condition, substance abuse, mental/physical disability, behavioural problems);
- services that have been provided (e.g., orientation video, medical treatment, counselling, vocational training, job placement, obtaining citizenship);
- any legal assistance (prosecution, victim’s role in trial, people involved, court proceeding, result of prosecution, compensation);
- other remarks, problems, obstacles, solutions.

The Trafficked Person Case Interview Report also seeks data about the source of referrals, date of initial intake, and arrival. Information on further referral (to another agency or NGO for assistance) is not collected. The Report also includes queries on reasons why the agency or shelter cannot assist victims identified by the agency (noted in the form under “registration note”).

The social worker who conducts the interview will normally note all the information gained from the interview on a piece of blank paper and then transfer the data onto the datasheet/victim interview form.

### Compilation and storage of data

Not all of the data from the forms is compiled. The forms are kept in paper form, and once a month, key data is compiled manually. Summary data is kept on a computer.

### Reporting

Each month, a monthly statistic report is prepared, which shows the numbers of victims of abuse categorized according to the intake reasons (sexually exploited, physical abuse, forced labor, etc.), ages, nationalities, reasons for leaving the shelter, regions, and services provided.

The monthly statistic report is sent to the Bureau of Anti-Trafficking in Women and Children (at DSW) for further analysis and to contribute to policy and strategic plans. The monthly report is also used by police and prosecutors. The report may also be sent to responsible organizations in the countries of origin.

Conferences and workshops are often arranged between *Baan Kredtrakan* and other organizations

interested in trafficking cases in order to promote mutual understanding of what happened to those cases. Therefore, data gathered by the center is often, and mostly unofficially, shared with other organizations.

The statistical reports produced by *Baan Kredtrakan* provides information for developing national strategies by generating, for example, information on the most common routes used by traffickers and how to reduce human trafficking along those routes.

It is possible to generate reports on many combinations of variables, for example:

- type of admission, broken down into nationality (Thai/non-Thai) and sex (male/female);
- age groups of people admitted to the center, also broken down into nationality, sex, and type of admission;
- place of origin for the person admitted to the center:
  - Thai: central Thailand, northern Thailand, north-eastern Thailand, eastern Thailand, western Thailand, southern Thailand;
  - non-Thai: Burmese, Laos, Cambodian, Chinese, others;
  - unknown;
- reasons for leaving the center;
- services provided, e.g., medical assistance;
- vocational trainings provided, e.g., to make fabrics;
- social security and social work services provided to children and juveniles in the family and community.

There is no system in place to avoid double counting of cases, for example, between the police and *Baan Kredtrakan*. Double counting is still believed to exist (*Idem*).

### Access and data protection

Only officers with direct responsibility for the case have access to the computer database by entering a password and there are limits on the number of persons holding passwords. Levels of confidentiality are also present:

only certain persons can access the whole system, while others can only access general information on the case.

There are no written guidelines or procedures in place to regulate sharing or protection of personal information.

## VI.3 Issues Identified

### VI.3.1 Inadequacies of the Legal Framework

Data collection in Thailand is closely associated with the national legal framework. This presents challenges for government agencies trying to collect data on trafficking, as the legal framework for trafficking is patchy, disjointed, and does not match the UN Trafficking Protocol.

There is no single comprehensive law on trafficking. Instead, there are a number of scattered laws that criminalize the various elements of trafficking. Some of the acts described in the laws as “trafficking” would not necessarily meet the definition of this term in the UN Protocol. As such, it is not possible to count “trafficking cases” simply by referring to the number of times certain offences have been committed. It would be necessary to look into the case history in order to determine whether a particular case involved trafficking, as defined by either the UN Trafficking Protocol or Thailand’s policy documents on trafficking.

These challenges are reflected in data collection practices. The Royal Thai Police and the Immigration Bureau use a composite definition of “trafficking” for the purposes of data collection that is based on an amalgamation of several laws. While this is a constructive approach, it would be far easier for police to collect data on trafficking if there was one clear comprehensive set of laws on the issue.

Thai laws do not cover all of the aspects identified in the UN Trafficking Protocol. For example, Thai laws tend to equate trafficking with sexual exploitation. Also the specific anti-trafficking law, The Measures in Prevention of Trafficking Act, does not cover trafficking in adult males. This approach is reflected in data collection practices, which focus on trafficking of women and children for sexual exploitation. There is no data collected on adult male victims.

The limits of the law are also reflected in service provision. Interviews with government officials suggest that male victims are occasionally found, but they are unlikely to be assisted. None of the government shelters in Thailand is available for adult males, due to the lack of legal protection for trafficking of men. The officials interviewed note that male victims want to be sent back home as soon as possible and they would be sent back by the Immigration Bureau most of the time (Immigration Bureau interviews 2006).<sup>6</sup>

Thailand has drafted a new law that should address many of these issues. The law is being drafted as part of the Thai government's accession to the UN Trafficking Protocol.

### VI.3.2 Double Counting

There are presently no processes in place to avoid double counting when cases are referred from one agency to another. Each of the four agencies studied will collect data on each trafficking case brought to its attention, irrespective of any other agency's data collection of the same case. Thus, a single case that has passed through several agencies will be counted multiple times. This results in distortion of the statistics.

Moreover, victims of trafficking are required to repeat their story many times and to different organizations. Having to tell their story to so many strangers in several separate agencies is likely to be distressing for victims who are already traumatized by their experiences.

DSW has sought to overcome the problem of double counting of cases moving between their shelters by introducing a system of unique case reference numbers.<sup>7</sup>

### VI.3.3 Reliance on Law Enforcement to Identify Victims

There is a heavy reliance on police and immigration officials to identify trafficking victims. This requires these law enforcement officers to:

- be aware of trafficking, and thus be able to conduct an assessment;
- know of the existence of the assessment tool;
- know how to use the assessment tool;
- know how to interview victims so as to obtain reliable information, without causing further distress or harm to the victim.

Clearly, all law enforcement officials across Thailand need to have a high level of awareness and knowledge about trafficking by, and not just the specialist members of the Children and Women Division of the Royal Thai Police. Training on these issues must be ongoing, as law enforcement officials are regularly rotated to new posts: for example, Royal Thai Police officers are rotated to new posts every year.

Ideally, it would not just be the law enforcement officials that identify trafficking victims in the criminal justice system. Prosecutors and judges should also be trained to identify victims of trafficking to ensure that victims are not inadvertently prosecuted for offences committed during trafficking. The involvement of prosecutors and judges would provide a way of checking the assessments conducted by law enforcement officials and help ensure that victims do not slip through the net and are not inadvertently prosecuted, and as a result that the data on trafficking cases is as complete and reliable as possible.



### VI.3.4 Lack of Analysis and Reporting of Useful Data

The four agencies are collecting a large amount of potentially very useful data using the various intake forms. Some of the data is collected in a format that is very easy to compile (e.g., yes/no answers, tick box answers). However, much of the data that is collected is embedded in narrative statements (e.g., long written answers to open-ended questions). At present, there is no capacity or systems for extracting quantitative data from these narrative statements.

In order to make full use of the variety of information collected, systems should be introduced to ensure that data from narrative answers is turned into quantitative data (through coding). Also, forms could be designed to ensure they facilitate data collection.

### VI.3.5 Problems with Sharing Data

There is a need for agencies to be able to share their data, and to understand the data they are getting from other agencies. At present, this is not possible without a great deal of effort.

Each of the agencies has different data collection practices. One of the most obvious examples is the use of slightly different definitions of “trafficking victim”, for example:

- police and immigration have a three-part test for identifying adult trafficking victims (action, means, purpose);
- DSW’s *Baan Kredtrakan* has a two-part test for identifying both adult and child trafficking victims (means, purpose).

Information about these definitions is not included in reported data on trafficking and can be quite difficult to access. In these circumstances, it would be easy for agencies to make the mistake of thinking that their data

on “victims of trafficking” is directly comparable, when clearly they are not.

### VI.3.6 Data Protection, Privacy and Confidentiality

The four agencies have some systems in place to prevent unauthorized access to data, such as the use of passwords. Most agencies ensure that real names of victims are not used when data is reported publicly. For example, the Royal Thai Police uses assumed names for victims, when information is being disclosed publicly.

However, the agencies do not have guidelines or procedures that regulate what personal information can be shared between the agencies or within individual agencies. At present, agencies are sharing full case details with each other. While information sharing is important, certain categories of personal information (such as names, addressees, medical status) should be protected and only shared if there is a legitimate operational reason to do so. Information sharing should take place within a context of guidelines or procedures that strictly regulate what information can be shared, with whom, and in what circumstances. In this respect, it is important to distinguish between two different types of data:

- non-personal anonymous data, which is open to the public;
- personalized data, which should be subject to strict controls (EC, 2004: 79).

### VI.3.7 Towards Integrated Data on Trafficking

The Thai government is seeking to improve its data collection efforts by implementing an integrated computer database, known as the BACKBONE program, which will be used to consolidate data from each agency and provide a system for efficient information



management and sharing. The system was developed by FACE, a local NGO, in the framework of the Action Program against Trafficking in Minors coordinated by ECPAT International and UNICRI, and funded by *Cooperazione Italiana*.

Apart from addressing the challenges of management, information sharing and integrating data from different sources, the program is also designed to ensure the sustainability of the current and dispersed databases on human trafficking in Thailand. The continuous change of staffers in the related agencies does not allow for sustainability of transfer of knowledge or maintenance of record-keeping activity. While the current intake forms have been useful in keeping a record of trafficking cases, the data collected has not been moved further as there is no central focal point with an appropriate authority to utilize the data collected so far.

The BACKBONE program aims at meeting the following objectives:

- combat human trafficking;
- bridge gaps among the stakeholders;
- promote human trafficking related MOUs (both domestic and international);
- exchange litigation experience;
- provide an educational tool.

This computer program will be used to consolidate data from agencies involved in trafficking data collection and provide a system for efficient information management and sharing. This program, when ready, will be considered by the cabinet and be issued as a cabinet resolution.

The BACKBONE program is currently being designed to have four layers of information, distinguished by the degree of their relative accessibility.

### 1. First level (open information)

Currently this level is being designed for the use of the Prime Minister (and/or the trafficking officer/focal point

when appointed), i.e., to serve as a reference point for human trafficking main baseline data. It is also being designed to produce specific graphs to illustrate the current situation of human trafficking in the country. It is also intended for use by relevant NGOs and social workers and by the victims themselves to check the status of their case.

### 2. Second level (classified)

It will take the form of a file attached to the information entered on the first layer. Social workers, NGOs and police officers in charge may access and enter more specific information, such as personal information of the victims, witnesses, etc. This particular level of information will not be openly accessible.

### 3. Third level (secret)

This level will be intended for police and litigation purposes only and is being designed to keep voluminous, formal and confidential files.

### 4. Fourth level (top secret)

Only victims and their respective social workers will have access to this level of information.

In addition, the program will also be designed to:

- match information entered on both first and second levels from different filed cases and look for possible correlations and/or connections and to send remarks to the respective officer and social worker in charge whose files seem to have similar information or possible connection or leads;
- track how long one particular case is being handled, i.e., as a tool to check or to grade the effectiveness and efficiency of any particular institution (police force, court, etc.) in handling a human trafficking case;
- provide access to downloadable forms relevant to handling human trafficking cases (e.g., immigration,

consular, and labor forms, etc.), this function being particularly important as it minimizes the time needed to obtain relevant forms for paperwork purposes and to ensure standardization of the registration and data collection mechanism.

The BACKBONE computer program currently follows the definition of human trafficking as stipulated in the Measures in Prevention and Suppression of Trafficking in Women and Children Act, 1997. The new draft law, when passed, will require further adjustments to the program.

