TOOLKIT

Trafficking in Persons Data

Key Performance Indicators

Building the Evidence Base for Victim Sensitive approaches to Trafficking in Persons across the ASEAN Region
The transparent publication of national Trafficking in Persons Annual Reports ensures that the hundreds of government and non-government agencies across the ASEAN Member States that work to further the Convention’s goals and support victims with shelter, legal assistance, medical and counselling support all have the same information to inform and improve their service delivery.

The goal is to avoid a fragmented, agency-owned approach to data which does not provide a complete picture of national actions implementing the Convention.

This Toolkit is aimed at officials working in the national counter trafficking agencies that have the responsibility for compiling Trafficking in Persons Annual Reports.
In November 2015, the ten ASEAN nations signed the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (the Convention). The Convention sets out legally binding obligations to assist ASEAN Member States to deal with their diverse national challenges, priorities and strategies in the fight against trafficking in persons.

The ASEAN Member States, in the Preamble to the Convention, articulated the need to:

*establish a regional instrument that deals especially with trafficking in persons as a legal framework for regional action amongst South East Asian nations in preventing and combating trafficking in persons, including the protection of, and assistance to, victims of trafficking in persons, especially women and children.*

Implementation of the Convention relies on the collection, analysis and publication of national trafficking in persons data to determine if the treaty obligations are being upheld, to share approaches to combating trafficking across the ASEAN region and reflect on how these efforts may be strengthened.

The transparent publication of national Trafficking in Person Annual Reports across the ASEAN region demonstrates a commitment to the regional aspirations of the Convention to counter the trafficking of persons.

**Without data it is difficult to tell:**

- how government funds allocated to the investigation and prosecution of traffickers are having an impact
- whether the patterns of human trafficking cases are changing across the country/region
- what counter-trafficking efforts might be needed to respond to these emerging patterns of trafficking.
Why is data critical to implementing a victim sensitive approach?

ASEAN Convention Against Trafficking in Persons Especially Women and Children (ACTIP) includes key provisions on support for victims.

ASEAN-ACT is working with Member States to implement ACTIP Provisions through the 8 Victim Sensitive Indicators.

Evidence that ACTIP provisions are being implemented can be observed through ASEAN Member States including reporting on the 22 Data KPIs in their Annual TIP Reports.

Transparency of national TIP Reports and sharing of approaches across ASEAN will strengthen implementation of the Convention’s obligations and support TIP victims.
The prosecution of traffickers relies to a large extent on victims of trafficking being prepared to be witnesses in criminal proceedings and present evidence recounting what happened to them. This can be a traumatising experience and victims will want to make an informed decision on whether to act as a witness.

Without national data on Trafficking in Persons cases that explains the outcomes for both the trafficker and the victim as well as the support provided to victims during the prosecution of trafficking cases it is impossible for a victim to make this informed decision.

Illuminating how trafficking cases are handled across the ASEAN region and the treatment of victims who are witnesses in these cases will also hopefully improve the treatment of victims and the outcomes they receive. This, in turn, may spur more victims to testify in trafficking cases in future.

**Victims of trafficking will want to know:**

- How likely is it that the person who trafficked me will be convicted?
- How quickly can I give evidence and can I do this by video?
- How can I receive legal assistance?
- Can I seek compensation/restitution or damages?
- How long will it take to finalise my case?
ASEAN Member States have identified the sensitive treatment of victims in trafficking cases as a priority in the Convention.

Most ASEAN countries already collect a considerable amount of data on trafficking in persons cases. However, ASEAN Member States can consider presenting the following 22 data indicators in their national Trafficking in Persons Annual Reports. Most ASEAN Member States are already collecting this data and its inclusion in national Trafficking in Persons Annual Reports will present a picture of the extent to which the Member State is implementing their Convention obligations and the experience of victims of trafficking in these proceedings if they chose to be a witness in criminal proceedings or bring a civil case for compensation.

