

Counting what counts; Tools for the validation and utilization of EU statistics on human trafficking

Jan J. M. van Dijk, Leontien M. van der Knaap, Marcelo F. Aebi and Claudia Campistol

Final report of the TrafStat project (contract HOME/2011/ISEC/AG/THB/4000001960)



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de Barcelona

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I Introduction

Background

The Council Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, adopted on April 5, 2011, emphasized that “the Union should continue to develop its work on methodologies and data collection methods to produce comparable statistics on trafficking in human beings”. In addition, Article 19 of the said Directive stresses the importance of gathering data on trafficking in human beings, stating that “Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms”. The tasks of such mechanisms shall include “the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organizations active in this field, and reporting”. Furthermore, the Justice and Home Affairs Council in June 2011 adopted Council Conclusions 'Targeting developing forms of trafficking in human beings in the EU Member States' in which Member States are encouraged to establish multi-sector data collection mechanisms, to further develop data collection on so-called developing forms of trafficking in human beings and to improve the quality of data collection¹.

The collection of comparable statistics on trafficking in human beings (THB) forms part of a broader ongoing exercise of the Commission to improve the EU-wide statistics on crime and criminal justice. In the EU Action Plan to measure crime and criminal justice of 2006, money laundering and trafficking in human beings were identified as priority areas. This was reiterated in the Commission Communication on Measuring Crime in the EU, adopted in January 2012, which includes an Action Plan for 2011–2015 to collect data on a small number of relevant indicators.

Pursuant to the 2011 Directive, the European Commission developed a Strategy for 2012 to 2016 to support the Member States in transposing and implementing the new Directive. The Commission identifies five priorities that the EU should focus on in order to address the is-

¹ Council Conclusions on Targeting developing forms of trafficking in human beings in the EU Member States, 8776/3/11, 27 May 2011.

sue of trafficking in human beings, and one of these priorities is increasing the knowledge on all forms of trafficking in human beings.

One of the ways the Commission acts on this priority is through the development of an EU-wide system for data collection with the goal to collect reliable statistical data that can be compared across countries. In 2012, DG Home Affairs together with Eurostat first requested Member States to provide data on THB. The first results were published in April 2013 in the form of a Eurostat Working Paper. As explained in the Executive Summary of that report “the current state of results does not entirely comply with the requirements of the European Statistics Code of Practice” (p. 9) and further work is planned to improve data quality. Indeed, the collection of comparable statistics on complex crimes such as THB gives rise to many queries. Moreover, similar work by the European Sourcebook on crime and criminal justice statistics (Aebi et al., 2010) has taught that the collection of comparable crime statistics requires consensus-building on operational definitions among the data providers and requires in-depth consultations on the metadata to be provided by the participating countries. Although the Eurostat report discusses the comments that were made by National Rapporteurs regarding the meaning of their data, no structured consultation with the National Rapporteurs to discuss the collected EU THB statistics was possible.

Project outline

The project ‘Tools for the validation and utilization of EU statistics on human trafficking’ (TrafStat) aims to provide support to the ongoing activity of the Commission to collect comparable statistics on human trafficking and anti-trafficking policies by applying the methodology of the European Sourcebook project to EU-wide data on THB. This project was supported by a grant of the European Commission. The research team consisted of professor Jan van Dijk (INTERVICT, Tilburg University), professor Marcelo Aebi (Autonomous University of Barcelona, University of Lausanne), Claudia Campistol MSc (Autonomous University of Barcelona, University of Lausanne), and dr. Leontien van der Knaap (INTERVICT, Tilburg University). Ieke de Vries participated in the project as representative of the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, associated member of the project team.

The project consisted of two phases. The goal of the first phase was to strengthen the comparability of European THB statistics through a system of validation by experts from National Rapporteurs or their Equivalents or other experts tasked with the collection of THB statistics in their country. This phase included the collection of data on human trafficking similar to those reported on in the Eurostat working paper through a network of national correspondents. The goal of the second phase was to explore and develop possibilities for the responsible utilization of present and future EU THB statistics for policy purposes. The research group and its partners designed quantitative indicators based on the EU THB statistics which can be used to monitor national and EU-wide THB policies. Moreover, proposals were formulated about the possible early warning signals on, for example, new forms, markets or victim groups, which might be communicated to alert relevant authorities in the EU and/or Member States to emerging trends.

Preliminary findings were presented by the research team at the seminar 'Sharing Best Practices in Harmonized Data Collection on Trafficking in Human Beings', organized by the project 'Prevention and Extended Harmonized Data Collection System of Trafficking in Human Beings', on 26-27 March 2013 in Bratislava and in a special workshop at the 13th Conference of the European Society for Criminology, 4-7 September 2013 in Budapest.

Outline of the report

In this final report the authors will first explain the methodology of the project and report on the lessons learned. Subsequently, the main results will be presented regarding data on identified or presumed victims of human trafficking, the provision of assistance and protection to them and on suspected, prosecuted and convicted traffickers. In the final chapter the utilization of the data for policy purposes is discussed and the main conclusions are summarized. This chapter ends with a list of key recommendations for future work on EU-wide data on human trafficking. The final chapter can be read as an executive summary of the report.

Some of the tools used in the project such as the questionnaire and three commissioned papers on the policy-uses of THB statistics have been included in appendices. The data and metadata collected and minutes of the two seminars are available for interested parties

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II Methodology

The goal of the first phase of the project was to assess the current state of European THB statistics through a system of validation by experts in THB data collection from each of the EU Member States. To this end we decided to apply the tested methodology of the European Sourcebook of Crime and Criminal Justice Statistics. Around 2000 a mood of defeatism prevailed regarding the possibility of producing comparable international statistics on crime and criminal justice. In particular the use of statistics of police-recorded crime as comparative measures of the volume of crime was fundamentally challenged. In search of an alternative, the international criminological community embarked on the execution of standardized victimization surveys among samples of the general public (Van Dijk, Mayhew, & Killias, 1999). Around the same time the initiative was taken to harmonize to the extent possible official statistics on police-recorded crime as well as on criminal justice in Europe with a view to optimizing comparability (European Committee on Crime Problems, 2000). The European Sourcebook put together a network of experts, called national correspondents, coordinated by the so-called regional coordinators. This network collaborated for several years to reach agreement on operational definitions of the most common types of offences reflecting the common ground of national definitions. Subsequently the correspondents were invited to explore to which extent their countries would be able to produce statistic approximating the agreed upon common definitions. Correspondents were also requested to supply explanation about any deviations in their national statistics from the common definitions (metadata). The European Sourcebook project has so far published four editions with results (Aebi et al., 2010) and laid the foundations for the Eurostat statistics on crime and criminal justice (Eurostat, 2013). A fifth edition of the Sourcebook will be published in September 2014.

Building on the experiences of the European Sourcebook, the TrafStat project invited experts from all Member States to act as national correspondents on human trafficking statistics. The initial plan was to simply invite representatives from the National rapporteurs or equivalents. The research team discovered that these institutions are not necessarily re-

sponsible for the collection of statistics on human trafficking in their countries² and had sometimes not been involved in supplying data to Eurostat for which contact persons at the statistical authorities were used. Using its personal networks the research team invited experts from all Member States, including Croatia³. Experts willing to act as national correspondents could be identified in 24 Member States⁴. However, despite extensive communications, universities and other relevant institutions in France, Italy, Malta, and the United Kingdom were unable to assign correspondents for the project.

The project team drafted a questionnaire to be completed by the national correspondents, covering more or less the same issues as the Eurostat survey (the TrafStat questionnaire can be found in Appendix A). The TrafStat questionnaire included detailed definitions of all key terms and requested the correspondents to provide national data approximating the definitions regarding the years 2010, 2011, and 2012. It was explained that the sole purpose of collecting actual statistics was to test the feasibility of collecting such data using the TrafStat definitions. Correspondents were asked to specify possible deviations of their national statistics from the definitions and to answer sets of specific questions regarding metadata on problematic aspects. Both the numerical and verbal replies were inserted in a comprehensive database which is published as a separate report (Campistol, Aebi, Van Dijk, & Van der Knaap, 2014). In the final part of the questionnaire correspondents were invited to give examples of emerging trends in human trafficking based on non-statistical, case-based information, and to provide examples of any newly developed interventions or practices in their countries (e.g., investigation methods, types of therapy).

All 24 national correspondents were invited to participate in a two-day seminar in Amsterdam on 23-25 September 2013. A total of nineteen correspondents were able to participate. The TrafStat team introduced the data and metadata collected for each of the four sets of

² This is, for example, not the case with the National Rapporteur of Finland. In the Netherlands statistical data on victims are collated by a dedicated agency CoMensha, formerly La Strada Netherlands on behalf of the National Rapporteur.

³ With a view of contacting potential correspondents the full TrafStat team participated in the seminar on "Sharing Best Practices in Harmonized Data Collection on Trafficking in Human Beings", organized by the project "Prevention and Extended Harmonized Data Collection System of Trafficking in Human Beings", on 26-27 March 2013 in Bratislava.

⁴ In some countries correspondents could only access specific parts of the data collection system. For instance, our Spanish correspondent, a Deputy Prosecutor from the Foreigners Unit at the Spanish General Prosecutors Office, could only provide data and metadata on offenders.

THB-indicators (on Identified/Presumed victims; Assistance and protection; Offenders; Emerging trends). After each introduction, the group first discussed the meaning and availability of national data in break-out groups composed of countries from the same geographical regions in Europe. Subsequently, the conclusions of the breakout groups were presented and discussed in plenary meetings. At the closing session of the seminar presentations were given by Corinne Dettmeijer (Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children) titled 'To count or not to count? The utilization of statistics' and Alexis Aronowitz (University College Utrecht) titled 'Future possibilities for the utilization of EU THB statistics'. The seminar was closed with a plenary group discussion on the main conclusions. Minutes of the seminar were distributed among participants and are available for interested parties. Participants have also received key parts of the draft version of the present report for feedback and their written suggestions have been duly incorporated in the final text.

According to the research team, the application of the Sourcebook methodology has been successful. Both the completed questionnaires and the seminar provided a wealth of information. We were also positively impressed by the response to the open question on emerging trends in the questionnaire. A complicating factor was that experts on human trafficking statistics could not be easily found in all Member States and in some Member States simply did not seem to exist. In our experience collaborating with a network of correspondents has nevertheless proven to be highly effective. Such network is probably indispensable for the production of comparable statistics on a complex crime as human trafficking, especially considering the remarkable differences between countries' data collection systems. After the final Amsterdam seminar, extensive written communications continued with some correspondents about pending issues and new developments. As we will argue in more detail in the final chapter of this report, our experiences suggest that the establishment of a permanent EU network of correspondents on THB statistics would seem recommendable.

Phase 2 of the project addressed the possible utilization of comparable statistics on human trafficking from a policy perspective. For this phase expert papers were commissioned to three experts from outside the team in order to ensure a critical appraisal of the data collected by Eurostat and/or TrafStat and fresh analytical approaches. The three commissioned papers were written by Alexis Aronowitz, University College Utrecht, the Netherlands ('Future Possibilities for the Utilization of EU Statistics on Human Trafficking'), Seo-Young Cho of the Philipps University of Marburg, Germany ('Towards a Comprehensive Index on Anti-trafficking Policy- An Assessment of the 3P Index, GRETA-based Scorecard and Eurostat'), and Helmut Sax, Ludwig Boltzmann Institute of Human Rights, Vienna, Austria ('Rights-based

early warning indicators on trafficking in human beings- some conceptual considerations'). The papers have been included in Appendix B. A second seminar was organized on 3-4 February 2014 to discuss these papers with participation of the authors, five of the national correspondents (from Croatia, Finland, the Netherlands, Poland and Portugal), two representatives from international NGOs (Marieke van Doorninck of La Strada International and Klara Skrivankova of Anti-Slavery International), and Kristiina Kangaspunta, Chief of the Unit responsible for the Global Report on Human Trafficking at the United Nations Office on Drugs and Crime (UNODC). Minutes of the second seminar are available for interested parties

III Victims of human trafficking

Introductory remarks

International legal instruments on human trafficking including the EU Directive of 2011 are explicitly victim-focused. Their objectives are not just to prevent and combat trafficking but to offer adequate protection and assistance to the victims as well. The special interest in statistics on victims of human trafficking is therefore not surprising. Such statistics are important for the purpose of monitoring the implementation of the victim-centred provisions in the Directive. As stated in the first Eurostat working paper on Trafficking in Human Beings (Eurostat, 2013), the collection of statistics on victims of human trafficking is more challenging than those on traffickers. Statistics on the numbers of persons convicted for types of crime are universally available in European countries from court statistics. Almost all Western countries have also started to collect statistics on the numbers of suspects per crime type based on police administrations. Statistics on traffickers, then, can be derived from existing statistical systems. Statistics on victims of crime are less readily available.

From a strictly legal perspective the only valid statistics on officially recorded victims would relate to persons identified as victims in definite court verdicts on criminal cases⁵. Only in those cases it is certain that an offence has been committed victimizing one or more persons. In reality the application of even this very narrow definition of a victim will not produce reliable statistics. The difficulty is that court verdicts, though always referring to the person(s) convicted, will not necessarily also mention the victims involved. In fact, in a sizeable proportion of all criminal cases no personal victims are involved at all (so-called victimless crimes such as drug trafficking or corruption). If personal victims are involved they will not automatically be recorded in the verdicts either. In civil law countries victims will be mentioned if they have constituted themselves as party civil (or in some countries as assisting prosecutor). In common law countries, victims will be recorded if they have presented a statement to the court and/or if the suspect has been ordered to pay compensation. Such court statistics, then, relate to victims who have been assigned or claimed a special status in

⁵ An example of statistics on identified victims referring to persons recognized as aggrieved parties in convictions for human trafficking are those published in the annual reports of the National Rapporteur of Sweden.

the trial as victims but not to all victims which may have been implicated in the case. Police statistics on recorded crimes, or on persons suspected of having committed offences, do not necessarily include information on the victims involved either. Such administrative statistics are often exclusively offender-centred too. In other words, the collection of statistics on *victims* of human trafficking is unprecedented in official criminal statistics. The collection of victim-based statistics requires innovative approaches⁶.

To complicate matters further, data on victims of human trafficking are highly sensitive due to the vulnerable position of the persons involved. Victims of human trafficking can be vulnerable due to their irregular status as immigrants, involvement in criminal acts and/or prevailing prejudices among the public. Such data should not be traceable to individual persons and must therefore comply with the highest possible standards of data protection. According to some experts, due caution is also needed in analysing aggregated statistics to avoid possible negative policy implications for marginalized groups⁷. In our study only anonymous data have been collected or used.

Identified victims in Eurostat's 2013 report

Pursuant to its objective of advancing victim protection, the 2011 EU Directive obliges Member States to “take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organizations” (Article 11, par 4)⁸. In the preamble under point 18 the Directive stipulates that “A person should be provided with assistance and support as soon

⁶ In some countries statistics are available of the estimated numbers of victims based on sample surveys among the public about recent experiences of crime (victimization surveys). Surveys among population groups at risk to be victimized by THB have been pilot tested in just a few countries (ILO, 2011; Zhang, 2013) but have not yet been conducted at a sufficiently large scale to constitute an alternative source of information on the numbers of victims.

⁷ The datACT conference, organized by KOK and La Strada International, took place on 25th to 27th September 2013, “*Data protection and right to privacy for marginalized groups: a new challenge in anti-trafficking policies*”. The conference brought together experts from politics, academia and civil society to discuss data protection and privacy rights issues for marginalized groups. Materials are available online at <http://www.dataact-project.org/en/international-dataact-conference.html>.

⁸ See also Article 10, paragraphs 1 and 2 of the Council of Europe Convention on Action against Trafficking in Human Beings of 2005 and the comments in the explanatory report on these paragraphs. No similar provision is included in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons of 2002.

as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness". Under the same point Member States are also reminded of their obligation to offer assistance to victims who do not reside lawfully in the country concerned during the reflection period. The obligation to offer a reflection period to third-country nationals is governed by Council Directive 2004/81/EC. The double obligation to establish appropriate mechanisms for early identification and to provide assistance and protection as soon as there is a reasonable-grounds indication of someone being a victim of human trafficking, implies that in all Member States 'appropriate mechanisms' must be in place to identify victims of human trafficking in collaboration with relevant support organizations as well as mechanisms to identify presumed victims on a reasonable-grounds basis. This obligation implies that all Member States should in principle be able to produce statistics on all persons who have been identified as victims of human trafficking by the special 'mechanisms' purposely created for this purpose. Member States can also be expected to be able to produce statistics on victims who have passed a reasonable-grounds test but who have not yet been formally identified as victims (presumed victims).

Considering the above-mentioned provisions in the Directive, and the similar one in Article 10 of the Council of Europe Warsaw Convention of 2005 to which nearly all Member States have acceded, it stands to reason that Eurostat in its questionnaire asked for the numbers of identified and presumed victims. The questionnaire states: "The identification of victims of human trafficking depends on national systems in Member States: An 'identified victim' is defined as a person who has been formally identified as a victim of trafficking in human beings according to the relevant formal authority in Member States. A 'presumed victim' of human trafficking is defined as a person who has met the criteria of EU regulations and international Conventions but has not been formally identified by the relevant authorities (police) as a trafficking victim or who has declined to be formally or legally identified as trafficked".

In its first working paper on Trafficking in Human Beings, Eurostat (2013, p. 23) adds the following explanatory notes:

“Data on the total number of victims of trafficking in human beings is likely to be the most difficult statistic to collect. Data might be available in registration systems of different services. In police registers when victims have reported the crime, border guards might react on trafficking signals at (EU) borders and labour inspectors might pick up signal of victims of human trafficking during their (regular) controls on working conditions in businesses. Immigration services will register trafficked persons from third countries who are granted a residence permit based on Directive 2004/81. Victim assistance services might register a victim when the victim has requested assistance and different authorities will refer a potential victim to the police. Some Member States have a registration system linked to their National Referral Mechanism”.

As explained above, the 2011 Directive does not specify what identification mechanisms should be established, nor does the Warsaw Convention just mentioned. In fact, neither of these legal instruments offers a clear definition of an identified victim of human trafficking. The concept of a National Referral Mechanism (NRM), mentioned by Eurostat, has been elaborated in a Handbook of OSCE/ODHIR (2004): “At the core of every NRM is the process of locating and identifying likely victims of trafficking, who are generally known as ‘presumed trafficked person’. This process includes all the different organizations involved in an NRM, which should co-operate to ensure that victims are offered assistance through referral to specialized services” (p. 16). In this text, an NRM seems geared toward the comprehensive identification and referral of presumed trafficked persons.

In the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, the European Commission refers to the commitment of Member States to establish “formal, functional national referral mechanisms” by the end of 2012. The Commission also announced its intention to develop guidelines on how to design or redesign NRMs by 2015⁹. Upon adoption of such guidelines there might be more clarity on the definitions and counting rules regarding presumed and identified victims. At this juncture, NRMs do not exist in

⁹ The establishment of NRMs has been recommended by the Experts Group on Trafficking in Human Beings (Report, 2004).

all Member States and existing NRM show considerable variation (for a critical review see OHCHR, UNHCR, UNICEF, UNODC, UN Women, & ILO, 2011).

In the questionnaire issued by Eurostat, further guidance is given on the numbers of identified and assumed victims: “The most accurate system for registration of human trafficking victims will be the national register (if it exists) for all ‘identified’ and ‘presumed’ victims. National rapporteurs or equivalent mechanisms may have a mandate to collect data and thus have an overview of all human trafficking victims” (Eurostat, 2013, p. 23). The guidance continues with: “When data are gathered from different services it is obviously important to avoid double counting of victims in the data reported to Eurostat” (Eurostat, 2013, p. 23).

Since only few Member States have established National Rapporteurs or equivalents with a mandate to maintain integrated datasets on victims, Eurostat expected data to come from a variety of different organizations. Eurostat has requested Member States to report on numbers of victims by registering organizations separately. The guidance explains (Eurostat, 2013, p. 23):

“The total number of victims (by gender and age) by registering organisations is required. The identified categories are: police, NGOs, immigration, labour inspectors, border guards and “other”. Please provide data on as many categories as possible. Specify additional organizations in the category “other” in the metadata. Data are requested on the **total number** (not percentages) of **both** (if possible) ‘identified’ and ‘presumed’ victims of trafficking in human beings by the relevant authority. To ensure comparability, data on ‘identified’ and ‘presumed’ victims should be provided **separately**. The date of registration of the victim at the moment of their first interview, intake, report etc. with the relevant authority should be used to decide the appropriate year. Data on ‘identified’ victims will most likely come from the police. Data on ‘presumed’ victims of trafficking in human beings may be available from national rapporteurs (or equivalent mechanisms which tend to act as national coordinating bodies), victim assistance services, immigration services, labour inspections and border guards”.

The guidance ends with advice on ways to avoid double counting, e.g. by recording victims' date of birth, respecting data protection laws.

The guidance on the numbers of trafficking victims given by Eurostat can be characterized as tentative and indicative. It is assumed that all Member States will possess a mechanism to identify victims of trafficking in accordance with the Directive and thus be able to report on numbers of identified victims. It is assumed that in some but not all Member States National Referral Mechanisms are in place that are responsible for such identification. Regardless of this, it is assumed that identification is mainly or exclusively in the hands of the police. Possibly available statistics on presumed victims are supposed to come from National Rapporteurs or Coordinators, victim assistance services immigration services, labour inspectorates and border guards. Member States are requested to avoid double counting.

In its report presenting the results of the first round of data collection, Eurostat concludes that identified victims are victims identified by a relevant authority, in most Member States the police (Eurostat 2013). Fifteen Member States have reported on identified victims only. Ten Member States have reported on both identified and presumed victims and two Member States on presumed victims only. In table 1 in the Eurostat report, identified and assumed victims have been added up to totals per country and to a total for the EU. It appears that the total numbers of victims per 100,000 population show extreme variation, ranging from 0.1 in Hungary, Lithuania and Portugal to 5.7 in Bulgaria, 6.0 in the Netherlands and 6.3 in Cyprus. The report notes that, as expected, the police are the principal source of information. There is considerable variation in the reporting organizations, though. Nine EU Member States have provided information on identified or presumed victims from NGOs and ten from other sources. Other sources show wide variation: Social services in Denmark, reception centres in Finland, victim services in Poland, prosecutors, social services and international organizations in Romania, a special agency mandated to act as clearing house of such statistics in the Netherlands, and local authorities, regional councils and social services in the United Kingdom.

The Eurostat report contains for eighteen countries so called country notes on the numbers of victims providing metadata detailing the precise source and meaning of the numbers per country. This overview shows a stunning variation in what the concepts of identified and presumed victims actually mean within the institutional context of a country. Some exam-

ples may suffice to convey the scope of variation. In the UK, the statistics seem to refer to victims definitely identified through the National Referral Mechanism, either by the specialized unit within the police or by the Border Agency. Victims who have been provisionally identified on a reasonable-grounds basis, but whose victim status is not confirmed later in the process, seem to have been left out. The latter, presumed victims, are excluded although most of them will have received assistance for several months. If they had been included as presumed victims the total numbers for the UK would have been almost twice as high. Furthermore, the UK numbers have been broken down by the organization that acted as First Responder (early identifier). These First Responders include a variety of different organizations. These early identifiers cannot be compared with the different competent authorities in other countries.

In Belgium, the concept of an identified victim refers to third-country nationals who were granted a recovery period or residence permit by Immigration Services upon a decision of the prosecutor and who have been received by any of the three dedicated reception centres in the country. These formally identified victims make up just a small part of all victims of trafficking in Belgium because nationals and other EU nationals are not included. For this reason Belgium is one of the five countries where relatively few victims have been identified and where many more victims have received assistance according to the statistics provided¹⁰.

Germany reports on victims identified by the police, excluding victims who have received assistance from NGOs without formal identification by the police. Germany has not reported on the numbers of these presumed victims. In Ireland an NRM is in operation but since it is not functioning in practice, the numbers of recorded victims refer to all victims who have been in contact with the specialized unit within the police.

The Netherlands has reported on the numbers of victims recorded by an NGO (CoMensha), operating on behalf of the National Rapporteur as observatory/clearing house for all relevant state institutions and NGOs encountering victims of human trafficking. These victims are counted as presumed victims. This recording mechanism covers many more victims than

¹⁰ As will be discussed in the chapter on Assistance, higher numbers of victims assisted than victims identified can also be the result of different counting rules concerning persons assisted (e.g. reflecting the stock of assisted victims rather than those entering the system in the course of a year).

those formally identified by the police/immigration in the framework of the Dutch identification mechanism for victims who are irregularly residing in the country (governed by Immigration Regulation B8/3Vc).

According to the evaluation report of the Council of Europe's Group of Experts on Action against Human Trafficking (GRETA; www.coe.int/trafficking), France has not established a formal identification mechanism for victims of human trafficking (Council of Europe, 2013b). The numbers of victims reported on by France seem to be detracted from police administrations and appear to also include victims of pimping or of smuggling of migrants. The statistics on 2009 and 2010 previously provided by Spain to Eurostat are likewise based on police administrations and seem to have been similarly lacking in specificity (e.g. including victims of pimping and/or smuggling). From 2011 onwards, these police-based statistics are limited to victims of the offence of human trafficking¹¹.

This overview of some examples may suffice as evidence that the concepts of identified and presumed victims are interpreted by the Member States in such highly diverging ways as to seriously compromise the comparability of the statistics on persons so defined.

TrafStat

Considering that the comparability of statistics on formally identified and presumed victims seems limited, we have during the preparation of the TrafStat study considered what would in the present circumstances be a more appropriate and unifying definition of a victim of human trafficking. Considering that the collection of THB statistics by the European Commission takes place against the background of existing Directives, the definition should to the extent possible be based on provisions in these instruments. The second Directive assumes, as said, the existence of an identification mechanism of some kind. Hence the concept of a (formally) identified victim was used in the Eurostat questionnaire. It appears from the Eurostat working paper that Member States apply very different identification mechanisms. Some use National Referral Mechanisms, others do not. For historical reasons identification mechanisms in several destination countries seem to be focused on third-country

¹¹ The Eurostat 2013 report includes 1,605 victims for Spain for 2010. In the GRETA evaluation report the number for 2011 had gone down to 234 (Council of Europe, 2013c).

nationals who are entitled to a reflection period under the 2004 Directive. Belgium, just mentioned as a country with a restricted definition of identified victims, is a case in point. Such limitations explain why in several countries more victims have received assistance than have been formally identified. In the Netherlands the principal identification mechanism is nested in a special immigration regulation¹². This formal identification system misses victims who are nationals or EU nationals with a residence permit. The latter victims can also receive assistance and police protection¹³. For this reason the Netherlands has delinked the collection of statistics on presumed victims from the formal identification mechanism and put it into the hands of CoMensha.

In the future, Member States may well receive guidance from the Commission on National Referral Mechanisms. In that case the formal identification processes used in the EU are likely to converge. The new generation of harmonized NRMs would then form a basis for the collection of comparable statistics on identified and/or presumed victims. For the time being such harmonization is far from a reality. In this situation it seemed better to dispense with the distinction between formally identified and presumed victims. We decided in our study to simply ask Member States to report on all persons who have passed a reasonable-grounds test and have been offered protection or assistance in accordance with Article 11 of the 2011 Directive or any other right or service funded by the State. At the end of this chapter we will return to the issue whether this would indeed be a promising approach to be pursued by Eurostat in the future. As we will argue, this depends to a large extent on the future decisions of the Commission regarding the planned guidelines on NRMs. Here we will report on the results of our own pilot test using the new, broader definition of identified victims.

The TrafStat questionnaire defines as recorded victim of human trafficking “a person who has received from a relevant formal authority a status that implies that he/she has certain rights and entitlements. Examples of such rights and entitlements are: a permanent or provisional residence permit, a reflection period, or some kind of special assistance, in accordance with the European Council Directives 2004/81/EC and 2011/36/EU”. The TrafStat ques-

¹² The B8 regulation

¹³ The allocation of services to all victims is in principle coordinated by the same agency which acts as clearinghouse for all recorded victims, CoMensha. This central allocation function resembles the one of the Salvation Army in England/Wales.

tionnaire explains that the 'relevant formal authority' granting the status will usually be the police "but, in some countries, the status of 'identified victim', sometimes under the denomination of 'presumed victim', can be granted by other authorities, such as the Border Police, the Immigration Services, a State Agency for Social Welfare or mandated NGOs. For example, NGOs are mandated to identify victims in Italy and Austria. In several countries, such as Denmark, State Agencies for Welfare or Social Services identify some categories of victims. In the United Kingdom, Immigration Services identify foreign victims".

Correspondents were asked to provide statistics on the total number of identified victims registered by any relevant formal authority for 2010, 2011 and 2012. The formal authority was broken down into the following categories: police, border police, formally mandated NGO, immigration agency, labour inspectorate or other (to be specified). As in the Eurostat questionnaire, breakdowns were asked on gender, age, type of exploitation and nationality. It must be emphasized that correspondents were asked to provide statistics for the purpose of elucidating the underlying statistical problems.

In the questionnaire, the correspondents were asked about the precise sources of the data provided. They were subsequently asked whether the definition used by them wholly or partially corresponds to the TrafStat definition and if not, to specify any deviations. They were also asked a set of specific questions on the nature of the national data: Do they include victims of migrant smuggling?; Can individuals be counted more than once during a year?; Is double counting avoided across different organizations or in different countries?; At what moment is the age of victims determined? Correspondents were also asked whether the recording methods had been changed between 2010 and 2012.

Almost all participating national correspondents have provided metadata in response to the questions in the questionnaire that offer more detail than the relatively limited metadata provided to Eurostat. A review of responses shows that most correspondents have conscientiously tried to explain the existing ways in which victim data are collected. During the first seminar of the TrafStat project, correspondents of the participating countries were interviewed in working groups on remaining questions regarding the metadata provided in writing.

It appears that several countries are indeed able to produce more or less comprehensive counts of all victims who have received any kind of service from a state institution and/or a

mandated NGO. Such comprehensive systems are in place in Croatia, Denmark, Ireland, Latvia, Portugal, the Netherlands and Romania. In Croatia, the Office for Human Rights maintains a database on all victims identified by the so-called mobile teams comprising both police officers and NGO staff. In Poland statistics on victims assisted by NGOs operating outside the state-funded program are missing but could in the future also be added. The system in Portugal, run by the Ministry of Interior's Observatory of Trafficking in Human Beings, seems comprehensive as it collects data from four law enforcement agencies, labour inspectors, Social Security, NGOs, religious organizations, and from shelters (for women and for men), thus covering a range of institutions whose knowledge reflects different stages of intervention on the problem. Although previously some institutions did not comply with their reporting obligations, and as such limited the comprehensiveness of the system, currently only one institution still refuses to provide data to the Observatory. The systems in Denmark, Ireland, Romania and the Netherlands appear to be comprehensive and fully functioning. Latvia can probably provide comprehensive statistics on identified and presumed victims together in the near future.

Comprehensive systems seem under development in Bulgaria, the Czech Republic, Hungary, Poland¹⁴ and Slovakia. Correspondents from the Czech Republic responded that statistics are available only on those victims who have entered the state-funded program but that victims serviced by other NGOs could in the future, with some difficulty, be added. In Bulgaria the existing comprehensive database, originally limited to victims who have taken part in criminal proceedings, now also includes victims identified by NGOs.

As said in the introductory chapter, the UK did not take part in TrafStat. From other sources such as the Eurostat 2013 report and the 2012 GRETA evaluation report on the UK, information on the institutional arrangements in the country could be assembled (Council of Europe, 2012). Persons who have been referred by First Responders and have passed a reasonable-grounds test are referred to a mandated NGO (Salvation Army) which in turn is responsible for the allocation of assistance and other services through a network of state-funded service-providers. The total number of persons passing the reasonable-grounds test

¹⁴ In Poland, victim statistics are collected by the Anti-trafficking Unit at the Ministry of Justice mainly based on the data provided by an NGO mandated to identify national and non-national THB victims (KCIK).

approximates the TrafStat definition of identified victims, although victims serviced by NGOs outside this system are not included.

To sum up, in a total of thirteen Member States the production of more or less comprehensive statistics on victims seems feasible. They should in future rounds of data collection be able to at least approximate the newly proposed broad definition¹⁵. As is to be expected, most of these countries with more or less comprehensive databases have over the years introduced techniques to avoid double counting by different organizations while adhering to data protection standards. In many countries data protection has been a contentious issue but apparently satisfactory technical and/or organizational solutions have been put in place. Among this group Bulgaria and Poland seem still to be struggling with this issue.

In most of the other countries the available statistics on victims are dependent on existing arrangements that cannot be easily changed or even amended. Among these countries three main groups can be distinguished: Those countries where recording is largely in the hands of the police, countries where it is run by mandated NGOs, and countries where there are parallel systems of both.

In Sweden, the number of identified victims refers to the number of victims in trafficking cases registered by the police and/or prosecution authority. In Cyprus, France, Germany, Greece, and Luxembourg, statistics on victims are derived from existing administrative databases of the police forces. In France these police-based statistics are inflated because they include cases regarding pimping and smuggling of migrants. In the absence of an NRM, no other sources on identified victims are available in the country. In Spain, the situation seemed somewhat similar. Available statistics on numbers of victims of human trafficking used not to distinguish between victims of human trafficking and victims of smuggling or pimping. From 2011 onwards, however, the police statistics refer to human trafficking only. In Germany, the only available statistics on victims of human trafficking are those on victims identified by the police which are collected by the Federal Police (BKA). These statistics are

¹⁵ In some of these countries the available statistics might have to be tweaked somewhat to approximate the TrafStat definition. For example in the Netherlands the numbers of presumed victims reported to CoMensha by the border police (Koninklijke Marechaussee) might have to be deducted since these reports are based on mere suspicions and the victims do not receive any follow up service upon entry into the country (see Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen, 2014).

known to be an undercount since not all victims receiving services from state funded institutions are identified by the police. NGOs rendering services to victims may publish data on their clients in their annual reports but do not share these data with any federal agency. During the TrafStat study we were informed of plans of the Federal Government of Germany to establish a National Rapporteur with a mandate to collect comprehensive statistics on victims. If that plan materializes, Germany can be added to the list of countries possessing comprehensive systems (making the total fourteen).

In Sweden, statistics on victims are collected by the police and the prosecutor's office. In Cyprus, Greece, and Luxembourg, statistics on victims are exclusively collected by the police. If we have understood correctly, identified victims from Lithuania refer only to those victims who have assisted in investigations into human trafficking cases by the police.

In Belgium, statistics on identified victims are collected by three mandated NGOs rendering services mainly to third-country nationals who have been identified by the police. In Estonia the only available statistics on victims seem those collected since 2011 by a network of mandated NGOs under the supervision of the Ministry of Social Affairs.

In the remaining countries victims are counted by more than one organization, usually the police and mandated NGOs parallel to each other. This is the case in Austria where the Criminal Intelligence Service collects such data as well as mandated NGOs. The totals of these systems cannot be added up because no formal system to avoid double counting is in place. In Finland the statistics provided to Eurostat seem to have been collected by the police. Statistics on all victims who have received assistance are independently collected as well. However, it is at present not possible to determine the overlap between the two systems. In Italy, Malta and Slovenia too parallel statistical systems on victims of the police and of mandated NGOs seem to exist next to each other. Eurostat's 2013 report indicates that in Italy the database with data from NGOs shows much higher numbers than the database at the Ministry of Interior.

Conclusions

Our overview shows first of all that Member States possess highly diverging structures for the collection of data on THB. For a proper understanding of what the statistics provided by

the individual Member States mean, the legal and institutional context of each country needs to be taken into account. In Appendix C we have given a rough sketch of the national context of statistics on identified/presumed victims of all 28 Member States.

The results show that in half of the Member States (fourteen) comprehensive, multi-source datasets on THB victims are maintained (Bulgaria, Croatia, Czech Republic, Denmark, Hungary, Ireland, Latvia, the Netherlands, Poland, Portugal, Romania, Slovakia, United Kingdom) or are likely to be maintained in the near future (Germany). These countries are or will soon be able to report to Eurostat on the numbers of victims of human trafficking who have been formally identified and/or who have received services from any state institution of state-funded NGO. The totals are likely to be significantly higher than the numbers published by Eurostat in the 2013 working paper. These countries will also be able to provide the relevant breakdowns required by Eurostat.

In an additional five countries (Austria, Finland, Italy, Malta, and Slovenia) parallel systems are maintained. The development of a comprehensive system seems feasible if agreements could be reached on data exchange between the police/Ministry of the Interior on the one hand and mandated NGOs on the other. Data exchanges would also require the application of techniques to avoid double counting, while safeguarding data protection. In Finland the newly appointed National Coordinator is mandated to coordinate data collection on THB from 2014 onwards and a comprehensive count seems within reach. Agreements on data exchanges in other countries will probably be more easily achieved if the supervision is in the hands of an independent National Rapporteur as is the case in the Netherlands. Germany might soon provide another example of such arrangement.

For the remaining nine countries the prospects for the production of credible statistics seem also relatively favourable in Belgium and Estonia where NGO-based databases exist. These would then need to be supplemented by police-based datasets. In Estonia data collection used to be done by NGOs but a new system with a more prominent role for the police is under development and guidelines for comprehensive data collection are being prepared.

In just seven remaining countries the development of a comprehensive data collection system seems to pose a formidable organizational challenge. In France, currently, statistics on victims are derived from police administrations on investigations. Victims are not formally identified by any state institution and/or NGO. The establishment of a comprehensive data

system will require major efforts regarding identification. In Spain victim statistics are likewise investigations-based but an NRM is in operation, implemented by police officers, and this could in the future form the basis of improved data collection on identified victims. In Cyprus, Greece, Lithuania, Luxembourg, and Sweden comprehensive systems can only be set up if social services and/or mandated NGOs would start to collect such data from their administrations and enter these into a collective database with possibilities to avoid double counting.

Recommendations on statistics on victims

Although the collection of statistics on victims is plagued with problems, the results of our study regarding the available data on victims are encouraging. A majority of Member States seems institutionally and operationally capable of providing, or at least approximating, comprehensive statistics on the numbers of victims somehow identified in their countries by state institutions or state funded NGOs. It seems likely that the ongoing sweep of data collection by Eurostat will already produce better results than those presented in the 2013 report. It seems also likely that subsequent sweeps, using broader but more directive definitions, as the one tested in the TrafStat study, will produce even better, more comprehensive statistics on victims from an increasing number of Member States.

We recommend to Eurostat to use in future questionnaires one broad all-encompassing definition of victims along the lines of the definition used in the present study. This primary count of victims should include all persons who have been recognized as deserving any of the services mentioned in the EU Directives. Such recognition could be called low threshold identification and the differentiation between presumed and identified victims could be discontinued. This amendment would imply a reduction in the questionnaire and in the reports on the findings. If EU guidelines on NRMs will be issued, and duly implemented by the Member States, data might perhaps be collected of those victims formally identified through the harmonized National Referral Mechanisms¹⁶. At this juncture, however, it is not

¹⁶ It seems worth noting that the UNODC questionnaire on human trafficking statistics asks Member States to report on the numbers of identified victims without further clarification of the concept of identification. This definition seems even more open than the one used by Eurostat. The use of this broad definition compromises the comparability of the resulting data. In our opinion this argues

possible to assess the added value of collecting statistics on officially identified victims in addition to the statistics on all victims recognized as deserving services, protection, or rights.

We are in full agreement with the statement in the Eurostat report that the numbers of identified and/or presumed victims must not be interpreted as reflecting the prevalence of such victimization in individual countries or in the EU. Variations across countries or across time are largely caused by differences or changes in recording practices. In this respect, human trafficking statistics do not differ from other criminal statistics such as the numbers of police-recorded offences published by Eurostat (Eurostat, 2013). If the Commission would want to arrive at estimates of the true prevalence of victimization by human trafficking/criminal exploitation like the estimate pioneered by ILO (2012), it would need to commission survey research among high-risk groups across a selection of Member States.

In the presentation of the statistics on THB victims in the upcoming 2014 Eurostat report, it seems advisable to continue the earlier presentation of tables combining identified and presumed victims. The concepts of identified and presumed victims have, as explained, very different meanings across the Member States. The combined numbers reflect the total of victims who have been somehow recognized by the Member States as deserving victims of THB services in accordance with the EU Directives. These statistics can also be used as basis for the construction of performance measures, e.g. percentages of all recorded victims receiving assistance, reflection period or compensation.

In countries where the numbers of victims who have received assistance are larger than those who have been identified, such as Austria, Belgium, the Czech Republic, Finland and Latvia, Eurostat may want to use the latter statistics as proxy for all identified victims. The low numbers of identified victims provided by these countries seem to be mainly caused by undue limitations in the formal identification process.

For a proper understanding of the statistics on victims provided by countries, more knowledge is needed on the institutional arrangements concerning identification of victims, or the lack of these, and on the collection of statistics on victims (sources and treatment of

against the adoption of the UNODC data gathering mechanism as a substitute for the independent one of Eurostat, however efficient this might seem. In our view the Eurostat data gathering should as closely as possible reflect specific EU legislation and guidelines regarding anti-THB policies.

possible double counting). We therefore recommend the inclusion of more questions on metadata in the next Eurostat questionnaire and report. This effort could be informed by the questionnaire and outcomes of the TrafStat study as provided in Appendix A of this report (the questionnaire) and the publication 'Trafficking in human beings in Europe: Towards a sourcebook on data and statistical recording methods (TrafStat Project)' by Campistol et al. (2014).

Within the EU victims can, and in fact should be, double counted if they are primarily identified in an EU destination country and subsequently referred to or officially received in their EU countries of origin, or any other Member State. However, in the calculation of the total numbers of victims identified in the EU, controls should be entered for the effects of this cross-country double counting. To facilitate these controls, Member States must be asked to differentiate between those identified victims exploited in the registering country and those exploited elsewhere in the EU. Those exploited elsewhere should be earmarked as having possibly been double counted. The Commission might want to consider to commission further studies on the extent of such double counting, e.g. by interviewing victims in source countries about their possible, earlier identification elsewhere.

We recommend a critical re-examination of the victim statistics provided by some individual countries. As explained, the statistics provided by France are a case in point. It seems likely that a large part of the victims appearing in police files have not been victims of human trafficking but of other offences and should not be included in the Eurostat tables. A similar re-examination seems warranted for the statistics provided by Spain, although the newly provided statistics might be more focused on human trafficking than was the case previously. We also feel that the statistics on victims from Lithuania should be critically assessed because they seem limited to victims recorded during criminal investigations only.

The development and maintenance of a comprehensive, integrated database which combines data from state institutions and NGOs is likely to be significantly facilitated by the establishment of an independent National Rapporteur. Independent rapporteurs are better placed to gain the trust of NGOs and to safeguard adherence to data protection standards. Such rapporteurs and/or the EU THB Coordinator would also be well placed to provide (individually or collectively) the necessary analysis and interpretation of available THB statistics collected by Eurostat from the Member States.

Finally, we want to add a comment on the EU guidelines under preparation on National Referral Mechanisms. In the design of these guidelines the following considerations should be taken into account. The introduction of such EU guidelines would contribute to harmonization of the concept of identified victims but may also entail unforeseen negative consequences. Although NRMs are tools to ensure a proper outreach in the provision of services, rights and protection under the EU Directives, they seem in practice in some countries to have had unintended negative side-effects. First, they seem to have resulted in the provision of high-quality services to some categories of victims to the exclusion of others. Historically, NRMs in many destination countries have been established to ensure that third-country nationals can profit from reflection periods and tailored packages of assistance and protection. Unfortunately, the organization of tailor-made services for those officially identified as victims tends to be mainly offered to third-country nationals and not, or to a lesser extent, to EU nationals or country residents. It could be argued that third-country nationals find themselves in a comparatively more difficult situation. However, access to appropriate services is far from assured for EU nationals as well. The latter victims often have to fend for themselves in a maze of welfare, employment or child protection arrangements. Specialized services such as counselling by THB experts are not always readily available outside the dedicated reception centres for third-country nationals¹⁷. As a consequence, EU nationals are at risk to be treated less well than third-country nationals.¹⁸

Secondly, formalized identification systems might increase the threshold for seeking or receiving help. With a view of the far-reaching immigration implications of an official victim status, the identification of victims is in many destination countries the responsibility of specialized police officers. However victim-sensitive these police officers may be, their professional outlook is oriented towards collecting evidence against possible suspects. This focus may lead them to dismiss claims of victim status in cases where there are insufficient cues for a successful investigation. In addition, victims who do not want to cooperate with the police in investigations, or are fearful of the police and/or immigration, may opt out of a law

¹⁷ For a research-based analysis of some problematic aspects of the identification and referral of THB victims by the police in the Netherlands see Rijken, C.R.J.J., Dijk, J.J.M. van, & Klerx-van Mierlo, F. (2013). See also the GRETA evaluation reports on Spain (Council of Europe, 2013c, p. 36-40) and France (Council of Europe, 2013b, p. 35).

¹⁸ In the study cited in note 17 THB victims of Dutch nationality complained that they felt discriminated against compared to non-EU victims.

enforcement dominated NRM altogether and thereby forsake their entitlements under the EU Directives.