The definition used in this computerized database will not be exactly the same as that in the UN Protocol, but will be based on both the UN Protocol and a “working culture” (i.e., a situation which all relevant agencies understand and consider as trafficking case) in Thailand.<sup>8</sup>

## Notes

1. For example, a workshop on creating a database system to prevent and solve trafficking in children and women was held in Chiang Mai, Northern Thailand, in May 2005 (organized by ILO-IPEC), see FACE report current data collection practices (Jaiharn and Sereewat, 2005).
2. While it is not recorded on the form, crimes normally come to the attention of the police in five ways: referral by Immigration officers, referral by Embassy, referral by Department of Social Development and Welfare (shelters), referral by NGOs, and telephone calls or reports from individuals who suspect the trafficking (based on the interview).
3. The prosecutor’s generic intake form includes queries on reference number, date, referral police office, names of the victims/suspects, offences, opinions from the prosecutor and his/her supervisor, type and number of the case, name of examining prosecutor, date of expected termination (paper files are destroyed after several years according to Thai government regulation), and other remarks.
4. Kredtrakran Protection Vocational Training Center, Pak Kret Reception Home for Boys (Baan Pumewage), Naresawad Protection Vocational Training Center, Srisurad Protection

5. Vocational Training Center, Song-Kwae Protection Vocational Training Center, and Chieng-Mai Home for Boys.
6. Information provided by the SOMTC Focal Point, Thailand.
7. At present, there is a private-run (NGO) shelter available for persons in need, which could admit male trafficking victims. However, the shelter is not under the supervision of the Department of Social Development and Welfare and is not designed to provide support to trafficking victims.
8. Information provided by the SOMTC Focal Point, Thailand.
8. Information from the Seminar on Human Trafficking Database Program, in Bangkok, 23 June 2006.

# Lessons Learned and the Way Forward

There are major differences in the quantity and quality of data that is being collected, compiled and reported by government agencies in each of the four countries (see Annex 1). Within countries, there are also major differences in the efforts being made by individual agencies. Each of the four countries studied is finding it challenging to collect, compile and report relevant, reliable data on trafficking in persons.

Even though there are major differences between the countries, there are also challenges that are common to all or most of the four countries. These challenges point to some possible strategies that may be relevant to any government or agency wanting to improve its data on trafficking.

## VII.1 Common Challenges

### VII.1.1 Definitions

Laws and policies are the framework within which government agencies collect data on trafficking. A lack of clarity or even inconsistency in law and policy will be reflected in data collection practices.

In several countries, there are no clear definitions of key terms such as “trafficking”, “victim of trafficking”, “exploitation”, “sexual exploitation” and “recruitment”, either in national law or policy. In some countries, there are even competing definitions in national policies. This makes it very difficult for agencies to define these terms for the purposes of data collection. In the absence of clear and workable definitions, many agencies and individuals are collecting data based on various interpretations of what these terms mean.

For data on trafficking to be reliable, agencies need to use clear and workable definitions of key terms. For member countries to be able to share their data at the regional level, data collection has to be based on common understandings of key terms.

### VII.1.2 Data cannot be Integrated

In all project countries, government data is collected on an agency-by-agency basis. This presents particular challenges for data collection. Ideally, agencies should be able to draw data from several different sources to meet their information needs. However, this is not currently possible without a great deal of effort. It is a very difficult and resource-intensive task to bring data together from different sources, when agencies are operating different data collection systems with different definitions of key terms, different capacities, and different formats for reporting. There are several examples in the region of trafficking database projects that have failed, after attempting to integrate data from multiple sources, without standard fields, agreed data practices or reporting mechanisms.

### VII.1.3 Poor Communication between Agencies

There is presently very little communication between agencies on the issue of data collection on trafficking. This results in various problems, including the following:

- agencies do not know what data is available from other agencies and this means that useful, relevant data is not being used to its full capacity;
- agencies do not understand the reported data they receive from other agencies, leading to data being misused or misinterpreted;
- agencies cannot reconcile data from other agencies with their own data or data from other sources to establish a more complete picture of the trafficking situation;
- agencies may be collecting and re-collecting data from the same cases, but in different ways.

### VII.1.4 Gaps in Data Collection

There are gaps in the data that is collected by government agencies. Data collection primarily focuses

on trafficking in women and children, trafficking across international borders, and trafficking for sexual exploitation. While data on these issues is important, data is also required on other forms of trafficking (e.g., trafficking within a country, trafficking in men, and trafficking for non-sexual forced labor). Some of these gaps exist, even when the national law covers all forms of human trafficking.

### VII.1.5 Under-reporting and Over-reporting

There is significant under-reporting of trafficking cases, even by those government agencies that are in regular contact with trafficking victims and offenders. In countries where there is no specific anti-trafficking law, law enforcement officials have to rely on generic offences to prosecute offenders. It is very difficult for law enforcement officials to record these cases as “trafficking” cases when there is no supporting legal framework.

Even in countries where there is a specific anti-trafficking law, there is likely to be under-reporting. Data collection systems tend to rely heavily on law enforcement officials to make the initial assessment of whether a case is trafficking or not. If law enforcement officials are not trained in identifying trafficking cases, or if they make a mistake in their initial assessment, then data on these cases will not be recorded. This underscores the importance of continuing training for all front-line officials – not only police officers, but also immigration officials, prosecutors, hospital workers, social workers in shelters – in how to identify and handle trafficking cases.

Governments face the challenge of over-reporting through double counting of cases. Even when agencies have systems to facilitate the secure transfer of case files to another agency, there are no systems in place to ensure that data collected by one agency is not also collected by another agency. This means that the data from single cases may be counted more than once, leading to distortions in the statistics.

### VII.1.6 Privacy and Confidentiality not Protected

There is presently very little awareness of the need to protect the privacy and confidentiality of victim’s personal information. This is true for social services, police and other agencies involved in collecting data. It is all too common for agencies to hand over case files with comprehensive details of a victim’s personal, family and medical history. It is also common for reported data to include real names of victims and offenders. While cooperation on data sharing is important, this has to be balanced against the real risks that trafficking victims, witnesses, and informants face, if identified.

### VII.1.7 No Oversight of “Data on Trafficking”

Within most governments, there is no centralized knowledge of what data on trafficking is available from the different agencies. Generally, in order to find out what data on trafficking is available, it is necessary to:

- contact each government agency;
- inquire whether that agency collects data that may be relevant to trafficking;
- contact the parts of the agency involved in data collection;
- locate the person who knows about data collection practices;
- negotiate access to the data.

In countries with decentralized government, it is necessary to repeat these steps in each province or region. This is inefficient, and makes it very difficult for the government to have a real understanding or oversight of data collection practices.

### VII.1.8 Lack of Properly Designed Information Systems

Many agencies are collecting a large amount of data on trafficking. However, individual agencies and governments are still finding it difficult to obtain the information and knowledge they need or to respond effectively to trafficking. For example, most agencies with a role in combating trafficking have no empirical evidence that would allow them to judge whether their programs are having the intended effect of reducing trafficking, punishing offenders or protecting victims.

On a broader scale, governments are unable to explain why arrests or prosecutions of trafficking cases are rising or falling. Governments do not have the data that would allow them to point to their anti-trafficking programs and demonstrate their impact. Most governments are unable to respond effectively to criticisms that the incidence of trafficking is rising, even when the government considers they are putting more effort into anti-trafficking projects.

Moreover, it appears that data that is collected is often the data that is **available**, rather than the data that is **relevant** to combating trafficking. So while much data may be collected, it is not necessarily the data that is needed.

Finally, there is a lack of awareness of the various steps involved in creating effective “information systems”. There is a tendency to focus on “computerized databases” as a quick fix solution without thinking through the entire process involved in deciding what data is needed and why, obtaining data from the source, turning this data into relevant information, and communicating this information with the end user.

### VII.1.9 Recognizing the Problems and Committing to Action

In 2006, ASEAN member countries held a workshop to discuss the findings of this research project, and to discuss possible ways to improve data on trafficking. Participants in the workshop noted the importance of improving data on trafficking and formulated a number of recommendations to address this issue (Annex 16).

These recommendations were then considered by the ASEAN Working Group on Trafficking, and several were adopted through the SOMTC process (Annex 17). Key recommendations that were adopted include:

- using the definition of trafficking in the UN Trafficking Protocol as the regional standard for collecting data on trafficking;
- establishing a mechanism for the collection of qualitative and quantitative data to prevent trafficking in persons, especially women and children, and to prevent victims of trafficking from re-victimization;
- improving coordination and cooperation on data collection at the regional level by establishing a “focal point on trafficking data collection” within each country;
- developing templates for data collection, to collect information that is relevant to ASEAN’s operational needs in relation to trafficking in persons.

These recommendations are an important first step towards improving data on trafficking. When undertaking more detailed planning on this issue, it is **recommended that ASEAN member countries consider the following strategies**, which will help meet the objective of producing relevant, reliable data on trafficking.



## VII.2 The Way Forward

### VII.2.1 Understand and Implement the Best Practice Principles

The “best practice” principles, identified in Chapter 1 of this Report, involve aiming for production of data that is:

- **relevant** to the objectives of preventing trafficking, prosecuting offenders, and protecting victims, and to an evaluation of the impact of anti-trafficking programs and policies;
- **regular and reliable**;
- **protected** from misuse, to safeguard individual privacy and safety, but also to ensure that misuse of data does not compromise the anti-trafficking effort;
- turned into **information** and **knowledge** that is useful to managers and governments making decisions about policy and operations.

These principles can be applied to any data collection project or system, no matter how big or how small. ASEAN member countries should consider how to implement these principles, bearing in mind local conditions when considering how to improve data on trafficking. These principles are relevant to every level of government, including local, regional and national agencies.

While they appear simple, these principles can be complex to apply. Managers involved in data collection may find it useful to undertake training on their application. It may also be necessary to seek assistance from information management professionals on how to apply the principles to a particular operational situation.

#### BOX 9

#### Best practice principles

##### Principle 1 Data must be relevant to clearly defined objectives

To be useful, data has to be relevant to your objectives. It is important to define objectives before undertaking data collecting. ASEAN’s objectives are to prevent trafficking, prosecute offenders and protect victims of trafficking. Data is relevant if it provides governments with information on how to meet these objectives (prevention, protection, prosecution), and if it helps to measure whether anti-trafficking efforts are having the intended effect (evaluation).

##### Principle 2 Data needs to be regular and reliable

Data needs to be collected and reported on a regular basis, to allow for tracking of changes over time.

Data needs to be reliable. That is, data needs to be accurate and precise, and the methodology for such collection must be clearly explained and defensible.

##### Principle 3 Data must be protected

Data has to be properly protected, with clear policies and procedures that balance the interests of law enforcement with the need to ensure privacy, confidentiality and personal safety of individuals.

Anonymous, non-personal data is generally sufficient for policy-making purposes.

Specific, personal data may be required for operational reasons. Access to this data should be subject to strict controls.

##### Principle 4 Data must be turned into information and knowledge

This involves implementing an appropriately designed and maintained information system at the agency level and/or at the national level.

Information systems are not just computerized databases or spreadsheets. Information systems require hardware, software, people and clearly defined data “fields”. Information systems involve many steps, from identifying information needs and relevant data, to turning that data into information that is useful information for managers.

Information systems have to be properly designed, implemented and maintained. Information systems have to be sustainable.



## VII.2.2 Clarify Laws and Policies on Trafficking

The best way to ensure that national anti-trafficking laws are **comprehensive** is to ensure that they comply with the UN Trafficking Protocol. Several countries in the region (Brunei, Myanmar and The Philippines) have already enacted specific anti-trafficking laws to bring their laws into line with this Protocol. This move helps to ensure that national laws cover all aspects of trafficking, including trafficking in men, women and children, domestic and international trafficking, and trafficking for all forms of exploitation. Several countries have draft laws under consideration (Cambodia, Indonesia, Thailand, and Viet Nam).

It is much easier to collect data on crimes committed under a **single** anti-trafficking law, than it is to collect data on trafficking if this involves several component offences covered by several different laws. For example, prosecutors in the Philippines now find it easy to collect data on prosecutions under the single Anti-Trafficking Act.