The Data KPIs below support the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the United Nations High Commission for Human Rights, as well as the 8 Victim Sensitive Indicators and the Guidelines on their implementation developed by ASEAN-ACT.

<table>
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<td>21</td>
<td>INFORMATION SITE ON TIP SUPPORT AND ASSISTANCE SERVICES</td>
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<tr>
<td>22</td>
<td>TIP COURT DECISIONS: ANONYMISED AND ONLINE</td>
</tr>
</tbody>
</table>
**Indicators 1-5**

**Thematic Area: Case management data from Police, Prosecution and Courts**

**Why is this important for a victim sensitive approach?**

TIP Prosecution Data, particularly, when presented as 3-5 year trends shows how long a case takes to prosecute from police reports to finalisation of cases in court, whether there are case backlogs for TIP cases in courts and whether a significant number of TIP cases are being appealed to higher courts.

The length of time a case will take and the likelihood of a decision being appealed to a higher court are important factors that a victim would consider when making an informed decision about whether to be a witness in a TIP case.

These Data KPIs demonstrate implementation of the obligations outlined in Articles 12 & 16 of the ASEAN Convention on Trafficking in Persons.
Why is this important for a victim sensitive approach?

The TIP outcome data indicators show the number of cases in which a conviction or acquittal is recorded and the number of cases in which an order for compensation/restitution/damages is made and those cases in which victims actually received compensation either from a national compensation fund or restitution/damages from the trafficker.

The likelihood of a successful prosecution in a trafficking case and whether the courts are routinely making orders for compensation, restitution or damages are important factors that a victim would consider when making an informed decision about whether to be a witness in a TIP case.

These Data KPIs demonstrate implementation of the obligations outlined in Articles 14 & 16 of the ASEAN Convention on Trafficking in Persons.
These Data KPIs demonstrate implementation of the obligations outlined in Articles 11 & 14 of the ASEAN Convention on Trafficking in Persons

Thematic Area: Support for the Victim

Why is this important for a victim sensitive approach?

These TIP data indicators show in how many TIP cases a victim receives legal assistance on their rights (this may happen at different stages in the criminal justice process), whether a victim is able to record their witness testimony ahead of the trial and whether there is a clear process for making a complaint about the way a victim is treated at any stage in the process of handling a TIP case.

Each of these data sets is important to allow a victim to make an informed decision on whether to be a witness in a TIP case. Legal assistance and the ability to provide pre-recorded witness testimony are ways to reduce the trauma that is often experienced by TIP victims. Advice provided to victims on public complaint handling mechanisms demonstrates that there are standards of treatment that should be maintained if they decide to act as a witness in a trafficking case.

More information on how to implement these Indicators focusing on support for the victim can be found in the Guidelines for Victim Sensitive Courts.

These Data KPIs demonstrate implementation of the obligations outlined in Articles 11 & 14 of the ASEAN Convention on Trafficking in Persons.
Why is this important for a victim sensitive approach?

Collecting sex, age and disability disaggregated data is critical for an understanding of who the victims are and what types of support are needed.

Using the Washington Group Short Set of questions on functioning will alert court, government agencies and CSOs to the particular assistance a person with a disability may require.

The United Nations Special Rapporteur on Human Trafficking raised the importance of collecting data on disability status in comments made to the 24th Session UN Committee on the Rights of Persons with Disabilities:

The intersections of disability and human trafficking is an area that has been neglected in international law, policy and practice on human trafficking. This gap should be addressed as a matter of urgency. Limited disaggregated data is available on experiences of persons with disabilities of human trafficking, or prevalence of forms of exploitation. This contributes to the lack of visibility, and a lack of knowledge and good practice.

The data sets from the Washington Group Short Set that should be considered at the point of victim identification and that are used globally in census and other Bureau of Statistics data gathering exercises:

- Do you have difficult seeing?
- Do you have difficulty hearing?
- Do you have difficulty walking or moving around?
- Do you have difficulty understanding or concentrating?
- Do you have difficulty being understood by others?