Concerns about such side effects have led international experts to argue for a "low threshold approach to identification" (see OHCHR et al., 2011)¹⁹. Our proposal to apply a broad definition of identified victims for statistical purposes and to include all victims who have in any way been recognized as deserving any state-funded services or protection seems in line with the recommendations in the joint UN Commentary. In our view all deserving victims of human trafficking must, regardless of their residential status, receive all services they are entitled to under the EU Directive, and be counted as such by Eurostat for monitoring and analytic purposes.

¹⁹ "As the identification of victims by the criminal justice system may be a lengthy and difficult process, a human rights-based approach would encourage States to overcome the multiple challenges of victim identification through procedures that foster the referral of persons for whom there are reasonable grounds to believe that they have been trafficked to specialized services as soon as indicators or a suspicion of trafficking are noted. Irrespective of official and judicial identification procedures, service providers and other first responders may activate a request for immediate support in the presence of a reasonable suspicion that a person may have been trafficked. This ensures that access to basic support and assistance can be provided to individuals who are thought to have been trafficked. This approach is referred to as a "low- threshold approach" to identification of victims of trafficking. This "low-threshold approach" is a step towards addressing the assistance and protection needs of exploited persons, without prejudice to the criminal justice system process, in cases where trafficking cannot be proven by the criminal justice system". See also United Nations, Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on Trafficking in Persons, Victims of trafficking in persons, with particular emphasis on identification, Background paper, Vienna, 10-12 October 2011, (CTOC/COP/WG.4/2011/4).

IV Assistance and protection

Assistance and protection of victims in Eurostat's 2013 report

As was already mentioned in the previous chapter, the 2011 EU Directive stipulates that “A person should be provided with assistance and support as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness”. The obligation to offer a reflection period to third-country nationals is governed by Council Directive 2004/81/EC which also obliges Member States to offer assistance to victims who do not reside lawfully in the country during their reflection period. Considering that Member States have the obligation to establish appropriate mechanisms for early identification and to provide assistance and protection as soon as there is a reasonable-grounds indication of someone being a victim of human trafficking, they can in principle be expected to be able to produce statistics on victims of human trafficking who received assistance and protection. Accordingly, Eurostat asked for the number of assisted victims, the number of victims who were given a reflection period, and the number of victims who were granted a residence permit.

In the guideline that accompanied Eurostat's first round of data collection, Eurostat explained with regard to assistance to victims that “To be collected is the total number of trafficking victims that have received assistance per year. [...] This data is to be disaggregated by gender. [...] This data can most likely be provided by the different victim assistance services. Special emphasis is needed to avoid double counting in this data.” Although different types of assistance will vary in intensity and duration, Eurostat (2013) explains that these data are requested to assess the total number of victims that need assistance as well as to identify possible gender differences in assistance needs. As further guidance, Eurostat provided a short list of types of assistance, including (but not limited to) medical assistance, psychological assistance, legal assistance, short and long term shelter, vocational training, (re) integration assistance, family mediation, and resettlement assistance²⁰.

²⁰ The short list of types of assistance given in the questionnaire elaborates on the definition of assistance in Article 11.5 of the 2011 Directive.

With regard to the total number of victims that have made use of the reflection period, Eurostat specified that this data, too, was to be disaggregated by gender. In order to identify the appropriate year for reporting, correspondents were requested to use the date of registration of the victim by the appropriate authority at the start of the reflection period. Eurostat assumed that Immigration services would be the most likely service to provide these data. With regard to the data on residence permits, Eurostat's guidelines read: "To be reported is the total number of victims that received a residence permit per year based on the Council Directive 2004/81/EC. To identify the appropriate year, the date when the residence permit was granted should be used. This data is to be disaggregated by gender. The Immigration services or the police will be the authority most likely to collect this type of information."

In its report presenting the results of the first round of data collection, Eurostat (2013) reports that nineteen Member States provided data on assistance and protection for at least one of the three reporting years (2008, 2009, 2010). Ten Member States were able to provide a breakdown by gender, but not always for each of the three years. A total of fifteen Member States provided data on the assistance received by identified and presumed victims, although not necessarily for all three reference years. Eurostat comments on the finding that some countries reported higher numbers of victims who received assistance than the total number of victims identified in that same year, whereas other countries provided assistance to all victims. The fact that some countries provided assistance to fewer victims than were identified in a single year, was not mentioned but can be read from the tables in the report. Although Eurostat (2013) suggests that a higher number of assisted victims compared to the number of identified victims reflects the fact that victims may receive several types of assistance, it is also possible that these figures reflect differences between stock and flow data. Romania, for instance, mentions in the metadata that was provided that the higher number of assisted victims can be explained by the duration of the assistance that is provided.

Thirteen Member States provided data for all reference years on the number of victims who were granted a reflection period and eighteen countries reported the number of victims given a reflection period in 2010. When looking at the countries that provided data for each of the three reference years, Eurostat concluded that the number of victims receiving a re-

reflection period was stable across these years at around 275 victims per year. The number of residence permits, though, showed an increase from 703 in 2008 to 1,178 in 2010 in the fifteen Member States that provided data for each reference year. For 2010, nineteen countries reported the number of victims who were granted a residence permit. However, Eurostat included countries that reported a zero count whereas it is unclear whether this zero reflects the reality that no victims received a residence permit or, rather, a lack of available data. The metadata on the topic of assistance and protection (provided by twelve countries) gives reason to believe that several zero results actually reflect a lack of data. For instance, the metadata for Germany, that is among the countries for which Eurostat included a zero in the table on victims who were granted a residence permit, mention that data on victims given a residence permit are not available.

Twelve countries provided metadata, albeit in some cases limited to the remark that the number of victims who received assistance is not available (France, Portugal, and Austria).

TrafStat

It is important to note that many of the factors that compromise the comparability of the statistics on identified and presumed victims also influence the comparability of data on assistance and protection. While bearing this in mind, the TrafStat questionnaire had a strong focus on collecting the necessary metadata that would enable us to draw conclusions about the extent to which meaningful comparisons of EU-wide data on assistance would be possible.

Regarding assistance offered to victims of trafficking in human beings, the TrafStat questionnaire asked for “The number of victims who received assistance and protection refers to persons who effectively had access to some form of support provided by an institution. These data are usually collected by Victim Assistance Agencies.” Correspondents were requested to provide the total number of victims who received assistance—for 2010, 2011, and 2012—as well as a breakdown for gender, age, type of exploitation, and nationality. The definition given in the TrafStat questionnaire preceding the question on the number of victims who were granted a reflection period read: “The ‘reflection period’ was introduced by the European Council Directive 2004/81/EC in the following terms: “Member States shall

ensure that the third-country nationals concerned are granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities.””
The TrafStat questionnaire provided the following guidance regarding the data that were requested for the number of victims who received a residence permit: “A residence permit is a document produced by the relevant authority of a hosting country that allows a foreigner to remain in that country for a fixed period or permanently.”

In addition to the general question whether there were differences between the definitions used in the questionnaire and the ones used in their countries, correspondents were asked to indicate the source(s) of the data on assistance and protection as well as a set of specific questions on the nature of the national data: How is a victim who received assistance and protection from one agency more than once during the same year counted?; How is a victim who received assistance and protection from more than one agency counted?; Have the data recording methods described above been modified between 2010 and 2012?

The TrafStat results for the number of victims who received assistance and protection are presented in three sections. The first section focuses on the data regarding the number of victims who effectively had access to some form of support. The second section presents the data on the number of victims who were granted a reflection period, and the third section focuses on the data regarding residence permits.

As explained, the TrafStat questionnaire focused on items on which sufficient numbers of Member States were capable to provide data according to the Eurostat 2013 report. Considering the growing interest of the NGO community in the possibilities for victims of human trafficking to obtain compensation for their damages²¹ we added to the TrafStat questionnaire a question on the numbers of victims who had obtained compensation from the offender. Only six countries provided data on this additional question on compensation of which four reported zero cases and these results will therefore not be reported on here.²²

²¹ La Strada International/Anti-Slavery (2012). *Comp.act. European Action for Compensation for Trafficked Persons. Findings and Results. Toolkit on Compensation for Trafficked Persons.*
<http://www.compactproject.org/>

²² Only the Netherlands and Romania provided numbers higher than zero.

Assistance and protection

Twenty out of the twenty-four correspondents that participated in the data collection for this project provided data on assistance and protection provided to victims, although not necessarily for all three reference years²³. Furthermore, most correspondents were able to provide (at least partial) breakdowns for gender, age, citizenship, and type of exploitation. However, two countries (Finland and Ireland) only record the information necessary to make breakdowns for adult victims of THB.

When combining the information collected in project TrafStat with the information that was published in Eurostat's 2013 report on trafficking in human beings, we can conclude that data on assistance is available in 24 out of the 28 EU Member States. The countries for which data remain missing are France, Lithuania, Spain, and Sweden. Although data on assistance to victims of THB appears, in principle, to be available in Lithuania (see the Council of the Baltic Sea States 2011 publication 'Hard Data. Data Collection Mechanisms on Human Trafficking in the Baltic Sea Region'), data were considered to be incomplete which is why the TrafStat correspondent decided not to report them²⁴.

Returning to the results from project TrafStat, correspondents indicated that, in general, the only victims who are missing in data on assistance are the ones who do not wish to receive assistance or the ones who have not been in contact with any of the cooperating organizations. The exception to this is Germany, where no information is collected at the federal level. The only available data refer to victims of whom the police (Bundeskriminalamt) registered that they received some form of counselling. In addition, the Irish expert mentioned that in Ireland assistance is provided by three different state agencies of which only one systematically provides data to the police. As a result, the existing data for Ireland may represent an undercount of the number of victims who receive assistance.

Although no deviations from the operational definitions were reported, a number of differences in the meaning of available data do seem to exist which, according to the correspondents, affect the comparability of data between EU countries. First of all, data might not al-

²³ Data were missing for Lithuania, Luxembourg, Spain, and Sweden.

²⁴ "In Lithuania, all victims are referred for assistance to the NGOs financed from the state budget but not all of them accept it and, in addition, some assistance is rendered and financed from other sources. The latter two pieces of information are not reported, thus, to avoid inaccuracy, this data is not provided." (Lithuanian correspondent, September 2013).

ways reflect an accurate estimate of the total number of victims who received assistance and protection. Some correspondents warned that data might contain a measure of double counting. Two correspondents indicated that double counting might be a problem within a single year (Bulgaria and Greece) and one correspondent indicated that each NGO kept its own records (Czech Republic), suggesting that double counting might exist within the data. Second, differences appear to exist with regard to the type of assistance that is represented by the data. Correspondents indicated that differences exist in the needs of victims and the services delivered which do not show up in the data. This is also reflected in the variety of different sources of data on assistance. In many countries data on assistance and protection are collected by NGOs that offer comprehensive assistance to victims of THB. Six countries, however, reported police data, data from immigration services (because victims identified by them were the only ones that qualified for assistance), or data from the Ministry of the Interior. In five countries, data on assistance and protection was collected and reported by national centres against THB that receive their data from NGOs, the police or immigration services.

In addition to possible double counting and differences in the type of assistance that is represented by the data, there seem to be differences in the type of victims that are included in the data. In some countries, the number of identified and assisted victims is identical in each reporting year (e.g., Cyprus, Estonia). Several other countries reported that fewer victims received assistance than were identified by the authorities. Registration of assistance may, in these countries, refer to specific groups, like in the Netherlands where data refer to presumed victims who need shelter²⁵. In addition, some countries mainly deal with nationals (e.g., Bulgaria, Romania) whereas others only report assistance offered to foreigners (e.g. Poland). On a related note, some destination countries (Germany, the Netherlands) also report assistance offered to nationals whereas others do not (Belgium, Ireland).

Another issue that complicates comparisons between EU countries concerns the counting system used. Some organizations providing data on victims receiving assistance count the number of victims they assist every year, independently of the year when the victimization took place. Such figures combine stock data with flow data. As assistance can last for more

²⁵ The reporting organization, CoMensha, differentiates in its own records between victims receiving assistance including shelter and victims only receiving advice and information. Among the latter category are relatively many victims of labour exploitation and EU nationals.

than one year, the number of assisted victims in a given year can be higher than the number of identified victims. This is difficult to note in countries with low figures, but it becomes obvious in the data reported in Eurostat's 2013 report on Romania. In each of the reference years in this report (2008-2010), the total number of assisted victims is higher than the number of identified victims. For this reason, Romania now produces two figures: one for assisted persons victimized during the year of data collection, and one for persons victimized previously. For comparative purposes the first batch of data should preferably be used. Data in most other countries are flow data on persons receiving assistance: they refer to the number of persons receiving assistance that were victimized during the year of data collection (i.e. number of persons that started receiving assistance during the year of reference).

Reflection period

Seventeen out of the twenty-four correspondents that participated in the data collection for this project provided (at least partial) data on the number of victims who were awarded a reflection period²⁶. When combining the information collected in project TrafStat with the information that was published in Eurostat's 2013 report on trafficking in human beings, we can conclude that data on the number of victims who received a reflection period is available in 23 out of the 28 EU Member States. The countries for which data remain missing are France, Lithuania, Portugal, Spain, and Sweden. However, the question remains whether all zeroes that are reported in the Eurostat report reflect the fact that no reflection periods were issued or correspond to a lack of data. Austria, for instance, reported to Eurostat that in 2010 zero victims received a reflection period. In that year, 242 victims of THB received assistance according to the TrafStat data. Although no breakdown for nationality was available, it seems likely that Austria is mainly confronted with foreign victims of THB and, in accordance with an internal decree issued by the Federal Ministry of the Interior, these victims should be offered a 30-day recovery and reflection period. However, data on the number of victims who benefited from a reflection period was not reported to the GRETA either (see GRETA report on Austria; Council of Europe, 2011a). Most probably such data are not available.

²⁶ No data were available for Austria, Croatia, Germany, Luxembourg, Portugal, Spain, and Sweden.

Focusing on the results from project TrafStat, no correspondents who provided data on the number of times a reflection period was granted indicated any deviations from the definition given. Nevertheless, upon closer inspection, it does seem likely that differences exist between countries that affect the international comparability of these data. For instance, most victims that are identified in Finland are victims of labour exploitation. A work permit is normally related to the sector of work and not to an individual employer which means that victims do not lose it when identified as a victim of THB. To date, there have been very few cases identified where irregular or undocumented migrants were victims of THB.

The main between-country differences that appear to exist with regard to data on the number of reflection periods, relate to the category of victims eligible for a reflection period. According to the 2004 Council Directive (2004/81/EC) reflection periods must be granted to third-country nationals. The Council of Europe Convention on Action against THB does not mention which categories of victims should be offered a reflection period in Article 13²⁷. However, the explanatory report refers to victims illegally present in the country²⁸. In line with this guidance, most countries do not provide reflection periods to nationals. So, while some countries, like Bulgaria and Romania²⁹, also provide reflection periods to nationals, other countries only provide a reflection period to third-country nationals who have no other legal rights to reside in the country (e.g., Ireland, Cyprus). Denmark also grants a reflection period (of 30 days) to EU nationals if they want to try to stay in the country. The reflection period offers these victims a possibility to find a way to support themselves and if they manage to do so within that period, they can stay in the country. In short, although not im-

²⁷ "Each Party shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim. Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities. During this period it shall not be possible to enforce any expulsion order against him or her. This provision is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned. During this period, the Parties shall authorise the persons concerned to stay in their territory."

²⁸ Explanatory Report, paragraph 172. "Article 13 is intended to apply to victims of trafficking in human beings who are illegally present in a Party's territory or who are legally resident with a short-term residence permit. Such victims, when identified, are, as other victims of trafficking, extremely vulnerable after all the trauma they have experienced. In addition, they are likely to be removed from the territory".

²⁹ The Romanian correspondent explicitly mentioned in the completed questionnaire that, according to Romanian law, a reflection period is a right that is granted irrespective of the nationality of a victim.

mediately apparent from the information correspondents provided in the questionnaire, conditions to award a reflection period seem to differ between countries and this affects the comparability of the numbers.

Residence permits

Fifteen out of the twenty-four correspondents that participated in the data collection for this project provided (at least partial) data on the number of victims who were awarded a (temporary) residence permit³⁰. When combining the information collected in project TrafStat with the information that was published in Eurostat's 2013 report on trafficking in human beings, we can conclude that data on the number of victims who were awarded a (temporary) residence permit is available in 23 out of the 28 EU Member States. The countries for which data remain missing are France, Greece, Lithuania, Portugal, and Sweden. In Portugal, data protection rules prohibit the collection of data on the number of residence permits that is awarded to victims of THB. In other countries, the question, again, remains whether a zero in the Eurostat 2013 report reflects that no residence permits have been granted or indicates a lack of data. This question is specifically relevant in typical destination countries such as Germany (zero residence permits awarded in 2010 according to Eurostat's report) and the United Kingdom (not participating in TrafStat; zero residence permits awarded in 2010 according to Eurostat's 2013 report). Information from the Council of the Baltic Sea States 2011 publication 'Hard Data. Data Collection Mechanisms on Human Trafficking in the Baltic Sea Region' seems to indicate that German data on residence permits are collected but are not made publicly available. With regard to the United Kingdom, the 2012 GRETA report on the UK mentions that between 1 April 2009 and 27 October 2011, 262 victims of THB were granted some form of temporary residence permit (Council of Europe, 2012). In the UK these data seem available and to be substantial.

The data on residence permits, as collected for project TrafStat, seem to suffer less from the kind of limitations to international comparability that characterize data on assistance and reflection periods. When comparing data on the number of residence permits, however, the type of the victims that are identified in a country should be taken into account. Traditional

³⁰ No data were available for Austria, Belgium, Germany, Greece, Lithuania, Luxembourg, Portugal, Romania, and Sweden.

source countries are not likely to receive many requests for a residence permit and, as a result, will not often grant it. Destination countries will, by definition, issue more residence permits than source countries do.

Performance indicators based on data on assistance and protection

In her paper *Future possibilities for the utilization of EU statistics on human trafficking* Aronowitz (2014) argues that “performance indicators tell Governments how effectively and perhaps fairly they are dealing with VoT (victims of trafficking) and how effectively they are at identifying suspects which result in successful prosecutions and convictions” (p. 9). With regard to the fair treatment of victims, Aronowitz suggests to assess the number of victims who received assistance in relation to the number of identified victims. In a “perfect world” (p. 9), these figures would (nearly) converge and reflection periods and residence permits would be granted to nearly all identified foreign national victims. Using the data that were collected in project TrafStat, Aronowitz calculated performance indicators for the number of identified victims who received assistance and the number of foreign nationals who were granted a reflection period.

Regarding the percentage of identified victims who received assistance, Aronowitz (2014) discussed several problems in the interpretation of the data. She questions, first of all, whether performance indicators can be usefully calculated for countries that report a higher number of assisted victims than the number of victims identified during the same year. Such ‘overcount’ of assisted victims could have several causes. It could reflect a count including victims identified in a previous year as in Romania or double counting of victims who are assisted by several agencies within a single year (as seems to be the case in Bulgaria, Greece, and the Czech Republic). Thirdly, it could, as mentioned earlier, be caused by restrictive identification mechanisms, e.g. excluding nationals of the registering country. Regardless of the reasons, such overcounts do limit the utilization of data on assistance for the purpose of assessing performance from a comparative perspective.

As was mentioned previously, there are other factors that limit the comparability of data on assistance to victims of trafficking. Like we discussed earlier, there seem to exist between-country differences in the types of victims that are included in the data on assistance. Some

countries only register the number of foreign nationals who received assistance whereas other countries have a more comprehensive registration. In addition, some countries only register the number of victims that receive a specific type of assistance. Performance indicators that are based on assistance data can only be interpreted in a meaningful way if we know what is and what is not included in the data of each and every country.

A reflection period should be granted to victims of human trafficking to allow them to recover from their experiences and to give them time to reflect about whether to cooperate with police investigations and criminal proceedings. This is relevant to victims from outside of the EU who may have an irregular immigration status and to some EU nationals who, because of lack of employment, may not be allowed to remain in the country. As previously explained, Aronowitz (2014) proposes to evaluate government protection of victims of human trafficking by calculating a performance indicator using data on the number of victims who were granted a reflection period. Although some EU nationals may also be in need of a reflection period, Aronowitz focuses on reflection periods granted to third-country nationals and states that “The number of those granted a reflection period should be equal to or less than those third-country national VoT (excluding nationals)” (p. 11). When calculating this performance indicator, Aronowitz used data for 2011 and excluded countries that reported that no victims received a reflection period in that year. However, a performance indicator of 0% might actually be informative, specifically if it relates to a traditional destination country. Aronowitz also excluded countries that offered a reflection period to a larger number of victims than the number of identified third-country nationals. She ended up calculating performance indicators for only four countries: Cyprus, Ireland, Slovakia, and Slovenia.

As was the case with performance indicators of assistance, factors that limit the comparability of data on reflection periods also influence the extent to which performance indicators on this issue can be meaningfully interpreted. As was discussed before, the main between-country differences that appear to exist with regard to data on the number of reflection periods, relate to the type of victims eligible for a reflection period. Aronowitz used the number of third-country nationals who were identified to calculate the performance indicator for reflection periods. Some countries, however, also grant reflection periods to EU nationals if they want to try to stay in the country. Denmark, for instance, does so to provide victims with a possibility to find a way to support themselves. Moreover, although most

countries use the reflection period exclusively for non-nationals, some countries, like Bulgaria and Romania, also provide reflection periods to nationals. In short, it seems that performance indicators on reflection periods can only be correctly interpreted when taking the specific context of national policies into account.

Recommendations on statistics on assistance and protection

When considering possibilities to increase the comparability of international data on assistance and protection for victims of THB, it is important to be aware of the fact that differences in the procedures to identify victims of THB will affect the number of victims who receive assistance and protection. Issues limiting the comparability of the number of identified victims are likely to also reduce the comparability of data on assistance and protection.

In general, it is important to distinguish between source, destination, and transit countries. This may both influence the number of victims who are assisted as well as the number of victims receiving a reflection period or residence permit. For instance, victims returning to their country of origin may not want to receive assistance in the destination country but only want to go home (as reported by the Estonian expert). Several of the ‘traditional’ source countries reported that no victims received a reflection period or residence permit during the reference period. Contrary to negative results in destination countries, these zeroes are likely to reflect the actual situation in these source countries instead of indicating a lack of data. At the same time, such a result does not necessarily mean that insufficient attention is given to the protection of victims of THB.

The way countries have organized their identification process of victims of THB also influences the amount of available data. Data from countries with a relatively strong emphasis on the identification of nationals as victims of THB, such as the Netherlands, may not be readily comparable to data from countries that focus their efforts at identifying foreign victims of THB (such as, for instance, Belgium and Ireland). In addition, the way countries organize their services to victims of THB influences the comparability of data. In Germany, for instance, assistance is provided at the level of the Lander and federal statistics on the number of victims who received assistance are not available. In the United Kingdom, Poland, and the Netherlands, assistance is to a large extent centrally coordinated. Finland is another

example of a country where the provision of assistance is centrally coordinated and as a result comprehensive and detailed information on victims of THB is available.

Recommendations – Assistance and protection

In general, although most countries can provide data on the number of victims who received assistance, in order to be able to interpret European data on THB and make comparisons between countries, it is important to ensure clarity regarding the ‘meaning’ of the collected data. Data collection on this topic should include questions regarding the type of data that are provided and should also explicitly inquire about the possibility that victims receive assistance but are not recorded. Preferably, requests for metadata should be easy for correspondents to meet and should include, at least, the following type of information:

- What type of assistance does the data represent? Do data only represent a specific type of assistance (e.g., assistance offered by shelters)? Do data refer to assistance offered within the context of a specific program to combat THB? Do data include information from all NGOs offering assistance to victims of THB?
- Do data also refer to assistance offered to nationals? Some countries may not focus on the identification of nationals as victims of THB (as seems to be the case in Belgium) which may be why few nationals receive assistance, whereas other countries may provide assistance to nationals through different organisations whose data are not included in the official data on victims of THB.
- Could the data represent an undercount of the number of victims that were assisted? For instance, because information from specific organisations is missing (e.g., in Ireland, two organisations working with under-age victims of THB are not sharing their data with the authorities) or data are only available from a specific organisation (e.g., in Germany, only police data are available).
- Could double counting be an issue in the data?
- To what extent do the correspondents/experts consider the data to represent an accurate estimate of the number of victims that were assisted?
- Do data represent a stock or flow count?

Individual countries would be advised to invest in preventing double counting. Where information is lacking—for instance, the Irish correspondent reported a lack of data regarding minors—efforts should be spent on gaining access to relevant data sources.

Eurostat seems to be interested in receiving disaggregated data on the types of assistance that victims of THB receive: The July 2013 guidelines for their data collection state:

“Types of assistance are disaggregated by accommodation, medical and psychological assistance, legal assistance, education, training (vocational and business), job placement, (re)integration assistance, return assistance and others. The different types of assistance range in intensity and duration. This data is required in order to gauge the volume of victims who need assistance and to study any differences in gender.”

It seems that this level of detail is not available in the existing data collection systems in the Member States. For instance, the Latvian expert mentioned that it would be quite difficult to collect information on the specific type of assistance a victim received. The Danish expert confirmed that this is also the case for Denmark, despite the fact that in Denmark all data on assistance can be accessed by the Centre against Human Trafficking.

Only two Member States provided data on the additional item in the TrafStat questionnaire on compensation to victims. Considering that Article 17 of the 2011 Directive contains the obligation “to ensure that victims of trafficking in human beings have access to existing schemes of compensation to victims of violent crimes of intent”, and the growing interest in compensation for damages inflicted upon victims of human trafficking, Eurostat may yet want to consider the inclusion of a similar question in its future questionnaire³¹. Such question should make a distinction between compensation from state compensation schemes as mentioned in the Directive and compensation from the offender ordered by either a crimi-

³¹ La Strada International/Anti-Slavery (2012). *Comp.act. European Action for Compensation for Trafficked Persons. Findings and Results. Toolkit on Compensation for Trafficked Persons.* <http://www.compactproject.org/>

nal, civil or labour court³². Although such data may initially not be readily available in many countries, they would highlight an important aspect of the assistance delivered to victims of human trafficking.

Recommendations – Reflection period

In general, although many countries are able to provide data on the number of victims who were given a reflection period, data regarding the number of victims who were granted a reflection period can only be meaningfully interpreted and compared between countries if information on country context is available. Therefore, metadata should be collected that include which victims are eligible for a reflection period.

Recommendations – Residence permits

There do not seem to exist any noteworthy problems regarding the collection of data on residence permits granted to victims of THB. In most countries, this information is available and, apart from country-specific legislation on the grounds to offer a residence permit, data seem relatively straightforward. Of course, differences can be expected to exist between source countries and destination countries, but as mentioned previously, data from these different types of countries should not be compared in an attempt to draw conclusions on countries' efforts to combat THB.

In accordance with the first round of data collection by Eurostat (on 2008-2010), the data collection in project TrafStat focused on retrieving information on the number of (temporary) residence permits that had been granted during the reference period. According to the most recent list of indicators that Eurostat used in their data collection process for the reference years 2010 – 2012, however, countries were requested to also provide information on the number of applications for a residence permit that had been issued by victims of THB. It is unclear, at this moment, to what extent countries are able to provide data on this topic.

³² Article 15 of the Council of Europe Convention on Action against Trafficking in Human Beings obliges State Parties to ensure the right of victims to compensation from the perpetrator as well as to guarantee compensation for damages through special provisions such as a compensation mechanism funded by the state.

V Offenders of THB

Offenders of THB in Eurostat's 2013 report

Council Directive 2011/36/EU emphasizes three key elements in combating trafficking in human beings: Prevention, protection, and prosecution. A major part of the operative Articles - Art 2 up to 7, 9 and 10 - refer to minimum standards regarding the investigation, prosecution and sentencing of traffickers. Accordingly, Eurostat asked for the number of persons suspected of THB, prosecuted for THB, and convicted for THB.

The part of the Eurostat report on the statistics on traffickers reveals relatively large proportions of missing values. The report itself mentions as examples of variables with many missing values the final decisions by public prosecutors (seventeen countries provided data) and the number of convictions by form of exploitation (ten countries provided data). A more extreme example of the lack of data is the breakdown of suspected traffickers according to a possible association with organized crime groups: only eight Member States reported on this. The results were excluded from the report.

TrafStat

Regarding data on offenders of THB, the TrafStat questionnaire made a similar distinction as the Eurostat data collection and asked for data on offenders known to the police, offenders prosecuted by the prosecutor's office, and convicted offenders. Correspondents were requested to provide the total number of offenders as well as a breakdown for gender, type of exploitation, and nationality. In addition to the general question whether there were differences between the definitions used in the questionnaire and the ones used in their countries, correspondents were asked to indicate the source of the data on offenders as well as any changes in the data recording methods between 2010 and 2012 and the question whether data include minors. In addition, the questionnaire specified that: "When filling part 3 of the questionnaire, data on persons convicted for THB should refer, whenever this is possible, to convictions after appeal. Convictions after appeal are definitive; while convictions before appeal can still be modified according to the result of the appeal. Thus, using

the persons convicted after appeal as the counting unit allows increasing the reliability of the figures provided and, at the same time, avoids double counting (i.e. counting the same person in first and second instance). If your figures refer to convictions after appeals, please specify that in the comments. If your data relates to persons convicted before appeal, please state so in the comments to the relevant Table.”

When collecting international data on crime rates, a myriad of issues should be taken into account when planning to conduct a between-countries comparison. Aebi (2010) lists four categories of factors that influence the comparability of criminal justice data: Statistical factors, legal factors, substantive factors, and criminal policy factors. The TrafStat questionnaire was designed to collect as many information as possible on the factors that might limit international comparisons, and with regard to offender data, the questionnaire contained a number of specific questions on the statistical counting rules in each country. These rules refer to the way in which statistics are collected and define how offences and offenders are counted and included in crime statistics (Aebi, 2010). For this reason, the following questions were included in the TrafStat questionnaire: When are the data in this table collected for the statistics?; What is the counting unit used in this table (suspected offender; case; other / person convicted; conviction)?; Is a principal offence rule applied? (i.e., how is an offender suspected of / prosecuted for / convicted for multiple offences of different kinds counted?); How is a person who is suspected of / prosecuted for / convicted for multiple offences of the same kind (often called serial offences) counted? Separate instructions were provided to clarify several of these questions (see also Appendix A). First of all, it is important to determine at what stage in the criminal justice process the data collection takes place because great differences may exist depending on whether data represent input or output data (e.g., whether police data are recorded when the offence is reported to the police (input) or when the police have completed their investigation (output)). Second, it is essential to know how cases containing simultaneous offences are counted. For example, how do the statistics reflect the case of an offender who, while forcing a woman to prostitute herself also tries to kill her? Will this case be counted as one offence (principal offence rule is applied) or will there will be a separate count for each offence. Finally, problems may occur when offenders have multiple contacts with the criminal justice system in the same year: Depending on the counting rules applied in a specific country, an offender who is con-

victed for both forced labour as well as forced prostitution on separate occasions within the same year may be counted one time or two times.

In addition to the previously mentioned questions, the section on the number of prosecuted offenders also included a request to indicate whether the police have separate powers to drop proceedings, conditionally dispose of them or issue a penal order that counts as a conviction. The section on the number of persons convicted for THB included a question on the stage of the process that the data refer to: Before or after appeals.

The TrafStat-results for the number of suspected, prosecuted, and convicted offenders of THB are hereunder presented in three sections. The first section focuses on the data regarding the number of suspected offenders known to the police. The second section presents the data on the number of suspected offenders who were prosecuted by the prosecution authority, and the third section focuses on the data regarding the number of persons who were convicted for trafficking in human beings.

Suspected offenders known to the police

Twenty out of the twenty-four correspondents that participated in the data collection for this project provided data on suspected offenders known to the police³³. Furthermore, most correspondents were able to provide breakdowns for gender. The number of correspondents that were able to provide breakdowns for type of exploitation and offender nationality was lower, but still amounted to more than half of the correspondents that provided police offender data. However, Finnish breakdowns only refer to completed police investigations (whereas the total number referred to registered offences).

When combining the information collected in project TrafStat with the information that was published in Eurostat's 2013 report on trafficking in human beings, we can conclude that data on the number of suspected offenders known to the police is available in 26 out of the 28 EU Member States. The countries for which data remain missing are the Netherlands and the United Kingdom.

³³ Data were missing for Lithuania, Luxembourg, Spain, and the Netherlands.

Despite the general availability of data on the number of suspected offenders known to the police, between-country comparisons prove to be extremely difficult. Returning to the data collected in project TrafStat, results show that no deviations from the operational definitions were reported. The answers to the additional questions regarding the statistical counting rules, however, reveal a number of differences that limit the comparability of data between EU countries.

When are the data in this table collected for the statistics?

Correspondents from Belgium, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, and Latvia reported that police data on suspected offenders are collected when the police first registers a suspected offender (input data). In three countries (Austria, Ireland, and Slovakia), police data are collected somewhere midstream, that is sometime after the police registers a suspected offender but before the investigation is completed. Correspondents from Bulgaria, Croatia, Cyprus, Slovenia, and Sweden reported that police data are collected after the police finish their investigation (output data). In Hungary, data are collected at all three different moments, and in Poland both input and output data are available. Information on this from the remaining two countries that did provide data on the number of suspected offenders known to the police—Portugal and Romania—is missing.

What is the counting unit used in this table (suspected offender; case; other)?

Police data on the number of suspected offenders mainly refer to offenders. Fifteen correspondents indicated that the offender is the counting unit in the police data they provided in the questionnaire³⁴. The correspondent from the Czech Republic explained that all data referred to offenders, with the exception of the breakdown for type of exploitation (that referred to the number of cases). In Denmark, data on suspected offenders refer to ‘charged persons’. In Romania data refer to ‘investigated persons’.

Apart from the qualifying remarks from the Czech Republic and Romania, the only countries reporting a truly different type of police data are Denmark and Finland. Finnish police data

³⁴ Austria, Belgium, Bulgaria, Croatia, Cyprus, Estonia, Germany, Greece, Hungary, Ireland, Latvia, Poland, Portugal, Slovakia, and Slovenia.

refer to cases, equalling the report of an offence, committed by one or more offenders. Danish police data reflect the number of registered offences. Although data are also available on the number of offenders (albeit only regarding the number of offenders in cleared cases), the offence figures are considered to be much more reliable than the number of suspects.

Information for Portugal is missing.

Is a principal offence rule applied? (i.e., how is an offender suspected of multiple offences of different kinds counted?)

Correspondents from eight countries—the Czech Republic, Estonia, Hungary, Ireland, Latvia, Poland, Slovakia, and Slovenia—report that a principal offence rule is used. Unfortunately, no detailed explanations of the separate principal offence rules were provided and, as a result, it is unclear what effect the use of a principal offence rule has in these countries. Seven correspondents indicated that no principal offence rule is used in their countries: Austria, Belgium, Bulgaria, Cyprus, Finland, Germany, and Sweden. No information was available for Croatia, Denmark, Greece, Portugal, and Romania³⁵.

How is a person who is suspected of multiple offences of the same kind (often called serial offences) counted?

Twelve correspondents indicated that offenders who are suspected of multiple offences of the same kind will, in their national police data, be counted only once within a single year. This is the case in Austria, Belgium, Bulgaria, the Czech Republic, Estonia, Hungary, Ireland, Latvia, Poland, Slovakia, Slovenia, and Sweden. Danish police data will count an individual offender once if (s)he is suspected of multiple offences that are committed at the same place (e.g., in the same brothel) but will be counted two or more times if the multiple offences were committed in more than one place (e.g., in several brothels). Correspondents

³⁵ According to the European Sourcebook (2010), Greece and Portugal use a principal offence rule for the recording of their police data whereas the other three do not. However, it is unclear whether this information is still valid for each of these countries considering the fact that some correspondents in project TrafStat provided information that differs from the information reported in the European Sourcebook.

from Croatia, Cyprus, Finland, and Germany mentioned that individual offenders who are suspected of multiple offences (of the same kind) will be counted as two or more offenders. The Swedish correspondent remarked that a single offender can only be counted once in a year for each type of trafficking offence he or she is suspected of. A person who is suspected of trafficking in sexual exploitation in January, and later that year there is also a suspicion of labour exploitation, the same person will be counted twice. But if someone is suspected of sexual exploitation in January, and later that year is suspected of another offence involving sexual exploitation, he or she will be counted once in the statistics for that year. In sum, one and the same person can only occur once in these statistics for each kind of trafficking offence (Net statistics). Information is missing for Greece, Portugal, and Romania

Other between-country differences in police data

In addition to these major differences between countries, several correspondents reported some specific issues that influence the extent to which their data can be compared to those from other countries. The Estonian correspondent remarked that trafficking in human beings was criminalized on April 14th, 2012. As a result, statistics from earlier years refer to other, related crimes. In Slovenia, police statistics on offenders suspected of THB also include cases of THB-related crimes. The Danish correspondent mentioned that the police-based data on cleared cases are not considered to be very reliable.

Four correspondents indicated that data recording methods changed between 2010 and 2012: Denmark and Hungary changed their data recording methods but did not provide information on the nature of the changes; Ireland and Poland started recording additional information on suspected offenders known to the police.

For eleven countries the police data include minors, but the Swedish correspondent remarked that persons younger than 15 years of age are excluded from these registrations. Data from Bulgaria, Croatia, Cyprus, Hungary, Ireland, Latvia, and Slovenia do not include minors, although the Latvian correspondent remarked that no minors had been suspected of trafficking during the reporting period. Information for Romania and Portugal is missing.

Suspected offenders prosecuted by the prosecution authority

Nineteen out of the twenty-four correspondents that participated in the data collection for this project provided data on suspected offenders prosecuted by the prosecution authority, although not necessarily for all three reference years³⁶. Only about half of these nineteen correspondents were able to provide breakdowns for gender, type of exploitation, and offender nationality.

When combining the information collected in project TrafStat with the information that was published in Eurostat's 2013 report on trafficking in human beings, we can conclude that data on the number of suspected offenders prosecuted by the prosecution office is available in 24 out of the 28 EU Member States. The countries for which data remain missing are Estonia³⁷, France, Italy, and the UK. The check with the Eurostat 2013 data confirms that breakdowns on gender, nationality and type of exploitation are only possible in a minority of Member States.

Returning to the data collected in project TrafStat, the broad availability of data on the number of suspected offenders prosecuted by the prosecution authority does not ensure that between-country comparisons are possible. Several correspondents added comments to the prosecution data provided which seem to compromise the comparability with data from other countries. For Cyprus, prosecution data include the individuals who were charged by the police. German data reflect the number of the individuals prosecuted that have been sentenced or against whom criminal proceedings have been concluded by dismissal, acquittal, or non - punishment (output data). In Ireland and Spain, the criminal investigation is not lead by the prosecutor. Therefore, suspected offenders prosecuted by the prosecution authority do not refer to persons against whom legal proceedings have been initiated by the prosecuting authorities, but rather, to persons against whom legal proceedings have been initiated by police officers. Swedish data on suspected offenders prosecuted by the prosecution authority are based on the prosecution authority's decision to prosecute, rather than on the actual prosecution. In addition to these remarks, the data concerning the

³⁶ Data were missing for Austria, Estonia, Greece, Lithuania, and Luxembourg.

³⁷ The Estonian TrafStat correspondent commented that prosecutors are reluctant to give out information on prosecuted offenders before these persons have been convicted.

statistical counting rules also reveal a number of differences that further limit the comparability of data between EU countries.

When are the data on prosecution collected?

Correspondents from Belgium, Cyprus, the Czech Republic, and Latvia reported that prosecution data on offenders are collected when the prosecution authority first registers an offender or case (input data). In four countries (Bulgaria, Ireland, Slovenia, and Spain) prosecution data are collected after the prosecution authority first registers an offender (or case) but before they complete the investigation. Correspondents from Denmark, Germany, Poland, Romania, Slovakia, Sweden, and the Netherlands indicated that prosecution data in these countries refer to output data, which means that the prosecution authority finished its investigation before registering the offender or case. Also in the case of output data, the counts do not necessarily refer to actual prosecutions: for example in the Netherlands around a quarter of the registered cases are eventually not prosecuted. In Finland and Hungary, data of all three types—input, intermediate, and output—are available, but it is not fully clear what type of data was provided to project TrafStat. Information on the remaining two countries that did provide data on the number of offenders prosecuted by the prosecution authority—Croatia and Portugal—is missing.

What is the counting unit used in this table (offender; case; other)?

Prosecution data on the number of suspected offenders mainly refer to offenders. Belgium provided data on the number of suspected offenders as well as on the number of cases. Twelve correspondents indicated that the offender is the counting unit in the prosecution data they provided in the questionnaire³⁸. Finnish, Spanish, and Swedish data on prosecuted offenders refer to cases and each case can include multiple offenders. The Hungarian correspondent remarked that the Hungarian Information System provides information on the number of cases, the number of suspected offenders, the number of offenders who were sentenced, and the number of separate sentences. However, it is not fully clear whether

³⁸ Bulgaria, Cyprus, the Czech Republic, Denmark, Germany, Ireland, Latvia, Poland, Romania, Slovakia, Slovenia, and the Netherlands.

data provided to TrafStat referred to the number of cases or the number of suspected offenders. Information on the remaining two countries that did provide data on the number of offenders prosecuted by the prosecution authority—Croatia and Portugal—is missing.

Is a principal offence rule applied? (i.e., how is an offender prosecuted for multiple offences of different kinds counted?)

Correspondents from ten countries—the Czech Republic, Cyprus, Finland, Germany, Hungary, Ireland, Latvia, Poland, Romania and Spain—reported that a principal offence rule is used in registering prosecution data. When an explanation of the principal offence rule was provided, correspondents either specified that the most serious crime is registered or remarked that cases for separate offences are joined and prosecuted as a single case. Unfortunately, this does not inform us what this precisely means for the data on THB offenders. Four correspondents indicated that no principal offence rule is used in their countries: Bulgaria, Slovakia, Slovenia, and Sweden. In addition, the Belgian correspondent indicated that the Belgian information systems provide the possibility of registering principal and secondary offences. In the Netherlands, whether or not a principal offence rule is applied, depends on the offences an offender is summoned for. According to the Dutch correspondent, however, the Dutch National Rapporteur on Trafficking in Human Beings receives statistics that always contain all prosecutions for THB, regardless of whether or not a more ‘serious’ crime (with a higher maximum penalty) was also tried in the case. No information was available for Croatia, Denmark, and Portugal.

How is a person who is prosecuted for multiple offences of the same kind (often called serial offences) counted?

Only Cyprus and Sweden count someone who is prosecuted for multiple offences of the same kind as two or more offenders. However, as mentioned previously, in Swedish police data a single offender can only be counted once in a year for each type of trafficking offence he or she is suspected of. As a result, one and the same person can only occur once in police statistics for each kind of trafficking offence. It is unclear how this relates to prosecution data. All other correspondents who provided information on this counting rule reported

that such an offender is counted as one offender. Information was missing for Croatia, Poland, and Portugal.

Other between-country differences in prosecution data

In addition to these major differences between countries, several correspondents reported some specific issues that influence the extent to which their data can be compared to those from other countries. The Polish correspondent remarked that prosecution data that precedes 2012 refers to Articles in the Polish Criminal Code that are no longer regarded as THB. For this reason, the Polish correspondent only provided 2012 data³⁹.

The Spanish correspondent for project TrafStat remarked that the offence of THB was introduced in the Spanish Criminal Code (CC) in 2010. Article 177 bis of the CC criminalising THB entered into force in December 2010 and the first judgments dealing with this offence were handed down at the end of 2012. Prior to the addition of Article 177 bis, THB was often confused with the smuggling of migrants and clandestine immigration, as the former Article 318 bis, paragraph 2, of the CC criminalised the smuggling of migrants for the purpose of sexual exploitation. As a result, there were no indictments or convictions for THB until 2012. Furthermore, the Spanish Criminal Code defines forced prostitution as a different offence from human trafficking and data on prosecutions or convictions for this offence have not been included in the response to the TrafStat questionnaire.

Two correspondents indicated that data recording methods changed between 2010 and 2012. Estonia criminalized THB on April 14th, 2012, and as a result, statistics from earlier years refer to other, related crimes. Poland also indicated that data recording methods changed, but no further information is available on the specific nature of these changes.

Prosecution data include minors in six of the nineteen countries providing information on the number of offenders who were prosecuted: the Czech Republic, Finland, Germany, Slovakia, Sweden, and the Netherlands. Data for ten countries do not include minors. Remarkably, *police* data in three of these countries did include minors (Belgium, Denmark, and Poland). Information on Croatia, Portugal, and Romania is not available.

³⁹ It is unclear to what extent this comment also holds for Polish police and conviction data.

Persons convicted for THB offences

Eighteen out of the 24 correspondents that participated in the TrafStat data collection provided data on the number of persons who were convicted for THB offences, although not necessarily for each of the three reference years. Data on the total count of convicted persons were not provided for Croatia and Luxembourg but correspondents from these countries did provide breakdowns for gender (both), exploitation (Luxembourg), and nationality (both). In sum, twenty countries provided data on the number of convictions⁴⁰. Of these countries, most were able to provide a breakdown for gender and nationality (sixteen and thirteen respectively) but less than half (nine) were able to provide details on the types of exploitation for which offenders were convicted.