Laws need to be **clear** and **consistent**. This may involve making new laws, but it is important that, when new laws are enacted, old laws are reviewed, and if necessary, repealed or amended to ensure that the new law can operate effectively within the larger legal framework. For example:

- unused, unworkable and out-of-date laws should be repealed, so that they do not remain on the statute books to confuse government officials and the courts;
- pre-existing laws should be reviewed to ensure there is no inconsistency between the new and the old laws on issues such as penalties or definitions of key terms.

Policies need to be brought into line with the legal framework. Many countries are ensuring that this takes place through national coordinating committees on trafficking. These committees should involve all agencies that could play a role in combating trafficking, so that they can all bring their agency policies and practices into

line with the law. Where there are overlapping policies (such as policies on trafficking, commercial sexual exploitation, and the worst forms of child labor), these should be reviewed for consistency.

## VII.2.3 Introduce Oversight of “Data on Trafficking”

In order for governments to analyse and improve their data collection practices, they must have a clear knowledge and understanding of what these practices are. There is a need for a national focal point with responsibility for understanding exactly what data is being collected on trafficking, how it is collected, who is collecting it, and how it is reported or made accessible to others. This focal point could be an individual, an entity (such as a sub-committee) or a unit within an agency.

In 2006, ASEAN agreed, through the Senior Officials Meeting on Transnational Crime (SOMTC) to establish national “focal points on trafficking data” (Annex 16). Useful **initial tasks for these focal points** could include:

- establishing a small working group at the national level, involving representatives from all government agencies with mandates relevant to trafficking;
- with the support of the working group, “mapping” of relevant data collected by different agencies in the country (Laczko and Gramegna, 2003: 190);
- making this map available to the national institution responsible for coordinating policy on trafficking (such as the national coordinating committee on trafficking);
- ensuring that this map is analysed, so that problems can be identified and solved.

## VII.2.4 Improve Communication

There are many strategies for improving communication between agencies on data collection. One simple and inexpensive option is for agencies to include more

background information in their summary reports about the data being reported. Government reports containing data on trafficking should include:

- the source of the data (e.g., migrant workers screened at border points, case files, police records);
- the method of data collection (e.g., interview with intake form, review of case files, reviewing media clippings);
- the fields used to collect the data, and the definitions of those fields (e.g., “trafficking” = crimes committed under section 50 of the Criminal Code);
- the timeframe for the collection of the data reported (e.g., January 2005-May 2006).

Another option is for agencies to come together to discuss data collection issues. For example, Thailand has established a **data collection sub-committee**, as part of the national coordinating committee on trafficking. This has the potential to provide a forum through which agencies can communicate and solve problems with trafficking data-related issues. This high level of coordination can then translate into meaningful communication on data issues, such as the establishment of information systems. This is a useful model that other ASEAN member countries may want to consider.

## VII.2.5 Train Officials in Identifying and Handling Trafficking Cases

Data on trafficking depends on the ability of government officials to recognize and identify trafficking cases. This includes:

- law enforcement officials, such as police, border guards, and immigration officials;
- prosecutors, who may be asked to prosecute an “offender” who is in fact a trafficking victim;
- embassy officials stationed overseas, who come into contact with their nationals in distress and seeking assistance;

- medical workers in police and other hospitals;
- social workers in government-run shelters.

Until government officials in the cities and regions can **identify** trafficking cases, data on trafficking will always be under-reported.

Data collection also depends on the willingness of victims to come forward and report their experiences. If victims feel unsafe and unsupported in coming forward, they will not report trafficking cases. In order to overcome fear of reporting, it is important to ensure that victims who do report crimes are treated with respect and dignity by professional and appropriately trained officials. In other words, government officials need to know how to **handle** trafficking cases sensitively and effectively, ensure protection of victims and witnesses, and refer victims to appropriate service providers. Accordingly, ensuring that officials are trained in appropriate handling of trafficking cases is an important way of improving the reporting of trafficking cases.

Police from several countries in the region have participated in training on how to identify trafficking cases. This training needs to be ongoing, as police are frequently rotated to new posts.

As yet, few immigration officials, especially those involved in deportations and repatriations, have been trained in identifying trafficking cases. This training is urgently needed to ensure that trafficking victims are identified and protected and not simply deported, while allowing the real criminals to escape and continue their illegal trade.

## VII.2.6 Focus on Building Effective Information Systems

Government agencies involved in the fight against trafficking need effective information systems, to allow them to collect and report on relevant and reliable data on a regular basis. In the longer term, government

agencies need to develop the capacity to monitor and maintain these information systems, including through adjusting the system as needed (see Chapter 1).

At the **agency** level, an effective information system is capable of generating the information that a manager needs to make informed decisions about policy or operations. This might include information such as where trafficking occurs, where trafficking victims originate, who the offenders are, and how many cases have been referred for prosecution.

At the **national** level, an effective information system is capable of generating the information that a government or Minister needs to make decisions about policy priorities and budget allocations. This might include information such as whether specialized anti-trafficking units have increased the number of arrests, whether victim assistance units respond to a demonstrated need in the community, whether education campaigns are effective in reducing the incidence of trafficking, which are the major destination countries.

Many individual agencies and governments do not have the capacity to develop, implement, and maintain information systems. Accordingly, **donors** should support the design, implementation, and maintenance of appropriate information systems. These systems should be designed to meet the objectives of providing information that helps government to prevent trafficking, prosecute offenders and protect victims.

## VII.2.7 Protect Personal Information

There is presently very little awareness of the need to **protect the privacy and confidentiality** of victims' personal information. This is true for social services, police and other agencies involved in collecting data. This has potentially serious consequences for trafficking victims and also for witnesses and informants.

At the unit and agency levels, within government and between governments, there is a need to develop and implement well-considered policies that balance the interests of law enforcement with the need to ensure individual privacy and safety. In many instances, this could be as simple as ensuring that reports on trafficking cases do not include the real names of the victims and offenders. In other cases, this will involve developing more detailed protocols for information exchange.

## VII.2.8 Work with ASEAN Neighbours to Agree on Fundamentals

Trafficking is a transnational crime that affects all countries. No country can combat trafficking alone. If one country “insulates” itself effectively against trafficking, the traffickers may simply go next door.

ASEAN member countries have agreed to work together to combat trafficking. In order to be able to work together effectively, they need to agree on some basic working concepts. These concepts are fundamental to regional cooperation on a variety of issues including strategies to prevent trafficking, punish offenders and protect victims, such as data collection. For example, ASEAN member countries need to agree on:

- what is “trafficking”?
- how is “trafficking” different to migrant smuggling or “illegal” or irregular migration?
- who is a “victim” of trafficking (who requires protection)?
- who is a “trafficker” (who should be prosecuted)?

These concepts are **not** addressed in the ASEAN Declaration on Trafficking. These concepts are laid down in the UN Trafficking Protocol. However, not all ASEAN member countries are a party to the UN Trafficking Protocol. Accordingly, there is a need for ASEAN member countries to come together and discuss these issues.

It is not possible to collect meaningful, regional data on trafficking while one country's "trafficking victim" is another country's "illegal migrant".

The more agreement that can be reached on these fundamental issues, the easier it will be for ASEAN member countries to cooperate effectively in the fight against trafficking, including through the regular sharing of data on trafficking. In the long term, **agreement on fundamentals** will help all ASEAN member countries meet their objectives of preventing trafficking, prosecuting offenders, and protecting victims.



# Annexes

## ANNEX 1

## SUMMARY OF DATA COLLECTED BY COUNTRY AND AGENCY

## Cambodia

Agency	Name of Database (if any)	Description	Overview of the Categories of Data Sought to be Collected	Comment
Ministry of Interior, Department of Anti-Human Trafficking and Juvenile Protection.	Law Enforcement Against Sexual Exploitation and Child Trafficking (LEASECT) database.	The system aims to be a repository of all trafficking-related cases within the Cambodian legal system. The database also includes cases of domestic violence and rape.	<ul style="list-style-type: none"> <li>• Biographic data about the suspect and the victim.</li> <li>• Type of case investigated (tick boxes for different categories, including "human trafficking")</li> <li>• Details of arrests</li> <li>• Outcomes of body searches, questioning</li> <li>• Forensic evidence obtained (eg: photos, videos)</li> <li>• Information about court dates, proceedings and outcomes, including sentencing.</li> </ul>	The project is facing challenges relating to lack of infrastructure. Data is collected by police at the provincial level, and then faxed to Phnom Penh, or manually collected by a consultant for compilation onto the central database in Phnom Penh. It is hoped that the planned implementation of a virtual private network in five provinces will assist with compilation. However, there will still be 19 provinces that do not have access to the virtual private network. Faxing datasheets is prohibitively expensive.
Ministry of Interior (Mol), Department of Anti-Human Trafficking and Juvenile Protection.	Secured Regional Information Sharing Initiative.	The system is a communication tool to allow the specialist anti-trafficking units in Cambodia, Thailand, Lao PDR and Myanmar to communicate real time information about trafficking cases, via a secure network using encryption technology. Messages are translated, to allow effective communication between the four units.	<ul style="list-style-type: none"> <li>• Information about cases.</li> <li>• Sender of message.</li> <li>• Contact details for sender / receiver.</li> <li>• Level of confidentiality of message.</li> <li>• Level of reliability of the intelligence received.</li> <li>• Date message sent/received.</li> </ul>	The system encourages accountability, by allowing tracking of messages from one unit to another.



Ministry of Justice (MoJ)		Data is collected about all criminal cases in Cambodia, including trafficking cases.	<ul style="list-style-type: none"> <li>• Biographical data on the Parties.</li> <li>• Actions taken by Provincial/Municipal Court and Prosecution Department.</li> <li>• Actions taken by the Appellate Court.</li> <li>• Actions Taken by the Supreme Court.</li> </ul>	This is a paper-based system. Data sheets are filled in by court staff, and then manually filed. Any collation, summary or reporting of data is undertaken using this system. Plans are in place to create a database for this system in the second half of 2006. Its mandate will be to act as a national child justice data collection and monitoring system (with case tracking), including a database with information about cases of child victims trafficking. It is expected to expand to include other case types and children in conflict with the law (National Child Justice Data Collection and Monitoring System).
Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY)	Coordination and Documentation Centre	The database collects data from victims of trafficking that are repatriated and reintegrated from Thailand back to Cambodia, and Cambodia back to Vietnam. Repatriation takes place under the framework of MOUs between the countries.	<ul style="list-style-type: none"> <li>• Biographic data about the victims.</li> <li>• Details about the trafficking, including the various steps in the process.</li> <li>• Family background.</li> <li>• Push and pull factors (eg: reasons for leaving).</li> <li>• Data about perpetrators.</li> </ul>	This is a successful but complex database. Data is collected on many fields. There have been challenges associated with a lack of capacity to interpret and analyze the data that is collected. The database is under review to be simplified and broadened.
Ministry of Social Affairs, Veterans and Youth Rehabilitation, (MoSVY), Cambodian National Centre for Children.	TSEC Database	This database aims to collate data from various partner agencies (government and non-government) against 'indicators' of child rights, taken from international instruments such as the Stockholm Declaration, and the Optional Protocol on the Commercial Sexual Exploitation of Children.	<p>'Indicators' of child rights, taken from international instruments. Examples of indicators include:</p> <ul style="list-style-type: none"> <li>• Training for Government staff on social work and techniques for child victims of sexual exploitation and trafficking.</li> <li>• Child worker, drug users and child trafficking victims in non-formal education integrated in formal education.</li> <li>• Trafficked children assisted in repatriation by country of origin.</li> </ul>	The system is ineffective and unsustainable, reflecting the difficulties inherent in compiling data from multiple sources, against 'indicators' that are broad, open to interpretation and not clearly defined.

Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY)	Child-Protection.info	This will be a 'meta-database', or directory of data available on child protection, including trafficking, from the many child protection agencies operating in Cambodia. The database will also collect data about common definitions of key terms used, and data sought by agencies, in order to over time address the need for standardization and reconciliation of data from the multiple agencies working in this field.	<ul style="list-style-type: none"> <li>• Details of what data are available from each agency, and how to contact the agency.</li> <li>• Definitions of fields used by different agencies.</li> <li>• What data is most commonly sought/ requested.</li> <li>• Common definitions used.</li> </ul>	The system is being implemented.
Ministry of Women's Affairs (MoWA)	Counter-Trafficking Information Campaign	This involved a national survey of the stakeholders in regard to trafficking in persons. The survey collated information in regard to people knowledge of, and attitudes towards, trafficking. The survey aimed to: <ul style="list-style-type: none"> <li>• Assess socio-economic factors that affect levels of migration and trafficking.</li> <li>• Describe levels and types of migration.</li> <li>• Assess 'risk factors' associated with migration.</li> <li>• Describe levels and types of trafficking.</li> <li>• Establish Village based activities for the prevention of trafficking within the targeted communities.</li> </ul>	<ul style="list-style-type: none"> <li>• Biographic data about the respondents.</li> <li>• Assets, income of the respondent and people in the village.</li> <li>• Information about people who have migrated from the village (age, sex, how, why).</li> <li>• Understanding of trafficking.</li> </ul>	This system is one of the few 'trafficking' related data projects in Cambodia that has addressed all of the steps in information management, including collection, compilation, summary, interpretation, reporting, and feedback to information objectives. The information system is currently seeking funding for more surveys and assessment.
Ministry of Labour (MoL)	Labour migration database.	This information system attempts to address the need for tracking legal labour migration, especially to Malaysia.		Funds are being sought for the creation of a more appropriate and relevant information system.

## Indonesia

Agency	Name of Database (if any)	Description	Overview of the Categories of Data Sought to be Collected	Comment
Coordinating Ministry for People's Welfare (CMPW)	Not applicable	CMPW collects and compiles data on 'trafficking' from other agencies (government and non-government). This data is reported in the annual reports of the National Task Force on Trafficking.	Data from other agencies (government, NGO, IGO).	As CMPW collects data from secondary sources, the quality of the data it reports depends entirely on the quality of the data it is provided. The data that it receives is not standardized in any way. Accordingly, the data from the various agencies is not comparable.
Ministry of Women's Empowerment (MWE)	Not applicable	MWE helps the CMPW to source data for the Task Force's report on trafficking.	Data from other agencies (government, NGO, IGO, media).	MWE collects data from secondary sources, such as NGOs and newspaper reports. Major challenges include the need to check the adequacy, authenticity and accuracy of data that is being relied upon and reported.
Ministry of Social Affairs (MSA)	Not applicable	MSA collects data on bermasalah workers ("abandoned migrant workers" or migrant workers who have experienced problems). There are no processes in place to identify trafficking cases, or to collect data on these cases.	<ul style="list-style-type: none"> <li>Abandoned migrant workers.</li> </ul>	MSA's case load includes people who have been trafficked. If screening processes were put in place to identify trafficking cases, then MSA could be a potential source of data on trafficking. The MSA has in the past collected data on trafficking. MSA has stopped collecting and recording data from trafficking victims, due to difficulties in identifying and categorizing trafficking victims.

Ministry of Manpower and Transmigration (MMT)	Not applicable	MMT collects data from returning migrant workers who have experienced problems, but not specifically on 'trafficking'. There are no processes in place to identify trafficking cases, or to collect data on these cases.	Data is collected on migrant workers, including exploited migrant workers, such as: <ul style="list-style-type: none"> <li>migrant worker's placement</li> <li>final destination</li> <li>problems experienced by migrant workers</li> <li>re-entry data</li> <li>number of employment agencies that were disciplined.</li> </ul>	MMT's role includes preventing and protecting abuse of migrant workers, and monitoring labour conditions (including the worst forms of child labour). If screening processes were put in place to identify trafficking victims, MMT could be a potential source of data on trafficking. MMT's role for monitoring the "worst forms of child labour" overlaps with "child trafficking". This overlap needs to be considered and resolved, to avoid duplication and to facilitate data collection on both issues.
Indonesian National Police (INP)	Not applicable	INP collect primary data based on all "human trafficking" cases handled by the Criminal Investigation Agency.	Cases that involve: <ul style="list-style-type: none"> <li>trading of women</li> <li>trading of minors</li> <li>trading of infants</li> <li>Illegal adoption</li> <li>Kidnapping of infants for begging</li> <li>Kidnapping of minors of female sex without consent</li> <li>Deceitful operations for women domestic workers.</li> </ul>	INP is the only government agency in Indonesia that is currently collecting primary data on trafficking cases. The chain of command helps to ensure that the CID receives data about trafficking cases from the regions. INP data is commonly cited as "the official statistics" on trafficking. However, INP acknowledges that their statistics do not reflect the entirety of the trafficking situation. INP could supplement their "case" data with data that is also collected from victims of trafficking at the police hospitals.
Directorate General of Immigration (DGIM)	Not applicable	DGIM collects data on immigration matters, but not on trafficking. There are no processes in place to identify trafficking cases, or to collect data on trafficking cases.	Data is collected on: <ul style="list-style-type: none"> <li>smuggling</li> <li>illegal migration</li> <li>other immigration law violations (false passports, overstaying visitors, false immigration documents, others)</li> <li>deportation cases.</li> </ul>	DGIM handles trafficking cases as immigration cases. If DGIM put systems in place to identify trafficking cases, it could be a potential source of data on trafficking.

**The Philippines**

Agency	Name of database (if applicable)	Description	Overview of the Categories of Data Sought to be Collected	Comment
Department of Justice (DOJ)	Not applicable	<p>The Justice Secretary has issued a Department Order requiring all city, provincial and regional prosecution offices to submit to the DoJ a report on all the trafficking cases that have been filed in court, as well as cases that are pending preliminary investigation.</p> <p>As Chair of the Inter-Agency Council against Trafficking, DoJ also collects data/reports and updates on the status of the implementation of Anti-Trafficking Law from the other government agencies involved in anti- trafficking efforts.</p>	There are presently no formal systems in place.	DoJ, as Chair of IACAT, is making plans to establish a national database on trafficking. DOJ has limited resources at present to carry out functions as IACAT chair, including to establish a national database.
Department of Social Welfare and Development (DSWD)	Not applicable	DSWD collects data from trafficking victims who are referred to it for rehabilitation and reintegration. Data is collected using generic data sheets (ie: not trafficking specific).	<ul style="list-style-type: none"> <li>• Information about victim (name, aliases, sex, age, birthplace, address, educational attainment, religion, presence of guardian, relationship to guardian, family background, relationship to offender).</li> <li>• Information about the "problem presented".</li> </ul>	Cases are categorized according to the intervention that DSWD deems most appropriate for the victim. Eg: if a trafficking victim has been sexually assaulted and requires support following on from that sexual assault, then the case will be classified as "sexual assault" rather than as "trafficking". Local government units (LGUs) are not required to update DSWD about the status of the cases the agency refers to them. A system for data sharing is needed.

Department of Foreign Affairs – Office of the Undersecretary for Migrant Workers Affairs (DFA-OUMWA)	Not applicable	DFA collects information from victims, and families of victims who approach OUMWA for assistance. Information is not collected in any standardized way.  DFA does not have specific procedures in place to collect data on trafficking cases.	<ul style="list-style-type: none"> <li>Information about the facts of the case is available from reviewing the sworn statements.</li> <li>Some data is collected on the Assistance to Nationals form: name and address of the complainant, date of filing of the complaint, and complainant's relationship to the victim.</li> </ul>	The capacity of DFA to collect information on international trafficking is severely limited by the fact that embassies do not have standard intake forms, or standard procedures for obtaining sworn statements from victims. Introducing these measures would assist in improving data that is collected.
Philippine Overseas Employment Administration (POEA)	Not applicable	POEA collects data from walk-in complainants, from victims referred to it by the Philippine Overseas Labour Office and NGOs, and from media reports. POEA collects data about cases, including trafficking, using the intake form for "illegal recruitment".	<ul style="list-style-type: none"> <li>Complainant data (name, address, age, sex, educational attainment, date of filing)</li> <li>Victim data (same fields as above)</li> <li>Perpetrator data (name, address, organization/agency)</li> <li>Bogus recruitment agencies</li> <li>Other statistics (number of victims, countries destination, mode of trafficking)</li> </ul>	Conceptual differences, among various stakeholders (GOs and NGOs), in defining trafficking need to be addressed. This impacts on who is considered a trafficking victim, and consequently, what is included in their data.
Philippine National Police (PNP) – Criminal Investigation and Detection Group (CIDG) and Directorate for Investigation and Detective Management (DIDM)	Not applicable	PNP collects data on all cases, including trafficking, that are filed as criminal complaints. PNP collects data using a generic intake form for all crime categories.	<ul style="list-style-type: none"> <li>Circumstances of case</li> <li>Information about victim and suspect</li> <li>Nature of the complaint (date and place of occurrence of incident, names of referral agencies/individuals, date/time of reporting)</li> <li>Status of the case.</li> </ul>	PNP has an electronic database of all crimes it handles, including trafficking. Local PNP units are mandated to submit reports to the central office. Allegations and reported crimes that do not result in a criminal complaint are not included in the PNP database.

National Bureau of Investigation – Anti-Human Trafficking Division (NBI-AHTRAD)	Not applicable	NBI collects data using a generic complaint form (ie: not trafficking specific)	<ul style="list-style-type: none"> <li>• Information about victims</li> <li>• Nature of the case</li> <li>• Information about perpetrators (including the number of those arrested and those at large)</li> <li>• Information about the complainant</li> <li>• Number of local trafficking cases</li> <li>• Status of the case (ongoing investigation, terminated, etc)</li> <li>• Country of destination (for international trafficking)</li> </ul>	Although NBI deals with both trafficking and illegal recruitment, its case-load is heavily focused on illegal recruitment. Formal standards are needed for differentiating between trafficking and illegal recruitment. In cases of “group trafficking”, not all victims need to file a complaint; three complainants are sufficient for a case to qualify as group trafficking. Data will only be recorded from those 3 who filed the complaint and not the larger group.
Philippine Centre on Transnational Crime (PCTC)	Not applicable	Repository for data on transnational crimes, including ‘international’ trafficking cases. The analyst at the PCTC extracts data from reports provided by field offices and other agencies, and inputs data directly onto the computer housing the trafficking database.	<ul style="list-style-type: none"> <li>• Information about victim (demographic data)</li> <li>• Information about suspects/perpetrators (demographic data)</li> <li>• Circumstances surrounding the trafficking case (method, route, how contact with traffickers established, victims awareness of the danger, presence of debt bondage, payment given to recruiter).</li> <li>• Information about crime organizations</li> </ul>	The database was set up before the passage of the specific anti-trafficking law (RA 9208) so the system needs to be updated to reflect changes in the law. The capacity of the database is quite limited. The database is housed on a single computer that is not networked. The software is not suitable for processing the volume of data involved in the system. PCTC collates data from various agencies, each of which has different intake forms and reporting formats. This makes it very time-consuming and difficult to extract the data.