More information on how to implement these Indicators focussing on support for the victim can be found in the Guidelines for Victim Sensitive Courts.

These Data KPIs demonstrate implementation of the obligations outlined in Articles 5, 12, 14 & 16 of the ASEAN Convention on Trafficking in Persons.
Indicators 17-22

Why is this important for a victim sensitive approach?

The TIP data indicators are important as the ACTIP is a regional convention that requires the sharing of key TIP data to ensure that the aims of the Convention are realised. It is expected that the publication of 3-5 years of trend data in a timely manner following the end of each year will result in better information for the hundreds of government, CSO and court partners that are involved in the implementation of the ACTIP.

More information on how to implement these Indicators focussing on support for the victim can be found in the Guidelines for Victim Sensitive Courts.

These Data KPIs demonstrate implementation of the obligations outlined in Articles 8 and 11-16 of the ASEAN Convention on Trafficking in Persons
ASEAN NATIONS PUBLISHING TRAFFICKING IN PERSONS ANNUAL REPORTS IS IMPORTANT FOR

ASEAN MEMBER STATES

that signed the ASEAN Convention Against Trafficking in Persons, Especially Women and Children in 2015

as they are committed to collaborate in the fight against Trafficking in Persons.

Publication of Annual TIP Reports creates the evidence base to evaluate whether their work is having an impact.

GOVERNMENT AND NON-GOVERNMENT AGENCIES

supporting shelter, legal assistance, medical and counselling services for the victim

as they contribute to the collection and analysis of TIP data in order to deliver a range of services in an effective manner to trafficking victims.

TRAFFICKING VICTIMS

as they need certain information to make an informed decision on whether to provide evidence in a TIP case.

NATIONAL JUSTICE AGENCIES

such as police, prosecution and courts

as they rely on witnesses and victims to give evidence in TIP cases.
More information on each of the 22 TIP Key Data Indicators is outlined in Annex 1 including information on how other ASEAN Member States have reported on these obligations.

An excel document that presents possible formats for 3-5 years of data presentation can be accessed at Annex 2.

**On the Frontlines: Operationalizing Good Practice in TIP Data Collection**
is a more detailed manual on all aspects of TIP Data collection published by the Nexus Institute in 2019 and is an invaluable guide for countries seeking a step by step introduction to TIP data collection and interpretation.

The 22 Data KPIs support the *8 Victim Sensitive Indicators and the Guidelines on their implementation developed by ASEAN-ACT.*
The ASEAN-ACT portal 'Partnership Hub' (aseanactpartnershiphub.com) publishes the TIP Annual Reports of ASEAN Member States and these provide valuable information on how other countries are collecting and publishing TIP data.

Currently on the portal you can see the National TIP reports available from the following ASEAN Member States, click here:

Cambodia  Indonesia  Philippines  Thailand
ANNEX 1

Victim Sensitive approaches to Trafficking in Persons: 22 Key Data Performance Indicators
Indicator 1: Police TIP reports
Report the number of TIP Cases investigated/reported by police in the reporting year.

Good Example from ASEAN ACTIP Member Country:
Thailand TIP Annual Report 2020

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Prostitution</th>
<th>Pornography</th>
<th>Sexual Exploitation</th>
<th>Enslavement</th>
<th>Forced Begging</th>
<th>General Forced Labour</th>
<th>Forced Labour in Fisheries</th>
<th>Extortion/Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>333</td>
<td>244</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>8</td>
<td>32</td>
<td>43</td>
<td>3</td>
</tr>
<tr>
<td>2017</td>
<td>302</td>
<td>246</td>
<td>7</td>
<td>2</td>
<td>-</td>
<td>26</td>
<td>14</td>
<td>7</td>
<td>-</td>
</tr>
<tr>
<td>2018</td>
<td>304</td>
<td>249</td>
<td>4</td>
<td>5</td>
<td>-</td>
<td>8</td>
<td>29</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>2019</td>
<td>288</td>
<td>158</td>
<td>15</td>
<td>12</td>
<td>33</td>
<td>9</td>
<td>31</td>
<td>4</td>
<td>26</td>
</tr>
<tr>
<td>2020</td>
<td>131</td>
<td>95</td>
<td>16</td>
<td>6</td>
<td>0</td>
<td>2</td>
<td>9 (2)</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Note: Number in brackets was forced labour or service cases, which is an offence under the Anti-Trafficking in Persons Act

Indicator 2: Prosecution TIP reports
Report the number of TIP indictments/prosecutions initiated in the reporting year.