When combining the information collected in project TrafStat with the information that was published in Eurostat's 2013 report on trafficking in human beings, we can conclude that data on the number of persons convicted for trafficking in human beings is available in 27 out of the 28 EU Member States (data remain missing for Greece). Conviction data is generally available in almost all EU Member States. The possibility to use these data to conduct between-country comparisons depends on the extent to which countries use the same statistical counting rules to register convictions. It would appear that in this respect conviction data are to a large extent comparable across countries.

At what stage of the process does the data refer to?

Data from Finland, Latvia, Lithuania, Spain, Sweden, and the Netherlands refer to convictions before appeals, and data from the other countries refer to convictions after appeals. The only exception to this is Slovenia where conviction data refer to convictions both before and after appeals. No information was available for Luxembourg.

What is the counting unit used in this table (person convicted; conviction)?

⁴⁰ Data were missing for Austria, Greece, Lithuania (although some qualitative information on the nationality of convicted offenders was provided), and Portugal.

Almost all countries use the person convicted as a counting unit with Belgium as the only exception.

Is a principal offence rule applied? (i.e., how is a person convicted for multiple offences of different kinds counted?)

Thirteen countries indicated that a principal offence rule is used in the registration of convictions and that the most serious offence is registered. Five countries do not use a principal offence rule for the recording of convictions for human trafficking: Belgium, Bulgaria, Cyprus, Estonia, Spain, and the Netherlands. No information was available for Luxembourg.

How is a person convicted for multiple offences of the same kind (often called serial offences) counted?

Most countries count a person who is convicted for multiple offences of the same kind as one single person. The exceptions are Croatia, Cyprus, Romania, and Sweden. The Swedish correspondent indicated that an offender will be counted as one convicted person if he or she is convicted for multiple offences in a single court case but that same offender will be registered multiple times in the data if he or she is prosecuted multiple times and convicted multiple times in a single year. Similarly, the Slovak correspondent mentioned that if several convictions for the same offence exist, the offender will show up as a recidivist in the data. If someone receives a single conviction for multiple offences of the same type, however, he or she will be counted as a single person. The same situation applies to the Netherlands.

Other between-country differences in conviction data

Apart from the differences in counting rules, no other information was given in the questionnaires that would seem to limit the comparability of conviction data across EU Member States. However, Estonian conviction data are, again, subject to the comment that Estonia criminalized THB on April 14th, 2012, and as a result, statistics from earlier years refer to other, related crimes. In addition, the number of convicted persons in Cyprus used to be counted based on the cases investigated during the specific year. Since 2012 the number of

convicted persons is counted based on the number of convictions achieved during the specific year. The Belgian correspondent also indicated that changes had occurred in recording methods between 2010 and 2012, but no further information is available on the specific nature of these changes.

Almost half of the countries that provided data on convicted offenders included minors in their data: Belgium, Estonia, Finland, Germany, Romania, Slovakia, Sweden, and the Netherlands. The correspondents from the remaining nine countries indicated that conviction data did not include minors. Information on the Czech Republic was not available.

A general feature of conviction data on human trafficking is that offenders suspected and/or prosecuted for this offence may be convicted for lesser offences for which evidence could be presented to the courts. Such cases will not be recorded as convictions for human trafficking. For this reason conviction data may project a deflated image of the numbers of human trafficking cases somehow adjudicated by the courts.

The utilization of offender data from an EU perspective

In her TrafStat paper, Aronowitz (2014) suggested several possible ways to utilize THB offender data in order to gain insight in the phenomenon of THB and the policies to combat THB. For instance, she notes that in the majority of countries that provided data on the type of exploitation offenders were suspected of, most offenders are suspected of sexual exploitation. Offenders known to the police for labour trafficking were found in only seven countries (Belgium, Cyprus, Czech Republic, Germany, Ireland, Poland and Slovenia) and sometimes these numbers amounted to very small proportions of all suspected offenders. Belgium and Croatia stand out with the highest proportions of labour exploitation cases in the Eurostat 2013 report. Germany and Sweden are destination countries with relatively very few labour exploitation cases. The proportions of labour exploitation clearly show great variation. According to Aronowitz, “this may point to the need for more investigations into labour trafficking in all countries in which no or very few offenders were identified” (p. 15).

Aronowitz (2014) looked into the ratios between suspected offenders and prosecutions as a possible performance indicator. Comparability is compromised by differences between countries in both measures, mentioned above. In addition there is a great likelihood that

persons arrested in one year will be prosecuted in the course of the next year. For ten countries such indicators could be calculated, ranging from 17% in Finland and 19% in Germany up to 94% in Belgium and 100% in Cyprus. The comparison of convictions with prosecutions was possible for more countries, ranging from 0% in Spain, 13% in Sweden, and 17% in Cyprus to 82% in Germany and 85% in Hungary. However, their interpretation is once again made difficult by the inter-country differences mentioned above. Aronowitz' main conclusion is that the most meaningful performance indicator would be generated through a case tracking system following each individual case from arrest to conviction.

Recommendations on statistics on offenders

Statistics on offenders can in most countries be derived from existing statistical systems of the police, the prosecutors and/or the courts. This explains why offender statistics on THB can be provided by almost all Member States. Conspicuous exceptions are statistics on suspected traffickers in the Netherlands and the UK and on prosecutions in Estonia, France, Italy, and the UK and on convictions in Greece. Although use of existing systems ensures a relatively efficient mode of data collection—no ad hoc systems have to be developed as is the case with victim statistics—the drawback is that the resulting statistics on traffickers cannot easily be tailored to special needs of Eurostat. In relation to this, there is generally fewer secondary data available on offenders than on victims. The peculiarities of the statistics of individual countries reflect differences in their established statistical systems and these will in turn often correspond to country-specific criminal procedures and/or practices. As has been the century long experience with efforts of harmonizing criminal statistics internationally, such harmonization requires harmonization of underlying criminal procedures. It goes without saying that such harmonization is unachievable in Europe for the time being and will be so in the foreseeable future.

Having said this, statistics on traffickers would be made more useful for comparative purposes if

- all Member States were to count persons rather than cases;
- provided input data on suspected traffickers;

- refrained from applying the principal offence rule (counting all persons related to THB).

Although conviction statistics are generally considered to be more reliable than police statistics on suspects or than prosecution statistics, they may in many countries provide an undercount of judicial follow up regarding human trafficking because suspects may eventually be sentenced for lesser offences such as rape, pimping or any other related crime if the accusation of THB cannot be proven. Regrettably, few if any European countries have integrated systems of crime statistics which can make this visible. For this reason, the suggestion was made during the February seminar to calculate as an alternative performance indicator the percentage of all convictions which are convictions for THB. Relative low percentages of convictions for THB may point at weaknesses in the criminal justice component of a country's anti-trafficking policies.

Due to the numerous differences between countries in the counting rules that govern the collection of police data on offenders suspected of THB, it is almost impossible to use police data to conduct meaningful comparisons between countries. In fact, many correspondents argued against such use of police statistics. However, police data should not be disregarded altogether. Police data, in fact, should be able to provide information on the nationality of suspects and the type of exploitation offenders are suspected of. For example, the Eurostat 2013 report provides data suggesting that the proportion of Nigerian traffickers has gone down in 2012 compared to the years before. If this could be confirmed by later data, this result may show a shift in the preferred destinations of Nigerian traffickers. Provided that comparisons focus on proportions, police statistics on suspected traffickers can provide important information, regardless of whether a country has input or output data.

VI Final conclusions and recommendations

The EU documents cited in the introductory chapter⁴¹, outlining the current agenda on statistics on trafficking in human beings, reveal a two-pronged approach to the collection of such data. Firstly, such collection forms part of a broader, ongoing initiative to collect more and better comparable statistics on crime and criminal justice in the EU (for an overview of these initiatives, see Pérez Cepeda et al., 2013). The key actor of these efforts to develop EU statistics on crime and criminal justice is Eurostat, the Commission's Statistical Division. The Directive 2011 on trafficking in human beings reiterates the urgency of this initiative regarding human trafficking specifically. But the Directive adds a new dimension to the proposed data collection by obliging Member States to establish National Rapporteurs or equivalents. These new actors, assembled in an informal network, are specifically tasked with 1) assessing trends in trafficking; 2) measuring results of anti-trafficking actions; 3) gathering statistics in close cooperation with NGOs and 4) reporting. In addition, the Member States are encouraged in Council Conclusions of June 2011 on trafficking in human beings to establish multi-sector data collection mechanisms, to further develop data collection on developing forms of trafficking and to improve the quality of data collection.

With the TrafStat project we aimed to contribute both to the improvement of the quality, and especially the comparability, of statistics on THB as well as to a better utilization of data on THB for policy purposes. This dual aim is reflected in the title of our project 'Tools for the Validation and Utilization of EU statistics on human trafficking' (TrafStat). A large part of our conclusions and recommendations deals with technical issues regarding the data collection by Eurostat. But in the second part of our study we have examined how the Eurostat statistics and other data might be analysed and used for policy purposes, for example by the EU Anti-trafficking Coordinator and/or network of National Rapporteurs. Obviously, the technical issues regarding the statistical data cannot be examined independently from their intended policy uses, and we therefore want to make some general comments on the policy implications of these statistics at the beginning of this concluding chapter.

Official statistics generally serve the function of guiding governmental or intergovernmental policies in relevant policy domains, for example by providing guidance on new strategies

⁴¹ EU Action Plan to measure crime and criminal justice of 2006 and the Directive 2011/36/EU.

and budget allocations. A primary function of such statistics is to inform the public and policy makers about the extent of the phenomena at issue. With the help of statistics insights can also be gained in trends over time and differences between countries. In the European Union Member States can use statistics to understand how they are faring compared to others. With the growing attention for crime and criminal justice issues, it comes as no surprise that Eurostat has been mandated to collect more and better statistics on crime. The objectives of this exercise are no different from similar exercises regarding economic, social or health problems. For Eurostat, however, the development of crime statistics constitutes a new assignment posing numerous technical challenges. Although statistics on crime are among the oldest existing official statistics in Europe, dating back to the 19th century, they are challenging for two special reasons. The first reason is that acts which are punishable by law are by definition clandestine, meaning that they are to the highest possible extent committed in secrecy. This means that most incidents remain hidden from the authorities and officially recorded incidents will always reflect no more than a small part of the true volume. The second problem is the emotive nature of public discourses on crime and criminal justice. The discourse on insecurity and punishment tends to be highly politically charged. The combination of their considerable methodological uncertainties and their use in highly politicized public debates makes crime statistics politically sensitive. This political sensitivity explains why international organizations such as the United Nations or the EU have so far been relatively slow and unsuccessful in the collection of comparable data on crime⁴².

Trafficking in human beings is generally regarded as a particularly complex type of crime and one not always sufficiently recognized or prioritized by the authorities. The dark numbers of this type of offences are likely to be even larger than those of common crime. At the same time trafficking in human beings is widely regarded as a serious violation of human rights of victims who are often recruited from vulnerable groups such as marginalized women and children. Public debates on trafficking in human beings tend by themselves to be politically and emotionally charged. They can, in addition, become conflated with other sensitive agenda's such as those on illegal immigration or prostitution. Statistics on human trafficking, then, are, even more than other crime statistics, methodologically challenged and likely to

⁴² Van Dijk (2008).

be used in politically charged debates. To complicate matters further, the collection of data on victims of human trafficking is itself sometimes seen as contentious because it might be an infringement of the rights to privacy of persons in highly vulnerable positions (KOK, 2013). NGOs in many countries are reluctant to exchange identifiable information on victims with state authorities for fear of possible negative implications for their clients such as deportation, pressure to testify against traffickers or discrimination. As a consequence, the available statistics in these countries tend to remain relatively poor.

In recent year several authors have critiqued the release of unfounded estimates of the global number of trafficked persons for sexual exploitation (United States Government Accountability Office, 2006; Jordan, 2011). Exaggerated estimates can, it is argued, trigger sensationalist media stories provoking policy responses that are more emotions-driven than evidence-based and that can lead to mistaken policy decisions. Against the background of this ongoing debate, it was to be expected that the launch of the first Eurostat report on THB statistics would be critically assessed (Vogel, 2014). It has been pointed out that although the statistics on the numbers of identified victims in the Eurostat report are duly surrounded with methodological caveats, the official press release nevertheless noticed an “alarming upward trend” and a preponderance of women and minors among its victims.

During our seminars with invited experts, many of them expressed concerns about the possible political use of THB statistics for other purposes than the protection of the human rights of victims. Statistics on THB could, for example, be misused for the promotion of ultimate political agendas such as those on more stringent migration policies or the abolition of all forms of prostitution. Examples given include proposals for more stringent screening or refusal of visa applications of nationals of certain countries as a prevention measure of human trafficking. A case in point is the moral panic about the expected ten thousands of trafficked persons on the occasion of the 2006 World Soccer Cup in Germany triggering calls for more stringent visa screening of potential sex workers (Jordan, 2011). In the event, no surge in human trafficking for sexual exploitation materialized.

Although we share the concern of experts about possible misuses of poor or poorly understood statistical data on human trafficking, we feel that much can be done to improve their quality and to promote their responsible utilization for policy purposes. In view of the po-

tential for such improvements, we feel that the European Commission and Council of Ministers should be commended for their commitment to promote the collection of statistics on human trafficking, in spite of the daunting technical problems and political sensitivities. They should in particular be commended for their awareness that technical improvements in the statistics will not suffice but that additional institutional arrangements should be made to ensure a proper interpretation of available data on trafficking in human beings⁴³. We therefore want to support unreservedly the intention of the Commission and various bodies of the European Union to accompany the collection of more and better statistics on human trafficking with efforts to improve the capacity of Member States to analyse and interpret the statistics through the establishment of National Rapporteurs or equivalents. The reports of these rapporteurs will responsibly inform national policy debates, as has been the case with the reports of the Dutch National Rapporteur. They could also collectively form the building blocks of reports on EU-wide trends and patterns, emanating either from the network of rapporteurs or from the EU Anti-Trafficking Coordinator. Alternatively, and to fully ensure fully independent assessments of trends and policy evaluations, a European agency could be established, comparable to the Lisbon-based European Monitoring Centre for Drugs and Drugs Addiction (EMDDA). The suggestion to set up an Anti-Trafficking Observatory was also made in a report to the European Parliament⁴⁴. For efficiency reasons the Commission may want to consider assigning such analytic and reporting functions to the network of National Rapporteurs. Part of the latter policy option could be a request to one of the better equipped National Rapporteurs to act as (temporary) secretariat of the network for the purpose of preparing annual trend reports⁴⁵. Whatever organizational struc-

⁴³ The Commission has for some years been considering the commissioning of a European Crime Report which would provide analysis and interpretation to the EU statistics on crime and criminal justice (Hunt, Kilmer, & Rubin, 2011).

⁴⁴ European Parliament, Special Committee on Organized Crime, Corruption and Money Laundering (CRIM) 2012-2013, Thematic Paper on Organized Crime; Trafficking in Human Beings in the EU, Mrs Ayala Sender (S&D) September 2012: "It is urgent to develop an EU comparable and reliable data collection system, based on common and agreed solid indicators, together both with the Member States and with the international institutions involved in the fight against human trafficking. To raise the visibility and urgency of this data system, it could be useful to set up an Anti-Trafficking Observatory within the EU Anti-Trafficking website already ongoing, with the obligation for all EU Institutions and the seven involved Agencies to introduce their data, and the invitation to NGOs and other institutions to do the same."

⁴⁵ Similarly, the secretariat of the EU Crime Prevention Network has been embedded in the Permanent Secretariat for the Prevention of Crime at the Ministry of the Interior of Belgium.

ture will be chosen, independent analysis and reporting on human trafficking trends seems to us an obvious priority besides technical improvements of the data.

Counting victims for what purpose?

The core of international statistics on trafficking in human beings consists of the numbers of identified and/or presumed victims. These numbers are the most often cited of all THB statistics. They are in most cases presented as measures or proxy measures of the size of the phenomenon. Commentators on these numbers often observe that they must be seen as reflecting 'just the tip of the iceberg'. On the basis of the statistics on identified victims the public is informed that human trafficking is a very prevalent humanitarian problem and needs urgently to be tackled by the government. The propagandistic use of soft data on numbers of identified victims has been, as mentioned, criticized as irresponsible on methodological grounds. Although available data do indeed leave much to be desired, from a policy perspective the presentation of the numbers of identified victims as a wake-up call seems to us fully legitimate. The public needs to be informed that these horrific violations of the human rights of vulnerable persons are indeed far from rare occurrences and deserve the urgent attention of policy-makers. For this purpose numbers of identified victims are the only statistics available. Although little can be said with certainty about the true volume, it definitely is many times higher than what the recorded numbers of identified victims suggest⁴⁶.

Having said that, it should be acknowledged that more information on the true numbers of victims of human trafficking in Europe is needed. For lack of research on the true volume of victimization by human trafficking in Europe, the latest estimate of the International Labour Organization of 880.00 victims per year is the best available and most widely quoted count (ILO, 2012). This estimate is based on the multiplication of the estimated numbers of registered victims by a factor derived from survey research on labour exploitation conducted in a handful of small countries outside Europe. It should therefore be regarded as not more than a well-reasoned guesstimate. The true number of victims may certainly be many times higher than the numbers of identified victims but there is as yet no basis for determining how

⁴⁶ In the second ILO global estimate of victims of human trafficking, the registered part is taken to be less than 4% of the real volume (ILO, 2012).

much higher. The sole method to estimate the true volume of various forms of human trafficking in the EU would be the implementation of large scale surveys among at risk groups about their personal experiences during the past one or two years in a sample of Member States. Standardized victimization surveys on common crimes have been carried out in the EU with funding from the Commission (Van Dijk, van Kesteren, & Smit, 2007). Preparatory work has also been done for the implementation of a fully-fledged EU Safety Survey (SASU) by Eurostat (Van Dijk, Mayhew, van Kesteren, Aebi, & Linde, 2010). Over the years the EMDDA has developed common methodologies for surveys on the use of various types of illicit drugs⁴⁷. The Fundamental Rights Agency has commissioned surveys on discrimination, hate crimes and on violence against women. A pilot study for a survey on experiences with trafficking or exploitation could be modelled after these previous dark numbers studies regarding other types of complex criminality and after the pioneering studies of the International Labour Organization on labour exploitation outside the EU⁴⁸. Without such research program, the available and widely recycled crude estimates may in the end lose their political utility and become a political irritant instead.

It is often assumed that numbers of officially recorded crimes may not reflect the true numbers but could still be used to determine trends over time. Unfortunately, serious problems also arise when the statistics on identified victims are used to assess trends in the numbers of persons victimized by various forms of human trafficking in the EU or in different Member States. The literature on crime statistics generally recognizes that trends in officially recorded crime are often greatly influenced by changes in legislation and recording practices (Lynch & Addington, 2007; Van Dijk & Tseloni, 2012). This is even more to be expected when the type of crime at issue is complex and the object of newly enacted legislation and policies, as is the case with human trafficking.

We fully agree with the observation in bold letters in the Eurostat 2013 report that “More reported cases do not necessarily mean an increase in the actual number of victims” (p.

⁴⁷ The collection of data on drugs and drugs addiction is facilitated by a network of national focal points (Reitox).

⁴⁸ Pilot studies on the extent of criminal exploitation among migrant workers have also been carried out in the USA with funding from the Department of Justice (Zhang, 2012).

30)⁴⁹. More to the point, we want to stress that the partial or full adoption of our recommendations for improvements in the collection of these statistics will result in significant increases which in no way reflect increases in the phenomenon of human trafficking itself. If Eurostat, for example would, as recommended by us, apply a broader, more encompassing definition of presumed victims this would result in increases of the recorded victims.

It is not only the trend data that need to be interpreted with great caution. Differences in the numbers of identified victims between Member States in absolute numbers or as rates per 100,000 inhabitants reflect in our view predominantly differences in the identification arrangements in place and not in true sizes of the phenomenon. This is, once again, not a unique feature of human trafficking statistics but a generally recognized feature of international statistics on recorded crimes in general⁵⁰.

In the case of human trafficking statistics our study has shown that the count of identified and/or presumed victims of each and every individual Member State can only be properly understood in relation to its unique legal and institutional context. The scope and outreach of the national mechanisms of identification vary within a very broad range, from identification through a final conviction of the trafficker by a criminal court in Sweden to any credible signal from relevant NGOs or state institutions to a clearinghouse in the Netherlands. The ranking of individual countries in terms of numbers of identified/presumed victims does not, therefore, in any sense reflect the relative size of the phenomenon of human trafficking⁵¹. Using an econometric analysis, one of the experts commissioned by TrafStat to prepare technical papers found statistical evidence that the numbers of identified/presumed victims

⁴⁹ In her presentation at the first TrafStat seminar, the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Corinne Dettmeijer, made the point that victim identification is strongly driven by awareness among relevant officials. She presented data showing that the surge in presumed victims in the Netherlands between 2008 and 2012 was mainly driven by greater awareness among the Dutch border police resulting in many more reports to CoMensha of suspected cases of trafficking (Dettmeijer, 2014).

⁵⁰ In its regular publications on recorded crimes, Eurostat observes "There is usually no straight match to be made in types and levels of crime between countries, because legal and criminal justice systems differ in such areas as: definitions of crimes; methods of reporting, recording and counting crimes; and rates of reported to unreported crime" (Clarke, 2013, p. 2).

⁵¹ Much prominent national media coverage was given to the relatively high numbers of the numbers of identified victims in Spain in the Eurostat 2013 report. The numbers at issue were, as we have explained, seriously inflated by the confluence of human trafficking cases and cases of smuggling of migrants and pimping.

can be used as a proxy indicator for the policy efforts of countries to address human trafficking (Cho, 2014). The higher the quantifiable inputs and efforts to address human trafficking, the higher the numbers of identified/presumed victims. She advises to include such statistics into indices of anti-trafficking policies rather than in indices of the extent of human trafficking.

Just as statistics on numbers of identified victims are often erroneously used as indications of the size of the phenomenon, statistics on the breakdowns in terms of gender, age, nationality or type of exploitation are often all too easily used as indications of the nature of human trafficking in a country, rather than as an indication of the priorities within the country's national anti-trafficking policies. Extreme values on breakdown percentages may point at special patterns in a country but they should in our view primarily be used to raise questions about the focus of national policies. Examples are the relatively very low proportions of registered minors in Austria, Cyprus, Czech Republic, Denmark, Finland, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. Is trafficking in minors very rare in these countries or is it simply overlooked by the authorities? In our opinion such deviant values primarily beg the question whether identification of minor victims receives sufficient attention. Another example is the relatively low proportions of male victims in Germany and Hungary. These low values may suggest that national policies are strongly focused on sexual exploitation and less on labour exploitation. In Finland the relative low numbers of victims of sexual exploitation identified may point to the other direction, namely that policies are one-sidedly focused on labour exploitation⁵². The proportion of nationals among identified victims shows similar divergence. In the destination countries Germany and the Netherlands the proportion of identified/presumed victims with German and Dutch nationality were 20% and 30% respectively. This finding is in line with the general conclusion in the latest UNODC report that one in every four victims between 2007 and 2010 was a national of the country where he or she was exploited (UNODC, 2012). However, most other EU destination countries show much lower proportions. The latter finding begs the question whether the identi-

⁵² The Finnish National Rapporteur criticizes the procedures in Finland because insufficient attention is supposedly paid to identifying victims of sexual exploitation which is reflected in the low number of cases for sexual exploitation.

fication and detection systems in these countries are sufficiently geared towards victims of domestic trafficking.

Deviant values on these and other breakdowns of statistics on victims deserve further scrutiny because they may be artefacts of existing policies and point at peculiarities or deficiencies of the national policies regarding certain forms of human trafficking. Only after such examination can breakdown percentages be interpreted as reflecting special patterns in the phenomenon of human trafficking in a country.

Identifying victims better

Since regular court and police statistics do not normally provide information on the victims involved in the recorded offences or cases, the collection of data on victims from official administrative statistics is particularly challenging. A possible opening for the collection of such statistics is offered by the introduction of national mechanisms to identify victims or presumed victims of human trafficking. The existence of a mechanism of early identification is presupposed in Article 11, paragraph 4 of the 2011 Directive. Similar to UNODC, Eurostat has opted for the collection of data on so-called identified victims. In the questionnaire Eurostat has broadened the concept of the victim by also asking about the numbers of presumed victims. If the formal mechanisms of final and preliminary identification would be more or less harmonized across the Member States numbers of identified or presumed victims would be roughly comparable as the officially counted victims. However, as discussed, such harmonization is far from a reality. The existing mechanisms of identification reveal, in fact, amazing variation both in the criteria used and the institutions involved. The implied assumption of the Eurostat questionnaire that formal identification is normally in the hands by the police is not confirmed by the results. To complicate matters further the concepts of identified and presumed victims have not been clearly defined by Eurostat and these concepts have different meanings across countries.

In its first report, Eurostat has decided to add up the numbers of identified and presumed victims in its key tables. Considering the uncertainties about these concepts and their variation across Member States this adding up seems the right decision. But when they are add-

ed up in the report, why continue asking about them separately? We are inclined to take this approach a step further and to recommend using in future rounds of the survey a broader definition of victims which covers both subcategories: identified and presumed victims. Our preference would be to ask countries to report on all persons who have been recognized by any state institution and/or state-funded NGO as deserving to receive special rights, protection or services. The use of this definition would result in higher numbers of identified victims in a broad sense.

The Commission has announced its intention to issue guidelines for National Referral Mechanisms. If these guidelines would specify standards for the early identification of victims by relevant institutions and NGOs and their subsequent referral to special services, these guidelines would not only harmonize the identification and referral of victims as such but, potentially, also the ensuing statistics of identified/presumed victims. Models for such all-encompassing mechanisms of identification and recording are CoMensha in the Netherlands, supervised by the National Rapporteur, and the Observatory on Trafficking in Human Beings in Portugal. After this harmonization, the numbers of identified victims will be significantly higher, thereby limiting the hidden part (or dark numbers). More importantly, the comparability of the numbers of identified victims between Member States would be much improved. Also much improved would be the comparability of performance measures such as the proportion of assisted or compensated victims per country.

Besides these major definitional improvements in the statistics on victims, our study shows the need for several smaller changes. Arrangements should be made for the avoidance of double counting of the same victims by different institutions. Our overview of existing or planned institutional arrangements revealed that more and more countries are setting up clearinghouses for information on human trafficking. This leads us to the conclusion that screening all registered victims will soon be feasible in a large majority of Member States with due regard for data protection requirements. Avoiding double counting of victims in both the destination and source countries will be harder to achieve. We recommend further differentiation in the variable of nationality of victims by asking whether the victim was exploited in his/her country of residence (internal trafficking) or not. In the total count of the identified victims in the EU, victims who have been exploited elsewhere in the EU ought to

be earmarked as such. In a minimum count of identified victims these victims should be disregarded as possible cases of double counting.

Performance measures

The statistics on the numbers of identified victims do not only serve as a proxy measure of the relative extent or nature of the problem or of the policy efforts to tackle it. The same statistics are also used in the 2013 Eurostat report and elsewhere to assess which proportions of identified victims have received the protection and services they are entitled to under the EU Directive. Identified victims form the percentage bases to calculate which proportions of victims are served in accordance with the Directive. The comparability of the statistics on the numbers of identified victims then, has an immediate bearing on these so-called performance measures. For example, if a country only formally identifies victims upon their entry into a special reception centre, the proportion of assisted victims will by definition be 100% (or higher). In contrast, if victims are identified regardless of their need for help, the proportion of assisted victims among identified victims will be relatively low. As a general rule, the proportion of assisted victims will be lower to the extent that the identification is more outreaching and all-encompassing.

In her paper on indices and performance measures, Aronowitz (2014) has demonstrated that the use of human trafficking statistics for the calculation of performance measures is plagued with many methodological problems. She observes, for example that, somewhat surprisingly, in several countries the numbers of assisted victims are higher than the numbers of identified victims. In the Czech Republic 195 victims received support in 2011 while only ten victims were formally identified in that same year. One explanation for this is that the same victims may in these countries be registered several times by different NGOs. Possibly, some victims receiving assistance have refused to be formally identified. But, just as likely, identification in these countries is limited to just some categories of victims, for instance third-country nationals. Others may well receive services but are never formally identified.

Similar problems arise in the calculation of the proportions of victims who have received a recovery period or compensation. The main conclusion of Aronowitz' paper is that the various performance measures cannot in any straightforward way be used for comparisons across the Member States. Differences between countries have little significance if the meanings of the key variables are different. Performance measures can, just as the statistics of identified victims and their breakdowns, only be interpreted with full knowledge of their legal and institutional context.

Our main recommendation regarding the use of performance measures is that the values of individual countries on such indices ought, just like the breakdowns, not be compared but to be examined critically on a country by country basis. If comparisons between countries are made they should be made within subsets of countries sharing similar policy challenges and legal and institutional frameworks. Rather than for comparative assessments across the board, the available data should in our view be used for comparing pairs or clusters of countries. We recommend, in other words, to use the statistics on performance measures for the benchmarking of policies of selected countries. In the Eurostat 2013 report statistics are presented in tables covering all Member States. Statistics on recovery periods and residence permits should be analysed among a selection of destination countries. Countries like Denmark and the Netherlands are, for example, both mainly destination countries. They also both possess extended welfare arrangements and pursue relatively liberal prostitution policies. Both also have put in place formal identification mechanisms and referral systems. Considering these similarities, a pairwise comparison of the statistics of these countries seems warranted. Such comparison reveals that in Denmark much fewer victims per 100,000 inhabitants are identified, especially third-country nationals. This points at important policy differences that decision makers may want to reflect on. Another suitable case of paired benchmarking would be a comparison of the key statistics of Austria and Germany, two neighbouring destination countries. Their systems of identification and assistance seem fairly similar as well. This begs the questions why Austria identifies and assists significantly fewer minors than Germany.

The validity of such benchmarking efforts would be greatly enhanced if the statistical information would be supplemented by case law and other types of qualitative information such as police-based information on the types and sizes of groups involved in human trafficking and results of studies into the experiences of victims with national policies. The execution of a more in-depth analysis would go beyond the mandate and core business of a statistical office like Eurostat. The selective analysis of these statistics and of supplementary data seems to call for the involvement of National Rapporteurs and/or a European monitoring centre mentioned above. This would allow Eurostat to remain focused on the production of tables of key variables and essential breakdowns and the presentation of metadata

Data on traffickers

The EU Directive aims to set standards for prevention, victim protection and assistance and combatting trafficking of human beings (prevention, protection and punishment). Statistics on the numbers of arrested, prosecuted and convicted traffickers are a tool to monitor the implementation of the punishment dimension of policies regarding human trafficking. These statistics can in principle be found in the regular databases of police, prosecutors and courts. The Eurostat questionnaire asks for the numbers of persons suspected of involvement in human trafficking. Almost all countries can indeed provide such statistics from police registers. Although these statistics provide a rough indicator of the law enforcement efforts and outputs, comparability is once again compromised. The biggest problem is that the formal roles of police investigators, prosecutors and judges, including examining judges, vary across countries. Full harmonization of the statistics on offenders would require harmonization of criminal procedure. The concept of a suspected and prosecuted offender is defined differently according to national law and practices.

The most striking finding regarding offenders is that in no less than ten Member States more suspects are counted than identified victims. This finding sheds new doubt on the comprehensiveness of existing systems of victim identification in these countries. A victims-offender index skewed towards offenders raises questions about victim identification. But it also, as observed by Aronowitz in her TrafStat paper, puts into question the common notion

of human trafficking as a form of organized crime, assuming that typical traffickers are in charge of organized crime groups victimizing large numbers of victims. It suggests the opposite, namely that many arrested traffickers are small operators suspected of recruiting, transporting or exploiting just one or two victims. This finding is in line with the observation that organized crime involvement is not typical for human trafficking but only one of its manifestations⁵³. The Eurostat questionnaire asked whether traffickers belonged to organized crime groups but this variable showed too many missing values to allow useful breakdowns or analysis and has not been reported on.

Most countries can provide statistics on numbers of prosecuted persons. Here comparability is problematic because, as said, the concept of prosecution, or charging, differs across countries. Also prosecutors in some countries count the numbers of prosecuted cases regarding human trafficking rather than the numbers of suspects. In her paper, Aronowitz (2014) related numbers of prosecutions related to numbers of suspects and found that the percentage of those arrested who were prosecuted varied between 15% and 100%. This huge variation seems to reflect differences in the procedures, definitions and counting rules. These indices should therefore not be compared across the board but preferably be examined on a country to country basis. One additional complication which surfaced during our discussions with the national correspondents was that in some countries defendants may avoid prosecution by paying an administrative fine (transaction) to avoid prosecution.

Finally, the questionnaire collected statistics on numbers of convictions. The factors which compromise comparability of conviction data across countries have been reviewed in detail in the European Sourcebook project (Aebi et al., 2010). These general problems relate for example to the counting rules regarding serial offences and whether convictions are counted before or after appeals. Most of these known problems can only be solved regarding

⁵³ In a presentation at the first seminar the Dutch Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Corinne Dettmeijer (2013) presented results of an analysis of Dutch case law, showing that three types of trafficking are most common: Dutch residents exploiting just one or two girls for sexual exploitation (domestic trafficking by junior pimps); medium sized groups of somewhat older males trafficking victims from Eastern Europe for sexual or labour exploitation and large scale international groups consisting of both males and females exploiting large numbers of Asian victims .

human trafficking cases when Member States would agree to harmonization of their court statistics.

According to Aebi et al. (2010), conviction statistics tend, nevertheless, to be somewhat more reliable and comparable than the other statistics on offenders. Here the most striking finding was that numbers of persons convicted for human trafficking are in many countries very low, compared to numbers of victims and numbers of arrested traffickers. In many countries not more than a handful of convictions for human trafficking is recorded annually. One possible explanation is that defendants in cases initially qualified as human trafficking by the police and/or prosecutor may be tried for lesser offences by the courts. These cases will in most countries not be counted as convictions for human trafficking. This shortcoming can in most countries only be remedied through special, time-consuming analyses of court files and/or special case tracking systems⁵⁴.

The suggestion was made to supplement the data on numbers of processed traffickers with data on the numbers of specialised police investigators and prosecutors with a view to a better monitoring of the implementation of the Punishment dimension of national anti-trafficking policies.

Early warning signals

The current EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 declared Stepping up the prevention of trafficking in human beings one of the five priorities (COM (2012) 286 final). Priority D, Action 1, will be devoted to an 'increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings', considering that 'trends, patterns and working methods of traffickers are changing in all the different forms of trafficking in human beings, adapting to changing patterns of demand and supply' which consequently makes it 'necessary to be able to understand such trends quickly and ensure effective response'. One possible function of EU wide data collection on human trafficking, then, is the early identification of emerging or developing trends. Prime example of such information are data from destination countries on the five or ten

⁵⁴ Only in Sweden and some other Nordic countries criminal cases can be tracked throughout the criminal justice system.

most important source countries and overviews of the most common forms of non-EU citizenship of suspected traffickers. Information on emerging trends or patterns does not need to be only statistical. In the TrafStat questionnaire correspondents were at the end specifically requested to indicate possible changes in patterns of trafficking (new forms of exploitation, new modus operandi, new vulnerable groups and new interventions). This part of the questionnaire yielded a number of interesting observations. Several source countries mentioned Roma as an at risk group for various forms of trafficking. Other countries mentioned mentally challenged and handicapped persons trafficked for forced begging or sexual exploitation. Several signals were also given regarding new forms of exploitation such as trafficking of women for the harvesting of their tissue and eggs (Bulgaria and Greece) or for forced marriages with men from third-countries seeking entry to the EU (Cyprus, Latvia and Slovakia). Also mentioned were trafficking for benefit fraud (UK) and for recruitment into armed conflicts (Sweden).

Although this part of the questionnaire has definitely produced interesting data, the collection of early warning signals calls for other means of data collection besides survey research and also calls for the institutional capacity to respond to such signals with remedial or preventive action. In his paper on rights-based early warning indicators, commissioned by the TrafStat project, Sax (2014) observes that only nineteen countries were able to identify new types of exploitation, while only ten countries provided information on new promising interventions. He raises the question whether the correspondents' institutions were sufficiently equipped to detect such signals. He subsequently argues for the establishment of networks of key persons who can detect relevant early warning signals. In his view National Rapporteurs would be the agencies of choice to establish such networks. In the discussion at the second seminar concerns were raised about possible overreacting to early warning signals, with adverse consequences for vulnerable groups. Consensus emerged that National Rapporteurs would be well-placed to analyse early warning systems and to recommend appropriate responses with due regard for the human rights of potential and actual victims. The network of National Rapporteurs would appear the obvious platform for the exchange of relevant early signals and recommended action in the EU.

According to Sax (2014), a country's capacity to collect early warning signals and to respond with adequate measures should be regarded as a quality aspect of a country's anti-

trafficking policies and should be monitored as such. In his paper, Sax distinguishes four areas wherein countries should take action: establishing an early warning anti-trafficking intervention network; establishing a network of early warners; developing indicators of developments which might increase vulnerabilities of trafficking; and establishing indicators of developments that might increase demand of services of trafficking victims.

Sax's paper usefully focusses attention on new forms of knowledge production besides the collection of statistical information and studies. It is also an important reminder of the need to further develop the preventative dimension of anti-trafficking policies in a creative way, going beyond awareness-raising at the supply and demand sides of the sub-markets for sexual exploitation (for examples, including on the Dutch barrier model, see OSCE/UN.Gift, 2010).

List of key recommendations

1. We recommend to Eurostat to use in future questionnaires one broad all-encompassing definition of victims along the lines of the definition used in the TrafStat study. This primary count of victims should include all persons who have been recognized as deserving any of the services mentioned in the EU Directives. Such low threshold identification would no longer differentiate between presumed and identified victims. If, as planned, EU guidelines on National Referral Mechanisms will be issued, and duly implemented by the Member States, data might in the future be available on all victims formally identified through a roughly identical identification mechanism. The concept of an identified victim according to the harmonized NRMs would in that case largely coincide with the broad definition proposed by us.
2. Regardless of the existence of a comprehensive NRM, Member States should be encouraged to set up and maintain statistical systems which combine data on registered victims from all relevant state institutions and NGOs while avoiding double counting with due regard for data protection requirements. Best practices for such systems can be found in Croatia, Denmark, Portugal, the Netherlands and Romania. The integrated statistical systems of these countries also provide best practices in data protection.

3. Even when the data collection has been improved along these lines, the statement in the 2013 Eurostat report that the numbers of registered victims must not be interpreted as reflecting the prevalence of such victimization in individual countries or in the EU remains valid. Variations across countries or across time are largely caused by differences/changes in recording practices. In this respect human trafficking statistics do not differ from the numbers of other police-recorded offences published by Eurostat. In order to arrive at estimates of the true prevalence of victimization by human trafficking for sexual and labour exploitation, like the one pioneered by ILO (2012), the European Commission would need to commission survey research among high risk groups among a broad selection of Member States.
4. In the presentation of the statistics on THB victims in the upcoming Eurostat report, it seems advisable to continue with the production of key tables combining identified and presumed victims. The concepts of identified and presumed victims have, as explained, very different meanings across the Member States. The combined numbers reflect the total of victims who have been somehow recognized by the Member States as deserving victims of THB services in accordance with the EU Directives (see recommendation 1). These combined statistics, or subcategories thereof, should also be used as basis for the construction of performance measures, e.g. percentages of all recorded victims receiving assistance, reflection period or forms of compensation.
5. For a proper understanding of the statistics on victims provided by countries, more metadata is needed on the institutional arrangements concerning identification of victims, or the lack of these, and on the methods of data collection (sources and treatment of possible double counting). More metadata are also needed on the assistance to victims (e.g. types of assistance covered, criteria for admittance to a program, methods of data collection). We therefore recommend the inclusion of a larger set of specific questions on metadata on victim identification and assistance in the next Eurostat questionnaire and report, informed by the TrafStat questionnaire and outcomes of the TrafStat study.
6. Within the EU victims can, and in fact should be double counted if they are primarily identified in an EU destination country and subsequently referred to and/or officially received in their EU countries of origin, or any other Member State. However, in the calculation of the total numbers of victims identified in the EU controls should be entered for

the effects of this cross-country double counting. To facilitate these controls, Member States must be asked to differentiate between those identified victims exploited in the registering country and those exploited elsewhere in the EU. Those exploited elsewhere should be earmarked as possibly counted in more than one country. The Commission might want to commission further studies into the extent of such double counting, e.g. by interviewing victims in source countries about their possible, earlier identification elsewhere.

7. Statistics on both victims and traffickers can in most Member States be broken down according to gender, age, type of exploitation, and nationality and this provides valuable policy information. The Eurostat statistics can also be used for the calculation of performance measures, e.g. proportion of identified victims receiving assistance, protection and compensation and ratios between arrested, prosecuted and convicted offenders or between numbers of registered victims and numbers of registered offenders. These indices, however, should not be used for straightforward comparisons between countries due to diverging definitions of the variables and counting rules. Values on breakdown and special indices should preferably be examined on a country by country basis, e.g. through pairwise comparisons of countries with similar legal and/or institutional settings (benchmarking of a country's performance against that of a relevant peer country). They can also be used to question whether strong deviations from the EU mean in a particular country may point at peculiarities or deficiencies in its national policies. Examples are very low proportions of minor or male victims, or offenders of labour exploitation or low percentages of arrested traffickers who are prosecuted or convicted. The statistics should, in other words, be used to raise policy relevant questions rather than provide answers.
8. The development and maintenance of comprehensive, integrated databases combining data from state institutions and NGOs, as recommended under point 2, is likely to be significantly facilitated by the establishment of an independent National Rapporteur as envisaged by the 2011 Directive. If such rapporteurs are independent, they will be well-placed to gain the trust of NGOs and to safeguard adherence to data protection standards regarding statistics on victims. Such rapporteurs would collectively also be well-placed to promote and supervise the collection and use of statistics which are comparable with those of other EU Member States. To this end the existing network of National

Rapporteurs should set up a subgroup of experts on THB statistics. Another key function would be to analyse and interpret from a policy perspective individually, or in collaboration with their sister organizations, and/or the EU THB Coordinator, the THB statistics collected by Eurostat from the Member States. National Rapporteurs would, finally, also be the natural choice as national focal points for the collection and analysis of early warning signals on emerging patterns and the formulation of recommendation for action based on such qualitative information at the EU and or national levels.

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Appendix A – TrafStat Questionnaire



**TOOLS FOR THE VALIDATION AND UTILISATION OF EU STATISTICS ON HUMAN
TRAFFICKING (TRAFSTAT PROJECT)**

Questionnaire covering the years 2010 - 2012

Country:

Date questionnaire completed:

National expert's name:

Address:

Telephone number:

Fax number:

Email:

Website:

Please return the completed questionnaire by **15 July 2013** to

Leontien van der Knaap L.M.vdrKnaap@uvt.nl and

Claudia Campistol Claudia.Campistol@unil.ch

Questionnaire version: 31 May 2013

This questionnaire is part of the research project *Tools for the validation and utilization of EU statistics on human trafficking* (TRAFSTAT). This project is supported by a grant of the European Commission and its goal is to improve the comparability of European statistics on trafficking in human beings: The research team consists of professor Jan van Dijk (INTERVICT, Tilburg University), professor Marcelo Aebi (Autonomous University of Barcelona, University of Lausanne), Claudia Campistol MSc (Autonomous University of Barcelona, University of Lausanne), and dr. Leontien van der Knaap (INTERVICT, Tilburg University).

The goal of the first phase of the project is to assess the current state of European THB statistics through a system of validation by experts in THB data collection from each of the EU Member States. Applying the methodology of the European Sourcebook of Crime and Criminal Justice Statistics (www.unil.ch/europeansourcebook), this questionnaire includes a series of operational definitions for a small set of THB statistics, and experts are asked to find or reconstruct statistics that fit the definitions to the largest extent possible and to explain in what respects full compliance cannot be fully achieved. The main interest of the questionnaire is in the extent to which countries collect data that fit the definitions to the largest extent possible and to explore in what respects full compliance cannot be fully achieved. Therefore, even if you do not have access to the data required, we kindly ask you to answer the questions regarding the way in which these data are collected (i.e. metadata).

General remarks

1. Contents

1.1 The TRAFSTAT questionnaire comprises four parts:

- Part 1** **Definitions**
- Part 2** **Data on victims of THB**
- Part 3** **Data on THB offenders**
- Part 4** **New trends in THB**

1.2 Each part contains tables for entering data and a set of questions. Questions may be ‘closed’, i.e. when you are requested to choose one of the suggested replies, or ‘open’, i.e. when you are requested to draft your own reply. A box is provided after each set of questions for any comments or additional information.

1.3 The questionnaire covers the years 2010, 2011 and 2012. If information is not available for the date (or year) requested, please give information for a date (or year) as close as possible to that requested, and indicate clearly the date (or year) of the information you have given. Please also indicate if the information supplied is provisional or has been estimated.

2. Please make every effort to avoid ambiguity in replies.

2.1 For any particular item for which you cannot reply, please state whether the item does not apply to your country (e.g. refers to a concept which does not exist in your criminal law or statistical system), or whether no figures are available. In other words, do not leave any question blank.