## Thailand

Agency	Name of database (if applicable)	Description or Focus	Overview of the Categories of Data Sought to be Collected	Comments
Royal Thai Police (RTP)	Not applicable	The RTP collect data on the victim, offender, and trafficking offence. RTP uses a specially designed screening form, to identify trafficking victims. Once victims are identified, data is collected on a wide range of variable using specially designed intake forms.	<ul style="list-style-type: none"> <li>Action, means, purpose involved in the trafficking.</li> <li>Types of exploitation involved</li> <li>Referral to prosecutor/court</li> <li>Source and nature of intelligence.</li> <li>Assets confiscated.</li> <li>Evidence recorded and protected.</li> <li>Number of victims involved.</li> <li>Offender's suspected involvement in other trafficking cases.</li> <li>Number of other suspected offenders.</li> <li>Follow up actions required/taken.</li> <li>Details of key witnesses.</li> <li>Reasons for the success or failure of a case/investigation.</li> </ul>	<p>RTP is the main agency to identify trafficking victims. This underscores the importance of continuing training for the police on identifying and handling trafficking cases.</p> <p>A lot of the detailed data that is collected is never compiled. The data that is compiled, summarized and reported is mostly "aggregate data" such as number of arrests, cases brought/not brought to court, cases deemed suitable for prosecution, cases sentenced and dismissed, according to each respective offence.</p>
Immigration Bureau		The Immigration Bureau uses a specially designed screening form to identify trafficking victims, and then specific forms to record data on trafficking cases.	<ul style="list-style-type: none"> <li>Transit point, transit route.</li> <li>People involved in the trafficking.</li> <li>Physical description of the people involved.</li> <li>Working hours and holidays.</li> <li>Reasons of arrest.</li> <li>Status of victim (trafficked or not trafficked).</li> <li>Information on suspected offenders.</li> <li>Work arrangements before entering Thailand.</li> <li>Information regarding success/failure of victim identification/assistance.</li> </ul>	<p>The Immigration Bureau is part of the RTP and provides a similar, albeit specialized function, of initial contact with victims. This underscores the importance of training for immigration officers on identifying and handling trafficking cases.</p> <p>A lot of data that is collected is not compiled, summarized and reported.</p>

Office of Attorney General		Using a generic intake form, the Office of the Attorney General records data on all offences that have been forwarded for prosecution, including trafficking cases. The Office produces a special report on trafficking cases, which includes information on victims, traffickers, type of accusation, directive of the prosecutor, child protection measure, and court judgments.	<ul style="list-style-type: none"> <li>• Referral from police</li> <li>• Follow up of cases</li> <li>• Offences charged</li> <li>• Offences prosecuted</li> <li>• Court verdicts</li> <li>• Personal information about the offenders and the victims (name, age, nationality)</li> <li>• Summary of court judgments (this may include reasons for success or failure of the case).</li> </ul>	The Office of the Attorney General does not “identify” trafficking cases. The Office relies on the police and immigration services to identify specific “trafficking” cases. The agency does not maintain a specific datasheet for trafficking cases.
Department of Social Development and Welfare (DSDW)		DSDW collects data from victims of trafficking that are assisted by the six shelters in Thailand.	<ul style="list-style-type: none"> <li>• Biographic data about the victim</li> <li>• Health conditions of victim.</li> <li>• Data about the family background.</li> <li>• Data about the trafficking, and the traffickers.</li> <li>• Services provided to the victim.</li> <li>• Victim’s role in legal proceedings.</li> </ul>	DSDW collects very detailed information. The datasheet maintained by the agency is long and complicated and therefore time-consuming to fill out. Also its very resource intensive for data to be uploaded onto the system. Reports from data are currently not provided to external agencies. Trafficking is not defined on the data sheet / interview form.

## ANNEX 2

## CAMBODIA

Data Sheet Used by Ministry of Justice to Collect Data on  
Criminal Cases in Cambodia

## 1- Detailed Information of Case-Biography of Parties

**A- Case File**

- Number : .....
- Name or institutions filed a complaint (Victim, Judicial Police, NGOs)
  - A complaint file number (.....) dated.....
- Criminal case file number.....dated.....
- Type of offences (all criminal cases)
- Jurisdiction of provincial/municipal Court and Prosecution Department  
.....

**B- Victim's Biography**

- Name of Victim.....Sex.....Age.....Nationality.....
- Present Address : House#.....Street: .....Group: .....
- Sangkat/Commune:.....
- Province/City.....
- State of Victim's physical Damages (died-injury-no injury)
- State of Victim's property Damages (loss-no loss)

**C- Biography of Perpetrator**

-Perpetrator's name :

.....Sex.....Age.....Nationality....

Occupation.....Place of birth:

Village.....Commune/Sangkat.....

District/Khan.....Province/City.....

Criminal Record (Yes or No)

- Father's name: ..... "alive-died"; Name of

Mother's name : ..... " alive-died";

- Spouse's name : .....with child or

single.....

- Date of Arrest:

.....

- Have not been arrested:

.....

- Committed crime at

village.....Commune/Sangkat.....

District/Khan.....Province/City.....

.....

## 2. Actions taken by Provincial/municipal Court and Prosecution

### Department

#### A- Stage of Initial Reception of case file

##### *A-1- Actions taken by Prosecutor*

Name of prosecutor :.....

Position : Prosecutor; Associate Prosecutor

Prosecution Department to court decided :

- to file the case without action
- to transfer jurisdiction/competency
- to send Order of Final Conclusion forwarding case for direct trial
- to send Final Conclusion forwarding case for prompt/immediate trial
- to issue the Write of Capias

- to revoke the Write of Capias
- to order the arrest
- to revoke arrest
- to issue Investigative Request (introductive charge)

Under Order number

:.....dated.....

### **B- Investigating Stage**

#### ***B-1- Actions taken by Investigating Judge***

Name of Investigating Judge :.....

Position : President of the Court/Vice President of the Court/Judge

Investigating judge decided:

- to order to appear
- to issue the Write of Capias
- to revoke the Write of Capias
- to order to arrest
- to revoke the arrest.
- to order Pre-Trial Detention
- to continue the Pre-Trial Detention
- to order temporary release
- not permit temporary release
- not detain
- transfer the jurisdiction/competency
- to charge with new additional offence
- to forward case with final conclusion for examination (order of discovery)
- to delay case file
- to change indictment (order of the change of qualification of the offence)
- to drop charge
- to forward case for trial

Under the Order No

:.....dated.....

***B-2-Actions taken by Prosecution Department***

- to request for further investigation
- to request for investigating new additional offence
- to keep the case open
- to close the case
- to forward a Final Conclusion.

**C- Trial Stage*****C-1. Action taken by trial judge***

-Name of trial judge : .....

-Position : President of the court/Vice President of the court/Judge

- Trial judge decided as follow:

- Jurisdiction Transfer            Order  
No:.....dated.....
- Judgement before the merits    No.....dated.....
  - Pre-trial detention
  - Not to detain
- Judgement on the merits        No.....dated.....
  - Acquit
  - Conviction
  - Imprisonment
    - Length/term.....
    - Charge with.....
    - Under Article.....
    - Of Law.....
  - Civil compensation.....

**D. Stage after Pronouncement of Judgement*****D.1. Prosecution Department***

- No appeal
- Appeal

***D..2. The accused***

- not filing the objection/opposition
- filing the objection/opposition

- Not appeal
- Appeal

**D.3. Victim or civil plaintiff**

- not filing the objection/opposition
- filing the objection/opposition
- Not to appeal
- Appeal

**3- Actions taken by the Appellate Court**

**a. Decision of Appellate Court**

-Judgement

number.....dated.....

- Retain/confirm the judgement.....dated.....

Of Provincial/Municipal Court :

.....

- Reject the judgement  
No.....dated..... of Provincial-  
Municipal Court : .....

- Acquit

- Conviction

- Imprisonment
- Length/term.....

....

- Charge  
with.....

- Under  
Article.....

- Of Law.....

a. Civil compensation.....

**b. Stage after Pronouncement of Appeal Court’s Judgement**

**B.I. Accused**



-Not appeal to the Supreme Court

- Appeal to the Supreme Court

**B.2. Victim or plaintiff**

-Not appeal to the Supreme Court

- Appeal to the Supreme Court

**4- Actions Taken by the Supreme Court**

**A- Decision of Supreme Court**

- Judgement number.....dated.....

- Retain the Appeal Court's

Judgement.....dated.....

- Reject the appellate judgement

No.....dated..... of the Court of

Appeal.....

- Acquit

- Conviction

- Imprisonment

• Length/term.....

....

• Charge

with.....

• Under

Article.....

• Of Law.....

- Civil compensation.....

**B- Stage after Pronouncement of Judgement of Supreme Court**

- come into force

- Revision Complaint

## ANNEX 3

**Screening Interview Questionnaire**  
**Used by the Counter-Trafficking Information Campaign**  
 (Ministry of Women's Affairs, in conjunction with IOM)  
 (For Phase 3)

1. Form Number \_\_\_\_\_ 2. Interviewer name \_\_\_\_\_

Guidelines : Explain the purpose of the Interview and ask for the participant's consent. Remember to create a friendly atmosphere and use positive body language. Ensure that the questions can be answered without disturbance and confidentially and listen carefully before noting the response. If the answer is not clear, probe the participant and ask the question again. At the end of the interview thank the participant for their time and tell them that their interview will remain confidential.

**Part 1: General Information**

3. Province \_\_\_\_\_ 4. District \_\_\_\_\_
5. Commune \_\_\_\_\_ 6. Village \_\_\_\_\_
7. No. of Years in Village \_\_\_\_\_
8. Before you are living here, where were you? Village where you are living  
 now  other village  other commune  other district  other province
9. Were you born in this Village Y  N
10. Gender M  F  Age \_\_\_\_\_ (8 and 9)
11. Status: Married  Single  widowed  (10)
12. Number of dependants in Household? \_\_\_\_\_ (11)
13. Can you communicate in Khmer: Reading Y  N , Speaking Y  N   
 Writing Y  N , Listening Y  N
14. What language do you use on a daily basis? Clarify: .....

**Part 2: Socioeconomic, in-migration and out-migration**

**PROBE** - Begin with an explanation of **Migration**. A migrant is defined as someone who voluntarily leaves his/her community, country of origin to earn income in another town and/or province or in another country. Either regularly or irregularly, a migrant may engage in seasonal work or longer term work and has not been forced to do this by someone else.

**Socioeconomic**

15. What are your main income generating activities? Rice farming  chamkar  fishing  Cutting wood , wooden coal making , hunting , forest sub-production<sup>1</sup> , animal husbandry , handicraft , mine worker , tapping resin , domestic servant , employed for farming and fruit collection , beer and karaoke servant , other..... (12)

16. Have your family's income changed in the last 10 years. Y  N

17. How is the change? \_\_\_\_\_

18. Why does your income change ?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

19. How Much land for growing rice or Chamkar do you own? \_\_\_\_\_ (13)

20. Do the most people enjoy living in their village? Y  N  (14)

21. **If No**, why? Landlessness , Debt , Flooding , Land conflict (including grabbing) , lack of food , Drought , Not secured in village , Not personal-secured , Domestic Violence , Problem with neighbours , Lack of education and training opportunities , (15) other.....

**In-migrants**

22. Are there any in-migrants in your village? Y  N  don't know

23. Where do they move from? Other village , other commune , other district , other provincial capital , other province , Phnom Penh , other country  (Please give the name of the country:.....) don't know

24. Do you enjoy the new settlement of in-migrants? Y  N

<sup>1</sup> Forest sub-production includes tapping resin, cutting wood, hunting, fruit collection, vine collection,...

25. **If Yes**, why? – Can earn money  more job opportunities , access to training and education , access to food and products  other \_\_\_\_\_

26. **If No**, why? Loose of land , Land issues , Debt bondage , Environmental Pollution , Not personal-secured , Challenging with incomers , increase in incidences of rape  disturb spirit forests , robbery-unsafe , tricks , impact on living , other.....

27. Any other problems related to in-migration?

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### **Out-migrants**

28. Do people Migrate from your Village? Y  N  (16)

29. What sex are the people who mostly migrate? M  F  don't know  (17)

30. What is the age range of migrants? 5 to 15 , 16 to 20 , 21 to 25 , 26 to 40 , (18)  
41 and above

31. Are there any of your family members migrate? Y  N , (19)

32. **If yes**, who migrates? Father , mother , sister , brother , yourself  (20)  
other \_\_\_\_\_

33. Why do your family members Migrate? For Seasonal work after the harvest , (21) Landlessness , debt bondage , flooding , drought , personal security , problem with family, neighbours , Domestic Violence  opportunities for income generation , study and training ,  
other \_\_\_\_\_

34. Where do people migrate to in the short term<sup>2</sup>? other village , other commune , other district , provincial capital , other province , Phnom Penh , Thailand , Laos , Vietnam , other (give the place name) \_\_\_\_\_ (22)

35. What type of work do they generally do? (23)  
\_\_\_\_\_

<sup>2</sup> Short migration is less than 3 months and the long over 3 months.