Good Example from ASEAN ACTIP Member Country:
Thailand TIP Annual Report 2020

1) Progress of Consideration of Human Trafficking Cases by Public Prosecutors

Of the total 241 human trafficking cases received by OAG in 2020, 225 were cases with arrested suspects and 16 were cases with fleeing suspects. Public prosecutors completed the consideration of 238 cases (98.8 percent), of which 213 cases were submitted to the Courts of Justice. At present, 6 cases including two cases from 2019 and one case from 2017 are under public prosecutors' consideration. Details appear in Table 2 and Table 3.

Table 7: Progress of Human Trafficking Cases with Arrested Suspects

Table 8: Progress of Human Trafficking Cases with Fleeing Suspects
Indicator 3: Courts TIP Cases

Report the number of TIP court cases filed and finalised in the reporting year.

Good Example from ASEAN ACTIP Member Country:
Thailand TIP Annual Report 2020

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases submitted to the Courts</th>
<th>Cases initiated in previous years</th>
<th>Cases initiated in indicated year</th>
<th>Total</th>
<th>Decided cases</th>
<th>Pending cases (as standing at the end of indicated year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>136</td>
<td>468</td>
<td>604</td>
<td>298</td>
<td>37 (9.81%)</td>
<td>42 (11.14%)</td>
</tr>
<tr>
<td>2017</td>
<td>227</td>
<td>330</td>
<td>557</td>
<td>319</td>
<td>54 (13.81%)</td>
<td>18 (4.60%)</td>
</tr>
<tr>
<td>2018</td>
<td>166</td>
<td>279</td>
<td>445</td>
<td>235</td>
<td>24 (7.87%)</td>
<td>46 (15.08%)</td>
</tr>
<tr>
<td>2019</td>
<td>140</td>
<td>256</td>
<td>396</td>
<td>217</td>
<td>26 (9.19%)</td>
<td>40 (14.13%)</td>
</tr>
<tr>
<td>2020</td>
<td>113</td>
<td>191</td>
<td>304</td>
<td>157</td>
<td>22 (11.06%)</td>
<td>20 (10.05%)</td>
</tr>
</tbody>
</table>

Indicator 4: Average Duration of a TIP case

Report average duration of a TIP case from filing in court to finalisation in the reporting year. This is obtained by totalling the days for each case from the date the case is filed to the date it is finalised and then dividing this by the number of cases finalised.

Good Example from ASEAN ACTIP Member Country:
Thailand TIP Annual Report 2020 shows number and percentage of court cases completed within certain periods. The police and prosecution present average durations and the courts are considering this for 2021.
Indicator 5: TIP Appeals

Report the number of TIP appeals filed and finalised in the reporting year.

Good Example from ASEAN ACTIP Member Country:

Indonesia Supreme Court Annual Report 2020
1 year of data recorded

Ideally 3-5 years of Appeal data would be included in the TIP Annual Report

Indicator 6: Case Outcome Conviction or Acquittal

Report the number of cases finalised that result in a conviction of the trafficker or acquittal.