2.2 Each item should be accompanied by one of the following references:

- A number, which may be 0. **Zero means the cases are null** (e.g. no residence permits during that year)

- Three **asterisks (***)** to indicate that the statistical **information is not (yet) available**
- The abbreviation N.A. (NOT APPLICABLE) to indicate that the **question / concept does not apply**.
- **Do not use signs whose meaning is not explicit**, such as '-', '/', etc, and avoid using abbreviations without an explanation.

2.3 In the questionnaire, you are often required to provide the breakdown of an item. For example, in Table 1 you are asked to provide the total number of identified victims and their breakdown according to the type of exploitation (e.g. sexual and labour). If information for one of these categories cannot be supplied, please do not simply answer “information not available (***)”, but indicate in the comments whether you have counted these cases (for which you have no breakdown) under another heading and, especially, if they are included or excluded from the total. Indeed, if they are excluded from the total, the proper answer is that “the concept does not apply (N.A.)” accompanied by a comment.

3. Back up your replies with additional explanations where appropriate

3.1 In the questionnaire, you are asked to comment on the tables and definitions. Do not enclose additional documents although some text clarifying your replies may be helpful. This might be particularly useful where you feel that more explanation is needed on a definition supplied.

3.2 When introducing your time series, please **explain any gaps** (missing data, major changes in orders of magnitude from one year to another) and **variations in trends** (observed from one year to the other). Reference should be made to changes in statistical recording and major legislative, administrative and even political developments, which may explain such trends.

3.3 You are also asked to indicate **the source** of the data supplied for each table. These indications should consist solely of the following: (a) if the data are unpublished: *name of the institution and source department; name of the statistical system used*; (b) if the data have been published: *name and date of the publication*.

Example:

Source: The Observatory on Trafficking in Human Beings (OTSH), Ministry of Interior, not published.

Or:

Source: Based on data taken from ‘Crime in England & Wales 2011/12’.

If the source is **available online**, please also provide a **link to the website** where the data can be found.

4. Please meet the deadline: 15 July 2013

5. Relations with the TRAFSTAT research team

Where difficulties arise, please contact our research team (see their e-mail in the front page of this questionnaire), for example where the definitions used in the questionnaire appear to you ambiguous or where the deadline for replies cannot be met.

Any comments on this questionnaire are welcome.

THANK YOU FOR YOUR HELP

Part 1. Definitions

The following definitions are **not** legal definitions. They merely serve to make European comparisons on TBH offences as feasible as possible and to help in providing the figures for the tables contained in this questionnaire. These definitions are based on the ones developed by the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime* (Palermo Protocol), Eurostat and the UNODC Model Law against Trafficking in Persons.

When providing data for Part 2 of this questionnaire, please use figures which fit as close as possible to these definitions. If the definitions used in your country are different from these ones, please state so in the comments to the Table.

Differences across countries in the number of identified victims, persons suspected, prosecuted, and convicted for THB are sometimes explained by differences in the categories of victims and/or offences included and excluded from the definition of THB. In particular the inclusion or exclusion of *smuggling* and *proxenetism* (*pimping*) has a major impact on the total number of victims/offenders identified in each country. For that reason, specific questions on the inclusion/exclusion of these categories are included throughout this questionnaire.

Trafficking in human beings (THB)

THB means (a) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) is irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a).

Identified victim

A person is considered as an “identified victim” of THB when he/she has received from a relevant formal authority a status that implies that he/she has certain rights and entitlements. Examples of such rights and entitlements are: a permanent or provisional residence permit, a reflection period, or some kind of special assistance, in accordance with the European Council Directives 2004/81/EC and 2011/36/EU.

The “relevant formal authority” granting the status will usually be the police but, in some countries, the status of “identified victim” (sometimes under the denomination of “presumed victim”) can be granted by other authorities, such as the Border Police, the Immigration Services, a State Agency for Social Welfare or mandated NGOs.

For example, NGO’s are mandated to identify victims in Italy and Austria. In several countries, such as Denmark, State Agencies for Welfare or Social Services identify some categories of victims. In the United Kingdom, Immigration Services identify foreign victims.

<p>Adult</p> <p>Adult means any person aged 18 years or more.</p>
<p>Minor</p> <p>Minor means any person below 18 years of age.</p>
<p>Foreigner</p> <p>Foreigner means a person who does not have the citizenship of the reporting country.</p>
<p>National</p> <p>National means a person who has the citizenship of the reporting country in which he/she lives.</p>
<p>Sexual exploitation</p> <p>Sexual exploitation means the obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual services, including pornographic acts or the production of pornographic materials.</p> <p>Examples: Forced prostitution, street prostitution, window prostitution, prostitution in private flats, brothels, strip clubs/bars, massage parlours, modelling agencies, hotels, private clubs, escort services, or pornography in production companies.</p>
<p>Labour exploitation</p> <p>Labour exploitation means all work or service that is obtained from any person under the threat of penalty and for which the person concerned has not offered him- or herself voluntarily.</p> <p>Examples: Forced labour in the areas of factories, agriculture, plants, construction, tourism, in-house factories, nursing, mines, fishing vessel, logging, industry and service sector such as hotels, restaurant and cafes. Forced labour also includes domestic servitude.</p>
<p>Assistance and Protection</p> <p>The number of victims who received assistance and protection refers to persons who effectively had access to some form of support provided by an institution. These data are usually collected by Victim Assistance Agencies.</p> <p>Examples: Medical assistance, psychological assistance, legal assistance, short and long term shelter, travel assistance, education, vocational training, job placement, business training, (re)integration assistance, family mediation, resettlement assistance, etc.</p>
<p>Reflection period</p> <p>The “reflection period” was introduced by the European Council Directive 2004/81/EC in the following terms: “Member States shall ensure that the third-country nationals concerned are granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities.”</p>
<p>Residence permit</p> <p>A residence permit is a document produced by the relevant authority of a hosting country that allows a foreigner to remain in that country for a fixed period or permanently.</p>

Suspected THB offenders known to the police

“Suspected THB offenders known to the police” refers to persons identified by the police as potential authors of a trafficking in human beings offence. These persons have usually been arrested or at least contacted by the police. They usually appear in police statistics under the denomination of “persons known to the police” or “suspected offenders”.

Suspected THB offenders prosecuted by the prosecution authority

“Suspected THB offenders prosecuted by the prosecution authority” refers to persons against whom legal proceedings have been initiated by the prosecuting authorities.

Persons convicted for THB

“Persons convicted for THB” refers to persons found guilty by a criminal court of a trafficking in human beings offence.

When filling part 3 of the questionnaire, data on persons convicted for THB should refer, whenever this is possible, to convictions *after appeal*. Convictions after appeal are definitive; while convictions before appeal can still be modified according to the result of the appeal. Thus, using the persons convicted after appeal as the counting unit allows increasing the reliability of the figures provided and, at the same time, avoids double counting (i.e. counting the same person in first and second instance). If your figures refer to convictions after appeals, please specify that in the comments. If your data relates to persons convicted before appeal, please state so in the comments to the relevant Table.

Are there any differences between the definitions used in this questionnaire and the ones used in your country?

Yes	No	<i>If yes, please explain the differences</i>

Part 2. Data on Trafficking in Human Beings

Table 1. Identified victims of THB

		2010	2011	2012
1. Total number of <u>identified victims</u> of THB registered by a relevant formal authority				
<i>Of which registered by:</i>				
	Police			
	Border Police			
	Formally Mandated NGOs			
	Immigration Agency			
	Labour Inspectorate			
	Other (please specify in the comments)			
<i>Of which:</i>				
	Males			
	Females			
	Unknown (please specify in the comments if this category includes, for example, transgender)			
<i>Of which:</i>				
	Sexual exploitation			
	Labour exploitation			
	Other (please specify in the comments)			
<i>Of which:</i>				
	Adults			
	Minors			
<i>Of which</i>				
	Nationals			
	Foreigners from other EU countries			
	Foreigners from non-EU countries			
<i>Please specify the 5 nationalities with the highest number of identified victims</i>				

1.1. Source of the data in Table 1			
1.2. Comments on Table 1			
Rules of statistical recording applied for Table 1			
1.3. Does your definition of identified victim used in Table 1 corresponds to the one proposed in this questionnaire?			
Yes	No	Partially	<i>If <u>no</u> or <u>partially</u>, please explain the differences</i>
1.4. Do your data include victims of <i>smuggling of migrants</i> (i.e. the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person to a State of which the person is not a national or a permanent resident)			
Yes	No	<i>If yes, how many?</i>	
1.5. How is a victim identified more than once during the same year counted?			
<i>As one identified victim</i>		<i>As two or more identified victims</i>	
1.6. Does your country have a specific mechanism to avoid double counting of victims?			
Yes	No	<i>If yes, please explain the mechanism</i>	
1.7. How is a victim identified by more than one relevant formal authority of the country counted?			
<i>As one identified victim only (i.e. only one formal authority counts the victim)</i>		<i>As two or more identified victims (i.e. each relevant authority counts the victim)</i>	

1.8. THB is often a transnational offence. For example, a victim with the citizenship of one country can be exploited in another country and the relevant authorities of both countries may collaborate in the investigation or in the assistance provided to the victim. In these cases, the victim could be counted twice (once in each country). How is a victim of transnational THB counted in Table 1?		
<i>A victim is always counted in the statistics (independently of the fact that he/she is being counted in the statistics of another country or that the victimisation took place in another country)</i>		<i>A victim is not counted in the statistics if he/she is being counted in the statistics of another country or if the victimisation took place in another country</i>
1.9. When is the age of a victim registered for Table 1?		
<i>At the moment of identification by the relevant formal authority</i>	<i>At the moment of recruitment for THB</i>	<i>Other (please explain)</i>
1.10. Have the data recording methods described above been modified between 2010 and 2012?		
<i>Yes</i>	<i>No</i>	<i>If yes, please explain the changes</i>
1.11. Comments on questions 1.1 – 1.10		

Table 2. Victims of THB who received assistance

		2010	2011	2012
2. Total number of victims of THB who received assistance and protection				
<i>Of which:</i>				
	Males			
	Females			
	Unknown (please specify in the comments if this category includes, for example, transgender)			
<i>Of which:</i>				
	Sexual exploitation			
	Labour exploitation			
	Other (please specify in the comments)			
<i>Of which:</i>				
	Adults			
	Minors			
<i>Of which</i>				
	Nationals			
	Foreigners from other EU countries			
	Foreigners from non-EU countries			
3. Total number of victims of THB who were awarded a reflection period				
4. Total number of victims of THB who were awarded a (temporary) residence permit.				
5. Total number of victims of THB whose right to receive compensation from the offender was recognised by a criminal or civil Court				

2.1. Source of the data in Table 2		
2.2. Comments on Table 2		
Rules of statistical recording applied for Table 2 for victims who received assistance and protection (item 2 of the Table)		
2.3. How is a victim who received assistance and protection from one agency more than once during the same year counted?		
<i>As one victim</i>	<i>As two or more victims</i>	
2.4. How is a victim who received assistance and protection from more than one agency counted?		
<i>As one victim only (i.e. only one agency counts the victim)</i>	<i>As two or more victims (i.e. each relevant authority counts the victim)</i>	
2.5. Have the data recording methods described above been modified between 2010 and 2012?		
<i>Yes</i>	<i>No</i>	<i>If yes, please explain the changes</i>
2.6. Comments on questions 2.1 – 2.5		

Part 3. Data on THB Offenders

In this part of the questionnaire, you are asked to provide data produced by criminal justice agencies. In that context, there are a few important concepts that may be perceived differently. Here is some guidance on how they should be interpreted:

> **When are the data in this table collected for the statistics?**

It is important to determine when the data collection takes place in the criminal justice process. For example, as regards police statistics, great differences exist depending on whether data are recorded when the offence is reported to the police (input) or at a later date, for example when the police have completed their investigation (output).

> **Is a principal offence (or principal sanction) rule applied?**

It is essential to know the counting system used in cases of simultaneous offences. For example, how do the statistics reflect the case of an offender who, while forcing a woman to prostitute herself also tries to kill her? Where a principal offence rule is applied, the statistics will show one offence. Where there is no such rule, there will be a separate count for each offence.

> **How is a person who is suspected or convicted for multiple offences of the same kind (often called serial offences) counted?**

Cases of multiple or serial offences can also pose problems. For example, if a man has been forced to work illegally in three different plantations during the last year, is this recorded as one or as three offences?

> **How is a person suspected of or convicted for more than one offence in the same year counted?**

Problems may finally occur for persons who have multiple contacts with the system in the same year, e.g. a person being suspected or convicted for forced labour in February and then again for forced prostitution in November, is such a person counted twice or once only?

Table 3. Suspected THB offenders known to the police

The counting unit in this Table should be the person (i.e. the suspected offender). If that is not the case please specify so in your answer to the questions after the Table.

		2010	2011	2012
6. Total number of suspected THB offenders known to the police				
<i>Of which:</i>				
	Males			
	Females			
	Unknown (please specify in the comments if this category includes, for example, transgender)			
<i>Of which:</i>				
	Sexual exploitation			
	Labour exploitation			
	Other (please specify in the comments)			
<i>Of which</i>				
	Nationals			
	Foreigners from other EU countries			
	Foreigners from non-EU countries			

3.1. Source of the data in Table 3		
3.2. Comments on Table 3		
Rules of statistical recording applied for Table 3		
3.3. When are the data in Table 3 collected for the statistics?		
<i>When the police first registers a suspected offender (input statistics)</i>	<i>After the police first registers a suspected offender but before they complete the investigation</i>	<i>When the police completes the investigation (output statistics)</i>

3.4. What is the counting unit used in Table 3?			
<i>Suspected Offender</i>	<i>Case</i>	<i>Other</i>	<i>If the counting unit is not the <u>suspected offender</u>, please specify how cases or other counting units are defined</i>
3.5. Is a principal offence rule applied? (i.e. How is an offender suspected of multiple offences of different kinds counted?)			
<i>Yes</i>	<i>No</i>	<i>If yes, please explain the rule</i>	
3.6. How is an offender suspected of multiple offences of the same kind (often called serial offences) counted?			
<i>As one offender</i>		<i>As two or more offenders</i>	
3.7. Do data in Table 3 include minors?			
<i>Yes</i>		<i>No</i>	
3.8. Have the data recording methods described above been modified between 2010 and 2012?			
<i>Yes</i>	<i>No</i>	<i>If yes, please explain the changes</i>	
3.9. Comments on questions 3.1 – 3.8			

Table 4. Suspected THB offenders prosecuted by the prosecution authority

The counting unit in this Table should be the person (i.e. the suspected offender). If that is not the case (e.g. if your counting unit is the proceeding or the case) please specify so in your answer to the questions after the Table.

		2010	2011	2012
7. Total number of suspected THB offenders prosecuted by the prosecution authority				
	<i>Of which:</i>			
	Males			
	Females			
	Unknown (please specify in the comments if this category includes, for example, transgender)			
	<i>Of which:</i>			
	Sexual exploitation			
	Labour exploitation			
	Other (please specify in the comments)			
	<i>Of which</i>			
	Nationals			
	Foreigners from other EU countries			
	Foreigners from non-EU countries			

4.1. Source of the data in Table 4			
4.2. Comments on Table 4			
Rules of statistical recording applied for Table 4			
4.3. When are the data in Table 4 collected for the statistics?			
<i>When the prosecution authority first registers a suspected offender (input statistics)</i>	<i>After the prosecution authority first registers a suspected offender but before it completes the investigation</i>	<i>When the prosecution authority completes the investigation (output statistics)</i>	
4.4. What is the counting unit used in Table 4?			
<i>Suspected Offender</i>	<i>Case</i>	<i>Other</i>	<i>If the counting unit is not the <u>suspected offender</u>, please specify how cases or other counting units are defined</i>
4.5. Is a principal offence rule applied? (i.e. How is an offender prosecuted for multiple offences of different kinds counted?)			
<i>Yes</i>	<i>No</i>	<i>If yes, please explain the rule</i>	
4.6. How is an offender prosecuted for multiple offences of the same kind (often called serial offences) counted?			
<i>As one offender</i>		<i>As two or more offenders</i>	

4.7. Do data in Table 4 include minors?					
Yes	No	<i>If yes, please indicate the minimum and maximum age to be included in the statistics</i>			
		<i>From ____ years old to less than ____ years old</i>			
4.8. Have the data recording methods described above been modified between 2010 and 2012?					
Yes	No	<i>If yes, please explain the changes</i>			
4.9. Do the police have separate powers to drop proceedings, conditionally dispose of them or issue a penal order that counts as a conviction? If yes, which powers do they have?					
No, none of these	<i>Yes, they have the following powers:</i>				
	<i>Drop because offender remains unknown</i>	<i>Drop for other factual or for legal reasons</i>	<i>Drop for public interest reasons / simple caution</i>	<i>Conditional disposal / conditional caution</i>	<i>Penal order</i>
	<i>Please explain the options available:</i>				
4.10. Comments on questions 4.1 – 4.9					

Table 5. Persons convicted for THB offences

The counting unit in this Table should be the person convicted. If that is not the case (e.g. if your counting unit is the conviction) please specify so in your answer to the questions after the Table.

		2010	2011	2012
8. Total number of persons convicted for THB offences				
<i>Of which:</i>				
	Males			
	Females			
	Unknown (please specify in the comments if this category includes, for example, transgender)			
<i>Of which:</i>				
	Sexual exploitation			
	Labour exploitation			
	Other (please specify in the comments)			
<i>Of which</i>				
	Nationals			
	Foreigners from other EU countries			
	Foreigners from non-EU countries			

5.1. Source of the data in Table 5	
5.2. Comments on Table 5	
Rules of statistical recording applied for Table 5	
5.3. At what stage of the process does the data in Table 5 refer to?	
<i>Before appeals</i>	<i>After appeals</i>

5.4. What is the counting unit used in Table 5?		
<i>Person convicted</i>		<i>Conviction</i>
5.5. Is a principal offence rule applied? (i.e. How is a person convicted for multiple offences of different kinds counted?)		
<i>Yes</i>	<i>No</i>	<i>If yes, please explain the rule</i>
5.6. How is a person convicted for multiple offences of the same kind (often called serial offences) counted?		
<i>As one person convicted</i>		<i>As two or more persons convicted</i>
5.7. Do data in Table 4 include minors?		
<i>Yes</i>	<i>No</i>	<i>If yes, please indicate the minimum and maximum age to be included in the statistics</i>
		<i>From _____ years old to less than _____ years old</i>
5.8. Have the data recording methods described above been modified between 2010 and 2012?		
<i>Yes</i>	<i>No</i>	<i>If yes, please explain the changes</i>
5.9. Comments on questions 5.1 – 5.8		

Part 4. New Trends in THB

9. Have you identified any new type of exploitation or special victim groups?

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10. Are there any newly developed interventions or practices in your country that you would like to share with other member states (i.e. investigations methods, type of therapy, etc.)?

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Thank you for your help in completing this questionnaire

Appendix B – Discussion papers commissioned by project TrafStat

Alexis A. Aronowitz - *Future Possibilities for the Utilization of EU Statistics on Human Trafficking.*

Seo-Young Cho - *Towards a Comprehensive Index on Anti-trafficking Policy; An assessment of the 3P Index, GRETA-based Scorecard and Eurostat.*

Helmut Sax - *Rights-based early warning indicators on trafficking in human beings-some conceptual considerations.*

Future Possibilities for the Utilization of EU Statistics on Human Trafficking

Alexis A. Aronowitz, University College Utrecht

Introduction

Statistics on human trafficking – to include data on victims, services provided to the victims, offenders, and responses of the criminal justice system – should serve as a tool for individual countries and the EU to guide policies. A further objective for the use of these statistics is to enhance cooperation between countries in their fight against human trafficking. The aim of the project *Tools for the validation and utilization of EU statistics on human trafficking*, in the short term, is “...to facilitate exchanges between the National Rapporteurs on their statistics and statistical systems including on data protection provisions”.⁵⁵ Medium and long-term goals of creating harmonized data on human trafficking include better comparable THB statistics for “awareness raising and benchmarking purposes”.⁵⁶

A word about human trafficking data is in order. Due to its clandestine nature and the hidden economies in which trafficked victims are forced to work, accurate statistics on the magnitude of the problem are elusive and available statistics are notoriously unreliable. Trafficking legislation or registration of cases of trafficking, victims and offenders are inconsistent across jurisdictions – both within and across countries. Countries differ on whether or not they recognize internal trafficking of their own citizens under human trafficking violations. The absence of comprehensive legislation, the lack of expertise and political will, inexperience in conducting investigations and prosecutions and the lack of resources or corrupt practices contribute to minimal successes in the prosecution of traffickers (Aronowitz, 2010).⁵⁷

⁵⁵ Programme “Prevention of and Fight Against Crime”, Proposal HOME/2011/ISEC/AG/THB, goals and objectives of Project TRAFSTAT, p. 24.

⁵⁶ Ibid.

⁵⁷ According to the UNODC (2009; 9), of the 155 countries included in their study, only 29% reported at least 10 convictions a year; 17% reported one to ten convictions a year; 41% of the countries reported no convictions; data was not available on 14% of the other countries. More recent statistics produced by UNODC show that “...(t)he cumulative absolute number of convictions for trafficking in persons is between 5,500 and 7,000 per year for the 132 countries covered” in the period 2007-2010 (UNODC, 2012; 85). Sixteen percent of the 132 countries did not record a single conviction between 2007 and 2010. According to the U.S. Trafficking in Persons (TIP) Report 2013, worldwide prosecutions 7,705 (up from 5212 in 2008) and convictions 4,746 (up from 2983 in 2008) were increasing, but still limited (U.S. Department of State, 2013).

Where action is taken and statistics are collected, there is often no centralized agency collecting data on human trafficking. Van Dijk (2013) reports that good data collection practices exist in the Czech Republic, Finland, Ireland, Portugal, Romania, Slovakia and the Netherlands.⁵⁸ Belgium, Cyprus, France, Germany, Latvia, Luxembourg, Malta and Spain have poor statistical systems of reporting on trafficking in human beings (Van Dijk, 2013). Statistics may be reported on an ad hoc basis by individual Government agencies operating at a local or regional (state) level, by non-Governmental organizations (NGOs), border control agencies, or the press. Rarely are these data sources linked,⁵⁹ although with the introduction of National Referral Mechanisms, this has improved.⁶⁰ Data are collected for different purposes and “...vary according to the context and source of information. Governments, international agencies and NGOs provide different kind of data, which is often not comparable” (Limanowska, 2002; 4). Whereas Immigration officials may register cases of trafficking based upon interceptions - the number of persons caught trying to leave or enter a country illegally (either without proper documentation or with fraudulent papers), the police may record trafficked persons based upon the number of ‘rescues’ of those found working in bars, brothels, massage parlors, farms, factories or as domestic servants. NGOs, international organizations and Embassies often count trafficked persons based upon the number persons to whom they have provided assistance or who are in shelters or have been repatriated (Aronowitz, 2010). Statistics may indicate more about the recognition and processing or social control of the problem, than the actual problem itself (Aebi, et al., 2011).

Within the framework of the project the project ***Tools for the validation and utilization of EU statistics on human trafficking***, focal points within the Governments of the participating Member States were asked to provide data on the situation of human trafficking in their countries between 2010 and 2012. Data were collected on the total number of victims (registered by which agencies) with breakdowns for such demographic variables as age (adult/minor), gender, type of exploitation, nationality (nationals, victims from EU countries and victims for non-EU countries) and the top five countries from which the largest number of trafficked victims were identified (Part 1). Data was also obtained on victims who obtained

⁵⁸ There is a national Rapporteur in the Czech Republic, Finland and The Netherlands, an Observatory in Portugal, and comprehensive statistical data collection systems in Ireland, Romania and Slovakia.

⁵⁹ UNODC (2009; 19) reports that even within a country, they obtained different figures for the same indicator from different authoritative sources (e.g. police and public prosecutors).

⁶⁰ The UK and Germany have plans to establish a National Rapporteur (Van Dijk, 2013).

assistance, those were awarded a reflection period, and those awarded compensation (Part 2). Part 3 of the data collection was aimed at obtaining data on the total number of suspected offenders known to the police by gender, type of exploitation and nationality. The final section of the questionnaire gathered data on suspected THB offenders prosecuted (total number by gender, type of exploitation and nationality). In all cases, countries were asked questions about the rules of statistical recording to determine whether or not comparison of the data was possible.

Given limitations, an analysis has been made on the data obtained by the project, complemented with data provided by the European Commission in its 2013 report on Trafficking in Human Beings,⁶¹ with an eye toward examining the feasibility of anti-trafficking indices, performance indicators and early warning signals. Each of these will be discussed separately below.

Anti-trafficking Indices

Victims⁶²

Presumed and Identified Victims

The European Commission defines both presumed and identified victims. Victims who have been formally identified by a relevant authority are considered identified victims; those who fulfil the definition of victims of trafficking in human beings, but who have not been formally identified by the relevant authorities (police) as a trafficking victim or who have declined to be formally or legally identified as trafficked, are considered presumed victims (European Commission, 2013; 22). Before any comparison between countries can be made using the TRAFSTAT data concerning the number of victims identified, it must be clear whether countries are registering presumed victims of trafficking (as in Estonia and the Netherlands), or identified victims of human trafficking – those that have been identified, or self-identified as victims of trafficking (VoT). Latvia mentions the registration of both “presumed” and “identified” victims⁶³ but it is unclear if the figures in Table 1 represent presumed and/or identified victims. Whether a country records presumed VoT or those who have been identified or self-

⁶¹ The European Commission (2013) has provided data on human trafficking for the years 2008-2010. Project TRAFSTAT has extended the data collection period to cover the years 2010 – 2012.

⁶² Appendix 1 contains a table with all relevant information pertaining to victims broken down by gender, age, type of exploitation and nationality.

⁶³ Version 3, clarification of data, page 9.

identify greatly influences the number of victims that will be recorded in the statistics. In 2011, the Netherlands - which registers presumed victims – recorded 1,222 victims of trafficking. This represents more than 18% of the 6,659 VoT victims of trafficking identified in 28 countries within that year, and a greater number of victims identified in the Netherlands than in countries with much larger populations (e.g. Germany, France, Italy and Romania). Attention must also be paid to whether or not VoT are counted twice. This can occur if a VoT is registered by the destination country in which the victim was exploited and by the source country from which the victim was recruited. This situation would occur if a victim was identified and received assistance in both countries. This would result in double counting these victims. For countries on which information is known, all countries except Ireland (Austria, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Latvia, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the Netherlands) always count a victim in the statistics, independently of the fact that he/she is being counted in the statistics of another country or that the victimization took place in another country.⁶⁴ It is very possible that this is what contributes to the large number of VoT of Romanian nationality. Where data was available, Romania was identified as a source country in the top 5 nationalities in 2011 in 10 countries: Austria, Cyprus, Denmark, Germany, Greece, Hungary, Ireland, Poland, Portugal and the Netherlands.

An Index based upon the Total Number of Victims of Trafficking in a Country

A victim index could be created through a number of different means. An index could be created by looking at the total number of victims identified in a country *compared to the total population*.⁶⁵ This information is provided in table 1 below. It is clear from this data, that Bulgaria, Cyprus, Estonia, Romania and the Netherlands report a large number of victims per 100,000. The Netherlands records the highest number, which can be explained by the fact that presumed victims of trafficking are registered in this country. Therefore, any index based upon the number of victims identified compared to the total population should compare only countries registering presumed, and countries registering identified victims. To make sense of this data, it would be useful to divide countries into destination and source countries. The number of victims uncovered in source countries is an indication of the suc-

⁶⁴ See table 1.8 Rules of statistical recording applied for Table 1 (Version 3 18 September 2013; p. 50).

⁶⁵ A more interesting and sophisticated index would be to compare the number of domestic and international victims and provide a breakdown by gender.

cess of investigation, identification and enforcement measures. The high number of victims of trafficking recorded by source countries reflects a failure to prevent trafficking (a failed measure of awareness raising campaigns, and more structural problems such as educational and employment opportunities).

From this data, a number of other indices could be created. A second possible index measure would be the number of victims identified compared to the *number of investigations*. This measure would provide information on the size of the investigation/trafficking ring (the larger the case, the greater likelihood that a large number of VoT will be identified) as well as the success of the investigations.

A third possible index would involve the number of VoT identified compared to the number of proactive, regulatory controls (the number of victims identified during regular (labor or health) inspections of farms, restaurants, construction sites, brothels, massage parlors or other “sensitive” sectors in which victims have been previously found or are suspected to be working).

Table 1 Total Number of Identified & Presumed VoT per 100,000 Inhabitants (2011)

Country	Total # Identified & Presumed VoT ⁶⁶	Population ⁶⁷	VoT / 100,000 inhabitants
Austria	70	8.404.3	0.83
Belgium	130	11.000.6	1.18
Bulgaria	541	7.369.4	7.34
Cyprus	40	839.8	4.76
Czech Republic	10	10.486.7	0.09
Denmark	60	5.560.6	1.07
Estonia	56	1.340.2	4.17
Finland	24	5.375.3	0.44
France	726	65.048.4	1.11
Germany	672	81.751.6	0.82
Greece	97	11.309.9	0.85
Hungary	18	9.985.7	0.18
Ireland	57	4.569.9	1.24
Italy	692	60.626.4	1.14
Latvia	0	2.074.6	0.0
Lithuania	22	3.052.6	0.72
Luxembourg	8	511.8	1.56
Malta	0	415.2	0.0
Poland	*** ⁶⁸	38.529.9	-
Portugal	33	10.572.2	0.31
Romania	1015	21.413.8	4.73
Slovakia	26	5.392.4	0.48
Slovenia	21	2.050.2	1.02
Spain	234	46.152.9	0.5
Sweden	127	9.415.6	1.34
The Netherlands	1222	16.655.8	7.33
UK	712	62.498.6	1.13

Minors and Adults

Before an index can be established comparing the percentage of victims identified as minors and those identified as adults (per country), it is important to harmonize the data. Currently, 13 countries register the VoT as minor at the moment of identification (Austria, Bulgaria,

⁶⁶ Information on the total number of identified and presumed VoT from Belgium, France, Italy, Luxembourg, Malta, Spain and the UK were obtained from Van Dijk, J. (2013), *Identified Victims*, Expert Meeting, Project TRAFSTAT, powerpoint presentation, September 23.

⁶⁷ Population, 1 January 2011 (European Commission, no date).

⁶⁸ The total number of VoT was unavailable for Poland however more detailed data is available for categories such as age, gender, nationality and type of exploitation.

Cyprus, Czech Republic, Denmark, Finland, Germany Greece, Hungary, Latvia, Poland, Slovenia and Sweden), when the VoT is registered by the relevant authorities (Estonia, The Netherlands), while four others (Ireland, Lithuania, Romania, Slovakia) register a VoT at the time the victim was recruited.⁶⁹ Registration at the time of identification skews the data as a large number of VoT may have been recruited and exploited as minors, but identified much later as VoT when they are adults.

The following table (Table 2) shows the distribution per country (2011 data).

The number of identified adult VoT related to minor VoT can be expressed in percentages. The data in Table 2 show that in all countries, the majority of identified VoT were adults. Adults generally represent more than 75% of the VoT in 14 countries (Austria, Bulgaria, Cyprus, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Lithuania, Slovenia, Sweden and the Netherlands). In the following countries either no, or a single VoT were identified (Austria, Cyprus, the Czech Republic, Latvia, Slovakia and Slovenia).

⁶⁹ Three other countries, Estonia, Portugal and the Netherlands register VoT at the moment of getting into contact with organizations (Estonia), at the moment of flagging (Portugal) and at the moment of registration (The Netherlands), Data, Table 1.9.

Table 2 Breakdown of Total Number of VoT and Percentage of Adults to Minors (2011)

Country	Total # VoT	By Age			
		Adults		Minors	
Austria	70	70	100%	0	
Belgium	130				
Bulgaria	541	471	87%	60	13%
Cyprus	40	39	97,5%	1	2,5%
Czech Republic	10			0	
Denmark	60	58	96,7%	2	3,3%
Estonia	56	42	75%	5	25%
Finland	24	20	83,3%	4	16,7%
France	726				
Germany	672	568	84,5%	90	15,5%
Greece	97	84	86,6%	13	13,7%
Hungary	18	15	83,3%	3	16,7%
Ireland	57	44	77,2%	13	22,8%
Italy	692				
Latvia	0	14		0	
Lithuania	22	19	86,3%	3	13,7%
Luxembourg	8				
Malta	0				
Poland	***	22		3	
Portugal	33	30	90.9%	3	9.09%
Romania	1015	729	71,8%	319	31,4%
Slovakia	26	12	46,2%	1	0,4%
Slovenia	21	20	95,2%	1	4,8%
Spain	234				
Sweden	127	96	75,6%	31	24,4%
The Netherlands	1222	1013	82,9%	195	15,9%
UK	712				

Domestic and International Victims

Information was provided by 15 countries on domestic and international VoT. Because the majority of countries register their own nationals as VoT even if they have *not* been exploited in their own country, it is difficult to determine if “national” VoT are cases of domestic trafficking occurring within the border, or nationals who have been repatriated from different countries and are receiving assistance at home.

The likelihood that “domestic” VoT have been exploited within the country’s borders is greater in “typical” destination countries (Dutch VoT exploited in the Netherlands) than in “typical” source countries. It is unclear in the case of Romania, which reports a large number of domestic victims of trafficking, how many have been exploited within the country and how many have been exploited as VoT elsewhere and repatriated back to Romania. Table 3 provides a breakdown of VoT by nationals, EU member states and non-EU member states. In most countries, national VoT as well as those from within and outside of the EU were identified.

Table 3: Identified Victims by Nationality (2011)

Country	Total # VoT	By Nationality					
		Nationals		EU		Non-EU	
Austria	70	2	2,8%	47	67,1%	21	30%
Belgium	130						
Bulgaria	541			0		0	
Cyprus	40	0		11	27,5%	29	72,5%
Czech Republic	10	2	20%	1	10%	6	60%
Denmark	60			8	13,3%	52	86,7%
Estonia	56	39		***		***	
Finland	24	3	12,5%	0		21	87,5%
France	726						
Germany	672	139	20,7%	417	62,1%	96	14,6%
Greece	97	1	1%	83	85,6%	13	13,4%
Hungary	18	N.A.		N.A.		N.A.	
Ireland	57	6	10,5%	9	15,8%	42	73,7%
Italy	692						
Latvia	0	14		0		0	
Lithuania	22	21	95,4%	1	4,6%	0	
Luxembourg	8						
Malta	0						
Poland	***	81		19		69	
Portugal	33	28	84.4%	3	9.09%		
Romania	1015	1041				7	
Slovakia	26	N.A.		N.A.		N.A.	
Slovenia	21	8	38,1%	4	19%	7	33,3%
Spain	234						
Sweden	127	***		***		***	
The Netherlands	1222	337	27,6%	369	30,2%	509	41,6%
UK	712						

Sex vs. Labor and Other Forms of Trafficking

An index could be created based on the number of cases of trafficking for sexual exploitation, labor exploitation and “other” related to each other, or based on the total number of cases identified in a country. From the data in the table below, it is clear that the majority of cases of trafficking are for sexual exploitation. In seven countries (Cyprus, the Czech Republic, Denmark, Germany, Ireland, Lithuania and the Netherlands) VoT for sexual exploitation comprise approximately 2/3 of all victims identified. The exception to this rule is Portugal which reported 27 cases of labor trafficking in 2011 to only 4 cases of sex trafficking and Sweden. In Sweden, 63% of the identified VoT were identified in other forms of trafficking.⁷⁰ In Romania, slightly more than half of the cases involve trafficking for sexual exploitation (50,9%), while labor and other forms of exploitation⁷¹ combined comprise more than half of the cases (52,3%).⁷² Other forms of trafficking (in larger numbers as compared to the total number of victims trafficked) were identified in Bulgaria, Cyprus, Romania and the Netherlands.⁷³

⁷⁰ Sweden divides human trafficking into a) sexual exploitation and b) other forms of exploitation which include all forms of exploitation *except* sexual exploitation (e.g. forced labor, domestic servitude, forced begging, organ removal, criminal activities, etc.) (Table 1.2 Comments on Table 1).

⁷¹ Other forms of exploitation include mainly forced begging, victims obliged to commit theft and victims of a tentative of trafficking in persons crime (Table 1.2 Comments on Table 1).

⁷² Due to rounding and possible double or multiple registrations for more than one form of exploitation, the figures do not add up to 100% and the number of victims for sexual, labor and other forms of exploitation is larger than the total number of victims identified.

⁷³ No further information was available on the type of exploitation for these countries. Poland reports trafficking for forced begging and committing crimes, and practices of slavery.

Table 4 Breakdown of VoT by Type of Exploitation (2011)

Country	Total # VoT	By Type of Exploitation					
		Sex		Labor		Other	
Austria	70						
Belgium	130						
Bulgaria	541	404		1		46	
Cyprus	40	26	65%	9	22,5 %	5	12,5 %
Czech Republic	10	7	70%	3	30%		
Denmark	60	55	91,6 %	3	5%	2	3,3%
Estonia	56	36		22		6	
Finland	24	***		***		***	
France	726						
Germany	672	640	95,2 %	32	4,8%		
Greece	97	N.A.		N.A.			
Hungary	18	***		***		N.A.	
Ireland	57	37	64,9 %	13	22,8 %	7	12,2 %
Italy	692						
Latvia	0	4		2		8	
Lithuania	22	21	95,5 %	0		1	4,5%
Luxembourg	8						
Malta	0						
Poland	***	12		8		5 ⁷⁴	
Portugal	33	4	12.1 %	27	81.8 %		
Romania	1015	517	50,9 %	408	40,2 %	123	12,1 %
Slovakia	26	N.A.		N.A.			
Slovenia	21	20		1		0	
Spain	234						
Sweden	127	47	37%	***		80	63%
The Netherlands	1222	781	63,9 %	250	20,4 %	191	15,6 %
UK	712						

⁷⁴ 4 for forced begging and 1 for slavery practices

It is clear from examining the raw numbers in countries where data by type of exploitation is available, that Government efforts appear to be directed at uncovering cases of sexual exploitation. This could indicate that efforts are not being directed at uncovering cases of labor exploitation or that expertise is lacking to investigate and uncover such cases (Bulgaria, Denmark, Germany, Lithuania and Slovenia). Additionally, it is unclear how countries register cases of exploitation when VoT have been exploited in both the sex and labor markets. Another problem which becomes clear from examining this data, is that limited information was provided on other types of exploitation. This is crucial as it may serve as a warning signal to other countries regarding new forms of exploitation. This will be discussed in a later section of the paper.

Performance Indicators

Performance indicators tell Governments how effectively and perhaps fairly they are dealing with VoT and how effectively they are at identifying suspects which result in successful prosecutions and convictions. How well Governments have succeeded in achieving these goals will be discussed in the following two sections on victims receiving services and suspects and convicted offenders.

Calculations are made based upon the statistics, which are often difficult to interpret. In many cases data is unavailable or, for instance, the number of VoT who receive assistance far outnumbers the total number of victims identified in the same year. Austria, for example, provide assistance to 251 VoT in 2011 but identified only 70 VoT in that same year. The Czech Republic identified 10 victims in 2011 but provided assistance to 195. This may be due to the fact that VoT were identified in the previous year but are receiving assistance in the current year. It can also be attributed to the fact that a limited number of individuals were identified as VoT but were registered multiple times if assistance was provided to a VoT on more than one occasion or by different agencies.⁷⁵

⁷⁵ See Rules of statistical recording applied to table 2 (table 2.3 and 2.4; pages 77 and 78 in Version 3).

Victims in Relation to Victims who have Received Assistance⁷⁶

The most reliable indices of a country's performance pertain to the measurement created in identifying VoT and then processing them through the (Criminal Justice and) aide systems. In a "perfect world", the number of victims receiving assistance would be (nearly) the same as those identified.⁷⁷ Reflection periods and residence permits would be granted to the same number of foreign national victims identified, and ALL VoT would receive compensation. Performance indicators, then, can be assessed by examining the number of victims identified compared to those receiving assistance, those granted a reflection period, a resident permit (for foreign nationals), to those granted compensation.

The information for these points of measurement are presented in Table 4 below.

Problems Interpreting the Data

The fact that victims may have been identified in one year, but services, reflection periods, and compensation were provided in the following year, creates a problem for the statistics. This could give the impression that services were not provided to identified victims in a particular year. Furthermore, if services to victims are recorded in a particular year when the victim was identified in the preceding year, this could result in more VoT being provided services in one year, than were identified.

The number of victims receiving assistance was greater than the total number of victims identified in the same year in Austria, Belgium, the Czech Republic, Finland and Latvia, therefore it was impossible to calculate the percentage of victims receiving assistance as a percentage of the total number of victims. This "overcounting" may be due to the fact that victims receiving assistance more than once in a year, or from more than one agency, may be registered each time service is provided.

A victim who received assistance and protection from one agency more than once in the same year was counted as two or more victims in only two countries: Bulgaria and Lithuania. In the Czech Republic this depends upon the NGOs providing the data. Furthermore, a victim who received assistance and protection from more than one agency is counted as two or

⁷⁶ Appendix 2 provides data for the total number of victims identified compared to the number of victims receiving assistance by type of exploitation, nationality, those receiving a reflection period, residence permit and compensation.

⁷⁷ Not all VoT accept assistance offered. For more on this see Brunovskis, Annette, and Rebecca Surtees (2007), *Leaving the Past Behind? When Victims of Trafficking Decline Assistance*. Oslo, Norway: Fafo.

more victims in Bulgaria, Greece and Lithuania; the Czech Republic reports that each agency/NGO registers their own data.⁷⁸ It is therefore possible that in these countries, the “number” of victims receiving assistance is greater than the total number of VoT identified.

The percentage of the number of victims receiving assistance compared to the total number of VoT identified⁷⁹ was calculated for 10 countries: Bulgaria, Cyprus, Denmark, Germany, Greece, Ireland, Portugal, Romania, Slovenia and the Netherlands. The percentage ranged from a low of 11.8% of victims receiving assistance compared to the total identified (in Bulgaria) to a high of 100% in Cyprus and Ireland, where the total number of victims identified is relatively low at 40 and 57 respectively. In Germany, Portugal, Romania and the Netherlands, less than half of the victims identified were provided assistance (27.2%, 31%, 45% and almost 44% respectively). This information can be found in Table 5 below.

⁷⁸ This information was provided as explanatory notes to tables 2.3 and 2.4 of the report *Tools for the Validation and Utilization of EU Statistics on Human Trafficking (TRAFSTAT PROJECT)* Version 3 – 18 September 2013.

⁷⁹ The Netherlands registers all victims at the initial stage as presumed rather than identified victims of trafficking.

Table 5 VoT Receiving Assistance as a Percentage of Total Number of VoT (2011)

Country	Total # VoT	VoT receiving Assistance	Performance Indicator
Austria	70	251	
Belgium	130	149	
Bulgaria	541	64	11.8%
Cyprus	40	40	100%
Czech Republic	10	195	
Denmark	60	55	91.6%
Estonia	56		
Finland	24	52	
France	726		
Germany	672	209	31.1%
Greece	97	51	52.6%
Hungary	18	***	
Ireland	57	57	100%
Italy	692		
Latvia	0	14	
Lithuania	22	***	
Luxembourg	8		
Malta	0		
Poland		25	
Portugal	33	9	27.2%
Romania	1015	453	44.6%
Slovakia	26	31	
Slovenia	21	18	85.7%
Spain	234		
Sweden	127	***	
The Netherlands	1222	280	43.6%
UK	712		

Non EU Victims who have Received Assistance in Relation to Victims granted a Reflection Period

A reflection period should be granted to VoT to allow them to recover from their experiences and to give them time to reflect about whether to cooperate with police investigations and criminal proceedings.⁸⁰ This is relevant to third country nationals (VoT from outside of the EU who may have an irregular immigration status and to some EU nationals who, because of lack of employment, may not be allowed to remain in the country). Only 10 coun-

⁸⁰ During the reflection period VoT are provided with appropriate assistance and support, such as safe housing, medical services, psycho-social and legal support.

tries provided statistics on the number of VoT granted a reflection period in 2011. The number of those granted a reflection period should be equal to or less than those third country national VoT (excluding nationals). This was not the case in a number of countries (Belgium, Bulgaria, the Czech Republic, Denmark and the Netherlands, where the number of VoT granted a reflection period was larger than the total number of victims outside of the EU. It was possible to calculate the performance indicator represented in percentage for 4 countries: Cyprus, Ireland, Slovakia and Slovenia (seen in Table 6 below).