36. How long do they normally migrate for? \_\_\_\_\_ (week, month)  
(24)

37. Where do people migrate to in the long term? other village , other commune ,  
other district , provincial capital , other province , Phnom Penh , Malaysia ,  
Thailand  Laos , Vietnam , (give place name)  
\_\_\_\_\_ (25)

38. Do villagers generally return to the same place of work? Y  N  (26)

39. How do people travel when they migrate? Car  boat , taxi , plane , motor-  
bike , bicycle , by foot , other..... (27)

40. Who arranges the travel for these migrants? By themselves , neighbour ,  
relatives , friends , recruiter (May Kjaal) ,  
other \_\_\_\_\_ (28)

41. Is the person that arranges the migration known and trusted within the  
community? Y  N   
(Please clarify.....) (29)

42. Does this person receive payment? Y  N , Generally how much? \_\_\_\_\_  
(By Riel/ Bhat/USD) (30)

43. If not in cash, how is this payment made? loan , bonded labour ,  
other \_\_\_\_\_ (31)

44. Do migrants generally travel alone or in groups? Alone  Groups  (32)

45. Do the migrants ever do different work from what was promised? Y /N   
(33)

46. Do people generally benefit from migrating? Y  N  (34)

47. If YES What benefit? Can earn money , food security , pay debts , pay for  
healthcare , buy land , send children to school   
other \_\_\_\_\_ (35)

48. If NO Why? – Placed in a brothel , was old , forced labour , Low wages ,  
cheated , long working hours , bad treatment , physical abuse , health and  
medical problems , other,  
specify \_\_\_\_\_ (36)

49. Does your family encounter any problems whilst you or a family member was  
away?  
Y  N  (37)

50. What kind of problems does your family encounter? Cheated by others , poor living condition , personal security , health problem , medication problems , financial problems  (38)

51. How did you solve this problem? \_\_\_\_\_ (39)

\*

### Part 3 Trafficking

Trafficking is defined as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

52. What do you understand by trafficking? **Wording and understanding must be verified** (41) cheating , selling a person , selling of a woman or child to a brothel , forced labour inside Cambodia , forced labour outside Cambodia , renting or selling children for begging  kidnapping , Don't know , other \_\_\_\_\_

53. Is trafficking ever acceptable? Y  N  (42)

54. Why is trafficking ever  (never ) acceptable? (43)

\_\_\_\_\_

\_\_\_\_\_

55. Is trafficking illegal? Y  N  Don't know  (44)

56. Do any of the following happen in your village or area? Selling women or children to brothels , Selling women or children inside Cambodia , Selling women or children to labour outside Cambodia , kidnapping , recruitment of women, children, orphans, disabled, as beggars  rape , abuses (human rights, sexual, land grabbing,.....) , drug uses , don't know  other \_\_\_\_\_  
(45)

57. Who is the most at risk of being trafficked within your community? Women in general , men , teenage women , girls , boys , orphans , disabled , elderly  other \_\_\_\_\_  
(46)

58. Where the people are at most risk of being trafficked? In village , traveling to the destination , at the destination , other \_\_\_\_\_ (47)

\_\_\_\_\_

\* Question 40 of the old version is omitted

59. Have you ever personally witnessed trafficking? Y  N  don't know

**If yes, describe what you witnessed**

(48)

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60. **If yes**, who did you report it to? Village or commune Chief , Police , NGO , Women's affairs , Social affairs , Other \_\_\_\_\_

(49)

61. **If no**, why didn't you report it?

(50)

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62. If you or your family encounters trafficking, who would you report it to? (51)

Village or commune Chief , Police , NGO , Women's affairs , Social affairs , Other \_\_\_\_\_

63. Who do you trust to help you if you have a problem with trafficking? Village chief , commune chief , Police , Community leader , NGO , Women's affairs , Social affairs , monks , teachers , Achar , No One , other \_\_\_\_\_ (52)

64. If you or a member of your family migrates to work, would you worry about trafficking? Y  N  (53)

65. What precautions would you take to protect yourself or a family member? Inform friends , relatives , neighbours , village chief , verify the promise  (54)

66. Have you ever seen or heard any information on trafficking? Y  N  (55)

67. **If yes**, what type of information? Poster , radio , TV , Video , NGO campaign , newspaper , comedy drama , family , friends , out-migrants , in-migrants , local authority , self-help groups , ministries/departments , other \_\_\_\_\_ (56)

\*

68. Do you want to have information on trafficking? Y  N  (58)

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\* Question 57 of the old version is omitted.



69 **If YES**, why? To improve knowledge , to increase protection , to avoid problems , to share with others , other \_\_\_\_\_ (59)

70. **If NO**, why? specify \_\_\_\_\_ (60)

71. What kind of information on trafficking would you like? Picture , story book , help card , explanation by the village focal point , Poster , radio , TV , Video , NGO campaign , newsletter , comedy/ drama , village meetings , self-help groups , other \_\_\_\_\_ (61)

## ANNEX 4

## INDONESIA

Example: Statistics of Women Trafficking, 2000-2005  
Criminal Investigation Division, INP

Criminal Investigation Division, INP  
Directorate I/KAM & Transnational

No.	Letter No.	Regional Police	Police Report		Perpetrators		Victims		Remarks
			Reported	Closed	No. of persons	Age	No. of persons	Age	
1	2	3	4		5	6	7	8	9
		LAMPUNG	2 cases	1 case	4	Adult	2	17 & 18 yrs	4 yrs jail sentence
		- 2002 dd/mm/02 dd/mm/02							
		- 2003	Nil	Nil	Nil	Nil	Nil	Nil	n.a
		- 2004	1 case	Nil	1	Adult	1	Adult	In process
		- 2005	1 case	Nil	1	45yrs	1	17yrs	In process
		EAST JAVA							
		- 2001	1 case	Sentenced	2	42 & 30 yrs	1	17yrs	Sentenced
		- 2002	Nil	Nil	Nil	Nil	Nil	Nil	n.a.
		- 2003	3 cases	Sentenced 3	5	20, 30, 57, & adults	3	15yrs & adults	Sentenced 3
		- 2004	4 cases	Sentenced SP3 P21(2)	8	Adults	8	Adults	Sentenced 1 SP3 – 1 P21 – 2
		- 2005	6 cases	Sentenced 1 P21(1) Process 4	10	Adults	19	Adults	Sentenced 1 P21 – 1 Process 4
		CENTRAL JAVA							
		dd/mm/02	1 case	Process	2	Adult	1	14yrs	Process
		dd/mm/03	1 case	P21	1	Adult	1	Adult	P21

## ANNEX 5

Example: Reporting Form Used by Indonesian National  
Police:  
Case Reports of Trafficking in Persons  
Regional Police Offices in Indonesia, 2002-2005

Criminal Investigation Division, INP  
Directorate I/KAM & Transnational

No	Regional Police	Year	Chronology	Police Report	Victim	Perpetrator	Modus Operandi	Progress	Remarks (Sentence)
1	2	3	4	5	6	7	8	9	10
1	Lampung	dd/mm/02	Underage women trafficking in Bangka Belitung	LP/B-xxx/mm/02/Bmt dd/mm/02	SH (17yr)	1. MSY 2. AMY 3. ML	Promised of marriage; Promised of job; Sold as sex worker; Fee IDR 100,000	In court	4 yrs jail sentence
2	Lampung	dd/mm/02	Women trafficking to Singapore	LP/B-xxx/mm/02/Bmt dd/mm/02	SS (23yr)	BK Inc. Bandar Lampung	Promised of job but sold as sex worker in Singapore	Investigation	When victim returned, employment agency was gone
3	Lampung	mm/04	Women trafficking at North Lampung	-	-	DRM	Promised of job with high salary	In process	-
4	Lampung	mm/dd/05	Women trafficking	LP/B-xxx/mm/05 Siaga dd/mm/05	UK (17yr)	J (45yr) Batam	Promise of job at restaurant, but sold as sex worker	Process	-





Case Data

Type of referring organization: (  NGO/  IO/  Law Enforcement/  Embassy/  IOM/  
 Self-Referral-walk in/  Other )

Specify - Name:

Location:

Name of IOM Interviewer:

Date of Interview:

Place of Interview:

Language used by client:

Interpreter - yes/no:

Name of interpreter :

PROCESS AND MEANS

1. Why did you leave your home village?	
2. What date did you leave?	date, month, year
3. Did someone force or threaten or persuade you to leave your village/town?	<input type="checkbox"/> Yes/ <input type="checkbox"/> no
4. Were you recruited for work? If YES, who recruited you?	( <input type="checkbox"/> family member/ <input type="checkbox"/> friend/ <input type="checkbox"/> boyfriend/ <input type="checkbox"/> husband/ <input type="checkbox"/> neighbor/ <input type="checkbox"/> self-contact/ <input type="checkbox"/> kidnapper/ <input type="checkbox"/> legal recruiting agency/ <input type="checkbox"/> agent/ <input type="checkbox"/> advertisement/ <input type="checkbox"/> internet/ <input type="checkbox"/> other )
5. Were you transported to other areas (towns/cities/countries) against your will?	<input type="checkbox"/> Yes/ <input type="checkbox"/> No
6. What type of work were you promised?	<input type="checkbox"/> domestic worker/ <input type="checkbox"/> sex worker/ <input type="checkbox"/> plantation worker/ <input type="checkbox"/> factory worker/ <input type="checkbox"/> shopkeeper/ <input type="checkbox"/> waitress/ <input type="checkbox"/> cultural dancer/ <input type="checkbox"/> laborer/ <input type="checkbox"/> baby sitter/ <input type="checkbox"/> other )
7. Where were you promised work? (provide name of city and/or country)	
8. What were you told would be your salary?	
9. What work conditions were your promised? (work hours, days off, vacation, etc.)	
10. Did you sign an employment contract?	If YES, provide details of contract.
11. Did you pay any money to recruiter in advance? (yes/no)	If YES, how much?

12. If any travel costs were incurred before departure, who paid them?	
13. Where was your final destination?	
14. Did you cross the border at an official entry point?	( <input type="checkbox"/> Yes/ <input type="checkbox"/> No) Please Specify <u>          </u>
15. How did you get there? (Describe travel route and means of travel, i.e. plane, ferry, land transport, on foot, etc)	
16. Did you have a passport/travel papers/ identify card?	
17. Did you use your own identity documents or were false identity documents provided?	(Own/False - Forged / NA)
18. Who keeps your passport/identity document now?	<input type="checkbox"/> Client/ <input type="checkbox"/> employer/ <input type="checkbox"/> agent/ <input type="checkbox"/> police officer/ <input type="checkbox"/> embassy/ <input type="checkbox"/> consulate/ <input type="checkbox"/> trafficker/ <input type="checkbox"/> other
19. Was an entry/ex it visa required?	Entry visa : ( <input type="checkbox"/> Yes/ <input type="checkbox"/> No) Exit visa : ( <input type="checkbox"/> Yes/ <input type="checkbox"/> No)
20. Were any your documents forged?	<input type="checkbox"/> Yes <input type="checkbox"/> No
21. Did you spend any time in transit countries or cities?	( <input type="checkbox"/> Yes/ <input type="checkbox"/> No) If yes, specify
22. Did you engage in any activity in these transit cities or countries ? (Yes/No) Which activity?	( <input type="checkbox"/> Au pair/ <input type="checkbox"/> Baby-sitter/ <input type="checkbox"/> Agricultural work/ <input type="checkbox"/> Domestic work/ <input type="checkbox"/> Sweatshop labor/ <input type="checkbox"/> Selling / <input type="checkbox"/> Begging/ <input type="checkbox"/> Other form of low-level criminal activities/ <input type="checkbox"/> Military service/ <input type="checkbox"/> Dancer-Entertainer/ <input type="checkbox"/> Sex- worker/ <input type="checkbox"/> Waitress/ <input type="checkbox"/> Other/ NA, other )