Good Example from ASEAN ACTIP Member Country:

Thailand TIP Annual Report 2020

Table 9: Decisions Reached by the Courts of Justice on Human Trafficking Cases

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases submitted to the Courts</th>
<th>Decided cases</th>
<th>Pending cases (as standing at the end of indicated year)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cases initiated in previous years</td>
<td>Cases initiated in indicated year</td>
<td>Total</td>
</tr>
<tr>
<td>2016</td>
<td>136</td>
<td>468</td>
<td>604</td>
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<td>2017</td>
<td>227</td>
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<tr>
<td>2019</td>
<td>140</td>
<td>256</td>
<td>396</td>
</tr>
<tr>
<td>2020</td>
<td>113</td>
<td>191</td>
<td>304</td>
</tr>
</tbody>
</table>
Indicator 7: Case Outcome Defendants Convicted or Acquitted
Report the number of defendants convicted or acquitted of TIP crimes.

Good Example from ASEAN ACTIP Member Country:
Thailand TIP Annual Report 2020

Table 11: Defendants in Human Trafficking Cases Brought before the Courts of Justice

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Convicted</th>
<th>Acquitted</th>
<th>Disposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>493</td>
<td>366 (74.24%)</td>
<td>69 (14%)</td>
<td>58 (11.76%)</td>
</tr>
<tr>
<td>2017</td>
<td>638</td>
<td>466 (73.04%)</td>
<td>154 (24.14%)</td>
<td>18 (2.82%)</td>
</tr>
<tr>
<td>2018</td>
<td>438</td>
<td>316 (72.15%)</td>
<td>57 (13.01%)</td>
<td>65 (14.84%)</td>
</tr>
<tr>
<td>2019</td>
<td>386</td>
<td>304 (78.76%)</td>
<td>27 (6.99%)</td>
<td>55 (14.25%)</td>
</tr>
<tr>
<td>2020</td>
<td>302</td>
<td>233 (77.15%)</td>
<td>41 (13.58%)</td>
<td>28 (9.27%)</td>
</tr>
</tbody>
</table>

Indicator 8: Compensation/ restitution/ damages outcome
Report the number and percentage of TIP cases finalised in which victim compensation/ restitution/ damages was ordered.

No Example from ASEAN ACTIP Member Country
Indicator 9: Compensation/ restitution/ damages received by victim

Report the number and percentage of TIP cases finalised in which victim received compensation either from a national compensation fund or restitution/ damages from trafficker.

Good Example from ASEAN ACTIP Member Country
Indonesia 5-Year TIP Report

Indicator 10: Victim Support – legal assistance

Report the number and percentage of TIP cases filed where victim receives legal assistance.

Good Example from ASEAN ACTIP Member Country
Indonesia 5-Year TIP Report and LPSK Website
Indicator 11: Victim Support – advance video testimony

Report the number and percentage of TIP cases filed where victim is able to provide video testimony in advance of the court hearing.

Example from ASEAN ACTIP Member Country
Thailand TIP Annual Report 2020

Table 14: Advance Witness Hearings by the Courts on Human Trafficking Cases

<table>
<thead>
<tr>
<th>Year</th>
<th>Case files</th>
<th>Number of advance hearing appointments</th>
<th>Number of witnesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>283</td>
<td>33</td>
<td>75</td>
</tr>
<tr>
<td>2019</td>
<td>249</td>
<td>36</td>
<td>131</td>
</tr>
<tr>
<td>2020</td>
<td>190</td>
<td>11</td>
<td>67</td>
</tr>
</tbody>
</table>

Suggest that the data in the third column of the table refer to “Number of cases where the witness provides evidence through advance hearings” instead of “Number of advance hearing appointments”

Indicator 12: Victim Support – public complaint mechanism

Provide information on a documented process for receiving and processing a complaint in relation to the handling of TIP cases that is publicly available.

Good Example from ASEAN ACTIP Member Country:
Indonesian Supreme Court Website
**Indicator 13: Data on types of trafficking**

Report the numbers of TIP cases disaggregated by the different types of trafficking.

*Good Example from ASEAN ACTIP Member Country*

**Cambodia TIP Annual Report 2020**

![Statistics of Trafficking in Persons](chart1.png)

**Indicator 14: Sex disaggregated data**

Report the numbers of TIP cases disaggregated by sex of TIP victims.