Table 6 Reflection Period compared to the Number of VoT from outside of the EU Number of VoT granted (2011)

Country	Non EU VoT	VoT granted Reflection Period
Austria	***	***
Belgium	104	149
Bulgaria	0	64
Cyprus	29	4 (13.8%)
Czech Republic		10
Denmark	49	60
Estonia	***	0
Finland	47	0
France		
Germany	36	N.A.
Greece	1	0
Hungary	***	***
Ireland	33	1 (3%)
Italy		
Latvia	0	0
Lithuania		0
Luxembourg		
Malta		
Poland	6	0
Portugal		N.A.
Romania		1048
Slovakia	1	1 (100%)
Slovenia	4	2 (50%)
Spain		
Sweden	***	***
The Netherlands	206	357
UK		

Victims receiving Compensation compared to the Total Number of Victims of Trafficking

As VoT move through the system of identification, receiving services, being granted a reflection period and being granted compensation, the numbers are smaller and fewer countries collect this data. Only two countries, Romania and the Netherlands provided data on the number of VoT receiving compensation in a civil or criminal court. In the case of Romania in 2011, 1015 VoT were identified and 56 received compensation. This represents a performance indicator of 5.5%. In the Netherlands, 21 or 1222 VoT were granted compensation. This figure represents 1.7% of the total number of VoT. It is important to understand that the identification and granting of compensation to VoT probably took place in different years.⁸¹ Furthermore, the data collected represent the “total number of victims of THB whose right to receive compensation from the offender was recognized by a criminal or civil Court” and says nothing about whether or not the VoT actually received the compensation.

Offenders⁸²

Offenders Known to the Police by Gender, Age and Nationality

Certain patterns emerge with respect to gender. Males outnumber female offenders in all countries except Greece, where the number of female offenders is almost double that of males.

Regarding age, not all countries include minors in their count of suspected THB offenders known to the police. In countries in which the data is available, 11 (Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Poland, Slovakia and Sweden) include minor suspects in their total count; six others (Bulgaria, Cyprus, Hungary, Ireland, Latvia and Slovenia) do not.

With respect to nationality, all countries identified nationals as among those offenders known to the police. In Belgium, Cyprus, the Czech Republic, Estonia, Finland, Latvia and Slovakia, offenders of the country (nationals) represented the largest group of offenders. This pattern deviated in Denmark, where no national offenders were identified, and Germany and Greece, where the largest group of offenders were from other EU countries. In Denmark

⁸¹ Given the time lag between the identification of the VoT the investigation and court proceedings, it is probable that those receiving compensation were identified in previous years.

⁸² Appendix 3 contains information on offenders by gender, type of exploitation, nationality and those prosecuted and convicted.

and Finland, the largest group of offenders known to the police came from outside of the European Union. The distribution by gender and nationality can be found in Table 7 below. A word of caution about nationality: the term nationality, based upon legal status in a country, may not disclose important information concerning national origins. Information on national origins is important as it may be an indicator of diasporic connections and possibly markets in which trafficked persons are exploited. This will be discussed later in the paper.

Table 7 Offenders Known to the Police by Gender and Nationality (2011)

Country	Total # of-fenders (known to police)	Offenders by Gender ⁸³		By Nationality		
		M	F	Nation-als	EU	Non-EU
Austria	61	46	15	N.A.	N.A.	N.A.
Belgium	950	660	251	387	269	216 78 ⁸⁴
Bulgaria	138	***	***	-		
Cyprus	53	31	22	25	18	10
Czech Republic	29	20	9	22	2	5
Denmark	21	12	9		8	13
Estonia	87	81	6	72	3	3 9 ⁸⁵
Finland	30	8	2	4	1	5
France						
Germany	778	589	173	225	301	180
Greece	220	75	145	83	90	45 2 ⁸⁶
Hungary	32	26	6	***	***	***
Ireland	24	***	***	***	***	***
Italy						
Latvia	1	1	0	1	0	0
Lithuania	*** ⁸⁷	***	***	***	***	***
Luxembourg						
Malta						
Poland	13 ⁸⁸ 52 ⁸⁹	5 36	1 16	N.A. N.A.	N.A. N.A.	N.A. N.A.
Portugal	21	11	10	N.A.	N.A.	N.A.
Romania	***	***	***	***	***	***
Slovakia	14	12	2	8	4	0
Slovenia	18	14	4	***	***	***
Spain						
Sweden	25	20	5	***	***	***
The Netherlands	***	***	***	***	***	***
UK						

⁸³ Only Belgium, Germany and Greece reported a third category: Unknown.

⁸⁴ Unknown

⁸⁵ Without citizenship

⁸⁶ Unknown

⁸⁷ *** (Statistical information is not (yet) available)

⁸⁸ Poland Reports two figures for offenders. The first is those identified by police

⁸⁹ Poland Reports two figures for offenders. The second is those suspects for which an investigation was ended

Offenders Known to the Police by Type of Exploitation

Countries are not all recording the same information. With respect to the data on suspected offenders, most countries register the suspected offender. In Finland and Spain, cases are registered. These may include multiple offenders. Hungary and Poland record both offenders and cases.⁹⁰ Where data was disaggregated by offender known to the police by type of exploitation, the data also show that except for Sweden, the majority of traffickers were arrested for involvement in trafficking for sexual exploitation. Offenders known to the police for labor trafficking were found in only 7 countries (Belgium, Cyprus, Czech Republic, Germany, Ireland, Poland and Slovenia). An extremely small percentage of offenders known to the police for their involvement in labor exploitation were identified in Germany (25 of 778 or 3,2%). This may point to the need for more investigations into labor trafficking in all countries in which no or very few offenders were identified. For more detail, see table 8 below. Belgium, Poland and Sweden identified offenders of “other” types of trafficking. Information was available in Belgium (forced begging, forced criminal activity and organ trafficking) and Poland in which offenders were involved in taking social benefits. Information is not available from Sweden on the type of exploitation involved.

Table 8 Total Number of Offenders Known to the Police by Type of Exploitation (2011)

Country	Total # offenders (known to police)	By Type of Exploitation		
		Sex	Labor	Other
Austria	61		N.A.	N.A.
Belgium	950	488	251	39
Bulgaria	138	***	***	***
Cyprus	53	44	9	0
Czech Republic	29	17	2	
Denmark	21	21		
Estonia	87	56	0	***
Finland	30	***	***	***
France				
Germany	778	753	25	
Greece	220	N.A.	N.A.	
Hungary	32	***	***	***
Ireland	24	21	3	0
Italy				

⁹⁰ In Sweden, registration is based upon the prosecutor’s decision to prosecute (see explanation, page 121, data Version 3).

Latvia	1	N.A.	N.A.	N.A.
Lithuania	*** ⁹¹	***	***	***
Luxembourg				
Malta				
	13 ⁹²	N.A.	N.A.	N.A.
	52 ⁹³	44	2	1 5 ⁹⁴
Poland				
Portugal	21	N.A.	N.A.	N.A.
Romania	***	***	***	***
Slovakia	14	N.A.	N.A.	
Slovenia	18	16	2	0
Spain				
Sweden	25	***		14
The Netherlands	***	***	***	***
UK				

Offenders Known to the Police compared to Presumed and Identified Victims

The relationship between the number of (presumed) victims identified and the number of offenders arrested may be an indication of the sophistication of trafficking networks operating in a country. A small number of offenders in relation to a large number of victims could point to the fact that police are unable to identify and arrest traffickers (victims refuse to cooperate or change their testimony, wiretaps do not produce the expected results). On the other hand, a large number of offenders identified, in relation to a small number of victims may be an indication of numerous traffickers or low level networks operating in a country and victims refusing to self-identify or accept assistance. In table 9 below, the total number of offenders is compared to the total number of presumed or identified victims for the countries in 2011.

⁹¹ *** (Statistical information is not (yet) available)

⁹² Poland Reports two figures for offenders. The first is those identified by police

⁹³ Poland Reports two figures for offenders. The second is those suspects for which an investigation was ended

⁹⁴ Taking social benefits

Table 9 Total Number of Offenders Known to the Police compared to the Number of Presumed or Identified Victims (2011)

Country	Total # of-fenders (known to police)	Total # pre-sumed or identified VoT	Offenders Related to Identified Victims
Austria	61	70	
Belgium	950	130	More offenders than victims
Bulgaria	138	541	
Cyprus	53	40	More offenders than victims
Czech Republic	29	10	More offenders than victims
Denmark	21	60	
Estonia	87	56	More offenders than victims
Finland	30	24	More offenders than victims
France		726	
Germany	778	672	More offenders than victims
Greece	220	97	More offenders than victims
Hungary	32	18	More offenders than victims
Ireland	24	57	
Italy		692	
Latvia	1	0	More offenders than victims
Lithuania	*** ⁹⁵	22	
Luxembourg		8	
Malta		0	
Poland	13 ⁹⁶ 52 ⁹⁷	33	More offenders than victims
Portugal	21	22	
Romania	***	1015	
Slovakia	14	26	
Slovenia	18	21	

⁹⁵ *** (Statistical information is not (yet) available)

⁹⁶ Poland Reports two figures for offenders. The first is those identified by police

⁹⁷ Poland Reports two figures for offenders. The second is those suspects for which an investigation was ended

Spain		234	
Sweden	25	127	
The Netherlands	***	1222	
UK		712	

In Belgium, Cyprus, the Czech Republic, Estonia, Finland, Germany, Greece, Hungary and Poland, there were more offenders known to the police than trafficked victims. The number of offenders in Belgium is seven times higher than the number of VoT identified in the same year. In the Czech Republic the number is three times higher and in Greece almost twice the number. This may point to multiple suspects arrested for having trafficked a small number of victims and may point toward individuals or low-level trafficking networks. In the remaining countries, Austria, Bulgaria, Denmark, Ireland, Latvia, Portugal, Slovakia, Slovenia and Sweden, the number of suspected traffickers was equal to or smaller than the number of identified trafficked victims. This could mean that either police in those countries are unsuccessful in identifying and arresting traffickers, or that a small number of traffickers is involved in trafficking and exploiting a large number of victims. The former could indicate the failure of police to investigate and arrest, while the latter interpretation may point to highly organized and sophisticated trafficking operations exploiting large numbers of victims. Without having data concerning individual cases (the size, the number of traffickers, victims, the length of exploitation and investigation, the number of officers involved), it is impossible to fully understand what is occurring in a country and how traffickers are plying their trade.

From Offenders Known to the Police to those Prosecuted

A number of problems plague statistics dealing with traffickers. Because there is a great likelihood that offenders arrested in one year may be prosecuted in another year, it is almost impossible to compare the number of prosecuted offenders to the total number of known offenders in a given year. Table 9, below, shows that where data is available, in 4 countries (Bulgaria, the Czech Republic, Slovakia and Slovenia) the number of those prosecuted is greater than the number of offenders known to the police. In 6 other countries (Austria, Estonia, Lithuania, Poland, Spain and the Netherlands), data was missing from either the total number of offenders known to the police, or on the number of prosecutions.

An additional problem lies in the fact that “counting unit” is the suspected offender in 13 countries (Austria, Belgium, Bulgaria, Cyprus, Estonia, Germany, Greece, Hungary, Ireland,

Lithuania, Poland, Slovakia and Slovenia,⁹⁸ whereas in Finland cases (reports of offenses) are registered. In the Czech Republic suspected offenders are registered, except with respect to the forms of exploitation where cases are registered. Where data is available, it is possible to determine the percentage of those prosecuted to those known to the police in 10 countries (Belgium, Cyprus, Denmark, Finland, Germany, Hungary, Ireland, Latvia, Portugal and Sweden). This information is provided in Table 10.

Because it is possible that offenders are known to the police in a particular year, but are not prosecuted until the following year, the decision was made to look at known offenders for the years 2010 – 2011, and to look at prosecutions in 2011 – 2012.

The percentage of those prosecuted compared to suspects identified varies from a low of 20% in Latvia (although numbers are small) to a high of over 90% in the Czech Republic and Hungary. Low prosecution numbers do not mean, however, that suspects will not be prosecuted, but may mean that suspects are prosecuted in the year 2012.⁹⁹

During the Expert Meeting in Amsterdam for this project, a discussion arose concerning suspects who are dealt with via a “transaction” or decision on the part of the Prosecution Department to settle the case without having to go to trial. These individuals, while receiving a form of punishment, will not be recorded in the prosecution or conviction statistics. It is essential, if performance indicators are developed measuring the success of bringing suspects to trial and getting a conviction, this measure is also taken into account and calculated into the “conviction” statistics.

⁹⁸ This is the case as well for the Czech Republic except for forms of exploitation in which the number of cases are registered. Sweden reports that “for every kind of trafficking offence (sexual exploitation or other exploitation), the suspected offender can only be counted once per year.

⁹⁹ It is also probable, however, that suspects from 2010 were prosecuted in 2011. If the numbers are large enough, the carry-overs from one year to the next should balance out.

Table 10 Total Number of Offenders Known to the Police compared to the Number of Offenders Prosecuted

Country	Total # offenders (known to police) 2010 - 2011	Prosecuted 2011 - 2012	% prosecuted to total # offenders
Austria	125	***	
Belgium	2040	739	74.6%
Bulgaria	301	502	
Cyprus	117	121	
Czech Republic	64	62	96.9%
Denmark	34	24	70.6%
Estonia	165	***	
Finland	43	5	11.6%
France			
Germany	1545	148 + *** ¹⁰⁰	
Greece	466	N.A.	
Hungary	46	43	93.5%
Ireland	64	21	32.8%
Italy			
Latvia	5	1	20%
Lithuania	*** ¹⁰¹	57	
Luxembourg			
Malta			
Poland	27 ¹⁰² 81 ¹⁰³	N.A. (2011) + 32 (2012)	
Portugal	44	7 + N.A.(1) (2012)	
Romania	***		
Slovakia	19	43	
Slovenia	27	40	
Spain		221	
Sweden	46	30	65.2%
The Netherlands	***	566	
UK			

¹⁰⁰ *** Information for prosecutions in 2012 were unavailable.

¹⁰¹ *** (Statistical information is not (yet) available)

¹⁰² Poland Reports two figures for offenders. The first is those identified by police

¹⁰³ Poland Reports two figures for offenders. The second is those suspects for which an investigation was ended

From Prosecuted to Convicted Offenders

Conviction statistics, according to Aebi, et. al. (2011) provide a less valid but more reliable measure of crime and formal social control than police statistics. Table 10 below provides data for both prosecuted and convicted offenders.

Since there is a much greater likelihood that offenders were prosecuted and convicted in the same year, the performance indicator for the prosecutions to convictions can be calculated for a given year.

If convictions are compared to prosecutions, the percentage ranges from a low of 0% convictions (Latvia and Spain) to a high of 85% in Hungary. In some cases, the number of offenders prosecuted is small ($n < 20$) in 7 countries: Denmark, Finland, Ireland, Latvia, Portugal, Slovenia and Sweden. The data between countries, however, may not be comparable, as 7 countries (Finland, Latvia, Lithuania, Slovenia,¹⁰⁴ Spain, Sweden and the Netherlands) report the convictions before appeals, whereas the other 11 countries (and Slovenia), report the convictions after appeals. If a country registers a conviction only after appeals, the likelihood is great that the prosecution and conviction took place in different years. Additionally, countries differ on whether the principal offense rule applies (i.e. whether the person is convicted of multiple offenses is only registered once for the most serious offense). The conviction statistics are also not comparable as 13 countries count serial offenses (a person convicted of multiple offenses of the same kind) as one (person) convicted (Belgium, Bulgaria, Denmark, Estonia, Finland, Germany, Hungary and Ireland, Latvia, Lithuania, Poland, Slovenia and Spain). Cyprus, Romania and Sweden record serial offenses as two or more persons convicted, while Slovakia and the Netherlands use both measures to record serial offenses. This means that some countries record convictions while others record convicted persons.

Table 11 below provides data on prosecuted and convicted persons.

¹⁰⁴ Slovenia reports the cases both before and after appeals.

Table 11 From Prosecuted to Convicted Offenders (2011)

Country	Prosecuted (Table 4)	Convicted (Table 5)	
			%
Austria	***	***	
Belgium	358	68	
Bulgaria	535		
Bulgaria	253	131	51,8%
Cyprus	53	9	17%
Czech Republic	31	19	61,3%
Denmark	12	6	50%
Estonia	***	20	
Finland	5	1	20%
France			
Germany	148	121	81,7%
Greece			
Hungary	27	23	85,2%
Ireland	8	4	50%
Italy			
Latvia	0	0	0%
Lithuania	33	11	33,3%
Luxembourg			
Malta			
Poland	N.A.	19	
Portugal	7		
Romania		276	
Slovakia	33	8	24,2%
Slovenia	15	3	20%
Spain	64	0	0%
Sweden	15	2	13.3%
The Netherlands	255	75	29,4%
UK			

Reflections on Performance Indicators

Because countries record different phenomenon – possible victims versus those who have been positively identified, individual victims versus victims receiving services from multiple agencies being registered multiple times¹⁰⁵, individual offenders convicted versus number of convictions, and because those prosecuted and convicted in one year may have been identi-

¹⁰⁵ Because a VoT may be registered multiple times does not mean that it happens frequently nor in large numbers. The question is to what degree this inflates the statistics.

fied by police in the preceding year, it is impossible to develop accurate performance indicators to compare countries at this point in time.

What may be possible is to develop performance indicators for individual countries using the current data. The most effective performance indicator, however, would be generated through a case tracking system which follows each individual case, VoT and offender through the entire assistance and criminal justice system. This would require individual case, victim and suspect/offender codes so that a time line would be developed and the case, victim or suspect/offender could be “found” and the case could be tracked from start to finish.

With the current data, the possibility exists to divide countries into comparable sub-groups so that, for examples, countries registering convictions prior to and after appeal are compared to each other. Double counting of both VoT (identified and receiving assistance) and offenders (convicted of more than one charge) must be addressed before any comparison can be made between countries.

The following subgroups could be established within each of the following categories:

Victims & Victims who received assistance

- presumed VoT / Positively identified VoT
- VoT identified more than once in same year counted as one / VoT identified more than once in same year counted as multiple VoT
- VoT receiving assistance from more than one agency recorded as one / multiples VoT
- Countries that register a VoT only if the victim is not registered in another country / Countries which register VoT regardless of whether they were registered elsewhere
- Minor VoT and whether the age is registered at time of exploitation or at time of identification

Offenders & those prosecuted and convicted

- Is the principal offense rule applied (offenders counted only once for multiple offenses / offenders suspected of multiple offenses counted more than once)
- Serial offenses recorded as one offender/ recorded as multiple offenders
- Registration refers to individual offender / case
- Conviction before/ after appeals
- Person convicted / number of convictions

Performance indicators may be developed to assist countries in tracking their own performance, but caution should be exercised when using these to compare countries.

Early Warning Signals

Changes in patterns of trafficking (e.g. the source countries from which the largest number of VoT are identified, an increase or decrease in the number of domestic VoT or minor VoT, changes in the patterns of trafficking (shift from trafficking from sexual exploitation to labor exploitation or other forms, such as forced begging), may serve as early warning signals to alert relevant authorities in the EU and/or member states to emerging trends. Each of these will be discussed separately below.

Increase or decrease in number/percentage of domestic cases of trafficking

According to data submitted by countries in this study, the percentage of total victims who are nationals of the country usually varies between 20% and 30% (in Poland and the Netherlands the figure is 30%; in Germany, approximately 20% of all VoT have the German nationality).¹⁰⁶ According to the United Nations Office on Drugs and Crime Global Report on Trafficking in Persons 2012, “In 2010, 63 countries reported about the nationality of the victims, with 45 of those countries reporting ...domestic trafficking.” The UN goes on to report that “...one in every four victims detected between 2007 and 2010 was a national of the country where he or she was exploited.” (UNODC, 2012; 50).

The three aforementioned countries have detected this pattern of domestic trafficking and there is no reason to believe that this pattern would not be replicated in other countries in the EU. It is therefore important for countries to examine their policy of defining and identifying VoT, to establish whether their nationals working in the sex and labor markets are free-lance workers or exploited and trafficked victims.

Additionally, one can examine whether the total number of domestic victims of trafficking is increasing or decreasing. While the numbers are relatively small for most countries, it appears that the number of domestic victims of trafficking fluctuates or remains relatively stable between 2010 and 2012 in most countries reporting. Only Ireland and Latvia showed an increase in identified national VoTs. Estonia and Portugal showed decreases.

¹⁰⁶ Almost all VoT identified by Romania are Romanian citizens (Data obtained from Table 1).

Increase or decrease in number/percentage of minor VoT

The percentage of minor VoT compared the total number of VoT identified varies within EU countries. In Bulgaria, Germany and the Netherlands the percentage of VoT who are minors is around 15% (2010), 18% in Greece, 24% in Ireland, 27% in Romania and 40% in Sweden. In other countries where this information was available – Austria, Cyprus, the Czech Republic, Denmark, Finland, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia, the number of minor VoT was extremely small, varying from 0 to 4 minor VoT.

A change in the number of minor VoT may have to do with changes in registration (whether VoT are recorded as minors when first trafficked/exploited or when they are first identified. If no changes in registration have occurred, the fluctuation – particularly an increase - may be due to the successful identification of minor VoT. Given the fact that UNODC reported in 2012 that the “loverboy” phenomenon of recruiting and forcing young local women into prostitution “...is now being detected and reported in many other European countries. (UNODC, 2012; 51), countries should be particularly alert to domestic minors found (exploited) in prostitution. A lack of minors identified in the country may be an indication of the inability to identify victims.

Increase or decrease in number/percentage of cases of trafficking for labor exploitation or other forms of trafficking

Female VoT continue to comprise the largest percentage of victims in all EU countries which participated in the study, except in Finland where the percentage of males (n=37) outnumbers females (n=12) in 2012. This extreme disparity can be seen in Germany (2012) where the country recorded 24 male VoT and 597 female VoT, or in Hungary (4 male VoT and 118 female VoT). This gender imbalance may have more to do with the sectors or markets in which human trafficking investigations take place, with female VoT being most often identified in the sex exploitation markets. In 2012, Romania registered 557 VoT for sexual exploitation, 410 for labor exploitation and 74 for other forms of exploitation (VoT for sexual exploi-

tation represent 54,6% of all victims identified; 40,2% are VoT for labor exploitation and 7,2% for other forms of exploitation).¹⁰⁷

Shifts in the distribution of cases of sexual exploitation and labor exploitation may be an indication of increased awareness of the problem of exploitation in labor markets, additional expertise in uncovering cases of labor exploitation, and shifting priorities among law enforcement personnel and labor inspectorates.

Changes in neighboring countries

Countries should be aware of patterns of trafficking in neighboring countries. Changes in legislation or enforcement may drive traffickers to operate in nearby countries. This pattern was observed in Sweden, Norway and Denmark in 2008. While not a direct indicator of human trafficking, cases of prostitution can involve forced prostitution or human trafficking. In an evaluation of the ban on the purchase of sexual services, the Swedish Government report found that while the prevalence of street prostitution was about the same in the capitols of Sweden, Denmark and Norway before Sweden's ban on the purchase of sexual services, after the ban in 2008 street prostitution in Sweden declined but, "...the number of women in street prostitution in both Norway and Denmark subsequently increased dramatically. In 2008, the number of people in street prostitution in both Norway and Denmark was estimated to be three times higher than in Sweden" (Swedish Government Report, 2010). Where detail was provided on "other forms of trafficking" in the current study, countries often mention forced begging, forced criminality, organ trafficking and forced marriage. It would bode well for countries to take note of these forms of exploitation, and to train law enforcement and/or labor inspectorates to increase awareness of the problem.

Top 5 Source Countries

The questionnaire requested participating countries to identify the top five nationalities with the highest number of identified victims for the years 2010, 2011 and 2012 (Tabel 1, page 7). The largest group were either nationals of one's own country (Bulgaria, Czech Republic, the Netherlands) or members of other EU countries (in the top 1 or 2) or countries outside of the

¹⁰⁷ Due to rounding and possible double registrations for more than one form of exploitation, the figures do not add up to 100% and the number of victims for sexual, labor and other forms of exploitation is larger than the total number of victims identified.

EU.¹⁰⁸ In some cases numbers are very small and the numbers recorded for one year may be absent in subsequent years. This may indicate that one large case with numerous victims were uncovered in a particular year but that this pattern is not consistent. When a particular country is indicated as one of the top 5 source countries over a period of years, this is an indication of a stable pattern. This is an important indicator to determine patterns and markets in which foreigners are exploited. A large diaspora community may indicate the need for regular monitoring of the sectors which employ these individuals to protect others from being exploited by their countrymen.¹⁰⁹

This information requires open communication and cooperation between countries and that countries monitor the patterns in neighboring countries to determine if there is a displacement effect. It also requires EU countries to work closely together with the authorities in source (and transit) countries to prevent the recruitment and transportation occurring in source countries.

New Trends

New forms of THB

A number of new forms of THB has been identified. These include new forms of exploitation or the *modus operandi* used to exploit workers as well as new or different vulnerable groups subject to exploitation.

Victims

- The Roma are an extremely vulnerable group. Adults are extremely vulnerable in terms of labor and sexual exploitation, while children are targeted for forced begging and criminal activities. This has been reported in Bulgaria, Finland, Hungary,
- Mentally challenged and handicapped persons: mentally challenged victims have been identified as VoT for sexual exploitation. This trend was identified by Bulgaria.

¹⁰⁸ Countries outside of the EU which were registered as source countries in the top 5 nationalities are Kyrgyzstan, Nigeria, Republic of Moldova, Ukraine, Vietnam, Thailand, China, Bangladesh, Dominican Republic, India, Honduras, Russia, Uganda, Albania, Nepal, Sri Lanka, The Philippines, Brazil and Zimbabwe. These nationalities are reported by different countries participating in this study and may be registered in one year but not in the next.

¹⁰⁹ In 2009, Germany uncovered large scale exploitation of Chinese workers in 180 Chinese restaurants throughout Niedersachsen, Bavaria, Baden-Württemberg und Northrhein-Westfalen (Focus Online, 2009).

Handicapped persons were forced to beg in Slovenia and Slovakia, which also reported a case of a mentally handicapped woman forced into sexual exploitation.

- Vulnerable victims: Girls residing in child welfare facilities (in the eastern and north-eastern part of the country) were reported as high risk victims in Hungary. Vulnerable victims characterized as those with disabilities, low level of education, from low income or socially unfavorable large families, or who were orphaned or under guardianship or have lived in social care institutions have been forced into sham marriages in Latvia with third country nationals.
- Male Victims: an increase in male VoT for labor exploitation (abroad) has been identified by Portugal. Male VoT, particularly children, have found to be sexually exploited in Romania.
- Foreign Victims: an increase in Chinese victims for forced labor has been reported by Denmark. Finland reports VoT from Southeast Asia (Vietnam) and Central Asia (Kyrgyzstan). Foreign women, mainly from the Dominican Republic and Ukraine are found (forced) working in prostitution (and presumed victims of THB).

Exploitation

- The trafficking of women for the harvesting of their tissue and eggs was reported by Bulgaria and Greece.¹¹⁰
- Trafficking of women for the purpose of forced marriage (to facilitate the entry into the country of men from third countries) was reported in Cyprus, Latvia, Slovakia.
- Finland reports the diversification of markets for labor exploitation. The pattern has spread from ethnic restaurants (2 cases) to other markets (1 each: nail salon, wood processing and plastic factories).
- Ireland reports an intersection between child trafficking and child sexual assault and abuse, and child pornography.
- Young vulnerable people are recruited in Lithuania for forced theft abroad.
- Trafficking for social benefits fraud has been identified in the UK.
- Belgium identifies a form of labor exploitation in which VoT are forced into the position of "self-employed workers" when in fact they are forced to work for traffickers.

¹¹⁰ Women are forced to undergo medical procedures which facilitate the multiple production of eggs which are harvested and sold by the traffickers.

- Forced begging as a form of THB has increased in Slovakia and was reported in Slovenia.
- THB for exploitation into armed conflict was reported in Sweden.
- While not detected in the Netherlands, the Dutch National Rapporteur warns of the potential of organ trafficking and trafficking for forced surrogacy.

Traffickers

- An increase in female traffickers was reported in Greece,

Recommendations

1. Contextual explanation of the data: how it was collected and what it entails

The raw data in their current state are not comparable. With respect to the VoT, too much variation exists in the definition, registration, double counting, separation of VoT from smuggled migrants.¹¹¹ With respect to the suspects/offenders, it is also important to understand the specific context: whether registrations refer to cases or individuals, how a case is registered if it does not go to court (how are prosecutorial plea bargains registered), and whether convictions are registered prior to or after appeals.

- #### **2. Provide information on the number of cases (and the number of victims and suspects per case)** as well as the total number of identified victims and suspects in each country. Large scale cases are more time-consuming and require different expertise than the identification of (individual) suspects involved small scale cases. This information will identify countries in which investigative expertise in uncovering large scale (international) trafficking practices is present. If no large scale cases have been investigated and uncovered, this may point to the need for more expertise to be developed. Large scale international cases also point to the need for cooperation between source and destination countries). The need for cooperation between source and destination country is also identified when (destination) countries distinguish the top five countries from which VoT have been identified (source countries).

¹¹¹ In Table 1.4 (p. 8) Rules of Statistical Recording (p.46 in Version 3 of the raw data), of the twenty countries on which data was available, two (the Czech Republic and Slovakia) include smuggled persons in their count (under special circumstances).

3. **It is important to gather detailed information on other forms of trafficking.** Due to trafficking carrousel for forced prostitution, it is possible that such carrousel and rotation is also used for and forced begging and forced criminal activities. Countries need to be aware of new forms of trafficking, particularly in neighboring countries and to train investigators how to identify, and prosecutors how to prosecute these forms of trafficking.

4. **Avoid double counting.** While observing data protection requirements (in particular with respect to the identity of VoT), it is important that VoT are registered only once in the statistics. In the case of VoT receiving services, a victim receiving services from more than one organization should only be registered once in the data provided to the national reporting mechanism. Double counting also occurs when victims of international trafficking are registered/counted both in the country of exploitation (destination) and in the country of recruitment (source). For the purpose of provision of services, it is possible/probable that assistance was provided in both countries. This fact however, inflates the total number of VoT identified within the EU. It is important, for the purpose of registering the total number of VoT, that they are registered in the country of exploitation.¹¹² Attention must also be paid to the registration of perpetrators. Regardless of the number of charges brought against a suspect or the convictions for numerous offenses, each suspect, convicted person should be registered only once.

5. **VoT should only be registered in the country in which the exploitation occurs.** With respect to identifying the total number of VoT exploited in the EU, it is important that “Domestic” VoT reflect the number of a country’s own citizens who have been identified as having been exploited within the country. Repatriated VoT may be registered and counted for the purpose of identifying the number of VoT receiving assistance. The first measure (number of VoT discovered exploited in a country) is a sign of the effectiveness in police and labor inspectorates uncovering trafficking cases; the sec-

¹¹² It is very possible that this is what contributes to the large number of VoT of Romanian nationality. Romania, as a source country, was identified in the top 3 nationalities in 2011 in Austria, Cyprus, Denmark, Germany, Greece, Hungary, Ireland, Poland and Portugal, where data was available.

ond measure (assistance provided to VoT) may reflect more the involvement of the NGO sector. To protect the privacy of a trafficking victim, victims should only be registered with a number to ensure that a victim is not recorded multiple times within the system.

6. **Data must be collected on cases that are handled informally through a transaction or plea bargain.** It is important to understand how cases of human trafficking are processed. Because such cases never go to trial, they may not be indicated in the statistics as convictions.

Conclusion

Much must still be undertaken to harmonize human trafficking data within the European Union. This report has identified some of the pitfalls and inconsistencies in the current data set and has made suggestions on what must be done in order to produce useful and comparable statistics and how these could be used as performance indicators.

Harmonization and careful registration will contribute to the collection and use of a credible set of comparable THB statistics which can serve as an important tool to guide policy and help countries establish priorities to prevent and fight human trafficking. The availability of comparable THB statistics will also contribute to coordination and mutual understanding between law enforcement and other national authorities including National Rapporteurs. Additionally, the Commission will be better able to pursue evidence-based anti-trafficking policies and raise awareness among the public.

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Towards a Comprehensive Index on Anti-trafficking Policy

- An Assessment of the 3P Index, GRETA-based Scorecard and EuroStat

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2013

Abstract: This paper reviews the existing indices on anti-trafficking policy and proposes the integration of statistical indicators into the indices coded from qualitative texts in order to improve the objectivity of evaluation. Examining the validity of the existing indices, the 3P Index and the GRETA-Scorecard, the results suggest that these measurements are not free from subjectivity regarding the selection of policy requirements and evaluation standards. To enhance objectivity, the utilization of the European Statistics is proposed and the validity of these statistics is investigated through multi-covariate analysis. The results show that the EU statistics are relevant indicators reflecting the quality of anti-trafficking policy, suggesting that, by integrating text and statistical information, an index on anti-trafficking policy can enhance its comprehensiveness and objectivity.

Keywords: human trafficking; anti-trafficking policy; index; text analysis; statistics

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1. Introduction

Addressing human trafficking is one of the priorities for the European Union and many countries worldwide (European Union 2013). To that end, many national governments and inter-governmental organizations have started taking stronger measures to combat human trafficking. However, despite its political relevance, policy evaluation on anti-trafficking performance often lacks systematic analysis based on transparent rules and reliable informational sources which can enable objective comparison across countries and time. Providing an objective and comprehensive evaluation tool for anti-trafficking policy is crucial not only to evidence-based policy making but also to policy-relevant research on the topic. With this in mind, I investigate existing quantitative indices evaluating anti-trafficking policy and address critical issues in developing anti-trafficking evaluation tools in this paper. By doing so, I will propose suggestions to improve the objectivity of anti-trafficking evaluation.

There are three existing evaluation tools on anti-trafficking policy which cover a multiple number of countries: the 3P Anti-trafficking Policy Index (Cho et al. forthcoming), the GRETA-based Scorecard (van Dijk and Klerx-van Mierlo forthcoming), and the US Tier-ranking (United States Department of State 2001-2013). The first two indices provide evaluation on sub-dimensions of anti-trafficking policy – namely prosecution, protection and prevention (so-called 3Ps), while the Tier-ranking only provides an overall evaluation. Given that the three dimensions of anti-trafficking policy pursue different policy objectives (European Commission 2013; United Nation 2000), it is necessary to evaluate each dimension separately (see discussions of Cho et al. forthcoming, van Dijk and Klerx-van Mierlo forthcoming, and Simmons and Lloyd 2010). Thus, my analysis on the existing indices focuses mainly on the 3P Index and the Scorecard.

Both indices employ a text analysis by collecting information from qualitative narratives of governmental and intergovernmental reports and coding the textual information with quantitative numbers. The text analysis is often used for evaluating policy quality in a quantitative manner (Benoit et al. 2012). On the one hand, through the simplification of coding, the coded data lose some of the details of the information. On the other hand, quantification makes it possible to compare policy performance across different countries

and years, so that one can systematically identify whether policy performance has improved or worsened. One of the most critical issues in applying this method is the validity and reliability of the coded data. The former concerns whether the coded content reflects the true dimensions of anti-trafficking policy, while the latter is related to replicability. In this paper, I examine these issues by cross-checking the outcome (indexed policy scores) of the 3P Index and Scorecard. The correlation between the two indicates that they share, to a fair degree, the outcome of the evaluation. However their evaluation standards may not be free from subjective selection and judgments.

One reasonable approach toward improving the objectivity of the indices coded from texts is to integrate an objective policy such as statistics. Thus, I make use of the European statistics on human trafficking and investigate whether these statistics – namely, the numbers of identified victims, protection programs and convictions – can be used as indicators reflecting the level of anti-trafficking policy, instead of the level of crime prevalence. The results of my multi-covariate analysis show that the statistics have a significant, positive relation with other anti-trafficking policy indicators, while they also partially reflect crime prevalence. It seems to suggest – albeit with caution – that integrating textual and statistical data can enable an index on anti-trafficking policy towards more comprehensive and objective evaluation. In this paper, I looked into the EU statistics because they are the only statistics on human trafficking available to date that cover an entire region and provide time series data. Once global statistics on human trafficking become available, this attempt to build a more comprehensive index by integrating text-based information and statistics can be expanded for a larger number of countries.

2. Overview on Indices on Anti-trafficking Policy

As the problem of human trafficking has become one of the most serious transnational crimes, international efforts to fight the illegal, exploitative human trade have also increased. Among others, the *United Nations Convention against Transnational Organized Crime* and its *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (hereinafter the Palermo Protocol), adopted by the United Nation's General Assembly in 2000, is the most important international legal instrument in the anti-

trafficking policy arena. It provides the internationally recognized definition of human trafficking¹¹³ and prescribes the prime policy mandates – prosecution and criminalization, crime prevention, and victim protection (3Ps). The introduction of the Palermo Protocol has been followed by regional legal initiatives such as the *Council of Europe Convention on Action against Trafficking in Human Beings* (2005). In accordance with increasing international policy efforts, there are initiatives to evaluate anti-trafficking policy performance at the international and national level. In this section, I provide an overview on existing quantitative indices on anti-trafficking policies – namely, the 3P Anti-trafficking Policy Index (Cho et al. forthcoming), the GRETA Scorecard for Anti-trafficking Policies (van Dijk and Klerx-van Mierlo forthcoming), the European statistics on Trafficking in Human Beings (European Commission 2013), and the US Tier-ranking (United States Department of State 2013) – see table 1 for the summarization of the four measurements.¹¹⁴

2.1. 3P Index

The 3P Anti-trafficking Policy Index (Cho et al. forthcoming) is the first initiative providing quantitative policy evaluation on each of the 3Ps covering a wide range of countries (up to 188 countries so far) since 2000. The development of the 3P Index can be seen as an advancement of the Tier-ranking (United States Department of State 2001-2013) that provides an overall anti-trafficking score without distinguishing each of the 3P dimensions. Evaluating prosecution, prevention and protection, respectively not only provides more detailed in-

¹¹³ The Palermo Protocol defines human trafficking as following: “*trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or service, slavery or practices similar to slavery, servitude or the removal of organs.*”

¹¹⁴ Additionally, there are several qualitative evaluation reports on anti-trafficking policies. The Protection Project (<http://www.protectionproject.org/>) provides country reports on anti-trafficking policy and human trafficking patterns worldwide. Also, the United Nations Office on Drugs and Crime (UNODC) publishes Global Reports/Patterns on Trafficking in Persons (2006, 2009 and 2012) including information on the criminalization of human trafficking and its implementation. On the other hand, the Lexis-Nexis introduced the LN Human Trafficking Awareness Index through media analysis (www.nexis.co.uk/humantrafficking.php).

formation but also recognizes that each of the 3Ps have different policy objectives which potentially conflict with each other – namely human rights objective versus crime reduction objective (Cho et al. forthcoming; Simmons and Lloyd 2010).

The 3P Index evaluates each of the 3Ps on a five-point scale and the overall anti-trafficking policy score as the sum of each score of the 3Ps (i.e. maximum score of 15). The policy evaluation is based on the policy mandates regulated by the Palermo Protocol. The raw data for evaluation is derived from two qualitative informational sources: United States' Annual Reports on Trafficking in Persons (TIP Reports, United States Department of State, 2001 -2013) and Global Patterns on Trafficking in Persons published by the UNODC (2006, 2009 and 2012).

Specifically, the prosecution dimension evaluates the criminalization of human trafficking and enforcement efforts. The protection part focuses on granting amnesty for victims, as well as legal, medical, vocational, rehabilitative and other assistance for them. The prevention sub-index measures preventive policy actions such as awareness campaigns, training of governmental officials and internal and international coordination (see appendix A for further details on the evaluation of the 3P Index).

The 3P Index has several advantages over the Tier-ranking. First, the evaluation is based on the policy requirements defined by the UN Palermo Protocol – the international standards, while the Tier-ranking follows the Victims of Trafficking and Violence Protection Act (TVPA 2000) – the US standards. Also, as mentioned earlier, the 3P Index distinguishes and provides evaluation on each of the 3Ps, respectively. In fact, the recent trends of the 3P Index show that many countries are stagnated with victim protection, while improving prosecution and prevention policies worldwide. The deficit in protection is found not only in developing countries but also in several developed countries – for instance, Germany and Great Britain (Cho 2012). Last, comparing with the EU statistics and the GRETA-based Scorecard, the 3P Index covers a wide range of countries worldwide for a longer period of time (2000-2012, up to 188 countries).

However, the 3P Index also has several drawbacks. First, the utilization of the US TIP Report as the main informational source may not be the best way to assess policy performance

based on the international standards of the UN Palermo Protocol. This problem is more pronounced in protection policy as the protection measures used by the US TIP Reports and other measures – for instance, the EU – show divergence (van Dijk and Klerx-van Mierlo forthcoming). The utilization of the US Reports is due to a lack of alternative informational sources providing systematic narratives for countries worldwide on an annual basis. On the other hand, the problem of using the US-based sources is partially mitigated by double-checking the validity of the information with the UNODC reports. Second, the 3P Index is criticized for unclear distinction between law adoption and enforcement. This problem is driven by the fact that the raw information used for the Index often lacks quantitative indicators on prosecution and conviction (van Dijk and Klerx-van Mierlo forthcoming). This can be a serious issue in evaluating prosecution effort because law adoption (de-jure efforts) does not necessarily result in stronger enforcement (de-facto efforts). Sometimes, criminalization can even be used as a policy gesture not to commit to enforcement (Feld and Voigt 2003).

2.2. GRETA-based Scorecard

The GRETA-based Scorecard, developed by Tilburg University's INTERVICT (van Dijk and Klerx-van Mierlo forthcoming), assesses anti-trafficking measures of European Countries in four policy dimensions – legal institutional framework, enforcement, assistance/protection and prevention. The assessment is conducted by reviewing the GRETA (Group of Experts on Action against Trafficking in Human Beings) reports, which is the monitoring mechanism for the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (2005, so-called Warsaw Convention). The GRETA monitoring is carried out with the member states of the Warsaw Convention and has two phases of evaluation. First, countries fill in the questionnaire developed by the GRETA team regarding main anti-trafficking policy measures and implementation, as well as relevant statistics. After the submission and review of the completed questionnaire, the GRETA team conducts a study visit to each country under evaluation. Based on the completed questionnaire and country-visit, the GRETA team prepares and submits a country report on anti-trafficking policy performance. At present, the country reports are available for 23 countries out of 40 member states (see appendix D for the country list).

The GRETA-based Scorecard provides numeric scores on 34 key-policy requirements (see appendix C for the list of the 34-requirements) for each country under evaluation by reviewing the recommendations of the GRETA country reports (European Commission 2010-2013). Each score is given on a 3-point scale, i.e. score 0 indicates whether GRETA *urges* changes in the implementation of the policy requirement; score 1 reflects whether GRETA *considers or invites* changes; and score 2 stands for *no* recommendation based on the assumption that it indicates the full implementation of the respective requirement (van Dijk and Klerx-van Mierlo forthcoming). The maximum score of the GRETA-based Scorecard is therefore 68 (or 70 due to the double-counting of witness protection for enforcement and protection). Currently, the Scorecard is available for 13 countries (see appendix D for the country list).

Like the 3P Index, the Scorecard distinguishes three core policy areas of anti-trafficking (3Ps) and furthermore, the Scorecard incorporates two sub-dimensions of prosecution – criminalization and enforcement – so as to measure the quality of law-in-book and law-in-practice, separately. Also, the Scorecard has another advantage of including more detailed policy requirements (34 requirements for the Scorecard and 22 for the 3P Index). On the other hand, the Scorecard covers a limited number of European countries (13) – about a third of the member states of the Warsaw Convention – and there is no annual variation in evaluation scores, providing an aggregate score for the period of evaluation only (GRETA evaluation was conducted between 2010 and 2012). This limitation of availability makes the Scorecard a less comprehensive evaluation tool for cross-country and cross-time analysis.

2.3. European Statistics on Trafficking in Human Beings

There have long been political demands for comparable and reliable statistics on human trafficking in the EU because the European Union recognizes anti-trafficking as one of the priority policy agendas (European Commission 2013). In responding to the demands, the European Statistics on Trafficking in Human Beings (hereinafter EuroStat on THB) were released in 2013.

These statistics include data on victims and perpetrators of human trafficking for the years of 2008, 2009 and 2010 from 34 EU-member states, candidate and EFTA/EEA (European Free Trade Association/European Economic Association) countries (see appendix F for the list of countries). Statistics on victims comprise the number of identified/presumed victims of human trafficking according to gender, citizenship, age, the forms of exploitation and registering countries, as well as the number of victims provided with protection and assistance and the types of assistance provided. Statistics on traffickers include the number of suspected, prosecuted and convicted traffickers according to citizenship and the forms of exploitation (see appendix E for details on the statistics).

The EuroStat on THB is the first regional initiative collecting statistics on victims and perpetrators of human trafficking across countries and time. This initiative is continued by the EU-project on Tools for the Validation and Utilisation of EU Statistics on Human Trafficking (TrafStat) launched by Tilburg University. Through the TrafStat project, statistics on victims, protection/assistance and traffickers are collected for 22 EU-member states for the years of 2010, 2011 and 2012 (see appendix F for the list of countries). Compared to the EuroStat on THB, the pool of the TrafStat data is limited to EU-member states only – excluding five countries (Croatia, France, Italy, Malta and the United Kingdom), which did not provide statistics for TrafStat (Aebi and Campistol 2013). The contents of the TrafStat statistics are basically in line with the EuroStat on THB but include more detailed information on definitions of human trafficking applied in each country, sources of data and the rules of statistical recording.

Regarding the content and methodology of quantification, the EuroStat on THB and TrafStat are different from the 3P Index and GRETA-based Scorecard in several ways. First, the former two are statistics on victims and traffickers through raw-data collection at the national level, while the latter two provide indexed evaluation through text analyses. Second, the EuroStat and TrafStat focus on prosecution and protection, while the 3P Index and the Scorecard include evaluation on all of the 3P areas. On the other hand, alongside the 3P Index, the EuroStat and TrafStat have time-series data, enabling policy evaluation and comparison across time, but cover a shorter period (2008-2012) than the 3P Index (2000-2012). The EuroStat and TrafStat share the regional focus of Europe with the GRETA-based

Scorecard, but include a larger pool of countries (22 and 34 countries) than the Scorecard (13 countries).