## EXPLOITATION

1. What activity have you been engaged in since her/his arrival at the final destination?	( <input type="checkbox"/> Au pair/ <input type="checkbox"/> Baby-sitter/ <input type="checkbox"/> Agricultural work/ <input type="checkbox"/> <input type="checkbox"/> Domestic work/ <input type="checkbox"/> Sweatshop labor/ <input type="checkbox"/> Selling / <input type="checkbox"/> <input type="checkbox"/> Begging/ <input type="checkbox"/> Other form of low-level criminal activities/ <input type="checkbox"/> Military service/ <input type="checkbox"/> Dancer-Entertainer/ <input type="checkbox"/> Sex- worker/ Waitress/ <input type="checkbox"/> Other/ NA) If other, specify
---	---



2. What was the name of the person and/or place you worked for?	
3. How soon after arrival at the final destination did this activity begin?	( <input type="checkbox"/> During the week of arrival/ <input type="checkbox"/> a week after arrival)
4. If you worked as a sex worker, did you know about the possibility of doing sex related work? And what compensation did you receive?	
5. Did you get paid for your work?	If YES, how much?
6. Were you allowed to keep your earnings?	( <input type="checkbox"/> yes/ <input type="checkbox"/> no/ <input type="checkbox"/> partially)
7. Did you have to pay debt to your employer/agent?	If YES, how much? What was debt for?
8. Were you forced to engage in work activities against your will? (yes/no)	If YES, what? If YES, how? ( <input type="checkbox"/> verbal threats, <input type="checkbox"/> physical violence, <input type="checkbox"/> sexual violence, <input type="checkbox"/> other, specify )
9. What degree of freedom of movement did you have?	( <input type="checkbox"/> totally denied/ <input type="checkbox"/> only accompanied/ <input type="checkbox"/> no restrictions imposed)
10. Did you have medical exams?	
11. What were the conditions of exploitation? (provide specific details)	a. <input type="checkbox"/> Excessive working hours, specify..... b. <input type="checkbox"/> Total deprivation of wages c. <input type="checkbox"/> Partial deprivation of wages d. <input type="checkbox"/> Verbal abuse e. <input type="checkbox"/> Physical abuse f. <input type="checkbox"/> Sexual abuse g. <input type="checkbox"/> Rape h. <input type="checkbox"/> Deprivation of adequate supply of food and water i. <input type="checkbox"/> Lack of health care services in the case of illness j. <input type="checkbox"/> Poor sanitary state of living place k. <input type="checkbox"/> Imprisonment l. <input type="checkbox"/> Intimidation m. <input type="checkbox"/> Seizure of documents n. <input type="checkbox"/> Ideological pressure o. <input type="checkbox"/> Freedom of Movement totally denied p. <input type="checkbox"/> Freedom of Movement partially denied q. <input type="checkbox"/> Traded to various employers r. <input type="checkbox"/> Forced consumption of alcohol s. <input type="checkbox"/> Forced use of drugs t. <input type="checkbox"/> Other, Specify

## CORROBORATIVE MATERIALS

1. Police or Immigration reports?	( <input type="checkbox"/> yes/ <input type="checkbox"/> no)
2. Any documentation or travel tickets?	( <input type="checkbox"/> yes/ <input type="checkbox"/> no)
3. Immigration departure or landing cards?	( <input type="checkbox"/> yes/ <input type="checkbox"/> no)
4. Medical reports related to abuse suffered during the trafficking process?	( <input type="checkbox"/> yes/ <input type="checkbox"/> no)
5. Copies of bogus contract or original advertisement?	( <input type="checkbox"/> yes/ <input type="checkbox"/> no)
6. Diary entries, letters written by the individual?	( <input type="checkbox"/> yes/ <input type="checkbox"/> no)

## RETURN/FUTURE PLAN

1. Do you want to return to your home village? ( <input type="checkbox"/> yes/ <input type="checkbox"/> no)	If YES, who will you live with? If NO, where do you want to go?
2. What are your future plans?	
3. Do you consent to IOM or an IOM partner phoning or visiting you to see that you are alright over the next month? ( <input type="checkbox"/> yes/ <input type="checkbox"/> no)	If YES, please provide contact details.

## IOM DECISION

1. Is individual victim of trafficking? ( <input type="checkbox"/> yes/ <input type="checkbox"/> no)	If NO ( <input type="checkbox"/> smuggled migrant victim of other type of crime / <input type="checkbox"/> irregular migrant, other )
2. Is victim willing to return home with IOM assistance? ( <input type="checkbox"/> yes/ <input type="checkbox"/> no)	
3. If victim declined IOM assistance, why?	
4. Remarks	

Individual agrees to share the information above to IOM and other parties wishes to help the individual : ( yes/ no)

Name :  
Date :  
Signature :

## BRIEF CASE CHRONOLOGY

ANNEX 8

THAILAND

Preliminary Identification Form Used by Royal Thai Police and Immigration Bureau

Memorandum of Preliminary Identification to Separate Human Trafficking Victim

Place of making the memorandum.....  
Date.....

This memorandum is made to show that today.....time.....a.m./p.m.  
The competent official and relevant persons comprising of.....  
.....  
.....

jointly interview the alien, Name:.....  
Age.....years, Date of birth.....  
Nationality.....  
Address.....  
.....  
Passport No.....  
.....  
being taken from.....  
.....

The interrogator gave the following information:  
1. Channel of travelling into Thailand.....  
Method of travelling  On foot  
 Using vehicle, e.g.,  Car  Passenger car  Other  
specify.....  
The person(s) giving aid in travelling.....

- 2. Prior to traveling into Thailand
  - 2.1 Having agreement for working such as
    - 2.1.1 Being drink girl or waitress
    - 2.1.2 Being labourer in factory or domestic work
    - 2.1.3 Being other labourer.....
    - 2.1.4 Others, specify.....
  - 2.2 No agreement
- 3. The person being interviewed gave the information to support the consideration for being victim of human trafficking as follows:

**Preliminary Examination Form in Supporting Consideration for Being Victims of Human Trafficking**

**1. Victims / Injured persons**

- Women (specifically over 18 years of age from the date being perpetrated);
- Children (both boys and girls not over 18 years of age from the date being perpetrated).

**2. Being perpetrated in either one of the following manners:**

- To provide (Section 9 of the Anti Prostitution Act and Sections 282, 283 and 312 ter of the Criminal Code);
- To seduce (Section 9 of the Anti Prostitution Act and Sections 282, 283 and 312 ter of the Criminal Code);
- To pander (Sections 282, 283, 283 bis, 284, 312 ter, 317, 318, 319, 320 of the Criminal Code);
- To take away (Section 9 of the Anti Prostitution Act and Section 282 of the Criminal Code);
- To import (Section 312 of the Criminal Code);
- To purchase (Sections 312, 317, 318, 319 of the Criminal Code);
- To sell (Section 312 of the Criminal Code);
- To distribute (Sections 312, 312 ter, 317, 318, 319 of the Criminal Code);
- To take from (Section 312 of the Criminal Code);
- To export (Sections 312, 320 of the Criminal Code);
- To accept (Sections 312, 312 ter, 317, 318, 319, );
- To knowingly take up a person being provided, seduced or taken away for the prostitution (Section 9 of the Anti Prostitution Act);
- To take up a person being provided, seduced, or taken away for the sexual satisfaction of other person (Sections 282, 283 of the Criminal Code);
- To support taking up of a person being provided, seduced or taken away for the sexual satisfaction of other person (Sections 282, 283 of the Criminal Code);
- To conspire with the provision, seduction or taking away for the prostitution (Section 10 of the Anti Prostitution Act);
- To restrain (Section 12 of the Anti Prostitution Act and Sections 310, 312 of the Criminal Code);
- To detain (Section 12 of the Anti Prostitution and Sections 310, 312 of the Criminal Code);
- To commit any other act causing bodily liberty to be devoid (Section 12 of the Anti Prostitution Act and Section 310 of the Criminal Code);
- To support the restraint, detention or any other act causing other person to be devoid of bodily liberty for prostitution (Section 12 of the Anti Prostitution Act);
- To hide the person being taken away for indecent act (Sections 283 bis, 284 of the Criminal Code).

**3. Committing acts under Article 2 by either one of the following methods:**

- To use confidence trick (Section 9 of the Anti Prostitution Act and Sections 283, 284, 320 of the Criminal Code);

- To force (Section 26 of the Children Protection Act of 2003);
- To induce (Section 26 of the Children Protection Act of 2003);
- To encourage (Section 26 of the Children Protection Act of 2003);
- To promote (Section 26 of the Children Protection Act of 2003);
- To threaten (Section 9 of the Anti Prostitution Act and Sections 283, 284, 320 of the Criminal Code);
- To assault by force (Sections 283, 284 of the Criminal Code);
- To threaten with an assault by force (Section 12 of the Anti Prostitution Act);
- To dominate by power against righteousness (Sections 283, 284, 320 of the Criminal Code);
- To coerce by any means (Sections 283, 284, 320 of the Criminal Code).

**4. Committing acts under Articles 2 and 3 with the objectives for either one of the following:**

- For the sexual satisfaction of other person (Sections 283, 284 of the Criminal Code);
- For indecent purpose Sections 282, 283, 284, 317, 318, 319 of the Criminal Code);
- For seeking illegitimate undue benefits (Sections 312 ter, 317, 318, 319 of the Criminal Code);
- For prostitution (Sections 9, 10, 12 of the Anti Prostitution Act);
- For putting into slavery or similar manner of slavery (Section 312 of the Criminal Code);
- For using labor with brutal oppression (Section 26 of the Child Protection Act);
- For coercing or committing any unethical acts (Section 26 of the Children Protection Act).

Remarks Consideration from the above examination form:

1. In case of women, it shall comply with the rule under the elements in Articles 1, 2, 3 and 4.
2. In case of children, it shall comply with the rule under the elements in Articles 1, 2 and 4 without the necessity for the elements in Article 3.

## ANNEX 9

## Report Form PorDorSor. 1/48, Used by Royal Thai Police

1. Police station, division, bureau
2. Criminal case No. / , (specify number of criminal case receiving complaint or accusation)
3. Victim (name, family name, age, occupation).....
4. Accused (name, family name, age, occupation).....
5. Date of incident (in case of several periods of incident, specify the date and time at every place of incident).....
6. Place of incident (in case of several places of incident, specify every related place of incident).....
7. Date of arrest.....
8. Place of arrest.....
9. Accusation (grounds for offence), specify the accusation (grounds for offence) complete with the attached passage “**being an offense related to children and woman trafficking**” for each accusation, including specifying the manner of perpetration (article 2), method (Article 3) and objectives for the offence (Article 4) as shown in details in the rule for consideration in case of the children or women being human trafficking victims in Attachment A.
10. Circumstances of the case.....
11. Guidelines for the investigation finding the offence.....

(Signed) Rank, name, family name of inquiry officer

Position.....

Telephone number.....



## ANNEX 10

## Additional Report Form PorDorSor. 1/48, Used by Royal Thai Police

1. Police station, division, bureau
2. Criminal case No. / (specify number of criminal case receiving complaint or accusation)
3. Victim (name, family name, age, occupation, in case of several persons, specify every one of them).....
4. Accused (name, family name, age, occupation, in case of several persons, specify every one of them).....
5. Date of arrest (in case of additional arrest).....
6. Place of arrest (in case of additional arrest).....
7. Accusation/grounds for offence (in case of additional arrest).....
8. Result of the case:

**At the inquiry officer level**

State opinions of the authorized superior having opinions on the case whether or not the legal action on the case should be taken and the date of forwarding the case file to the public prosecutor and the number of forwarding letter.

**At the public prosecutor level**

State the public prosecutor directive whether or not the legal action should be taken and the date of directive issuance together with the number of directive notice letter, if any.

**At the court level**

State the court judgment together with the black case number and red case number and date of issuing judgment by the court.

(Signed) Rank, name, family name of inquiry officer

Position.....

Telephone number.....