*Good Example from ASEAN ACTIP Member Country*

**Indonesia 5-Year TIP Report**

![Chart 3: Classification of Police Reports Amount](chart2.png)
**Indicator 15: Age disaggregated data**

Report the numbers of TIP cases disaggregated by age of TIP victims: number of children and number of adult victims.

Example from ASEAN ACTIP Member Country
Thailand TIP Annual Report 2020

**Diagram 2: Summary of Cases, Suspects, and Victims in 2020**

**Indicator 16: Disability disaggregated data**

Report the numbers of TIP cases disaggregated by disability of TIP victims.

No Example from ASEAN ACTIP Member Country

**Suggestion:**

Present Data using the Washington Group questions that are used globally in census and other Bureau of Statistics data gathering exercises:

- Do you have difficult seeing?
- Do you have difficulty hearing?
- Do you have difficulty walking or moving around?
- Do you have difficulty understanding or concentrating?
- Do you have difficulty being understood by others?
Indicator 17: TIP Annual Report Online
Country produces or contributes to a TIP Annual Report that is publicly available.

Good Example from ASEAN ACTIP Member Country
Cambodia, Indonesia, the Philippines and Thailand

Indicator 18: TIP Annual Report: 3-5 years of trend data
TIP Annual Report presents 3-5 years of trend data on Key Trafficking Datasets.

Good Example from ASEAN ACTIP Member Country
Indonesia 5-Year TIP Report
**Indicator 19: TIP Annual Report: National and Regional Collaboration**

TIP Annual Report presents TIP activities/meetings between government and non-government partners at a national level as well as with regional TIP partners organisations.

*Good Example from ASEAN ACTIP Member Country*

Cambodia, Indonesia, Philippines and Thailand

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**Indicator 20: TIP Annual Report: Complicit Officials**

TIP Annual Report presents the number of investigations, prosecutions, and convictions of officials for complicity in trafficking.

*Good Example from ASEAN ACTIP Member Country*

Thailand TIP Annual Report 2020

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**Table 16: Public Officials Suspected of Complicity in Human Trafficking Cases Classified by Types**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of public officials</th>
<th>Police officers</th>
<th>Military officers</th>
<th>Civil servants/Teachers</th>
<th>Local administrative officers</th>
<th>Public prosecutors</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-16</td>
<td>45</td>
<td>23</td>
<td>8</td>
<td>2</td>
<td>12</td>
<td>-</td>
</tr>
<tr>
<td>2017</td>
<td>11</td>
<td>8</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>2018</td>
<td>2</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2019</td>
<td>7</td>
<td>6</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2020</td>
<td>9</td>
<td>5</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>74</td>
<td>45</td>
<td>8</td>
<td>5</td>
<td>14</td>
<td>2</td>
</tr>
</tbody>
</table>

From 2012 to 2020, a total of 72 suspected public officials were subjected to criminal prosecution. Of the nine suspected public officials in 2020, RTP and DSI has completed the investigation of eight officials. These included two officials whom inquiry officers and public prosecutors found grounds to prosecute for involvement in human trafficking. Their cases are now under the Court of First
Indicator 21: Information Site on TIP support and assistance services

One Stop Shop Information Site on TIP support and assistance services is publicly available to TIP victims.

Good Example from ASEAN ACTIP Member Country
Philippines TIP Annual Report 2020

Indicator 22: TIP court decisions anonymised and online

Report the number and percentage of TIP court decisions that are anonymised and placed online.

Good Example from ASEAN ACTIP Member Country
Indonesia Supreme Court Online Directory of Cases
ANNEX 2

Chart Formats for the 22 Key TIP Data Performance Indicators
To download the example template, visit [https://bit.ly/3HkBJNV](https://bit.ly/3HkBJNV)

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases Submitted to the Courts</th>
<th>Decided Cases</th>
<th>Pending Cases</th>
</tr>
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<tbody>
<tr>
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<td>Cases pending from previous years</td>
<td>Cases initiated in reporting year</td>
<td>Total Cases</td>
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