The EuroStat/TrafStat can be a more objective measurement than the indexed evaluation in which subjective judgments may arise and therefore measurement errors can be arguably larger than the EuroStat/TrafStat. Also, the definitions and statistical rules employed are relatively more consistent across the countries in the EU where the Warsaw Convention and the European Statistics Code of Practice (European Commission 2011) are applied (although it is also acknowledged that the standards are not always strictly observed, consistency is presumably higher for the EU countries than the global sample).

On the other hand, the central question in utilizing the European statistics (EuroStat/TrafStat) in the anti-trafficking context is how to interpret the statistics. For instance, what does the numbers of victims tell us? In fact, this is a reoccurring question in the application of crime statistics (Soares 2004). Do the statistics reflect the prevalence of human trafficking or policy efforts to identify victims and punish traffickers? Can the statistics be compared across countries, given that the level of law enforcement and data collection differ from country to country? If numbers shown in the statistics tend to capture a greater level of crime prevalence, a larger number will indicate exacerbated problems and therefore a lower level of policy commitments. On the other hand, the interpretation can be exactly opposite, if the reporting/recording behaviors of the statistics are influenced by policy performance (Levitt 1998). This could be the case for anti-trafficking because policy efforts often start with recognizing the problem and identifying victims (BKA 2010). In section 4, I will discuss the application and interpretation of the EuroStat/TrafStat as a anti-trafficking measurement in more detail.

2.4. US Tier-ranking

In this section, I briefly discuss the Tier-ranking by the United States. The Tier-ranking is the first attempt to provide a quantitative assessment of anti-trafficking policy worldwide. The yearly ranking for up to 190 countries is published in the annual report on Trafficking in Persons (TIP report) and available since 2000 (the publication date of the first report is 2001 which covers policy activities in 2000). The TIP report provides country narratives on prose-

cution, protection and prevention based on information gathered through US embassies, NGOs and other sources the Department of State accessed.

The evaluation is conducted according to the US legislation the Victims of Trafficking and Violence Protection Act (TVPA 2000).

Despite the division of three dimensions in the country narratives, the score – Tier-ranking – is given for the overall anti-trafficking performance only. The score ranges from tier-1 (full compliance with the TVPA’s minimum standard), tier-2 (not fully complied but making significant efforts), tier-2-watchlist (in addition to the condition of tier-2: the absolute number of victims is significant/increasing; failure to provide evidence of increasing efforts; or commitments based on additional future steps over the next year) and tier-3 (not fully complied and making no significant efforts) (see United States Department of State 2013). The tier-ranking is often criticized for the lack of transparent standards on the decision of the scores (United States Government Accountability Office 2006). Moreover, as discussed earlier, aggregate evaluation across the 3Ps may not fully capture different policy dimensions, by not distinguishing specific needs for improvement in one policy area over another.

3. Critical Issues in Developing Indices on Anti-trafficking Policies

3.1. Validity and Reliability of Coded Data

The 3P Index and GRETA-based Scorecard are constructed based on coded data transferring qualitative information into ordinal numbers that reflect key indicators of anti-trafficking policies.

- 3P Index: consists of three sub-dimensions (prosecution, protection and prevention) and 22 policy indicators rating anti-trafficking policy performance on a five-point scale ranging from 1 to 5 for each sub-dimension and on a 15-point scale from 3 to 15 for the aggregate policy score.
- GRETA-base Scorecard: includes four sub-dimensions (legal framework, enforcement, protection, and prevention) and 34 policy indicators evaluating anti-trafficking poli-

cies on a three-point scale (0-2) for each indicator, summing up to 68-70 points in total.

The central question in using coded data concerns validity and reliability (Benoit et al. 2012). Validity involves whether the coded data reflect the latent quantity of interest, in other words, whether the content of the policy indicators and quantification methods measure the ‘true’ values of anti-trafficking policy performance. Reliability is related to the replicability of the coded data, i.e. whether different coders can obtain the same results of processing the data. The replicability of the coded data is heavily affected by the clarity of instructions and the transparency of decision rules for coding. Both validity and reliability questions arise because coded data are fundamentally based on subjective judgments and the interpretation of the underlying variable of anti-trafficking policy can only be observed through noisy processing of available information. With these issues in mind, the estimate process of the latent variable – anti-trafficking policy – can be summarized in the following way.

$$L(\text{anti-trafficking policy}) = X(\text{estimated scores}) + E(\text{measurement errors}) \quad (1)$$

$$E(*) = U(\text{uncertainty about the latent quantity}) + Z(\text{uncertainty about coding}) \quad (2)$$

The true value of the latent variable (L) – the quality of anti-trafficking policy – is decomposed into two components: estimated policy scores and measurement errors. The measurement errors consist of two types of uncertainty. The former, uncertainty about the latent quantity, concerns definitional and methodological issues (validity), namely how to define ‘anti-trafficking’; which indicators to select; and how to quantify/rate the performance of the chosen indicators. The latter, uncertainty about coding, is related to the replicability of the data (reliability). To ensure the validity and reliability, the coded data of the 3P Index and Scorecard should fulfill the following conditions.

$$\text{Exp}(X) = L \quad (3)$$

$$\min E(\text{arg}) \quad (4)$$

In reality, we do not know the true values of the latent variable, the quality of anti-trafficking policy. Nor do we know of the sizes of uncertainty. Therefore, we have to address these issues in an indirect way, for instance, by comparing estimated scores of different coded data

in order to check for the validity and reliability of the measurements. In this paper, we focus mainly on the validity issue by comparing the content and outcome of the 3P Index and the Scorecard.

Figure 1 shows that the 3P Index and the GRETA-based Scorecard have a positive correlation ($r = 0.41$). It indicates that the two coded measurements likely capture relevant contents of anti-trafficking to a fair extent, despite the fact that different international laws and policy indicators are applied. However, the sub-dimensions of the two indices demonstrate a low level of correlation – particularly for protection and prevention (see table 2), challenging the validity of the sub-dimensions. There are various potential reasons for such low correlations. First, the pool of countries included in the 3P Index and Scorecard differ: more than 180 countries worldwide vs. 13 countries in Europe, respectively. Also, the time-dimensions are different; the 3P Index measures anti-trafficking policy on an annual basis since 2000, while the Scorecard captures the cross-sectional variations of the policy performance during the period of 2010-2012 without yearly variations.

More seriously, the low-correlations may also reflect content issues. The two measurements use different informational sources (the US TIP reports for the 3P Index and the EU GRETA reports for the Scorecard) and also, select different policy indicators for each of the sub-dimensions (see appendices A and C). Such a disparity indicates that policy mandates taken worldwide and in the EU might have different emphases because the selection of the policy indicators for the 3P Index is based on the prescriptions of the UN Palermo Protocol, while the selection by the Scorecard is based on the EU Warsaw Convention. On the other hand, the differences in the policy scores of the 3P Index and the Scorecard may also suggest differences in the availability and accessibility of information. As the 3P Index includes a large number of countries all over the world, the number of available sub-policy indicators with full information across countries is limited, compared to the Scorecard with a European focus. This results in, at least partially, the differences in the numbers of policy indicators adopted by the 3P Index and the Scorecard (22 and 34, respectively). For instance, the 3P Index could not include several crucial policy indicators related to enforcement and victim protection (such as numbers of investigations, prosecution and conviction, witness protection, victim identification and referral) because of information availability.

To improve the quality of the two coded indices, it seems that there are several possibilities. First, the Scorecard can extend the number of countries evaluated and also possibly, provide yearly evaluation, so that the coverage of the Scorecard in terms of countries and time can reach a similar level as that of the 3P Index, ensuring a broader range of comparison. Second, the 3P Index may add up several important policy indicators that are currently missing in the Index, so as to enlarge the content of policy evaluation to a similar level as that of the Scorecard. The extension of policy indicators can be achieved by exploiting other available global sources of information on anti-trafficking (beyond the US TIP and UNODC reports) and, possibly, by limiting the pool of countries evaluated to some degree, depending on the availability of information. Last but not least, the quality of the coded indices can be improved by supplementing the text analysis with statistics – arguably a more objective source of information – such as the European statistics (I will discuss the application of the EuroStat/TrafStat in more detail in section 4).

3.2. Assessments on De-jure and De-facto Dimensions of Anti-trafficking Policy

One important issue in evaluating policy performance is distinguishing ‘policy written in book’ and ‘policy performed in practice’. This concern arises because law adoption does not always lead to enforcing the written law. Furthermore, the adoption of a certain law may function as a lip-service for some policy makers, separating the de-jure dimension of law from the de-facto dimension (Feld and Voigt 2003).

Conceptually, law adoption should provide a basis for the implementation of the policy and, particularly, with regard to anti-trafficking, criminalization and institutionalization is key to the success of the policy because anti-trafficking is relatively a new policy arena that was not well-established in national legal frameworks in many countries until recent years and thus, recognizing the problem of human trafficking and addressing anti-trafficking as a policy priority are a first step to enforce the policy (UNODC 2009). However, criminalization does not automatically result in enforcement and also enforcement can sometimes be carried out in the existing legal frameworks without the legislative introduction of anti-trafficking law specifically.

In fact, the 3P Index and the Scorecard are subject to the criticism regarding de-jure and de-facto evaluation. Particularly, this issue becomes eminent for the 3P-prosecution index. The prosecution part consists of the criminalization of human trafficking (law adoption) and enforcement such as investigation, prosecution and conviction of offenders. The prosecution dimension of the 3P Index aggregates the criminalization and enforcement and determines a policy score jointly. The evaluation of the 3P Index tends to give an emphasis to legislative adoption over enforcement, i.e. law adoption is required in order to receive the two highest scores – 5 and 4. On the other hand, the 3P Index also penalizes adopters of anti-trafficking law without any enforcement (i.e. no record on investigation, prosecution and conviction) by giving them score 2 (designated as ‘inadequate’ efforts).

Regarding the design of the 3P-prosecution index, there are two issues to be discussed. First is whether law adoption should be given a higher weight than enforcement in assessing policy performance, and second is how to determine the level of enforcement. The first involves a conceptual argument on defining anti-trafficking based on the assumption that law adoption should be preconditioned for adequate enforcement – the argument can be justifiable given the early stage of anti-trafficking in policy development, as discussed above. However, this argument can be still challenged by pointing out that the adoption of anti-trafficking law without strong commitments towards enforcement may not be more effective than applying and enforcing other related existing law (such as labor exploitation). On the other hand, the second issue (how to determine the level of enforcement) concerns the availability of information on investigation, prosecution and conviction – for instance, crime statistics which can be used as an indicator of enforcement. The informational sources of the 3P Index do not always provide numbers of such enforcement cases in a systematic way, making evaluation on the level of enforcement dependent on descriptive narratives and subjective judgments to some extent.

Different from the 3P Index, the Scorecard provides separate assessments on legal-institutional framework (law adoption) and enforcement. However, it is still unclear how the level of enforcement is assessed on a scale from 0 (urges changes) to 2 (no changes/recommendation). In other words, the evaluation of the Scorecard does not specify in which level of investigation/prosecution/conviction a country can receive a score of 2, for

instance. It makes the evaluation of the Scorecard also vulnerable to subjective judgments. Moreover, it is uncertain whether the severity of sentences, one of the enforcement requirements, really reflects enforcement in practice because the highest level of punishment prescribed in law may not be sentenced in practice. The Scorecard does not clarify whether the evaluation is based on the maximum level of punishment written in law (de-jure) or the average level of actual sentences (de-facto). Because of such ambiguity in standards and definitions, the Scorecard cannot clearly distinguish between law adoption and enforcement.

In addition to prosecution, evaluation on protection policy also involves issues regarding de-jure and de-facto levels of performance. Victim protection and assistance programs (such as medical, legal and vocational assistance and recovery and rehabilitative support) are often not efficiently utilized because of the lack of outreach to victims. Moreover, the principle of ‘no punishment’ for victims, one of the most crucial protection requirements, is practically not enforced in many countries. This is not caused by a lack of legal provisions granting amnesty but by difficulties in identifying and distinguishing victims from other illegal migrants and perpetrators. Both the 3P Index and the Scorecard are unclear about the evaluation standards distinguishing the de-jure establishment of protection programs and the de-facto utilization (in particular, concerning how many/what percentages of victims receive assistance and benefits).

Clear evaluation on de-jure and de-facto policy efforts can be achieved by refining the definitions and the standards of policy requirements by specifying whether it is written law or actual practice that is being evaluated for each policy indicator. Moreover, assessments on de-facto efforts can be enhanced by utilizing statistics on law enforcement and assistance programs as evaluation indicators.

3.3. Policy Priorities for Destination, Origin and Transit Countries

Another potential concern in evaluating anti-trafficking policy is that needs for specific anti-trafficking policies may differ from country to country depending on the types of human trafficking flows with which a country is confronted. In other words, countries of destination

that receive human trafficking inflows from other countries may have different policy priorities compared to countries of origin where traffickers recruit and send victims or transit countries where victims are transferred between source and destination countries. The UN Palermo Protocol and the EU Warsaw Convention do not differentiate policy mandates for each type of country urging countries to implement all of the 3P requirements. However, different policy instruments may be needed for different types of countries to achieve the ultimate goal of fighting and reducing human trafficking. For instance, in destination countries, granting amnesty and repatriation support for victims could be more important than in origin countries which may instead need rehabilitative support for returned victims. For transit countries, preventive actions such as border control may have a higher policy priority than victim protection policy.

Reflecting different policy needs by country type is, however, not as straightforward as one may think because there is no clear international standard on different policy priorities based on country types and also, many countries belong to more than one type. Thus, none of the existing indices evaluate anti-trafficking policy performance based on different standards. Alternative to differentiating evaluation standards, countries can be sub-grouped by country types and ranked inside their group while keeping general criteria of anti-trafficking policy requirements.

3.4. Development as Prevention of Human Trafficking

Root causes of human trafficking include poverty, gender discrimination and social unrest in origin countries, pushing people to take risky migration options which may turn into trafficking (Cameron and Newman 2008). Income inequality across countries and demand for cheap, exploitative labor and services in destination countries are also critical pull factors of human trafficking.¹¹⁵ Accordingly, the GRETA-based Scorecard takes development aid and poverty alleviation into account in assessing prevention policy. On the other hand, having the developmental criteria in anti-trafficking policy evaluation may broaden the scope of evaluation so much so that anti-trafficking policy indices are not distinguished from other

¹¹⁵ Such developmental agenda are addressed in the UN Palermo Protocol (2000) as a preventive policy instrument against human trafficking.

socio-/economic indicators, making focused policy evaluation difficult.

With this consideration, the 3P Index does not include developmental agenda specifically and focuses on crime prevention for evaluating prevention policy.

In addition to that, there is another reason for withdrawing development agenda from the anti-trafficking evaluation: the complexity of human trafficking. Indeed, the presumed root causes of human trafficking – poverty and gender discrimination – may not have a straightforward, linear relation with human trafficking. In other words, a higher level of gender discrimination may not necessarily lead to higher prevalence of human trafficking because women’s mobility is constrained – as one could see from Islamic countries in the Middle East where human trafficking of their own female citizens is low while gender discrimination is relatively high. Also, for the poverty, it may not be the absolute poverty level but rather relative poverty or income disparity with other neighboring countries that pushes people into human trafficking, as prospect theory suggests (Mo 2011). Such complexity makes it difficult for developmental agenda to be included in the evaluation on anti-trafficking policy. What is probably needed at this point is systematic analysis to estimate and quantify the effects of development on human trafficking (and also possibly, vice versa).

4. Application of the European Statistics on THB

In this section, I explore the application of the European statistics on human trafficking and discuss the utilization of the EuroStat/TrafStat for evaluating anti-trafficking policy. In doing so, I investigate what determines the number of identified victims, traffickers and protection programs through multi-covariate analysis.

4.1. Number of Identified Victims

The European statistics provides data on number of victims identified by police, authorities and NGOs for up to 34 countries from 2008 to 2012. As discussed in section 2, the statistics on victims may reflect two different aspects: i) the magnitudes of the problem (or the true

number of existing victims); and ii) policy efforts to identify victims of human trafficking. Each interpretation will lead to an exactly opposite conclusion in assessing anti-trafficking policy efforts: the former for poor policy performance as the problem became exacerbated and the latter for improving anti-trafficking policy because of stronger victim identification. In fact, what the statistics on victims really stand for is a tricky question to answer. As seen in table 3, the correlation between the number of identified victims and the Scorecard Protection policy scores is almost non-existing, while the correlation with the 3P-protection index is positive and relatively higher ($r = 0.25$). To verify this issue, I conduct a multi-covariate regression beyond a simple correlation check to provide a systematic analysis of the nature of the victim statistics.

My empirical model takes the following form.

$$Vot_{it} = \alpha + Pop_{it} + Migration_{it} + Border_{it} + Income_{it} + Risk_{it} + Police_{it} + t + u_{it} \quad (1)$$

The dependent variable is the number of victims identified by police and assistance organizations coded in the European statistics (EuroStat/TrafStat). The explanatory variables consist of various factors that arguably affect the dependent variable and can be categorized into two sub-groups: factors pulling human trafficking inflows into the country (pull factors) and factors influencing policy efforts towards victim identification (policy factors). The pull factors include the (log) size of the population, (log) net income – economic factor – and the fraction of population under risk such as poverty and exclusion – social factor. The policy factors include border control policy – proxied with the number of refusals on the border – and the (log) number of police. The migration factor – proxied with the (log) number of illegal migrants – can belong to both groups because illegal migration can increase the pool of potential trafficking victims and, at the same time, the identification of illegal migrants may also reflect governmental policy towards victim identification (see appendix G on data sources and definitions).¹¹⁶

¹¹⁶ I additionally include the legalization of prostitution variable, following Cho et al. (2013). However, the coefficient of this variable does not turn out to be significant. Cho et al. (2013) use the human trafficking incidence index (UNODC 2006) taken from international organizations’ reports and media coverage and find a positive relationship between the prevalence of human trafficking and liberal prostitution law. In this paper, the EU statistics on victims – mainly provided by police and govern-

My empirical model covers up to 27 EU-countries ($i = 1, \dots, 27$) for the period of 2008-2012 ($t = 1, \dots, 5$). u is an error term and α is constant. t captures yearly time trends. As the dependent variable is strictly non-negative and a count variable, a non-negative binomial regression method is applied. Unobserved country characteristics are addressed by controlling for random effect.

Table 4 shows the results. Columns 1-4 exclude the (log) police variable, while columns 5-8 include it. Without controlling for police capacity, all of the pull factors – income, population and risk – have positive effects at a level of 1%. For the risk variable, the fraction of the female population under risk is included in addition to that of the total population, given that human trafficking is a gendered problem of which females are the majority victims. Replacing the risk of the total population with the female risk does not alter the finding. On the other hand, strict border control reduces the number of victims, arguably due to governmental efforts to prevent human trafficking decreasing the pool of potential victims. The magnitude of illegal migration flows – measured by illegal migration of both men and women, as well as female illegal migration only – increases the number of victims.

However, controlling for the capacity of police, the main stakeholder of identifying victims, alters the findings (see columns 5-8). Two of the pull factors lose the significance of their coefficients – population and risk. The income variable maintains its effect. Increasing net income by 10% increases the number of victims by 4-7%. Border control still holds its negative effects at 1-5% level, although the magnitude of the effect is minimal. Increasing police capacity by 10% leads to increasing the number of identified victims by 7-8%. Lastly, the positive effect of illegal migration disappears.

Overall, the pull factors become less important for determining the number of identified victims after controlling for policy factors, while the effects of the policy variables remain significant. These results seem to indicate that the number of identified victims reflects policy efforts towards victim identification to a sizable extent.

ments – are used instead of the incidence index and no effect may be driven by the nature of the statistics reflecting policy efforts towards victim identification rather than the magnitudes of human trafficking.

4.2. Amounts of Protection/Assistance Provided

The European Statistics include data on the amount of protection for victims of human trafficking, i.e. measuring how many assistance programs are provided for victims. The assistance programs include legal support, residence permit and repatriation efforts (European Commission 2013). The EuroStat/TrafStat on protection shares some of the policy requirements with the 3P-protection index and the Scorecard protection and, therefore, has a positive correlation with them to a fair extent ($r=0.18$ and 0.19 , respectively. See table 3).

The results of the multi-covariate analysis also show that the European statistics on protection have a positive relationship with other related policy indicators of anti-trafficking and migration (table 5). The empirical regression model takes the equation below.

$$\text{Protection}_{it} = \alpha + \text{Victim}_{it} + \text{Migration}_{it} + \text{Border}_{it} + \text{Income}_{it} + \text{Risk}_{it} + t + u_{it} \quad (2)$$

The dependent variable is the amount of protection provided. As the amount of protection provided depends on the size of the target group, the number of identified victims is controlled for. Here, I take two measurements: the total number of victims identified and the number of foreign victims. The latter is included in order to find whether governments provide assistance exclusively for domestic victims or all victims regardless of nationality. The size of illegal migrants – the total and female – and the number of refusals on the border represent policy dealing with illicit migration. Income level and the fraction of the population under risk and poverty are also included to reflect economic and social conditions of the country. Given the limitation of the data, the empirical analysis includes 21 countries instead of 27.

The results show that, the more victims are identified, the more protection is provided. This finding remains when the variable is replaced with the number of foreign victims, implying that governments provide assistance for both domestic and foreign victims. The positive

effect of the victim variable has two implications. First, more protection programs are implemented when the target group of victims is larger, which seems to be a natural consequence. Second, a higher level of victim identification efforts is associated with a higher level of assistance for victims.

Stronger preventive efforts in border control lead to better protection, suggesting that countries with a stronger prevention policy against human trafficking also provide more protection programs for victims. On the other hand, illegal migration has a positive relationship with protection, but this result is not robust to the choice of variables. Regarding the socio-economic conditions, effects are partially detected – with a plus sign of income and a minus sign of risk effects – but the findings are not widely confirmed across the different regressions.

4.3. Number of Convictions

The European Statistics provide data on the number of suspects, prosecution and convictions for human trafficking. Generally speaking, a high level of conviction indicates stronger law enforcement efforts. However, it is not easy to calculate conviction rates (the number of convictions/the number of prosecutions) across countries and time because the data is uneven and particularly, statistics on the number of prosecution have many missing values. Thus, I will instead investigate the absolute number of conviction regarding whether a larger number of convictions can be an indicator reflecting greater efforts to punish traffickers. Below, I try to answer this question by employing correlation check and multi-covariate analysis.

Table 3 shows correlation of the EU prosecution statistics with the 3P-prosecution index and the Scorecard-legal frame and law enforcement scores. With the 3P Index, the EU statistics on suspects, prosecution and conviction have a positive relationship to a fair degree ($r = 0.26, 0.43$ and 0.21 , respectively). Interestingly, correlation between the EU statistics and the Scorecard-legal frame scores is rather trivial and even negative for the case of conviction ($r = 0.05, 0.16$ and -0.04 , respectively), while correlation with the Scorecard-law enforcement is significantly high ($r = 0.80, 0.94$ and 0.75 , respectively). This contrast implies that enforcement activities are largely independent from law adoption, as discussed in section 3.2.

The results of multi-covariate analysis (table 6) also show that the EU statistics on conviction have a positive relationship with other anti-trafficking indicators at the conventional level of statistical significance. The regression analysis takes the form below.

$$\text{Conviction}_{it} = \alpha + \text{Victim}_{it} + \text{Migration}_{it} + \text{Border}_{it} + \text{Income}_{it} + \text{Risk}_{it} + \text{Anti-trafficking}_{it} + t + u_{it} \quad (3)$$

The dependent variable is the number of convictions and the explanatory variables are identical to equation 2 above (see section 4.2). Additionally, the quality of anti-trafficking institutions is taken into account because this is particularly crucial to the implementation of law. Here, the levels of prevention and protection policy – taken from the 3P Index – are used as a proxy to the anti-trafficking institution because the measurements of prosecution policy are a tautology of the conviction statistics to some extent, causing endogeneity problems.

As seen in table 6, the anti-trafficking institutions have a positive effect on conviction at 5-10% level. Also, the more victims are identified, the more traffickers are convicted. These results seem to suggest that the number of convictions overlaps with other anti-trafficking indicators. On the other hand, a higher level of border control reduces the number of convictions, signaling that there might be substitution effects in policy choice between border control and punishing traffickers. Interestingly, the wealth of a country (income) constrains convictions, indicating that economic wealth is not directly translated into higher commitments against human trafficking – at least in the European context. Illegal migration and social risks do not turn out to have significant effects on conviction. Overall, the EU conviction statistics are generally in line with other anti-trafficking indicators but the relationship is not always straightforward, as seen in the case of border control, calling for a cautious utilization of these statistics as an anti-trafficking indicator.

5. Conclusion

In this paper, I reviewed the existing indices evaluating the quality of anti-trafficking policy quantitatively. An important issue in evaluating anti-trafficking policy involves the separation of different policy objectives – namely 3Ps – and distinction between de-jure and de-facto

dimensions of the policies. Among the indices reviewed, the 3P Index and the GRETA-Scorecard correspond to the distinction of (some of) the necessary sub-dimensions. Both policy measures share a fair degree of convergence in their evaluation in spite of the different coverage of countries and periods and the application of different international law. However, each sub-dimension has a lower level of correlation between the two indices, compared to the overall policy scores. The disparity may have come from not only differences in the policy scopes assessed but also subjectivity in evaluation.

Addressing these challenges, integrating statistical information into the qualitative texts used by the two indices can arguably enhance the objectivity of evaluation. In this paper, I make use of the European statistics and investigate whether these statistics can be indicators reflecting anti-trafficking policy efforts in the 3Ps areas. In particular, I focus on the application of the victim identification, protection/assistance and conviction statistics. Through multi-covariate analysis, I find that these statistics reflect policy efforts – protection policy for the first two indicators and prosecution for the last – to a statistically significant extent, although the statistics also indicate the magnitudes of human trafficking (crime prevalence) at least partially. Given that, these statistics can be utilized – with a caution – as one of various indicators used to build a composite index. Integrating such statistics adds an objective measurement supplementing the text analysis. There are several ways to reduce the problem that the statistics also represent crime prevalence. For instance, a principal component analysis (PCA) – checking for variances of (possibly) correlated variables – can be applied and then, each indicator is weighted based on the results of PCA. Also, countries can be sub-grouped based on country types – destination, transit and origin – and/or the level of human trafficking in/out-flows (following the UNODC categorization of high-medium-low flows, see UNODC 2006) and then, sub-grouped countries can be ranked and compared inside the same group.

As informational sources are relatively more available for European countries, one may try to develop a composite index by integrating both statistical and qualitative information for this region first. Such an integrated index could be enlarged on a global scale by further utilizing information worldwide, for instance, by using US TIP reports for text analysis and data collected by the UNODC for statistical application, if available. With regard to this, the

enhancement of global data collection through the United Nations' initiatives is called for. In addition to that, one may also consider some other methods borrowed from other related studies (on corruption or homicide, etc.) and conduct a victimization survey on human trafficking and/or an expert survey on anti-trafficking policy. Integrating different informational sources – qualitative/quantitative, macro/micro, general public/expert opinions, etc. – will enable us to minimize biases in making judgments and maximize the credibility of evaluation.

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Figure 1. Correlation between the 3P Index (2011) and Scorecard (aggregate scores, 13 countries)

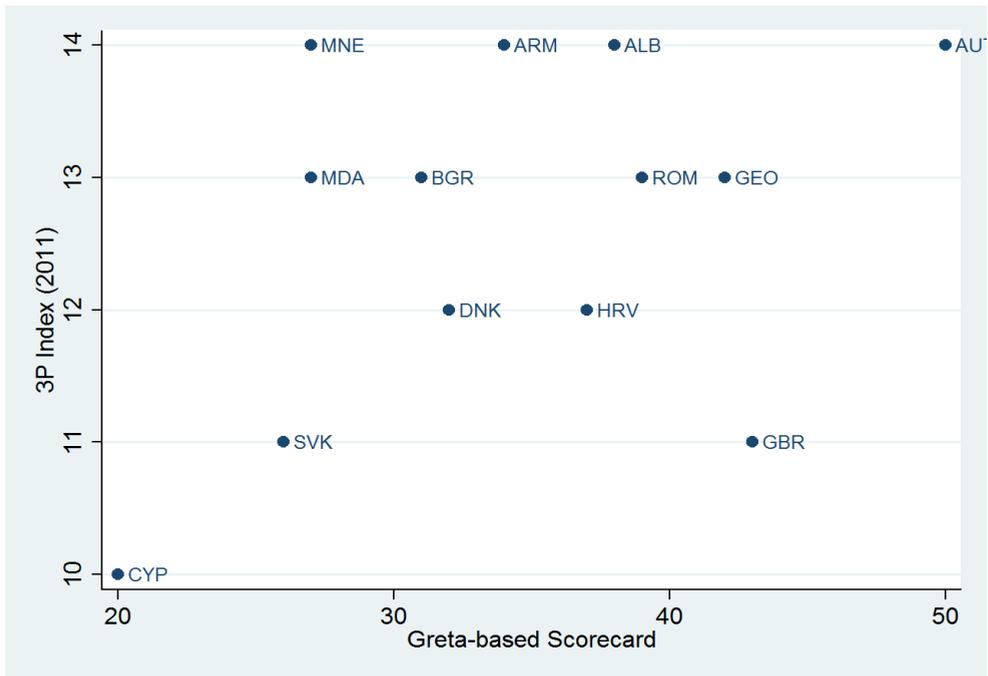


Table 1. 3P Index, GRETA-based Scorecard, EuroStat/TrafStat and Tier-ranking

	Policy Areas evaluated	Measurement	Method	International Law applied	Countries	Period	Issue
3P Index	Prosecution, Prevention, Protection (22 requirements)	Score 1-5 (total 3-15)	Text analysis (TIP reports and UNODC reports)	UN Palermo Protocol (2000)	188 (worldwide)	2000-2012 (annual)	No distinction between criminalization and enforcement
GRETA-based Scorecard	Legal framework, Enforcement, Protection, Prevention (34 requirements)	Score 0-2 (total 68-70)	Text analysis (GRETA-country reports)	Warsaw Convention (2005)	13 (Europe)	between 2010-2012 (no yearly score)	No time variation and limited country pool
EuroStat / TrafStat	Victim Protection, Prosecution/Conviction	Statistics (raw numbers)	National statistics collection	Warsaw Convention (2005)	34 / 22 (Europe)	2008-2012 (annual)	How to interpret statistics
Tier-ranking	Overall anti-trafficking	Tier 1, 2, 2-3 watchlist and	Information gathering (unclear)	US TVPA (2000)	Approx. 190 (worldwide)	2000-2012 (annual)	No distinction across 3Ps; US standards applied

Table 2. Correlation between the 3P Index (2011) and the Scorecard

	3P- Prosecution	3P-Protection	3P-Prevention	3P-Overall
Scorecard-Legal Frame	0.31			
Scorecard- Enforcement	0.39	0.12		
Scorecard-Protection			0.21	
Scorecard-Prevention				0.41
Scorecard-Overall				

Table 3. Correlation: European Statistics vs. 3P Index and the Scorecard
(27 countries, 2008-2012)

	Number of Victims	Amount of Assistance	Number of Suspects	Number of Prosecutions	Number of Convictions
Protection (3P)	0.25	0.18			
Prosecution (3P)			0.26	0.42	0.21
Protection (Scorecard)	0.05	0.19			
Legal Frame (Scorecard)			0.05	0.16	-0.04
Enforcement (Scorecard)			0.80	0.94	0.75

Table 4. Number of Identified Victims (EuroStat/TrafStat, 27 EU countries, 2008-2012)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Non-negative binomial regression (DV = Number of Identified Victims)								
Income	0.77 (3.60)***	0.86 (3.86)***	1.30 (4.85)***	1.38 (4.92)***	0.41 (1.74)*	0.52 (2.14)**	0.74 (2.39)**	0.69 (2.08)**
Population	0.43 (3.45)***	0.51 (4.09)***	0.44 (3.50)***	0.50 (4.08)***	-0.05 (-0.16)	0.04 (0.10)	-0.12 (-0.32)	0.02 (0.06)
Illegal Migration (all)	0.25 (0.09)***		0.23 (2.61)***		0.12 (1.26)		0.09 (0.92)	
Illegal Migration (female)		0.15 (1.87)*		0.13 (1.67)*		0.08 (0.90)		0.07 (0.09)
Border	-4.79e-06 (-2.11)**	-4.36e-06 (-1.89)*	-4.43e-06 (-2.01)**	-4.043-06 (-1.80)*	-5.38e-06 (-2.59)***	-5.10e-06 (-2.44)**	-4.99e-06 (-2.47)**	-4.89e-06 (-2.35)**
Risk (all)	0.07 (3.51)***	0.06 (3.02)***			0.01 (0.19)	-0.01 (-0.36)		
Risk (female)			0.09 (4.59)***	0.09 (4.05)***			0.05 (1.68)*	0.02 (0.61)
Police					0.73 (1.82)*	0.66 (1.62)*	0.81 (1.96)**	0.68 (1.63)*
Country Effects	RE	RE	RE	RE	RE	RE	RE	RE
Time Effects	YES	YES	YES	YES	YES	YES	YES	YES
No. Countries	27	27	26	26	27	26	26	25
No. Observation	106	101	103	98	74	69	71	66
Log Likelihood	-582.74	-556.29	-562.21	-535.56	-411.22	-381.05	-392.87	-363.67

Note: Parentheses are z-statistics. */**/** indicates significance at a level of 10/5/1%.

Table 5. Amounts of Protection/Assistance provided (EuroStat/TrafStat, 21 EU countries, 2008-2012)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Non-negative binomial regression (DV = Amounts of Protection/Assistance provided)								
Victim (all)	0.001 (3.53)***	0.001 (3.76)***	0.001 (3.16)***	0.001 (3.29)***				
Victim (foreign)					0.002 (3.04)***	0.002 (3.27)***	0.002 (2.73)***	0.002 (3.15)***
Income	0.36 (1.24)	0.55 (1.89)*	0.42 (1.19)	0.52 (1.47)	0.19 (0.61)	0.35 (1.11)	0.16 (0.37)	0.10 (0.25)
Illegal Migration (all)	0.25 (1.83)*		0.24 (1.70)*		0.32 (2.27)**		0.31 (2.10)**	
Illegal Migration (female)		0.09 (0.84)		0.99 (0.84)		0.16 (1.40)		0.15 (1.27)
Border	0.0001 (2.07)**	0.0001 (2.92)***	0.0001 (1.83)*	0.0001 (2.70)***	0.0001 (2.22)**	0.0001 (2.73)***	0.0001 (1.74)*	0.0001 (2.49)**
Risk (all)	-0.02 (-0.74)	-0.03 (-0.88)			-0.04 (-1.36)	-0.5 (1.69)*		
Risk (female)			0.02 (0.47)	0.01 (0.19)			-0.02 (-0.37)	-0.06 (-1.08)
Country Effects	RE	RE	RE	RE	RE	RE	RE	RE
Time Effects	YES	YES	YES	YES	YES	YES	YES	YES
No. Countries	21	21	20	20	20	19	19	18
No. Observation	69	67	66	64	57	55	54	52
Log Likelihood	-353.10	-344.05	-333.70	-324.72	-286.24	-276.07	-266.91	-256.52

Note: Parentheses are z-statistics. * / ** / *** indicates significance at a level of 10/5/1%.

Table 6. Number of Convictions (EuroStat/TrafStat, 26 EU countries, 2008-2012)

Non-negative binomial regression (DV = Number of Conviction)

	(1)	(2)	(3)	(4)
Victim	0.001	0.001	0.001	0.001
(all)	(1.86)*	(1.74)*	(2.22)**	(2.36)**
Income	-0.67	-0.79	-0.54	-0.59
	(-2.25)**	(-2.19)**	(-1.93)*	(-2.11)**
Illegal Migration	0.11		0.15	
(all)	(0.95)		(1.34)	
Illegal Migration		0.08		0.13
(female)		(0.78)		(1.17)
Border	-0.00002	-0.00002	-0.00002	-0.00002
	(-1.88)*	(-1.79)*	(-2.12)**	(-2.09)**
Risk	-0.001	-0.01	-0.01	-0.01
	(-0.05)	(-0.37)	(-0.40)	(-0.24)
Anti-trafficking	0.29	0.28		
(prevention)	(2.25)**	(1.90)*		
Anti-trafficking			0.19	0.24
(protection)			(1.98)**	(2.32)**
Country Effects	RE	RE	RE	RE
Time Effects	YES	YES	YES	YES
No. Countries	26	26	26	26
No. Observation	92	87	92	87
Log Likelihood	-369.90	-347.85	-370.31	-347.03

Note: Parentheses are z-statistics. */**/** indicates significance at a level of 10/5/1%.

Appendix A. Components of the 3P Index – Prosecution, Protection and Prevention

(Full coding guideline available at www.economics-human-trafficking.org)

1. Policy Indicators of Prosecution

- 1) Adoption of anti-trafficking laws prohibiting human trafficking
- 2) Adoption of child trafficking laws
- 3) Application of other relevant laws
- 4) Level of penalty
- 5) Law enforcement
- 6) Collection of crime statistics

The adoption of anti-trafficking laws and law enforcement carry a particular weight in the country assessments.

2. Policy Indicators of Victim Protection

- 1) Amnesty for victims
- 2) No self-identification required as a prerequisite for recognition of victim status
- 3) Legal assistance for victims
- 4) Residence permits
- 5) Accommodation/housing
- 6) Medical assistance
- 7) Job training opportunities
- 8) Rehabilitative support
- 9) Assistance for repatriation to the home country

The most important factor with a special weight is amnesty for victims.

3. Policy Indicators of Prevention

- 1) Public campaigns to raise anti-trafficking awareness
- 2) Training executive and judicial personnel regarding human trafficking
- 3) Promotion of information exchange among different governmental authorities
- 4) Monitoring borders, train stations, and airports, etc.
- 5) Adoption and implementation of national action plans for combatting human trafficking
- 6) Cooperation with NGOs and international organizations

7) Cooperation with other foreign governments

Appendix B. 3P Index Country Ranking for 2012 (188 countries)

(Source: www.economics-human-trafficking.org/)

Ranking	Country	Overall	Prosecution	Protection	Prevention
1	Australia	15	5	5	5
1	France	15	5	5	5
1	Korea, Republic of	15	5	5	5
1	Netherlands, the	15	5	5	5
1	Switzerland	15	5	5	5
6	Argentina	14	5	5	4
6	Austria	14	5	4	5
6	Belgium	14	5	4	5
6	Sweden	14	5	4	5
6	Moldova	14	5	5	4
6	Portugal	14	4	5	5
6	Canada	14	5	4	5
6	Italy	14	5	5	4
6	Nigeria	14	5	5	4
6	Armenia	14	5	4	5
6	Norway	14	4	5	5
6	Greece	14	5	4	5
6	Brazil	14	5	4	5
6	Kosovo	14	5	4	5
20	Montenegro	13	4	4	5
20	Chile	13	5	4	4
20	El Salvador	13	5	4	4
20	Serbia	13	5	3	5
20	Spain	13	5	3	5
20	Paraguay	13	5	4	4
20	Poland	13	5	3	5
20	Croatia	13	4	4	5
20	Uzbekistan	13	5	3	5
20	Phillipines	13	5	3	5
20	United States of America	13	5	3	5
20	Ecuador	13	5	4	4
20	Ireland	13	4	4	5
20	Romania	13	5	3	5
20	Czech Republic	13	5	4	4
20	Costa Rica	13	4	4	5
20	Nicaragua	13	5	4	4
20	Finland	13	4	4	5
20	Macedonia	13	5	3	5
20	Slovenia	13	4	4	5
20	Bulgaria	13	5	4	4
41	United Arab Emirates	12	5	3	4

41	Albania	12	4	4	4
41	Colombia	12	5	3	4
41	Latvia	12	4	3	5
41	United Kingdom	12	5	3	4
41	Thailand	12	5	3	4
41	Indonesia	12	5	2	5
41	Denmark	12	4	3	5
41	Georgia	12	4	3	5
41	Zambia	12	4	3	5
41	Germany	12	4	3	5
41	Ukraine	12	5	3	4
41	Slovak Republic	12	5	3	4
41	Cyprus	12	5	3	4
41	Ghana	12	4	4	4
41	Laos	12	5	3	4
41	Antigua and Barbuda	12	2	5	5
41	Taiwan	12	5	3	4
41	Jamaica	12	4	4	4
41	Burkina Faso	12	4	4	4
41	Israel	12	5	3	4
41	Kazakhstan	12	5	3	4
41	Bangladesh	12	5	3	4
64	Cameroon	11	4	3	4
64	New Zealand	11	2	4	5
64	Panama	11	4	3	4
64	Nepal	11	5	2	4
64	Estonia	11	4	3	4
64	Hungary	11	5	3	3
64	Japan	11	4	4	3
64	Kenya	11	4	3	4
64	Cambodia	11	5	2	4
64	Lithuania	11	4	3	4
64	Dominican Republic	11	4	3	4
64	Mozambique	11	5	2	4
64	Cote d'Ivoire	11	3	3	5
64	Azerbaijan	11	5	3	3
64	Vietnam	11	5	3	3
64	Burma/Myanmar	11	4	2	5
64	Mexico	11	4	3	4
64	Ethiopia	11	5	3	3
64	Iceland	11	4	4	3
64	Guatemala	11	4	3	4
64	Bolivia	11	5	3	3
64	Turkey	11	5	3	3
64	Peru	11	4	3	4
87	Kyrgyz, Republic	10	4	2	4

87	The Bahamas	10	4	3	3
87	Belarus	10	2	4	4
87	Rwanda	10	4	3	3
87	Malaysia	10	5	2	3
87	Macau	10	4	2	4
87	Malta	10	4	2	4
87	Fiji	10	4	3	3
87	Malawi	10	5	2	3
87	Singapore	10	4	3	3
87	Namibia	10	4	3	3
87	China	10	4	2	4
87	Qatar	10	4	3	3
87	Mauritius	10	4	3	3
87	Gabon	10	4	4	2
87	Uganda	10	4	3	3
87	Tajikistan	10	4	2	4
87	Niger	10	4	3	3
87	India	10	4	2	4
87	Congo, Republic of the	10	2	4	4
87	Russia	10	5	2	3
87	Liberia	10	4	3	3
87	Guyana	10	4	3	3
110	Togo	9	3	2	4
110	Uruguay	9	2	3	4
110	Suriname	9	4	2	3
110	South Africa	9	4	2	3
110	Brunei	9	4	2	3
110	Egypt	9	2	3	4
110	Mauritania	9	4	2	3
110	Bosnia and Herzegovina	9	2	3	4
110	Hong Kong	9	3	3	3
110	Saudi Arabia	9	4	2	3
110	Benin	9	3	3	3
110	Afghanistan	9	4	2	3
110	Oman	9	4	3	2
110	Comoros	9	4	2	3
110	Pakistan	9	4	3	2
110	Aruba	9	2	3	4
126	Senegal	8	2	3	3
126	Venezuela	8	2	3	3
126	Chad	8	2	3	3
126	Tanzania	8	4	2	2
126	Curacao	8	4	2	2
126	Jordan	8	4	2	2
126	Barbados	8	2	3	3
126	Luxembourg	8	4	2	2

126	St. Vincent and the Grenadines	8	2	3	3
126	Palau	8	2	3	3
126	Turkmenistan	8	4	2	2
126	Belize	8	2	2	4
126	Honduras	8	2	3	3
126	Iraq	8	4	2	2
126	Bahrain	8	4	2	2
126	Sri Lanka	8	2	2	4
126	Mongolia	8	4	2	2
126	Lebanon	8	4	2	2
126	Sierra Leone	8	2	3	3
145	Mali	7	2	3	2
145	Angola	7	2	2	3
145	Guinea-Bissau	7	2	3	2
145	Tonga	7	2	3	2
145	Cape Verde	7	1	3	3
145	Haiti	7	2	2	3
145	Gambia	7	2	2	3
145	Trinidad & Tobago	7	2	2	3
145	Zimbabwe	7	2	2	3
145	Kiribati	7	2	2	3
145	Guinea	7	2	2	3
145	Maldives	7	3	1	3
145	Central African Republic	7	2	2	3
145	Tunisia	7	2	2	3
145	Timor.Leste	7	2	2	3
145	Djibouti	7	2	2	3
145	Algeria	7	2	2	3
145	South Sudan, Republic of	7	3	2	2
145	Swaziland	7	2	2	3
145	Lesotho	7	2	2	3
145	Burundi	7	2	2	3
166	Equatorial Guinea	6	2	1	3
166	Botswana	6	2	2	2
166	Morocco	6	2	2	2
166	Yemen	6	3	1	2
166	Solomon Islands	6	2	2	2
166	St. Lucia	6	2	3	1
166	Congo, Democratic Republic of the	6	2	1	3
166	Kuwait	6	2	2	2
166	Bhutan	6	2	2	2
166	Madagascar	6	4	1	1
176	Papua New Guinea	5	1	1	3
176	Micronesia, Federated States	5	2	1	2

	of				
176	Sudan	5	1	2	2
176	Libya	5	1	2	2
176	Seychelles	5	1	2	2
176	BES islands	5	2	1	2
176	Eritrea	5	2	1	2
183	Marshall Islands	4	2	1	1
183	Cuba	4	1	2	1
183	Somalia	4	1	1	2
183	Iran	4	2	1	1
183	North Korea	4	1	1	2
188	Syria	3	1	1	1

Appendix C. 34 Policy Requirements used for the GRETA-scorecard
(Source: van Dijk and Klerx-van Mierlo, forthcoming)

A Legal-institutional Framework	C Enforcement
1 Criminalization of HT (including for labour/children)	21 No punishment clause
2 Action plans (size of budget)	22 Special investigative unit (no. officials)
3 Interministerial task force (meetings, NGO's, independent evaluation)	23 Special prosecutors (no. officials)
4 National coordinator/rapporteur	24 No. prosecutions per mill (related to no. Identified victims)
5 Comprehensive identification and referral system (incl. in detention centres for illegals)	25 No. convictions per mill (related to no. Identified victims)
6 International cooperation (police, prosecutors, consulars)	26 Severity of sentences (years of imprisonment) (incl. confiscation)
7 Integrated statistical system, incl. data protection	27 Maximum penalty for HT (> 5 years)
8 Training officials (incl. labour inspectors)	28 Witness protection
9 Research (incl. on victim satisfaction)	
B Assistance/protection	D Prevention
10 No of victims identified (rel to population)	29 Awareness campaigns
11 Adequate support, incl shelter, health, occupational training	30 Screening of visa applicants
12 Provision of support delinked from cooperation with police	31 Border control measures
13 Recovery/ reflection time of 30 days	32 Development aid/poverty alleviation
14 Temporary residence permits; how many (related to no. identified victims)	33 Demand reduction, incl. through criminalization
15 Information on rights and free legal aid	34 Forging of travel documents criminalized etc.
16 Safe return/reintegration	
17 Compensation in trial (related to no. identified victims)	
18 State compensation, incl. illegals, non EU res (related to no. identified victims)	
19 Identification, services and legal guardian for child victims	
20 Witness protection ¹¹⁷	

¹¹⁷ The item witness protection is listed both under victim protection (20) and under law enforcement/prosecution (28) because it is an important aspect of both dimensions.