## ANNEX 11

**Format Used by Thai Police Stations to Submit Monthly Reports  
of Aggregate Data on Trafficking Cases  
to the Women and Child Division (Royal Thai Police)**  
(Summaries generated from 1/48 forms)

No	Offences	A	B	C	D
	1				
	2				
	3				
	4				
	5				

## Legends:

1. Offences under the Prevention and Suppression of Prostitution Act
2. Related offences under the Penal Code
3. Offences under the Anti Trafficking Act
4. Offences under the Immigration Act
5. Offences under the Thailand Job Placement Agencies and Job Seekers Protection Act

- A. result of the arrest (number of arrest)
- B. result of the case in the investigation stage (number of cases brought to court/not brought to court)
- C. result of the case in prosecution stage (whether the prosecutor has considered the case suitable for prosecution)
- D. result of the case in the court stage (number of cases sentenced and dismissed)

ANNEX 12

Form used by Immigration Bureau:  
Memorandum of Preliminary Identification to Separate Human  
Trafficking Victim

Sub-division 3, Investigation & Inquiry Centre, Police Bureau of Immigration

Date: .....

Officer and relevant persons consisting of.....

.....  
jointly interviewing the alien, Name: ....., Nationality: .....

Age: .....years, Education level: ....., Received by Sub-division 3 on: .....

Being brought from....., IDC....., being accused of.....

Born in Village (Domicile): ....., Country: .....

Address, resting point, point of getting on vehicle in Thailand, Village: .....

Name of father:.....Nationality:.....Age:....years, Name of mother:.....Nationality:.....Age:....years

Number of siblings: ....being No....Relative/spouse name.....Nationality.....Age....years,  
Tel.....

Friend/acquaintance/accompanying person name.....

Community chief/village headman name.....Nationality.....Age.....years

Travelling into Thailand by which channel.....by vehicle.....per vehicle, car/boat..... colour.....

Assisted in travelling by.....persons, Name.....Nationality.....Age.....years

.....

Address, description, Tel.....

Employer.....persons, Name.....Nationality.....Age.....years

Workplace name.....Address.....

Expenses for travelling to Thailand.....bahts (paid by.....), Earning.....bahts/month

Working hours.....hours/day, waking up at .....a.m.  No holidays  If yes,.....holidays/month

Number of years at work...., altogether....years.....months....days (Category of work/place/period)

.....

Reason being arrested, place, arrested by Name – Tel.....

Circumstance and additional details

.....  
.....

The person interviewed is believable to be human trafficking victim (In case of child, whether or not  
consenting).

The person interviewed is not believable to be human trafficking victim.

Being read to, understandable, accepted to be true and thus recorded as evidence

(Signed).....person giving evidence/interviewed (Signed).....Interviewer/Translator

(Signed).....social worker, Organization.....(Signed).....Officer

(Signed).....social worker, Organization.....(Signed).....Officer

## ANNEX 13

**Example: Monthly Statistic Report on Identification  
of Trafficking Victim of Women and Children Migrants  
to Immigration Headquarters**

(first page)

	I														Total	II						
	A				B				C				D				E	F	G	H	L	
	> 18		< 18		> 18		< 18		> 18		< 18		> 18			< 18						
	M	F	M	F	M	F	M	F	M	F	M	F	M	F		M						F
1																						
2																						
3																						
4																						
5																						
6																						
Total																						

Legends:

1. Agency: bureau 1
2. bureau 2
3. bureau 3
4. other immigration bureau
5. other immigration bureau
6. other immigration bureau

I. Number of the migrants who were interviewed for identification for trafficking victim (under, above 18, male, female)

- A. Burmese
- B. Cambodian
- C. Laos
- D. Vietnamese

II. Procedures

- E. Number of cases which are trafficking victims and were sent to the investigation officer
- F. Number of cases which are believed to be trafficking victims (under, above 18)
- G. Number of cases which are not trafficking victims and were deported back
- H. Number of cases which were arrested and prosecuted and others
- L. remarks

(page 2)

	I																Total?								
	A				B				C				D				E				> 18		< 18		
	> 18		< 18		> 18		< 18		> 18		< 18		> 18		< 18		> 18		< 18		M	F	Tot	M	F
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	Tot	M	F	Tot	
1																									
2																									
3																									
4																									

Legends:

- 1. Nationality (Burmese)
- 2. Laos
- 3. Cambodian
- 4. Vietnamese

- I. In the case of non-Thai trafficking victim
  - A. number of cases of illegal entry
  - B. number of cases of prostitution
  - C. number of beggars
  - D. number of labors
  - E. other

## ANNEX 14

## Report Form Used by Attorney-General's Office to Report Trafficking prosecutions

### Report Form

Criminal prosecution on offences against women and children under the Penal Code, the Measures in Prevention and Suppression of Trafficking in Women and Children Act (1997), the Prevention and Suppression of Prostitution Act (1996) and other legislations.

Office.....

Month of.....Year.....

1	2	3	4	5	6	7	8	9	10	11	12	13							
													a	b	c	d			

(Signature)

Name and family name

Special Prosecutor/Provincial Prosecutor

#### Legends:

1. Sequence No.
2. File type
3. Received from
4. Receipt No.
5. Name of victims (being perpetrated) age and nationality
6. Name of accused/defendant (perpetrator against children) age and nationality
7. Accusation
8. Directive of public prosecutor (taking legal action or not)
9. Date of filing case in court
10. Black Case No.
11. Is there room for children separate from court room? (Yes/No)
12. Is VDO shown during proceedings of the said case? (Yes/No)
13. Judgment
  - a. Judgment of which court, Court of First Instance, Appeal Court, Supreme Court
  - b. Red Case No.
  - c. Date
  - d. Judgment in brief

#### Remarks

- Public prosecutor means the public prosecutor issuing directive to take or not to take legal action or to adduce evidence from witnesses first
- In case of insufficient space for the judgment, make attached memorandum
- Others than this, make attached memorandum

## ANNEX 15

### Examples of Types of Data Included in Summary Tables Generated by the Kredtrakan Vocational Centre, for Shelter's Monthly Operations Summary, Using Data Collected by the Trafficked Person Case Interview Report

Summaries are mostly quantitative, showing the number of victims categorized by:

1. Type of admission – also broken down into nationality (Thai/non-Thai) and sex (male/female)
  - o Orphan
  - o Abandoned children
  - o Street children
  - o Missing children
  - o Sexual abused
  - o Raped
  - o Forced labour
  - o Others
2. Age groups of people admitted to the centre – also broken down into nationality, sex, and type of admission
3. Places of origin of the person admitted to the centre (categorized as above)
  - o Thai: Central Thailand, Northern Thailand, North-eastern Thailand, Eastern Thailand, Western Thailand, Southern Thailand
  - o Non-Thai: Burmese, Laos, Cambodian, Chinese, others
  - o Unknown
4. Reasons for leaving the centre
  - o Return to family/place of origin
  - o Adopted
  - o Sent to other external agency
  - o Married
  - o Found work
  - o Do not want to stay for vocational training
  - o Died
  - o Reached maximum period of stay
  - o Graduated
  - o Over-age (in some shelters they can only stay within a certain age limit)
  - o Other
5. Services provided, e.g. medical assistance
6. Vocational trainings provided, e.g., to make fabric, cloths
7. Social security and social work services provided to children and juveniles in the family and community

## ANNEX 16

### **ASEAN Workshop on Improving Data on Trafficking**

On 5 June 2006, the Pilot Project held a Workshop to report to the ASEAN Member Countries about the findings from the Project.

The Workshop was hosted by Indonesia, in Bali, as part of the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC). The Workshop was jointly facilitated by Indonesia (as Chair of SOMTC), International Organization for Migration and the ASEAN Secretariat.

At the Workshop, the following were agreed to as Workshop Recommendations:

#### **Workshop Recommendations**

1. At the national level, all agencies involved in trafficking, including data collection on trafficking, should try to use one common definition of trafficking.
2. Delegates noted that the definition of “trafficking” from the UN Protocol on Trafficking is the international standard, so it should also be used as the regional standard.
3. There is a need for greater knowledge and understanding about the meaning of “trafficking” as it is defined in the UN Protocol.
4. There is a need to improve coordination and cooperation on data collection on trafficking at the regional level. Accordingly, the Workshop agreed to establish “focal points on trafficking data”. The role of these focal points would include:
  - Reporting to SOMTC on data that is relevant to preventing trafficking, prosecuting offenders and protecting victims.
  - Being a point of contact for project activities to improve data collection on trafficking.
  - Building a network of people with relevant skills and responsibilities for data collection on trafficking.
  - Building a link between actions at the national level to improve data collection on trafficking, and actions at the regional level.
5. Participants agreed that there should be a template for the data collection focal points to use, when reporting to SOMTC on data on trafficking. The template should cover relevant and useful data. For example, data that helps other ASEAN Member Countries to preventing trafficking, prosecuting offenders and protecting victims.
6. Participants noted the importance of training and capacity building. For example, capacity building could usefully be held on the difference between illegal migration and “trafficking”; and also on improving skills in data analysis and interpretation.
7. Participants noted the need to link ASEAN mechanisms in with other mechanisms, particularly the Bali process, to avoid duplication and overlap of effort.



## ANNEX 17

**Recommendations of  
The SOMTC Working Group Meeting on Trafficking in Persons  
Particularly Women and Children<sup>3</sup>****6 June 2006, Bali, Indonesia**

1. To notify the concerned Embassy or Consulate of sending state, as soon as practicable, by the competent authorities in the receiving state, should there be any case of suspected violence, arrested perpetrators, and victims of trafficking in accordance with international practices.
2. To ensure that training is provided for enforcement agents, police officers, prosecutors, and judges, more likely to come into contact with migrants so as to sensitize them to the issue of violence against women and children.
3. To enact legislation, where appropriate, that criminalizes all forms of sexual exploitation as a crime, including trafficking in persons pursuant to the ASEAN Declaration against Trafficking in Persons particularly women and children in the spirit behind the UN Convention against Transnational Organized Crimes and its relevant protocols.
4. To protect witnesses and victims of trafficking. In this regard, effective measures to support women migrant victims of trafficking and violence in general should be put in place, where appropriate, to facilitate the repatriation and reintegration, including access to shelter, legal aid and medical, psychological, social and economic assistance, and the possibility of obtaining compensation for damaged suffered.
5. To facilitate cooperation in sharing information, exchange of intelligence, mutual legal assistance in criminal matters, developing legal document, investigation assistance, and signing other bilateral and multilateral agreements in so far as consistent with domestic law.
6. A common definition of trafficking is needed in order to enable data collection at the national level. In this respect, the definition and parameters stipulated in the Palermo Protocol may be used as the regional standard.
7. To establish cooperation with other regional processes, such as Bali Process, Asia Pacific Inter-Governmental Consultation (APC) on refugees, migrant and internally displaced persons, Budapest Process, and Coordinated Mekong Ministerial Initiatives against Trafficking (COMMIT), to enhance the ASEAN efforts to combat trafficking in persons.

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<sup>3</sup> These recommendations were approved at the ASEAN Senior Officials Meeting on Transnational Crime, on 8 June 2006, in Bali, Indonesia.

8. To establish a mechanism for the collection of qualitative and quantitative data to prevent the trafficking in persons, especially women and children, and to prevent victims of trafficking from re-victimization.
9. To improve coordination and cooperation on data collection at the regional level by establishing a “focal point on trafficking data collection”. The role of the focal point is to report to the SOMTC on all relevant aspects of trafficking and being a point of contact for project activities to improve data collection.
10. To develop a template for data collection. The template should only cover information that is relevant to ASEAN operational needs in relation to trafficking in persons.
11. To strengthen cooperation with Dialogue Partners of ASEAN in combating trafficking in persons in a more practical and sustainable manner such as Training of Trainers (TOT), establishing shelter, providing technical assistance, intelligence cooperation, hotline system, identifying root causes and formulating plans of action to overcome trafficking in persons.
12. Where appropriate, to work with the other relevant ASEAN regional bodies to formulate a Work Plan to implement the ASEAN Declaration against Trafficking in Persons, Particularly Women and Children.



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The ASEAN Workshop on  
**Improving Collection of Data on Trafficking in Persons**  
5 June 2006, Bali - Indonesia