Appendix D. Lists of Countries: Warsaw Convention*, GRETA-Reports* and Scorecard**
 (*www.coe.int/t/dgh/monitoring/trafficking, **van Dijk and Klerx-van Mierlo, forthcoming)

	Warsaw Convention (date of entry into force)	GRETA-country Report (year of publication)	GRETA-based Score- card
Albania	2008		o
Andorra	2011		
Armenia	2008	2012	o
Austria	2008	2011	o
Azerbaijan	2010		
Belgium	2009	2013	
Bosnia and Herzegovina	2008	2013	
Bulgaria	2008	2011	o
Croatia	2008	2011	o
Cyprus	2008	2011	o
Denmark	2008	2011	o
Finland	2012		
France	2008	2013	
Georgia	2008	2012	o
Germany	2013		
Hungary	2013		
Iceland	2012		
Ireland	2010	2013	
Italy	2011		
Latvia	2008	2013	
Lithuania	2012		
Luxembourg	2009		
Malta	2008	2013	
Moldova	2008	2012	o
Montenegro	2008	2012	o
Netherlands	2010		
Norway	2008	2013	
Poland	2009	2013	
Portugal	2008	2013	
Romania	2008	2012	o
San Marino	2011		
Serbia	2009		
Slovak	2008	2011	o
Slovenia	2010		
Spain	2009	2013	
Sweden	2010		
Switzerland	2013		
Macedonia	2009		
Ukraine	2011		
United King- dom	2009	2012	o

Appendix E. List of European Statistics on Trafficking in Human Beings (EuroStat on THB)
(Source: European Commission 2013)

- Number of identified and presumed victims
- Number of identified and presumed victims registered by the police, NGOs and other agencies
- Identified and presumed victims by gender per sexual exploitation
- Number of identified and presumed victims by form of exploitation: labour (forced labour, domestic servitude)
- Number of identified and presumed victims by form of exploitation: other (forced bagging, criminal activities, removal of organs, other exploitation, unknown)
- Number of identified and presumed victims in the EU by citizenship
- Number of identified and presumed victims holding the same citizenship as the registering country
- Frequency of reporting of identified and presumed victims from the EU, EFTA, EU candidate and potential candidates
- Number of identified and presumed victims by assistance and protection: received assistance
- Number of identified and presumed victims by assistance and protection: reflection period
- Number of identified and presumed victims by assistance and protection: residence permit
- Percentage of suspected traffickers holding the same citizenship as the registering country
- Number of suspected traffickers in the EU by citizenship
- Number of suspected traffickers by form of exploitation
- Number of prosecuted traffickers in the EU by citizenship
- Number of prosecuted traffickers by form of exploitation
- Number of final decisions by the prosecution service for trafficking in human beings
- Number of convicted traffickers

Appendix F. Lists of Countries: EuroStat on THB* and TrafStat**

(Source: * European Commission 2013, ** Aebi and Campistol 2013).

F.1. Countries included in EuroStat on Trafficking in Human Beings

a. EU-member States (27)

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Germany, Denmark, Greece, Estonia, Spain, Finland, France, Hungary, Ireland, Italy, Lithuania, Latvia, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Sweden, Slovenia, Slovakia, United Kingdom.

b. Acceding Country (1)

Croatia

c. Candidate Countries (4)

Iceland, Montenegro, The Former Yugoslav Republic of Macedonia, Turkey

d. Associated Countries (2)

Switzerland, Norway

F.2. Countries included in TrafStat (23)

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, The Netherlands (all are EU-member states)

Appendix G. Data Sources and Definition

Variables	Definition	Data Source
Victim (all, foreign)	Number of victims and foreign victims, respectively	EuroStat/TraftStat
Convictions	Number of convictions	EuroStat/TrafStat
Protection/Assistance	Amounts of protection/assistance provided	EuroStat/TrafStat
3P Anti-trafficking Policy Index	Prosecution, protection and prevention policy scores (1-5, respectively)	Cho et al. (forthcoming)
GRETA-based Score-card	Legal-institutional framework, enforcement, protection and prevention policy scores (0-2, 34 indicators)	van Dijk and Klerx-van Mierlo (forthcoming)
Income	Average net income (euro)	EuroStat
Population	Number of the population	EuroStat
Illegal Migration	Number of illegal migrants (flow)	EuroStat
Illegal Migration (female)	Number of female illegal migrants (flow)	EuroStat
Risk	Percentage of people at risk of poverty or social exclusion	EuroStat
Risk (female)	Percentage of females at risk of poverty or social exclusion	EuroStat
Police	Number of police personnel	EuroStat
Border	Number of refusals on the border	EuroStat

**EU project HOME/2011/ISEC/AG/THB/4000001960: Tools for the validation and utilisation
of EU statistics on human trafficking (TRAFSTAT)**

Rights-based early warning indicators on trafficking in human beings – some conceptual
considerations

Discussion paper

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January 2014

Introduction

“Hell protesting against hell” and “we should be aware of it by now” are some of the first statements of a recently updated publication on the Sinai trafficking/hostage-taking/refugee crisis.¹¹⁸ Young people and adults fleeing Eritrean conflict experience gravest forms of brutality and exploitation being trafficked through Sudan and the Sinai desert, many of them ending up, finally, as “boat people” at the shores of Lampedusa and subsequently in detention centres of European cities.

In Ireland, media reported cases of so-called “sham marriages”/“marriages of convenience”, which may involve, for instance, Latvian women, who have been taken to Ireland to enter into an arranged marriage with men from non-EU countries (e.g. from India, Bangladesh, Pakistan) in order to make it possible for them to acquire EU passports and residence status.¹¹⁹ GRETA, the Council of Europe’s expert body monitoring implementation of the CoE Anti Trafficking Convention, gave a strong recommendation to the Irish authorities, urging them to continue police training on detecting possible cases of trafficking in human beings “and carry out proactive investigations”.¹²⁰

A recent expert conference on European Family Law heard presentations and workshops on “transnational family situations in Europe and new concepts of parentage”, including on “crossborder recognition of surrogacy”, which may involve cases of children being “commissioned” by prospective parents through surrogate mothers arranged for them from countries, where such practice has not been prohibited.¹²¹ Aggressive marketing of fertility clinics on assisted reproductive technologies, especially in those countries where some of these

¹¹⁸ Van Reisen, M; Estefanos, M; & Rijken, C (2013) *The Human Trafficking Cycle: Sinai and Beyond [Draft]*, Wolf Legal Publishers, Oisterwijk, pp. 1 and 2.

¹¹⁹ The Irish Examiner, 1 February 2013, available at: <http://www.irishexaminer.com/ireland/400-a-year-trafficked-for-sham-marriages-221367.html> (all internet links last checked on 17 January 2014).

¹²⁰ GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland (GRETA(2013)15), paras 243 and 249.

¹²¹ Suntrup, J C (2013), Conference Report, Family Law and Culture in Europe. New Developments, Challenges and Opportunities, Bonn – available at <http://www.recht-als-kultur.de/de/aktivitaeten/tagungen-und-workshops.2/family-law-and-culture-in-europe-new-developments-challenges-and-opportunities.81/>; see also the presentation by Engel, M (forthcoming 2014), Cross-Border Surrogacy: Time for a Convention? Abstract available at <http://ssrn.com/abstract=2348270>.

technologies are illegal, have already led law firms, e.g. in the UK, to specialise on these new forms of “fertility tourism”.¹²²

For several years now, during the summer months, thousands of people, many from Thailand, arrive in the northern parts of Sweden to start picking wild berries in the countryside on a large scale. There is strong economic interest by companies (food cosmetics) in these berries, and over the years a well-developed migrant worker network spanning half of the globe has emerged – as well as situations of forced labour and trafficking in human beings, which finally became a major trade union issue in Sweden.¹²³

Still, is it the responsibility of researchers and activists to alert decision-makers and mobilise the general public on every-day atrocities going on between North Africa and Europe; should it be up to the media or a regional monitoring body to pressure national authorities into “proactive investigations”; who is going to take the lead in closer examination of practices, which might at some time be called “trafficking in human beings for the purpose of cross-border surrogacy”, and why this rather late response from trade unions to the exploitation of migrant workers?

On the other hand, there is no shortage of questionnaires, requests for information and other data collection efforts asking state and non-state actors about most recent figures and trends and possible responses in relation to trafficking in human beings. Such requests may originate from UNODC’s Global Reports,¹²⁴ International Labour Organisation (in the context of forced labour and trafficking),¹²⁵ US Department of State Trafficking in Persons (TIP) Re-

¹²² See, for instance, Gamble, N (2010), Fertility Tourism – what you need to know from a legal perspective, taken from the law firm’s website at <http://www.nataliegambleassociates.co.uk/assets/assets/Winter%202010%20INUK%20-%20Fertility%20tourism%20what%20you%20need%20to%20know%20from%20a%20legal%20perspective.pdf>.

¹²³ See for instance, the Linköping University project at, <https://project.isv.liu.se/remesoproject/project.php?id=36>.

¹²⁴ UNODC (2012), Global Report on Trafficking in Persons 2012, at: <http://www.unodc.org/unodc/data-and-analysis/glotip.html>.

¹²⁵ See, for an overview, ILO (2012), A Global Alliance against Forced Labour and Trafficking in Persons - Key achievements of the ILO’s Special Action Programme to Combat Forced Labour, 2001 – 2011, at: http://www.ilo.org/global/topics/forced-labour/publications/WCMS_203446/lang-en/index.htm.

ports,¹²⁶ EUROSTAT¹²⁷ or the Council of Europe/GRETA Questionnaire,¹²⁸ to name but a few. Moreover, data collection on THB continues in the context of various academic research projects,¹²⁹ as part of the mandate of Anti-Trafficking National Rapporteurs¹³⁰ and “equivalent bodies”, in implementing national Anti-Trafficking Actions Plans as well as the manifold efforts by inter-governmental (e.g. IOM¹³¹, ICMPD,¹³² Council of the Baltic Sea States¹³³) and non-governmental organisations, be it for their internal databases or be it for drafting “shadow” reports for submission to regional monitoring bodies.

Interestingly, despite these heavy investments, there is still concern about a continuing “knowledge crisis”/“knowledge gap”¹³⁴ in the field of anti-trafficking. And even more interestingly, taking into account the widely acknowledged complexities of the trafficking concept – from the broadness of its definition to the need to involve a wide range of actors in anti-trafficking responses – it appears that so far, the question of establishing concepts and capacities for early warning and early response to emerging trafficking trends has not become a priority.

¹²⁶ See TIP reports available at <http://www.state.gov/j/tip/rls/tiprpt/>.

¹²⁷ EUROSTAT, Trafficking in Human Beings, 2013 edition, available at http://ec.europa.eu/anti-trafficking/EU+Policy/Report_DGHome_Eurostat;jsessionid=6thhST5JfyDb02y8vpLyDd7FLyfWqxjWhyLPkwxvb5whFDh16tHh!40560286.

¹²⁸ Available at GRETA’s public website at: http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/1st_Eval_Round_en.asp.

¹²⁹ Including, for instance, the MONTRASEC project, Vermeulen, G (2010), The Montrasec Demo: A Bench-mark for Member State and Eu Automated Data Collection and Reporting on Trafficking in Human Beings and Sexual Exploitation of Children, or, most recently, the TRAFSTAT project.

¹³⁰ See, most prominently, the reporting on trafficking for more than a decade by the Dutch National Rapporteur, <http://www.dutchrapporteur.nl/reports/>.

¹³¹ See, for instance, the joint 2007-09 project coordinated by IOM and the Austrian Ministry of the Interior on Development of guidelines for the collection of data on trafficking in human beings, including comparable indicators.

¹³² ICMPD (2007), Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria, Vienna.

¹³³ CBSS / Task Force against Trafficking in Human Beings (2011), Hard Data - Data Collection Mechanisms on Human Trafficking in the Baltic Sea Region, Stockholm.

¹³⁴ UNODC (2012), Global Report on Trafficking in Persons 2012, p. 80.

This discussion paper¹³⁵ argues for the need to develop early warning systems as an integral part of existing anti-trafficking frameworks and structures and thus, to establish clear responsibilities for this purpose. If broadly understood as “collection of information to understand and pre-empt future developments”,¹³⁶ anti-trafficking early warning should be conceived as a key element of prevention: to prevent the occurrence or at least the further escalation of existing situations of exploitation and trafficking, by alerting political decision-makers and – perhaps even more importantly - those with intervention capacity (e.g. law enforcement, emergency assistance providers) to possible new dimensions of trafficking.

Clearly, early warning in itself will remain insufficient if not linked also to early response mechanisms. Alerting may include drawing attention to “quality-related” developments (new forms of recruitment, means, exploitation, affecting new target groups) and “quantitative” developments (in terms of scale of trafficking situations). The paper further argues that such early warning system needs to be grounded on a human rights-based approach, which stresses comprehensiveness of measures and accountability for duty-bearers to implement prevention standards already existing in the anti-trafficking field. This also enables a discussion on the development of early warning indicators for monitoring, whether such obligations have been complied with.

The structure of this paper thus starts with setting the context (Chapter 2), asking questions about the meaning of early warning, looking also in areas beyond the immediate trafficking context, especially to conflict/crisis early warning (and to some extent into crime prevention); it discusses the added value of a human rights-based approach and the peculiarities of the trafficking arena for establishing early warning systems; and it briefly explains its approach to indicator development. Chapter 3 outlines the normative framework for prevention and early warning and analyses typical responses as mandated in international and regional legal texts. Subsequently, Chapter 4 aims to combine the normative framework and the need for monitoring of it with the substance of the analysis on what means early warning in the anti-trafficking context – and how it complements also the TRAFSTAT project.

¹³⁵ The author of this paper is grateful for the valuable support and feedback from Silvia Randazzo and Julia Planitzer.

¹³⁶ Nyheim, D (2009), Preventing Violence, War and State Collapse – the Future of Conflict Early Warning and Response, p. 48.

Based on this some measurable draft early warning indicators in four dimensions are proposed for further discussion. Chapter 5, finally, sums up some conclusions for this paper.

Setting the context

What means early warning, what means prevention?

Early warning and the use of indicators have become relevant in very diverse areas: they are used in the medical field to test growing drug resistance; they shall advise education specialists to prevent dropping out of students from school; there is a search for early warning models to prevent another international banking crisis; and in the political field, there is an interest in finding ways to detect and de-escalate emerging violent conflict inside or between countries. Especially in the latter context, following the tragic failure to prevent the Rwandan genocide from happening in 1994, efforts had been increased to better understand dynamics within/between societies and prevent violence from mass-scale eruption. The hypothesis followed in this discussion paper says that many of the lessons learned in the early warning and conflict prevention field may be also applied to the context of trafficking in human beings – you may even consider the occurrence of exploitation and trafficking in human beings (irrespective of the role of a country as one of origin, transit or destination) as an indication of some form of social crisis affecting that country.

It is argued here that such lessons learned on early warning (and early response) are urgently needed in the trafficking context: many of the international, regional, but also national reports may provide increasingly detailed information on victims and traffickers; they include also some general data on “patterns and flows” for different regions of the world (mostly on a annual or even less frequent basis);¹³⁷ but from a decision-making point of view, it may be hard here to identify priorities for immediate anti-trafficking action.¹³⁸ Similarly, the essence of analysis presented in EUROSTAT’s executive summary remained rather broad, stating as an “overall conclusion” that “significant challenges remain in tackling the

¹³⁷ UNODC (2012), Global Report on Trafficking, chapter II.

¹³⁸ It should be noted that the CoE’s trafficking monitoring body, GRETA, has developed a differentiated approach in issuing recommendations, the strongest of which “urges” governments to take up/end specific measures, in order to immediately ensure compliance with the CoE Anti-Trafficking Convention.

different aspects of trafficking in human beings”, with “[o]ne of the continued challenges” being “the need for the identification of victims of trafficking in human beings.”¹³⁹ Clearly, the report had to acknowledge the many difficulties in the data collection process from the respondent statistical offices, citing especially the lack of disaggregated data by sex, age and type of exploitation in relation to both victims and suspected traffickers.¹⁴⁰

While this problem may be particularly due to the trans-national nature of data collection, also in the national context, priority-setting in terms of early warning appears to be limited. For instance, the Seventh Report on Trafficking in Human Beings published by the Dutch National Rapporteur in 2009 declared in respect to its long list of 47 recommendations that they “are arranged by subject and differ in terms of their urgency. For example, some recommendations can be carried out relatively easily and quickly, while others will require more effort.”¹⁴¹ The most recent German annual report on trafficking (“*Bundeslagebild Menschenhandel*”) contains various statistical data and trends about victims and suspects, but the final analytical section (“*Gesamtbewertung*”) only offers a very brief summary of the trends, but does not identify priorities for urgent action.¹⁴²

Neither of these reports had sections dedicated to an explicit early warning analysis; nor could an anti-trafficking early warning concept be identified in the literature. It is against this background that in the following some key functions and elements of early warning as well as linkages to the broader concept of prevention will be discussed, which might be considered useful also for anti-trafficking purposes.

As a working definition, anti-trafficking early warning will be understood as a process that alerts decision-makers to new situations of trafficking and/or new dimensions of existing situations of trafficking on terms of quality and quantity of the exploitation; and which pro-

¹³⁹ EUROSTAT (2013), p. 11.

¹⁴⁰ EUROSTAT (2013), p. 17.

¹⁴¹ National Rapporteur on Trafficking in Human Beings (2009), Seventh Report, chapter 14. The Eighth Report published in 2010 offered analysis over the first ten years of the work of the Dutch National Rapporteur, see <http://www.dutchrapporteur.nl/reports/>.

¹⁴² Bundeskriminalamt, *Bundeslagebild 2012 – Menschenhandel*, p. 10.

motes a better understanding of such situations to allow for improved priority-setting and enable early responses to prevent their further escalation.¹⁴³

From this definition, three main functions of early warning can be identified:

- an alarm function, to draw attention to new developments,
- an analytical support function for decision-making, by providing specific evidence and analysis for response
- a preventive function, by linking analysis to immediate action.

As it will be discussed later on, early warning has an underlying additional fourth function in contributing to the protection of human rights of victims of trafficking through its triggering of measures to stop any violations of their rights.

It also follows from this definition and its functions that early warning should not be conceived as an ad hoc instrument, depending on political will or resources for extra-analysis, but instead, it should be considered an integral part of trafficking prevention structures and policies, with dedicated mandate and capacities for specific risk analysis, development of qualitative and quantitative assessment tools etc. At the same time, through its need to have access to information from a wide range of actors, it has a cross-cutting dimension both in terms of warning and response, which extends to protection (e.g. victim shelter organisations) as well as prosecution policies (e.g. police) and even beyond (e.g. being able to analyse reports on marginalised social groups who might become at risk of trafficking).

In any case, it should be stressed that this should in no way be regarded as an alternative/replacement to other forms of data collection.

Consequently, according to *Matveeva*, “an early warning system should contain six core mechanisms: data collection, data analysis, assessment for warning or identification of dif-

¹⁴³ Definition following a definition used in the context of violent conflict prevention, see Nyheim, D (2009), *Preventing Violence, War and State Collapse – the Future of Conflict Early Warning and Response*, p. 22, adapted and further developed for the anti-trafficking context in this paper.

ferent scenarios, formulation of action proposals, transmission of recommendations and assessment of early response.”¹⁴⁴

Moreover, then, to answer the second question of what means “prevention”: in this regard, the Commentary to the UN OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking explains prevention by referring “to positive measures to stop future acts of trafficking from occurring.” And it continues by stating that “[p]olicies and activities identified as “prevention” are generally those considered to be addressing the causes of trafficking. While there is not yet universal agreement on the complex matter of causes, the most commonly cited causative factors are those that:

- increase vulnerability of victims and potential victims;
- create or sustain demand for the goods and services produced by trafficked persons; and
- create or sustain an environment within which traffickers and their accomplices can operate with impunity.”¹⁴⁵

More generally, prevention serves two corresponding functions: to stop unwanted behaviour and effects on the one hand, and to promote instruments which have an intended positive effect – from a rights-based perspective, it may be added: for safeguarding human rights, on the other hand. As will be explored later on, there are different levels of entry points for prevention in the trafficking field: to adopt economic and social policies against marginalisation and discrimination in general, to adopt policies for specific target groups (e.g. addressing gender stereotypes, disability, age/child status/child protection/families) or to adopt policies for specific sectors of work at risk of exploitation and trafficking: prostitution, economy (e.g. agriculture, construction, domestic households, tourism), health (trafficking for the purpose of organ removal); and to preventively intervene directly in the trafficking process (action, means, purpose), e.g. through law enforcement investigation, (situa-

¹⁴⁴ Matveeva, A (2006), Early Warning and Early Response: Conceptual and Empirical Dilemmas - Issue Paper 1, p.11.

¹⁴⁵ UN OHCHR (2010), Recommended Principles and Guidelines on Human Rights and Human Trafficking – Commentary, p. 95.

tional) crime prevention, border control measures, return arrangements aimed at preventing re-trafficking etc.

The following sub-chapters will briefly explore some lessons learned from conflict early warning and crime prevention which may further help defining the concept of anti-trafficking early warning.

Early warning and conflict/crisis prevention

“The ultimate goal of early warning is not to predict conflicts, but rather to prevent them.”¹⁴⁶ The inability to prevent in time the massacres in Rwanda in 1994 is generally seen as a major turning point leading to manifold efforts in international crisis prevention and early warning. The United Nations, OECD, the European Union, several governments initiated evaluations and assessments in order to learn from the failures and prevent such massive eruption of violence in the future. However, despite the enormous interest and investments in tools, systems, methodologies and assessments,¹⁴⁷ an OECD review of governmental, inter-governmental and non-governmental early warning systems in 2009 drew a less optimistic picture of the effectiveness of the various mechanisms in place: “can we say today that we are in a position to prevent another Rwandan genocide? We probably cannot. Conflict early warning faces the same challenges as it did 15 years ago”.¹⁴⁸

Apart from the inherent dilemma in any prevention or early warning effort – success meaning that actually nothing (violent) happens ... – the OECD review was, nevertheless, able to draw conclusions, which could well be considered for transfer from the conflict early warn-

¹⁴⁶ Matveeva, A (2006), *Early Warning and Early Response: Conceptual and Empirical Dilemmas - Issue Paper 1*, p. 8.

¹⁴⁷ A 2008 project of the Center for Strategic and International Studies (CSIS) compiled a set of more than 800 (!) indicators used for conflict prevention and early warning, developed and applied by governments, multilateral organisations, universities and think tanks, NGOs and private enterprises. They managed to group these indicators in six pillars of a classification system, consisting on indicators related to security, governance, justice and reconciliation (including human rights), economics, social-well-being and some cross-cutting dimensions (e.g. resources); see for an overview of the various actors in the early warning field and models developed, Barton, F and von Hippel, K (2008), *Early Warning? A Review of Conflict Prediction Models and Systems*, PCR Project Special Briefing.

¹⁴⁸ Nyheim, D (2009), *Preventing Violence, War and State Collapse – the Future of Conflict Early Warning and Response*, p. 98.

ing field to the trafficking early warning and prevention field. Their conclusions are based on a survey of a broad range of actors, around questions¹⁴⁹ about the main “warning products” (e.g. briefs, reports, documentaries), thematic focus (e.g. gender-based violence, community violence), target audience (e.g. political decision-makers, local communities, general public), methodologies used (quantitative or qualitative, conflict analysis, state fragility analysis), sources of information (e.g. statistics, media, NGOs, local monitors),¹⁵⁰ organisational set-up of the early warning mechanism (e.g. budget) and about linkages and cooperation with early response stakeholders (from government authorities, multilateral institutions, donors, NGOs etc).

As a result of this survey, the following six elements were identified, which could be seen as an added value of early warning systems: they provide for

- a crisis prediction capacity enabling proactive decision-making,
- a stronger evidence base for decision-making on country situations,
- contribute to priority-setting in decision-making,
- improved programming of activities,
- act as a starting point for developing a shared definition of the problems, allowing for more coherent responses, and
- offer a forum for pooling ideas on appropriate response strategies.¹⁵¹

Furthermore, several “good practices” and principles in terms of effectiveness of early warning can be concluded from these findings;¹⁵² they should be considered relevant from an anti-trafficking perspective as well:

- Early warning needs to be “close to the ground”¹⁵³ or has “strong field-based networks of monitors”;

¹⁴⁹ See Nyheim, D (2009), *Preventing Violence, War and State Collapse*, p. 49.

¹⁵⁰ It is generally understood that such early warning models are based on open source/publicly available information, which makes them distinct from intelligence-based crisis prediction models, see Nyheim, D (2009), *Preventing Violence, War and State Collapse*, p. 30.

¹⁵¹ Nyheim, D (2009), *Preventing Violence, War and State Collapse*, p. 99.

¹⁵² Nyheim, D (2009), *Preventing Violence, War and State Collapse*, pp. 99 and 100.

¹⁵³ Conceptually, this was also linked to so-called third generation early warning systems, which in terms of structure and organisation are not based in some remote headquarters of an institution,

- Early warning should be conflict/context-sensitive¹⁵⁴ and thus, has to draw from multiple sources of information and employ both qualitative and quantitative methodologies and analysis;¹⁵⁵
- Early warning should be a continuous process with regularly updated products to cover best most recent dynamics;¹⁵⁶
- Early warning should make full use of communication and information technology;
- Early warning is essentially linked to (early) response systems;
- Early responses need to be flexible, diverse and sustainable;
- Early warning and response need to balance speed, coordination and ownership.¹⁵⁷

Nevertheless, implementing these principles may still lead to certain conceptual and practical dilemmata, including questions on how to appropriately limit the scope of information to be collected, how to proceed with diverging assessments, how to deal with intelligence data, and how to deal with security concerns in relation to informants/monitors on the ground.¹⁵⁸

And the ultimate test of relevance and effectiveness of early warning has always been the question whether the message was convincing enough and addressed to the relevant stakeholders in order to lead to a meaningful reaction to the conflict/issue under observation. In the words of *Matveeva*, “Early Response consists of three components: receiving, believing and acting upon the warning. None of these three main stages can be taken for granted.”¹⁵⁹

but directly located in the conflict area), Nyheim, D (2009), *Preventing Violence, War and State Collapse*, pp. 34 and 35.

¹⁵⁴ With gender sensitivity traditionally as a particularly important component in conflict prevention/prevention of violence.

¹⁵⁵ One example for this approach has been the SIPRI project on Internet-Based Early Warning Indicators System for Preventive Policy, which combined qualitative elements (monthly expert surveys) with statistical information and new IT tools to create early warning indicators, see http://www.sipri.org/databases/first/early_warning.

¹⁵⁶ See, for instance, the monthly CrisisWatch bulletins published by the International Crisis Group (ICG), <http://www.crisisgroup.org/en/publication-type/crisiswatch.aspx>.

¹⁵⁷ In the meaning of being aware of whose interests are at stake, of mutual interests of the different stakeholders and matters of leadership, which is important to maintain accountability and sustainability of responses.

¹⁵⁸ See *Matveeva*, A (2006), *Early Warning and Early Response: Conceptual and Empirical Dilemmas - Issue Paper 1*, pp. 43-46.

¹⁵⁹ *Matveeva*, A (2006), *Early Warning and Early Response*, p. 30..

Again, the OECD review tried to get into the details of what actually leads to the often cited “lack of political will”, identifying three main sets of personal factors (e.g. personal interests, experiences, relationships), institutional factors (e.g. mandate of the organisation, budgetary considerations, risk-taking/averse culture) and political factors (e.g. national/institutional interests, partners’ and constituencies’ interests, media attention).¹⁶⁰

It is against these words of caution and scepticism related to early warning systems that, nevertheless, it is recommended to draw from these experiences and improve predictive and analytical capacities also in the anti-trafficking field.

Crime prevention

Up until today one of the most common narratives about trafficking in human beings deals with it from a criminal justice perspective. In international (e.g. Palermo Protocol 2000) and regional standards (e.g. EU Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings), emphasis initially was placed on establishing standards for criminalisation of trafficking and providing the necessary tools for the law enforcement and justice sector.

Naturally, this brings in efforts of “crime prevention”, which can be defined in light of the 2002 UN Guidelines for the Prevention of Crime as “strategies and measures that seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes”.¹⁶¹ Such strategies and measures may follow approaches which:

- “Promote the well-being of people and encourage pro-social behaviour through social, economic, health and educational measures, with a particular emphasis on children and youth, and focus on the risk and protective factors associated with crime and victimization (prevention through social development or social crime prevention);

¹⁶⁰ Nyheim, D (2009), *Preventing Violence, War and State Collapse*, p. 81.

¹⁶¹ United Nations Guidelines for the Prevention of Crime 2002, para. 3.

- Change the conditions in neighbourhoods that influence offending, victimization and the insecurity that results from crime by building on the initiatives, expertise and commitment of community members (locally based crime prevention);
- Prevent the occurrence of crimes by reducing opportunities, increasing risks of being apprehended and minimizing benefits, including through environmental design, and by providing assistance and information to potential and actual victims (situational crime prevention);
- Prevent recidivism by assisting in the social reintegration of offenders and other preventive mechanisms (reintegration programmes).¹⁶²

Finally, these crime prevention interventions should follow eight “Basic Principles”, including to ensure government leadership, integration of crime prevention into relevant social and economic policies, establish cooperation and partnerships between government sectors, civil society and the business sector, ensure resources for sustainable and accountable programmes, base strategies, policies and programmes “on a broad multidisciplinary foundation of knowledge and evidence about crime problems, their causes, and effective practices”, ensure respect for the rule of law and human rights, consider interdependency of local and international crime problems and have differentiated strategies responsive to the needs of different target groups (e.g. gender dimension, vulnerable groups in society).¹⁶³

As can be seen from these sketches taken from the UN Crime Prevention Guidelines, there are some common aspects (e.g. cooperation, integrated approaches, multidisciplinary knowledge-base, differentiated/adapted strategies) with findings from the conflict early warning and prevention context,¹⁶⁴ and which later will come up again in the more specific normative prevention framework in the anti-trafficking field.

At this stage, still, some aspects of crime prevention shall be highlighted which will be important also for anti-trafficking early warning. On the one hand, dealing with sus-

¹⁶² United Nations Guidelines for the Prevention of Crime 2002, para. 6.

¹⁶³ United Nations Guidelines for the Prevention of Crime 2002, paras. 7 - 14.

¹⁶⁴ On the linking of crime prevention specifically with trafficking prevention, see also Barrett, N / Shaw M (2011), *Towards Human Trafficking Prevention: a discussion document*, International Centre for Criminal Law Reform and Criminal Justice Policy.

pects/offenders in the law enforcement/criminal justice context, emphasizing possible deterrent effects of sanctions on criminals should not distract from the need to also engage with victims of crime; and on the other hand, consideration should be given not only on the persons involved, but also the environment in which exploitation and trafficking takes place.

There has been much literature on situational crime prevention, which promotes a broader understanding of what can be considered “crime control” – through formal means (justice system), but also informal/social control as well as routine precautions taken by individuals. Situational prevention has once been described by comprising of “opportunity-reducing measures that (1) are directed at highly specific forms of crime, (2) involve the management, design or manipulation of the immediate environment in as systematic and permanent way as possible, (3) make crime more difficult and risky, or less rewarding and excusable as judged by a wide range of offenders.”¹⁶⁵ Consequently, a whole matrix of possible measures had been proposed to reduce opportunities of criminal behaviour; this includes measures to increase the perceived effort needed to commit the crime (e.g. introducing access controls), to increase perceived risks (e.g. means of surveillance, guards, street lighting), to reduce anticipated rewards (e.g. marking of property) and to remove excuses (e.g. through public awareness-raising).¹⁶⁶

Trafficking relies to a large extent on creating situations of dependency and vulnerability of victims, by getting victims involved in criminal acts or otherwise bringing them into conflict with the law (e.g. lack of residence status), or even more directly, by physically locking victims up and removing possibilities to get in contact with the outside. Against such background, situational crime prevention measures have, for instance, quite successfully been applied in relation to problems with possible cases of trafficking for the purpose of exploitation of women in diplomatic households, e.g. through creating some administrative re-

¹⁶⁵ Clarke, R (1997), *Situational Crime Prevention – Successful Case Studies*, p. 4.

¹⁶⁶ For further explanation and examples, see Clarke, R (1997), *Situational Crime Prevention – Successful Case Studies*, p. 18. The UN Crime Prevention Guidelines, para. 26, refer to several possibilities of such measures, including “improved environmental design; appropriate methods of surveillance that are sensitive to the right to privacy; encouraging the design of consumer goods to make them more resistant to crime; target “hardening” without impinging upon the quality of the built environment or limiting free access to public space; implementing strategies to prevent repeat victimization.”

quirements for those women e.g. to appear in person in front of authorities (thus, allowing them to break through trafficker's isolation).¹⁶⁷

As many of these measures are directly linked/addressed to the situation and individuals (victims/traffickers) on the ground, they may offer valuable entry points for information relevant for early warning and early response. On the other hand, one general caveat about many such measures has been to clearly consider the impact of some of these measures for the protection of privacy rights of individuals not involved in any crime (e.g. in the context of introducing surveillance measures in more and more public areas).¹⁶⁸

What can be learned from this section is the need also from a crime prevention perspective to address trafficking situations comprehensively, and when devising early warning systems, to, again, make use of all available means linked to the actual environment and persons involved in the trafficking process.

What means trafficking?

As with the sub-chapter above, the intention of the following discussion is not about a full account of what constitutes trafficking in human beings; but instead, it should just highlight and flag some elements out of this complex phenomenon, which should make it easier to discuss possible entry points for early warning and response.

According to Art 4 lit a of the CoE Convention on Action against Trafficking in Human Beings, trafficking in human beings shall mean “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploi-

¹⁶⁷ See, for instance, GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Austria (GRETA(2011)10), para. 73.

¹⁶⁸ See also the concerns for privacy and unrestricted access to public space in the UN Crime Prevention Guidelines, para. 26.

tation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”¹⁶⁹

The elements of this definition may be grouped into three areas: recruitment and other actions taken by the trafficker; the use of certain means to manipulate the will or even force the victim into a context of vulnerability and dependency; and the intention to benefit from various forms of exploitation, be it of an economic (including slavery-like) or sexual services nature, or through the removal of organs. In line with the “exploitation includes, at a minimum”-reference, the exploitation of criminal activities and forced begging are explicitly mentioned in Art 2 of the 2011 EU Anti-Trafficking Directive as well. The subjective factor on the side of the victims is both crucial and difficult to apply: in all legal instruments it is stated that any consent of the trafficking victim to its exploitation is irrelevant (e.g. Art 4 lit b CoE Convention); however, from a prosecutors point of view, the means element still needs to be proven in relation to the trafficker, in order to secure a conviction on trafficking; moreover, the subjective factor comes into play again when investigating exploitation through any form of forced labour; and it is important for assessing possibilities to apply the non-punishment clause (Art 26 CoE Convention) for having been compelled into involvement of unlawful activities. On the other hand, in the case of child victims of trafficking the means element is declared irrelevant from the onset (Art 4 lit c CoE Convention).

Furthermore, recruitment and other types of the “action” element give wide room for interpretation – the renting of an apartment *per se* is not illegal, but may constitute “harbouring” of a trafficking victim if done for an exploitative purpose. Similarly, context matters for the means element: here, there may even be (crime) statistical data available on threats, use of force, abduction etc, but again, changes and trends monitored in isolation will not necessarily lead to any findings relevant for anti-trafficking early warning. In addition, victims may have experienced different forms of violence and exploitation, and it might have started with a person fleeing a country, through the help of others arranging for smuggling across borders and ending up as a trafficking victim exploited at some construction site in a European capital.

¹⁶⁹ This definition is taken from Art 3 lit a of the Palermo Protocol; it also provided the basis for the definition of trafficking in the 2011 EU Anti-Trafficking Directive (with some small additions).

All of this illustrates the complexities of the trafficking concept; it is part of the explanation why identification of victims of trafficking remains one of the biggest challenges, but also has negative implications for monitoring of such activities, as well as for monitoring of prevention and early warning analysis of possible new trends in trafficking in human beings. It is against this background that the early warning indicators presented in chapter 4 will basically focus on structural (institutional) and process indicators (e.g. related to training, awareness-raising to create a network of “early warners”), and not on outcome indicators or quantifiable data.

Furthermore, for matters of scope of analysis, it should be stressed that new trends, which possibly could lead to patterns of trafficking, may not be directly linked to the trafficking process (like changes in trafficking routes, changes in foreign communities affected), but may emerge in relation to specific target groups, such as women, men, children, families, minorities, disabled persons, migrant workers and others, because of e.g. recent changes in access to social benefits, labour market, restrictions on right to stay and others. This is why both availability and access to a broad range of social reporting and impact assessments studies will be crucial for any early warning analytical capacity.

Finally, it should be noted that Article 2 of the CoE Convention explicitly states that its standards apply to situations of both national (internal/within a country) and transnational/cross-border trafficking, and to trafficking irrespective of any relation to organised crime.

What is the added value of a rights-based approach to anti-trafficking early warning?

The normative framework, which not only includes but builds upon human rights standards, will be discussed in more details in the following chapter; it this stage some general principles of human rights protection shall be recalled, which directly impact the establishment of anti-trafficking early warning systems.

Human rights law establishes state obligations to respect (to refrain from arbitrary interference), fulfil (to provide an enabling framework for the exercise of rights) and to protect (to

ensure protection of rights also in the relation between private actors, e.g. through laws criminalising trafficking);¹⁷⁰ these obligations apply to the context of anti-trafficking early warning and response as well, with special emphasis on measures to provide structures and capacities for this purpose (“fulfil”) and devise effective response instruments (“protect”).

With the exception of the Czech Republic, all EU Member States (and the EU itself) are States Parties by now to the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol); an explicit human rights-based approach (Art 1 – purpose) has been advocated by the 2005 Council of Europe Convention on Action against Trafficking in Human Beings – which has been ratified by all EU MS as well, with the exception, again, of the Czech Republic, and Estonia and Greece. And the latter three are bound by legislation adopted by the European Union, most notably the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, which at least in its Preamble declares to adopt an “integrated, holistic, and human rights approach to the fight against trafficking in human beings” (Para. 7). It can be concluded that there is a wide consensus on this normative framework, including human rights, among EU Member States. Any effort to establish an early warning system should build on this mandate and legitimacy.

Moreover, there are several other substantial reasons for adopting a rights-based approach in this area – most importantly, it is centred around the individual being, its current situation and environment and challenges to its rights linked to it. This very aptly fits to the need of early warning to be closely linked to the ground, meaning developments on a local level, in very specific contexts – and then, following its analysis, not to lose sight of what should be priorities in decision-making and response.

¹⁷⁰ See, most recently, on these concepts, Planitzer, J (forthcoming 2014), *The Council of Europe Convention on Action against Trafficking in Human Beings and the Human Rights-Based Approach to Trafficking in Human Beings*, Neuer Wissenschaftlicher Verlag.

Human rights are built around certain key principles, including universality, indivisibility and interdependence of its standards.¹⁷¹ This fosters approaches addressing trafficking comprehensively, stressing the need for concerted and cooperative measures, which is a key prerequisite for prevention as well as for protection and prosecution. Furthermore, equality and non-discrimination mandate a particular concern for duty-bearers to watch specifically for situations of marginalisation and social exclusion of specific groups – who may become groups at risk of trafficking; in addition, gender and women’s rights-sensitive approaches are equally mandatory, as well as sensitivity to rights and best interests of children. Participation of right holders constitutes another key right and principle, which bears relevance, for instance, in the question of involvement of target groups of preventive measures in their development, implementation and monitoring. It is also an essential element of empowerment, of strengthening, equipping individuals with necessary skills and means to claim these human rights standards, to break through cycles of dependency and vulnerability in a trafficking process and, ultimately, to hold perpetrators accountable for any violations. Denial of access to justice can certainly be considered a potentially important indication for anti-trafficking early warning.

What means indicators?

Having discussed concepts of early warning and prevention, of trafficking in human beings and of the relevance of following a human rights-based approach, it is time to briefly explain the understanding of indicators as used in the context of this paper.

First, the focus lies on indicators, not on indications – even if they may sometimes be called that way. For instance, this paper is not about “Indicators of Human Trafficking” as promoted by the US Department of Homeland Security, which should sensitize the general public about identifying possible victims of trafficking (e.g. “Does the person show signs of having been denied food, water, sleep, or medical care?”, “Does the person have freedom of movement?”).¹⁷² And it also does not target researchers and practitioners in the same way

¹⁷¹ See also, for instance, the overview in UN OHCHR (2012), Human Rights Indicators – A Guide to Measurement and Implementation, pp. 10-14.

¹⁷² See the DHS website at <http://www.dhs.gov/blue-campaign/indicators-human-trafficking>.

like the European Commission/ILO set of “Operational indicators of trafficking in human beings”, which contains a set of 67 “strong”, “medium” and “weak” indicators for identification of adult and child victims of labour and of sexual exploitation, respectively.¹⁷³ Finally, early warning could be considered as an object of evaluation, whether some specific methodology or early response intervention has proven successful against certain pre-defined targets – in such case the development of performance indicators would deem appropriate.¹⁷⁴

Rather, this paper aims at proposing indicators that can be used for monitoring compliance in developing capacities for anti-trafficking early warning and response. Consequently, it uses the term “indicator” in the meaning of any “specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights”.¹⁷⁵

Indicators, as proposed in chapter 4 will fall under one of the three categories of structure, process or outcome indicators. This classification has received growing attention and acceptance over the last years, as it very aptly follows the process of realization of human rights: starting with commitments, institutions and mechanisms to protect human rights (structure), to be followed by implementation and transformation into practice through policies, resource allocation, training and awareness-raising (process), finally leading to measurable effects and results (e.g. school enrolment rates – outcomes).¹⁷⁶

¹⁷³ ILO/EC (2009), Operational indicators of trafficking in human beings - Results from a Delphi survey implemented by the ILO and the European Commission, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105023.pdf; thematically, they cover the following areas: deceptive recruitment, coercive recruitment, recruitment by abuse of vulnerability, exploitative conditions of work, coercion at destination, abuse of vulnerability at destination.

¹⁷⁴ See, in this regard, IOM (2008), Handbook on Performance Indicators for Counter-Trafficking projects.

¹⁷⁵ UN OHCHR (2012), Human Rights Indicators – A Guide to Measurement and Implementation, pp. 16.

¹⁷⁶ See, UN OHCHR (2012), Human Rights Indicators, p. 33 – 38. For an example of practical application, see EU Fundamental Rights Agency (2010), Developing indicators for the protection, respect and promotion of the rights of the child in the European Union (Conference edition), pp. 21, 22; with

In the following chapter, the normative framework for trafficking prevention and early warning will be outlined in more detail, as well as key areas for its implementation.

Normative Framework for early warning and prevention in the context of anti-trafficking policies

This chapter provides a short overview of the international and European regional normative and human rights-related framework, as far as prevention of trafficking in human beings is concerned, of which early warning and response systems should be considered an integral part. Further on, it will highlight the main intervention areas (structure, root causes, demand reduction, awareness-raising), taking examples especially from discussions at the Council of Europe.

United Nations level

While developed under the umbrella of tackling organised crime, and not with a clear human rights-based methodology in mind, in terms of international, legally binding anti-trafficking documents reference should be made to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). Adopted in 2000, it has been ratified by 159 States world-wide;¹⁷⁷ unfortunately, it does not foresee an independent mechanism monitoring its implementation. Prevention is addressed most prominently in Article 9 of the Protocol, which refers to – in rather weak language (“States Parties shall endeavour to undertake measures such as ...”) – research, information and mass media campaigns as well as social and economic initiatives to prevent and combat trafficking; such measures shall “as appropriate” also include cooperation with civil society. Furthermore, vulnerability factors, “such as poverty, underdevelopment and lack of equal

some critical remarks on the development of the methodology, Rosga, A / Satterthwaite, M (2009), the Trust in Indicators: Measuring Human Rights, 27 Berkeley Journal of International Law, 253.

¹⁷⁷ As of 17 January 2014, see https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en.

opportunity”, i.e. often called “root causes” of trafficking, shall be alleviated; and measures taken to reduce demand fostering all forms of exploitation of persons. Articles 10 and following, then, continue with aspects of cooperation and capacity building, with a clear focus on law enforcement, border measures and maintaining integrity and security of travel documents.

There is more detail and comprehensiveness to be found in the – non-binding – Recommended Principles and Guidelines on Human Rights and Trafficking (UN Doc. E/2002/68/Add.1 (2002)). Principles 4 to 6 outline the main topics to be covered under prevention of trafficking:

“4. Strategies aimed at preventing trafficking shall address demand as a root cause of trafficking.

5. States and intergovernmental organizations shall ensure that their interventions address the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination.

6. States shall exercise due diligence in identifying and eradicating public-sector involvement or complicity in trafficking. All public officials suspected of being implicated in trafficking shall be investigated, tried and, if convicted, appropriately punished.”

Guideline 7 goes on to explain what is expected to be undertaken in order to meet these principles, by covering: analysis of demand factors; programmes for better livelihood options; improved educational opportunities for children, especially girls; information programmes about risks of migration and possibilities for safe migration; information campaigns about trafficking; review of policies which may lead to irregular labour migration and look for ways to increase opportunities for legal and non-exploitative labour migration (including protecting rights of migrant workers); strengthening law enforcement capacities to preventively arrest suspected traffickers; and to ensure birth registration and legal identity to reduce vulnerability of persons.

Adding to this, Guideline 3 explicitly focuses on capacity for research, analysis, evaluation and dissemination. Requirements include standardised data collection “on trafficking and related movements (such as migrant smuggling) that may include a trafficking element”;

availability of disaggregated data (age, gender, ethnicity etc); “undertaking, supporting and bringing together research into trafficking”; “monitoring and evaluating the relationship between the intention of anti-trafficking laws, policies and interventions, and their real impact”; and, finally, involving (voluntarily) “survivors of trafficking” in the design, implementation and evaluation of anti-trafficking inventions as well as involving civil society in improving also the law enforcement response (while “taking into account the need to preserve the privacy of trafficked persons”). In her Commentary on the Recommended Guidelines and Principles, *Gallagher* also recalls the emphasis of the Guidelines placed on monitoring (see Guideline 1.7 on monitoring and impact assessment, again) and refers to important role of independent national human rights institutions and/or National Rapporteurs on trafficking.¹⁷⁸

European level

European Union

Already – on the policy level - the 2002 Brussels Declaration on Preventing and Combating Trafficking in Human Beings¹⁷⁹ devoted an extensive section to the issue of prevention, comprising of measures addressing root causes, research, training, awareness-raising, administrative controls and specific recommendations on prevention of child trafficking (e.g. issuing separate passports). In relation to research capacity, the Declaration recommended that in order to “facilitate research and analysis, strategic, de-personalised, qualitative and quantitative data and information on all the component and structures of trafficking should be made available and exchanged on a bilateral and multilateral basis”; and in terms of administrative controls, the Declaration even speaks of the need of “early identification” of private sector agencies, which “may be engaged in malpractice or actively complicit in trafficking crime” (for instance, in the “bridal, employment, tourist, escort, au-pair or adoption” sectors).

¹⁷⁸ Gallagher, A (2010), Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking”, pp. 93 and 101 (on research on issues related to demand).

¹⁷⁹ Accessible, for instance, through <http://www.refworld.org/docid/4693ac222.html>.

As far as prevention of trafficking is concerned in relation to binding obligations under EU law, reference should be made to Article 18 of the 2011 EU Anti-Trafficking Directive.¹⁸⁰ Once again, the need for research capacity is addressed, as well as educational programmes and other awareness-raising measures aimed at reducing the risk of people, especially children, becoming victims of trafficking in human beings. This is complemented by measures to be taken to discourage and reduce demand and improve identification through, inter alia, training of front-line staff and other “officials likely to come into contact with victims” of trafficking – important also from the perspective of creating an early warning network of contact persons.

According to Art 23 of the Directive, the Commission will have to prepare a report to the European Parliament and the Council on the transposition of the Directive, which will also specifically address prevention instruments (especially in regard to an eventual criminalisation of the known use of services of trafficking victims).

It should be noted that the current EU Strategy towards the Eradication of Trafficking in Human Beings 2012 - 2016¹⁸¹ declared “Stepping up the prevention of trafficking in human beings” one of five priorities – measures include research on the demand aspect of trafficking, a private sector platform, and an assessment of current prevention programmes as well as EU-wide awareness-raising activities to be launched in 2014. Moreover, the Commission will mainstream a “fundamental rights check” also into trafficking policies and it will “strengthen the EU-wide coordination mechanism to support the work national rapporteurs’ do to monitor the implementation of Member States’ EU and international obligations; to collect data, analyse and research human trafficking trends at national level, and assess progress on preventing and combating human trafficking as well as on protecting victims, while ensuring the participation of civil society” (Priority D, Action 1). Most interestingly in our context, Priority E will be devoted to an “increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings”, consid-

¹⁸⁰ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

¹⁸¹ Adopted on 19 June 2012, COM(2012) 286 final.

ering that “trends, patterns and working methods of traffickers are changing in all the different forms of trafficking in human beings, adapting to changing patterns of demand and supply”, which consequently makes it “necessary to be able to understand such trends quickly and ensure an effective response”.

Council of Europe

As stated earlier, the 2005 CoE Convention on Action against Trafficking in Human Beings has been given the most explicit and elaborate mandate for human rights protection in the trafficking context. This is already emphasised in Article 1, declaring the protection of human rights of victims of trafficking one of its purposes; this is further evidenced by establishing a distinct mechanism monitoring compliance of States Parties with Convention standards (Art 36-38). Promotion of gender equality and child rights protection are established as cross-cutting issues relevant for the entire Convention. Nevertheless, Article 5/3 reiterates in the context of prevention that each “Party shall promote a Human Rights-based approach and shall use gender mainstreaming and a child-sensitive approach in the development, implementation and assessment of all the policies and programmes referred to in paragraph 2.” Para. 2 refers to the need for effective prevention policies and programmes for short-, medium and long-term measures, by means of “research, information, awareness raising and education campaigns, social and economic initiatives and training programmes, in particular for persons vulnerable to trafficking and for professionals concerned with trafficking in human beings.”

Another key element in the prevention section concerns the multidisciplinary coordination¹⁸² of relevant national actors (social, police, migration, customs, judicial, administrative, NGOs/civil society). Apart from these two fundamental principles (rights-based approach, coordination), Chapter II of the Convention (“Prevention, co-operation and other measures”, Arts 5-9) can basically be divided into two main intervention approaches, focusing on preventive social policies on the one hand and on preventive control and restriction on the other hand:

¹⁸² Explanatory Report, paras. 102 and 103.

Preventive social policies (short/medium/long-term – Articles 5, 6):

- raising awareness, through information campaigns, education and training (address vulnerabilities, target specific “professionals concerned”)¹⁸³;
- carry out research (e.g. prevention methods);
- tackle the underlying, structural causes of trafficking through social and economic initiatives (e.g. vocational training, employment opportunities, improve living conditions, deal with poverty, social exclusion, ethnic and gender discrimination);
- create protective environment for children,¹⁸⁴
- enable legal migration + information (entry, stay, work opportunities, rights and duties – recognize false promises; for e.g. visa and immigration services);
- take legislative, administrative, educational, social, cultural or other measures to discourage demand for services of victims/ fostering all forms of exploitation (effective dissuasion - best practice research, responsibility of civil society and media, target information campaigns, educational programmes for boys/girls against gender discrimination/on dignity and integrity, check “cheap labour”);
- involve civil society.
- Consider making a criminal offence to knowingly use the services of a victim of trafficking (Art 19)

Preventive control (Arts 7-9):

- strengthen visa and border control (better management and communication/ direct communication channels between border control agencies, cross-border observation and pursuit, involve commercial carriers, check possession of travel documents, sanctions/denial of entry/revocation of visa);

¹⁸³ “Anyone coming into contact with victims of trafficking in the course of their work (police, social workers, doctors, etc)”, Explanatory Report, para. 103.

¹⁸⁴ The Explanatory Report, para. 106, gives credit here to the protective environment model as promoted by UNICEF, containing eight elements: protection from adverse attitudes/traditions, child rights realisation, open discussion on child protection, protective legislation, capacity building for families/communities working with children, child empowerment/skills/knowledge/participation, monitoring and reporting of abuse system, recovery and reintegration programmes.

- ensure the integrity, (formal and material) validity, security and control of travel or identity documents (strict technical specifications, preventive technologies, document checking, speedy procedures).

As mentioned earlier, the CoE Convention is quite unique in having established a dedicated monitoring mechanism overseeing implementation of its standards. It consists basically of two organs with complementary functions: the Group of Experts on Action against Trafficking in Human Beings (GRETA), an independent expert body consisting of 15 individuals serving in their personal capacity; and the Committee of the Parties, comprising of those government representatives being a State Party to the Convention. While the former is expected to give an independent expert assessment on a country's performance, the latter shall add its political weight to recommendations addressed to the Parties under review.¹⁸⁵

GRETA has consistently addressed prevention measures in its assessments so far, which is helped by a uniform structure of the evaluation reports. This structure follows from a quite comprehensive Questionnaire (itself based on the structure of the CoE Convention), which is sent to States Parties at the beginning of a four year evaluation round, requesting them to provide answers on a broad range of 55 questions (including a statistical annex).¹⁸⁶ Early warning has not yet come up as a specific topic during the evaluations, however, research and data collection (while repeatedly stressing the need for respect of protection of personal data in the course of such efforts), awareness-raising, social and economic prevention measures to reduce vulnerabilities and demand, training, especially for identification of trafficking victims, figure prominently in the country reports.

¹⁸⁵ See, on this relationship, Sax, H (2012), *Monitoring of Anti-Trafficking Efforts by the Council of Europe – The Role of GRETA*, in Nowak, Manfred / Januszewski, Karolina / Hofstätter, Tina (eds), *All Human Rights for All – Vienna Manual on Human Rights*, Intersentia/NWV Vienna/Graz, 151-157.

¹⁸⁶ The GRETA Questionnaire (GRETA(2010)1 rev3, adopted on 1 February 2010) is publicly available at https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/1st_Eval_Round_en.asp at GRETA's website at

Section II.1. Implementation of measures to prevent THB

Questions in this section aim to obtain information on the implementation by the parties of the preventive measures contained in Chapter II of the Convention (Articles 5 to 9). Implementation of preventive measures concerns all countries: countries of origin, transit and destination. Preventive measures to be implemented can vary depending on the type of country, but all countries should implement measures to prevent THB.

- Question 22: Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years? If so, was it based on research for determining effective prevention methods? Was it addressed to a particular group of potential victims? Which bodies, governmental or non-governmental, were in charge of implementing it? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If more than one campaign or programme was carried out please provide the details for each of them. If there are currently plans for launching a new campaign or programme, please provide details.
- Question 23: Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.
- Question 24: What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting?

¹⁸⁷ The questions are reproduced here basically for the purpose of providing an example for the level of detail asked from governments in their replies, and for framing the context in which early warning approaches could eventually be integrated; the questions may be skipped for a final version of the paper.

- Question 25: Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot easily be forged.
- Question 26: Please specify the measures taken by your country to detect cases of THB at its borders, inter alia by means of border surveillance teams and intelligence measures.
- Question 27: Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.
- Question 28: Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.
- Question 29: Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)? If so, please specify.
- Question 30: What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? Please specify amounts in Euros.
- Question 31: Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out? If so, please specify the results of the assessment.

Key areas for integrating early warning systems

Taking the international and regional standards as a reference, four main areas¹⁸⁸ of trafficking preventive action can be identified:

¹⁸⁸ Barrett, N / Shaw M (2011), Towards Human Trafficking Prevention: a discussion document, p. 30 have proposed a more extensive trafficking prevention strategy, which comprises of 12 – but in some aspects overlapping - components: national/provincial/municipal strategies, legislation, regulations/protocols, funding mechanisms, public education/awareness, social/educational prevention, community-based prevention, situational prevention, social reintegration, victim support services, training/research/evaluation.

- measures related to the prevention framework itself, including multi-sector and cross-border cooperation,
- measures related to addressing the root causes/specific vulnerabilities creating groups at risk of trafficking,
- measures aimed at reducing the demand for services of victims of trafficking,
- measures raising awareness among different target groups (professionals, but also the general public as well as groups at risk) about these issues.

In the following some specific aspects among these areas will be highlighted, with examples taken mainly from GRETA's own practice and a rather recent conference organised by the CoE Anti-Trafficking Division together with the Bulgarian National Commission for Combating Trafficking in Human Beings in Sofia in December 2011.¹⁸⁹ These examples should help identifying entry points for integrating early warning systems, and, subsequently, key dimensions for indicator development in Chapter 4.

- Prevention framework and cooperation

This area includes international commitments, legislation and regulation, national strategies, coordination bodies, national referral mechanisms, cross-border cooperation and safe migration, research, monitoring and evaluation, awareness-raising (both for victims and demand-side oriented) - and thus offers manifold opportunities to mainstream an early warning perspective into these elements.

In terms of research, GRETA has consistently stressed the importance of data collection for analysis of trends and the need to develop coherent statistical systems, with common definitions and disaggregation of data, while protecting the rights of data subjects in relation to their personal data. Common challenges include lack of comprehensiveness of data (victims may go unidentified/unassisted, depending, for instance, on the role of police in identification of victims, capacities of NGOs, levels of training etc), differences in terminology and

¹⁸⁹ GRETA (2013), 3rd General Report on GRETA's activities, covering the period from 1 August 2012 to 31 July 2013, pp. 33-52.

definitions, sensitivity of data, duplication of cases and lack of cooperation between different stakeholders

- Addressing root causes, vulnerabilities

A broad variety of root causes and so-called “push factors” is usually referred to in this context, including poverty and unemployment, sometimes provoked by social reforms, the disappearance of public sector employment and the decline of industries and agriculture, complex economic, social and cultural factors, including globalisation, employment policies, trade, migration policies, aspects of gender and ethnic discrimination/tolerance of violence and discrimination against women and girls and minorities and the lack of economic opportunities for them in their countries of origin, lack of protection for women and girls working in the informal economy, both at home and abroad, notably in the area of domestic and sexual services, weaknesses of child protection systems and weaknesses in the rule of law and in the capacity of institutions to confront organised crime and corruption.¹⁹⁰

In the course of the 2011 Sofia prevention conference special attention was given to the situation of Roma communities as possible groups at risk of trafficking. As documented in the 2011 ERRC/People in Need Report, Roma may be “highly vulnerable to trafficking due to structural forms of ethnic and gender discrimination, poverty and social exclusion which result in low educational achievement, high levels of unemployment, domestic violence and difficult living conditions that affect predominantly women and children”.¹⁹¹ From a prevention point of view, birth registration, preventive action on the local level, access to education and employment and overcoming stereotypes and negative attitudes have been stated as key measures to be taken.

¹⁹⁰ See Dottridge, M (2007), *Measuring Responses to Trafficking in Human Beings in the European Union: an Assessment Manual*, p. 38. Dottridge also proposed indicators on “using information about trafficking as a prevention technique”, including to target specific groups at disproportionate risk of trafficking specifically through awareness-raising measures (pp. 41-43). Such an interesting “early warning” approach, however, differs from the approach taken here, which is based on early warning data collection, which should then lead to appropriate responses.

¹⁹¹ GRETA (2013), 3rd General Report on GRETA’s activities, p. 36, quoting from European Roma Rights Centre (ERRC) / People in Need (2011), *Breaking the Silence: Trafficking in Romani Communities*.

- Addressing demand reduction

Demand for services of trafficking victims may be generated through various means: the Recommended Principles and Guidelines on Human Rights and Human Trafficking deal with demand reduction (Guideline 4) as a prevention strategy, but also separately with public sector involvement/complicity in trafficking (Guideline 6; e.g. through weak regulation of public tenders, corruption). Demand can also be created from an employer's side (managers or subcontractors in the supply chain); it may take the form of consumer demand (be it clients in sex work or household members in domestic work exploitation); and the traffickers themselves (recruiters, agents, transporters etc) naturally have an interest in continuing their "business".¹⁹² Looking to responses of these problems, GRETA has come across various approaches, some of them having proven less effective (e.g. criminalising the known use of services from victims) than others (e.g. licensing schemes for regulation of employment services, see the UK Gangmasters Licensing Authority's approach), some contested on a rather ideological level (e.g. related to banning the purchase of sex services). At the Sofia conference, the need for a broad stakeholder dialogue, including the private sector was highlighted while at the same time acknowledging the challenges of e.g. controlling the supply chain and reliance on voluntary codes of conduct only.¹⁹³

- Awareness-raising on trafficking

The section on awareness-raising is usually among the most extensive in a government's replies to GRETA's Questionnaire, citing plenty of trainings, workshops and public campaigns, which sometimes are both funded and implemented without government involvement. Even if there's no concern about ownership, however, the effectiveness of such measures is often not evaluated. Among the more innovative suggestions at the Sofia conference, thus, have been experiences with other types of media than TV/radio spots, like art

¹⁹² See GRETA (2013), 3rd General Report on GRETA's activities, p. 45, with further references.

¹⁹³ GRETA (2013), 3rd General Report on GRETA's activities, pp. 48-50.

events, community-based prevention and “grassroots action” and direct involvement of young people.¹⁹⁴

Developing anti-trafficking early warning indicators

Monitoring early warning

Chapter 2 of this paper has explained concepts of early warning and some lessons learned from related fields, while Chapter 3 focused on the normative framework in relation to prevention of trafficking following a rights-based approach, with some practical examples. Now, the task set for this Chapter lies in blending the framework with the substance of anti-trafficking early warning into measurable indicators to monitor the implementation of such early warning systems.

Several challenges have been identified already, ranging from the lack of an existing model of early warning in the trafficking context to the general lack of consistent and comprehensive data collection and to the open question on how to ensure early response after all that investment in the warning about possible escalating trends.

One particular difficulty stems from the fact that even information which is readily available only gets its relevance for identifying new emerging trends in trafficking when analysed in context, i.e. from a trafficking perspective. Basically all countries in Europe may have labour market data, information on prevalence of poverty and on school enrolment/drop-out; but then, they may have gaps in disaggregation of data, which would allow identification of specific groups at risk, and they may lack the capacities to match these data, which only then would allow them to understand at a rather early stage, whether or not the country is on the way of becoming a country of origin of young labour migrants and possible victims of trafficking.

¹⁹⁴ GRETA (2013), 3rd General Report on GRETA’s activities, p. 50 and 51.

In the introductory chapter several references have been made to earlier efforts in developing standards for data collection and its actual implementation. The current TRAFSTAT project aims to develop “tools for the validation and utilisation of EU statistics on human trafficking”. It leads to comprehensive sets of data on trafficking victims and suspects of trafficking with detailed guidelines for completing the templates; and it includes two open questions at the end, which shall help identifying “New trends in THB”: “Have you identified any new type of exploitation or special victim groups”, and “Are there any newly developed interventions or practices in your country that you would like to share with other member states?”. Thus, the template basically looks for early warning signals and early responses; and, according to some early analysis, 19 out of 27 countries were able to identify new types of exploitation, while 10 countries provided new promising interventions.¹⁹⁵ However, what have been the reasons for not all countries reporting such trends – because there are no such developments? Or because they were not in a position to answer that question due to lack of dedicated analysis?

It is against this background that the following draft indicators have been developed. They follow a quite different methodology, relying heavily on structure and process-related indicators. Ultimately, the objective would be to gain an understanding on to what extent a country has developed capacities (dedicated mandates, structures, resources) to engage in early warning analysis and response in order to prevent trafficking in human beings. Clearly, these indicators should be seen as complementary, not in competition to the existing TRAFSTAT Questionnaire.

Furthermore, due to the nature of this paper, the indicators must only be considered as drafts, which are proposed for further discussion (together with all conceptual considerations undertaken here).

¹⁹⁵ Campistol, C / Aebi, M / Van Dijk, J / Van der Knaap, L, New trends in trafficking in human beings, TRAFSTAT presentation.

Suggested draft indicators for anti-trafficking early warning

The draft indicators in the following section have been grouped into four dimensions, in relation to the early warning intervention framework, the setting up of an early warning system and to substantively engage with developments and possibly emerging trends in two major areas of linked to root causes/situations of dependency and vulnerability on the one hand and to situations of increasing demand of services of trafficking victims on the other hand. The large number of proposed indicators may be taken as another aspect for further discussion.

Awareness-raising efforts are an essential element in building up some early warning capacity and thus have been integrated into the second dimension. Similarly, indicators on the development/implementation of measures of administrative control and situational prevention are included in the two substantial areas of early warning. As can be seen, most of the indicators rely on structure and process (type given in brackets).

Early warning anti-trafficking intervention framework

- Indicator 1 (structure): Evidence of commitment to adopt a rights-based anti-trafficking framework, through ratification of the 2005 CoE Anti-Trafficking Convention, the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, including its 1999 Optional Protocol), the UN Convention on the Rights of the Child (1989, including its Optional Protocols on sale of children/child prostitution/child pornography, 2000, and on the complaints procedure, 2011), transposition of 2011 EU Anti-Trafficking Directive.
- Indicator 2 (structure): Evidence of an anti-trafficking strategic and policy framework which integrates early warning capacities for analysis and response
- Indicator 3 (outcome): Availability of an annual report on early warning activities and responses

Means of verification: Reporting to monitoring bodies, European Commission, Documentation by UN, CoE (ratification tables), Action Plans adopted, annual Anti-Trafficking Early Warning Report

Comments: The early warning report may be a separate publication or integrated into a general report on anti-trafficking activities (but, then, with a dedicated section on early warning)

Anti-trafficking early warning system, network of early warners

- Indicator 4 (structure): Existence of independent Anti-Trafficking National Rapporteur or equivalent independent institution, with designated early warning mandate for data collection for national and cross-border trafficking (incl cross-border data sharing) and analytical capacity, as well as established links with decision-makers
- Indicator 5 (structure): Existence of dedicated network of “early warners” (especially among National Referral Mechanisms) to liaise with National Rapporteur
- Indicator 6 (process): Evidence of implementation of identified referral points among operational stakeholders for early warning response (especially police, emergency identification and support teams)
- Indicator 7 (process): Evidence of implementation of research programmes on early warning, identification of groups at risk of exploitation and trafficking, reduction of demand
- Indicator 8 (process): Evidence of involvement of trafficking victims in anti-trafficking early warning development, programmes, analysis
- Indicator 9 (process): Evidence of involvement of service providers/NGOs in early warning and early response
- Indicator 10 (process): Evidence of implementation of awareness-raising programme¹⁹⁶ related to child protection system – child protection authorities, shelter social workers, child protection state/non-state organisations

¹⁹⁶ It can be debatable whether awareness-raising among these professional groups is sufficient/dedicated training would be needed.

- Indicator 11 (process): Evidence of implementation of awareness-raising programme among women's shelters
- Indicator 12 (process): Evidence of implementation of awareness-raising programme among men support groups
- Indicator 13 (process): Evidence of implementation of awareness-raising programme among staff of Ombudsman institutions able to receive independent complaints
- Indicator 14 (process): Evidence of implementation of awareness-raising programme among trade unions, labour inspectors
- Indicator 15 (process): Evidence of implementation of awareness-raising programme among anti-corruption specialists (specialised prosecutors)
- Indicator 16 (process): Evidence of implementation of awareness-raising programme among journalists, media contact persons

Means of verification: Activity report from National Rapporteur (or equivalent body), activity reports from target institutions

Comments: the possible pool of early warners is not restricted to professionals in the prevention field, but should build upon the expertise of all stakeholders and relevant actors in the anti-trafficking field, including law enforcement, the justice sector, labour inspectorates, social workers and others assisting victims of trafficking, Ombudsman institutions etc. Furthermore, it's important to relate awareness-raising measures specifically to the authorities on the local level

Early warning on developments likely to cause/worsen situations of exploitation

- Indicator 17 (outcome): Availability of early warning sensitive impact assessments on major changes in legislation (related to EU free movement, migration, asylum, access to labour market, access to social welfare benefits, child protection) and policies (e.g. regulation of prostitution)

- Indicator 18 (outcome): Availability of early warning sensitive social reporting on risk groups, including on school drop-outs, unemployed youth, irregular migrants, ethnic minorities
- Indicator 19 (outcome): Availability of early warning sensitive reporting/documentation on use of hotlines, emergency assistance programmes
- Indicator 20 (outcome): Availability of early warning sensitive reporting on trends regarding guardianship granted to unaccompanied/separated children
- Indicator 21 (outcome): Availability of early warning sensitive reporting on trends related to access to justice, legal assistance, number of complaints received with Ombudsman institutions/national preventive mechanisms, labour inspections
- Indicator 22 (process): Evidence of development and implementation of early warning sensitive situational prevention/administrative control instruments

Means of verification: (assessment) reports, activity logs, documentation of instruments developed

Comments: it is important to have analysis available on emerging patterns of social inequalities, which is sensitive to/integrates an anti-trafficking early warning perspective on possible implications/risks of exploitation and trafficking

Early warning on developments increasing demand of services of trafficking victims

- Indicator 23 (outcome): Availability of early warning sensitive reporting on trends in exploitation of sexual services (e.g. new “business models” of pimps/brothels, changes in nationality/communities involved)
- Indicator 24 (outcome): Availability of early warning sensitive reporting on trends in work force/labour market in combination with major shifts in specific sectors (agriculture, tourism, construction), seasonal changes, migration, work permits granted, self-employment
- Indicator 25 (outcome): Availability of early warning sensitive reports monitoring return of victims of trafficking to their country of origin

- Indicator 26 (process): Evidence of development and implementation of early warning sensitive situational prevention instruments/administrative controls
- Indicator 27 (process): Evidence of programmes involving the private sector in the design and implementation of early warning and response measures

Means of verification: (assessment) reports, documentation of instruments developed

Comments: it is important to have analysis available on emerging patterns of growing demand for services of trafficking victims, which is sensitive to/integrates also an early warning and response perspective. Administrative control measures may include, for instance, licensing and registration schemes in different employment areas; concerning sexual exploitation: depending on national policies regarding sex work/prostitution; return monitoring essential to draw lessons learned for prevention of re-trafficking.

Conclusion

This paper proposes to take a closer look at the current state of data collection in the field of trafficking in human beings; after all, there has been huge investment in data collection, and more recently also in evaluation and impact assessment.¹⁹⁷ Still, are we – at least on the national level - in a position to state, what emerging trends there are out in the trafficking field, which priorities to set and then to prevent further escalation of the problem? Ultimately, the paper argues not for huge sophisticated additional institutional set-ups, but rather for a clear, dedicated mandate to deal more explicitly and dynamically with elements of urgency and priority-setting in anti-trafficking data collection, analysis and response.

¹⁹⁷ Dottridge, M (2013), Impact Measurement: Are we Pouring Good Money After Bad? Systematic Assessments and Evaluation: When, Where and How to Act, paper presented for the Round Table on Preventing & Combating Trafficking for Labour Exploitation - Tackling the Missing Components, 20 September 2013, Vienna.

As it has been explained before, in the course of this discussion paper it has not been possible to develop full-fledged indicators – there is certainly room to make them SMARTer,¹⁹⁸ considering the sheer large number of them, or taking into account other variables, time-lines, the impact of being a country of origin/transit/destination, further disaggregation needs, more detailed means of verification taking into account other possibly existing sources etc. Instead, the indicators are proposed with the intention to outline key aspects and areas, benefits and challenges, as well as a suggested integration into a rights-based trafficking prevention framework, which hopefully should warrant some further discussion and may lead to even further follow-up.

¹⁹⁸ Specific, measurable, attainable, relevant, time-bound, see, e.g. UN OHCHR (2012), Human Rights Indicators, p. 50.

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<https://project.isv.liu.se/remesoproject/project.php?id=36>

US Department of State TIP reports - <http://www.state.gov/j/tip/rls/tiprpt/>

US Department of Homeland Security - <http://www.dhs.gov/blue-campaign/indicators-human-trafficking>

SIPRI project on Internet-Based Early Warning Indicators System for Preventive Policy,
http://www.sipri.org/databases/first/early_warning

Appendix C – The legal-institutional environments of statistics on identified/presumed victims

The legal-institutional environments of statistics on identified/presumed victims

The information in this overview is mainly derived from the TrafStat study and refers to the situation in 2013. Where useful, we have also consulted the metadata provided by the governments to Eurostat for the 2013 report and the country evaluation reports of the Group of Experts on Action against Human Trafficking (GRETA) of the Council of Europe (www.coe.int/trafficking).

Austria

The data on identified victims are collected by the Federal Police which is in charge of the identification mechanism. However, dedicated NGOs such as LEFOE-IBF are also authorized to identify victims and offer state-funded services. There is no formal mechanism of sharing data between the two identifying authorities and /or of avoiding double counting. The reported data are those of the police only and are therefore limited to victims in contact with the police. An expert group in the Ministry of Justice is looking into ways to improve the data collection.

Belgium

The data on victims refer to victims who have been received in one of the three reception centres and have received a temporary right to stay of 45 days (identity document) by the immigration service at the request of the prosecutor in consultation with centre. The numbers may include a small group of victims of smuggling of migrants. These statistics derive both from the reception centres and from the immigration service. Not covered are victims who have not been referred to the three reception centres. These could be EU nationals who do not need or want such services but who may nevertheless act as witnesses and/or party civil in criminal proceedings.

Bulgaria

In Bulgaria an NRM was introduced in 2010. Formal identification is in the hands of police and prosecutors. A range of first responders can start the process informally and give access to support and services. Data on THB are collated by the secretariat of the coordinating unit (NCCTHB), using a model developed by the IMCPD. Data on victims presently come exclusively from the prosecutor general at the Supreme Court and are limited to victims taking part in investigations/criminal proceedings as witnesses. There are plans to set up a database that will collect data on presumed victims from NGOs.

Croatia

The Government Office for Human Rights maintains a database on formally identified victims on behalf of the National Coordinator for THB. Strict data protection measures limiting access to authorized persons have been put in place. Identification is in the hands of police officers working for the Organized Crime Department, in collaboration with NGOs. The country evaluation report of GRETA, observing the extraordinarily low numbers of identified victims, recommends increased efforts of identifying victims, especially victims of labour exploitation and foreign victims (Council of Europe, 2011b).

Cyprus

The data on victims come exclusively from the Office of Combating Trafficking in Human Beings of the Cyprus Police which is in charge of the formal identification procedure concerning THB victims. Victims who refuse contacts with the police are not formally identified. The numbers of identified or presumed victims who received assistance are collected by Social Welfare Services. Some victims receiving services from NGOs might be double counted.

Czech Republic

A National Rapporteur, established in 2003 under the MoI/Police collates all data on THB, including on victims. The overall count of the number of victims as recorded by the National Rapporteur includes data from all organizations that are represented in the Inter-ministerial Coordination Group on the Fight Against Trafficking in Human Beings (see National Strategy to Combat Trafficking in Human Beings in the Czech Republic for the period 2012-2015).

Data on victims come from the special programme of support (funded by the ministry of the interior), other specialised NGOs, the police and the Refugee Facility Administration. In the future they may also come from the labour inspectors. Double counting may occur. An E-project for avoiding double counting is under development.

The data provided to TrafStat refer to victims who have been received in the special Programme for Support and Protection which seems focused on foreign victims in need of a residence permit. Victims assisted by three other NGOs specialized in supporting THB victims, who have stayed outside the special Programme, are not included. Since 2012 support to all THB victims is coordinated by one NGO (like in E/W and NL). This is likely to result in better statistics on victim assistance.

Denmark

Denmark has a comprehensive system for the registration of officially identified victims of THB. The Danish Immigration Service and the Danish Centre against Human Trafficking are the only actors responsible for verifying the status of victims of THB. The Danish Immigration Services identify victims of THB who reside in Denmark illegally. They do so on the basis of information they receive from social workers of the Danish Centre against Human Trafficking and from the police. The Centre itself deals with victims with a legal status who can receive assistance without contact with the police. The Centre registers data on all identified victims of THB (illegal and legal) and can provide information on gender, age, type of exploitation, and citizenship. There is no double counting and victims of smuggling are not included.

Estonia

Before April 2012, data on identified victims was collected through three government-funded NGOs (the NGOs have a contract with the Ministry of Social Affairs to deliver services to victims of THB). The NGOs used a checklist to identify victims and record information on identified victims. In response to the recognition of THB as a special crime, Estonia is currently redesigning the data collection process. As of April 2012 all victims should be identified by the police. Cases can reach the police from all different ways: for instance, through NGOs, but the police identifies. Migration services, police, and border guards will use one system. After identification the cases are presented to the social insurance board. They offer victim support services in Estonia and will decide whether they can assist the victim themselves or whether they have to refer a victim to an NGO. At the moment Estonia is elaborating procedural guidelines for identifying and registering victims.

Finland

In Finland the police collect statistics on victims identified by them. These are the statistics provided to TrafStat and most probably to Eurostat as well. However, the Joutseno Reception Centre, which maintains the national assistance system for victims of trafficking, has been mandated to help and identify (presumed) victims who upon identification are eligible for assistance coordinated by the system. The latter statistics are more encompassing and provide more detail. It is at this point not possible to come up with a reliable total count of identified victims because not all victims identified by the police or an NGO want to apply for assistance by the national assistance system. The National Rapporteur is not directly involved in the collection of data. From 2014 onwards the data collection will probably become more comprehensive after the establishment of a National Coordinator with a clear mandate to coordinate data collection.

France

France did not participate in TrafStat.

The metadata provided to Eurostat 2013 explain that the statistics on victims are taken from three police-based databases: a database on victims identified during investigations into pimping and prostitution networks (Office central de repression pour le traite des etres humains/OCRTEH), a database on smuggling of migrants and a database of the border police. The GRETA evaluation report observes that the statistics on victims mainly refer to victims of pimping. According to the report the French authorities “said that a statistical tool (the national police procedures drafting application, or "LRPPN") which will allow automatic data reporting, is to be introduced in late 2013/2014”. The collection of data on victims is further complicated by the absence of a formal identification system. In practice identification is, according to the GRETA report, exclusively done by the police and limited to victims cooperating with their investigations (Council of Europe, 2013b).

Germany

The data are from the annual situation report of the Federal Criminal Police (BKA) and refer only to victims officially identified by the police. KOK is an umbrella NGO coordinating 40 or more NGOs at state level. Several local NGOs offering assistance to victims (Beratungsstelle) keep records of their clients about which they report in their Annual Reports but these data are not shared with the BKA. The BKA count should therefore be seen as an undercount. It is at this juncture not possible for the BKA to give an estimate of the total number of victims assisted in any way by the police and/or support organizations. The government has in December 2013 announced plans to establish a National Rapporteur. If this happens, a centralized database integrating data from police and NGOs without double counting and with all necessary guarantees for data protection is likely to be set up.

Greece

The Greek TrafStat data on victims are exclusively provided by the Hellenic Police Headquarters/Public Security Division which is responsible for identification, in collaboration with NGOs.

Hungary

Data on identified victims used to come from police offices and prosecutor's offices only. In 2012 Hungary introduced a new data collection mechanism involving the police, other state institutions and a broad range of NGOs. After the introduction of this comprehensive system the number of identified victims has significantly increased. Since the data come from various organizations, double counting is likely to occur.

Ireland

The Human Trafficking Investigation and Coordination Unit of the Immigration Bureau of the National Police (HTICU) is responsible for the identification of presumed victims applying a reasonable-grounds test. The Anti-Human Trafficking Unit of the Ministry for Justice and Equality (AHTU) collates data on presumed victims identified by HTICU and from other relevant state institutions and NGOs. The results are published in annual reports. Double counting of referred victims is limited by the AHTU through further checking of overlapping data across a number of variables with the reporting organizations to clarify the referral path for individuals in compliance with data protection standards. These personal data are not shared with anyone outside the unit.

Italy

Italy has not established a national identification or referral mechanism. Identification is carried out at the local level by either the prosecutors or local social service institutions and/or NGOs. The Ministry of Interior maintains a register of identified victims with relatively low numbers (below 100). National statistics are collected on victims supported by local

social protection projects, either in the recovery stage or of a more secondary nature. The latter statistics which add up to a total of over 2.000 seem to be the ones that were provided to Eurostat for the 2013 report.

Latvia

Formal identification of victims can be done by the police or by a multi-disciplinary committee involving the police. The data on identified victims that were provided to TrafStat contains both police data and data from the mandated NGO and was checked for double counting. Latvia could also provide (less detailed) data on 'presumed victims' that is on persons who are identified as victims of human trafficking by any relevant authority (e.g., by border guards, labour inspectors, consular officials), municipalities (social workers, orphan courts) and NGOs, but who refuse to be formally recognized as victims of human trafficking.

Lithuania

Little information was received from Lithuania in the course of TrafStat. From the metadata in the Eurostat 2013 report we gather that the government can only make available data on victims involved in criminal investigations.

Luxembourg

In Luxembourg formal identification of victims is in the hands of the police (Organised Crime Unit) and in practice linked to the initiation of criminal proceedings. In the TrafStat study the data on victims came from the police. According to the GRETA evaluation report a newly established Committee on the monitoring of action against human trafficking will start to collect comprehensive statistics from a broader range of actors from 2014 onwards (Council of Europe, 2014).

Malta

In Malta formal identification of victims is done by the Maltese police. The police also collect and collate data on victims. Since 2011 a Human Trafficking Monitoring Committee is mandated to collect data from various actors.

The Netherlands

Identification of victims without residence permits is done by the National Police with a mandate from the Immigration and Naturalisation Service. On behalf of the National Rapporteur a state funded NGO (CoMensha) acts as observatory for all state institutions including the police and the border police as well as relevant NGOs coming into contact with presumed victims. CoMensha avoids double counting. Its database can be regarded as a comprehensive database covering both identified and presumed victims. The database complies with the TrafStat definition of a THB victim in the sense that it covers all victims who have received certain services from state institutions or NGOs. However, it also includes victims showing only the slightest indication of human trafficking. It could be argued that the victims reported by the border police on the basis of mere suspicions should be excluded from future Eurostat statistics as possible victims.

In response to criticism from inter alia the National Rapporteur (<http://www.nationaalrapporteur.nl/publicaties/Negende>), the Dutch government has in 2014 announced the expedient establishment of a new comprehensive identification and referral mechanism for all categories of victims. Future enquiries will have to determine whether the new system produces a count of victims approximating the TrafStat definition.

Poland

In Poland identification can be done both by the police and in the case of victims with a regular residential status by two mandated NGOs. The THB unit at the Ministry of the Interior collects data on victims from different sources (police, prosecutors and NGOs). Since 2010 the National Consulting and Intervention Centre for Victims of Human Trafficking (KCIK) is mandated to identify foreign and national victims and provides support to both identified

and non-identified victims. The Centre provides data on their clients to the THB unit at MOI. The numbers are higher than those provided for the Eurostat 2013 report. The KICK data cannot be combined with the data on victims formally identified by the police. Victim data are also available from the Prosecutor's Office.

Portugal

Formal identification is in the hands of the Border and Migration Service (Ministry of Interior), the Judiciary Police (Ministry of Justice), and the Prosecutor's Office. However, NGOs are invited to act as early responders and report all presumed victims to the Observatory of Trafficking in Human Beings (OTSH). This Observatory has a mandate to collect comprehensive statistics on identified and presumed THB victims. It signed memoranda of understanding with numerous governmental and non-governmental organisations. Previously, some NGOs seemed reluctant to provide the OTSH with data on victims of THB because of concerns concerning the confidentiality of these data but the recent creation of the Network of Support and Protection to victims of trafficking (RAPVT) won the OTSH the trust of some previously missing NGOs. The Observatory avoids double counting, by crossing a set of variables (such as nationality, age, type of exploitation, parish, municipality of residence and/or exploitation) and, if necessary, by contacting the reporting institution. If double counting is confirmed, the OTSH merges the registers in order to maximize data and information.

Romania

The National Identification and Referral Mechanism recognizes formal identification by the police and informal identification by NGOs or social service centres. The National Agency against Trafficking in Persons at the Ministry of the Interior runs a database (SIMEV) with data on formally and informally identified victims with input from a broad range of state institutions including labour inspectors, and from NGOs. Double counting is avoided while respecting data protection standards.

Slovakia

The National Referral Mechanism in Slovakia includes criteria for identification of potential victims of THB, a structure of cooperating stakeholders from the third sector and a state administration and referral system. Identification of victims of THB can be performed by any public or non-governmental body in the Slovak Republic, as well as by a foreign agency abroad. Official identification of victims may be performed by National Coordinator for Combating Trafficking in Human Beings or by police. Before 2013 the Information Centre for Combating Trafficking in Human Beings and the Prevention of Crime at the Ministry of Interior collected data on victims who had received support from the special Program of assistance and support for victims of THB, regardless of whether or not they took part in criminal proceedings. Parallel to this the police kept a record of victims involved in criminal investigations. From May 2013 onwards the Information Centre administers a new, comprehensive information system covering both types of data on victims without double counting. Efforts will be made to also include counts of victims who were identified as potential victims by NGOs or international organization outside the special program in order to provide a complex overview of all victims of THB in Slovakia. The new database seems to fully conform to the TrafStat definition.

Slovenia

Identification is not formalized. An Interdepartmental Working group exists that is chaired by the National Coordinator/National Rapporteur and comprises representatives of line ministries, the police, State Prosecutor General Office, non-governmental organisations and intergovernmental international organisations. The police, NGOs and the prosecution each separately collect comprehensive data on victims. The data, which is checked on double counting between the police, the prosecution and the NGOs, is published in the Annual reports of the Interdepartmental Working group. Not included are possible victims who deny the status of victims, but the police also keeps records of the presumed victims. The database conforms to the Data Protection Act (GRETA evaluation report).

Spain

In Spain identification of victims is the sole responsibility of the various police forces. Data on identified victims from all police forces are collated by the Organized Crime Department (CICO). The correspondent observed that the police may loosely count all prostitutes found in brothels during raids as victims of human trafficking. The same persons might also be counted twice when working in different brothels. Data on victims involved in criminal proceedings might also be derived from the files of the prosecutor's office. According to data in the GRETA evaluation the police registered 234 victims in 2011 and the Prosecutor's Office 495 (Council of Europe, 2013c).

Sweden

The correspondent for the TrafStat project represented the National Crime Prevention Council (BRA). The number of identified victims that was reported in the questionnaire refers to the number of victims registered in trafficking offences that have become known to the police. The statistics on victims provided to Eurostat for the 2013 report were based on trafficking cases registered by the police and/or Prosecution Authority. Breakdown to gender are not systematically available in the police registration. The National Rapporteur publishes annual reports. Data on victims in these reports are not comprehensive either. Statistics provided for the GRETA evaluation report, collected by the National Rapporteur, referred to victims recognized as aggrieved parties in human trafficking cases ending in a conviction (Council of Europe, 2013a).

United Kingdom

The UK operates a formal identification mechanism (NRM) since 2009. The process is three-staged. Suspicions that persons are THB victims can be signalled by institutions placed on a list of First Responders. Competent authorities in the identification process are the police-based United Kingdom's Human Trafficking Centre (UKTHC) and the UK Border Agency for non- EU-nationals. Initial identification is done on the basis of a reasonable-grounds test. The final identification is done by the same authorities. United Kingdom's Human Trafficking Centre (UKTHC) is also the national repository of data and intelligence on THB. In addition,

the UKHTC produces data regarding the number of referrals to the NRM and decisions taken by the two competent authorities to identify victims of trafficking, with a breakdown by nationality, gender and age, as well as by the type of exploitation. This data is made available on the UKHTC's website.

For the Eurostat 2013 report the UK seems to have sent in statistics on finally identified victims, broken down to categories of First Responders. The UK has not taken part in the TrafStat study. The UK should be able to provide statistics on all persons who have been initially identified as victims by the Competent Authorities. These presumed victims are allocated to victim support organizations by an umbrella organization, currently the Salvation Army, and would therefore qualify as victims under the TrafStat definition. The latter numbers are considerably higher than the numbers of conclusively identified victims.