



Legal and Ethical Issues in Data Collection on Trafficking in Persons

NEXUS
Institute

2019

This research and publication were made possible through support provided by the United States Department of State Office to Monitor and Combat Trafficking in Persons (J/TIP), under the terms of Grant No. S-SJTIP-14-GR-1036. The opinions expressed herein are those of the authors and do not necessarily reflect the views of the U.S. Department of State.



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Publisher: NEXUS Institute
1440 G Street NW
Washington, D.C. 20005

Citation: McAdam, Marika, Rebecca Surtees and Laura S. Johnson (2019) *Legal and Ethical Issues in Data Collection on Trafficking in Persons*. Washington, D.C., United States: NEXUS Institute.

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Photographs in this report illustrate various aspects of data collection. Unless stated otherwise, individuals in these photographs are not trafficking victims.

Foreword

Discussions about human trafficking data sometimes seem surprisingly abstract, as if research is most centrally about counting things from some distance: approximating “head counts” of global prevalence, formulating statistics, calculating metrics or constructing maps to illustrate geographic “hot-spots”, “routes” or “hubs”. All of these exercises, done well, can play a role in contributing to our understanding of human trafficking. But, even at their best, they are only a partial path to improved understanding and, moreover, sometimes seem to obscure the fact that human trafficking is, first and foremost, about human beings. The essence of human trafficking violations involves human beings severely exploiting and inflicting harm and suffering upon – often with the aim and result of subjugating – fellow human beings. It is from the human stories of those who have experienced what is unimaginable for the rest of us that we learn the most important lessons. It is from their courageous and generous sharing that we are provided the critical context that is essential for a fuller and more encompassing understanding of the phenomenon and, if we are fortunate, the possibility of embracing elusive insights that shed light on more effective and appropriate ways to prevent and combat it.

TIP data collection and research necessarily involve human engagement. This engagement and interaction create responsibilities and obligations. Those who collect data about the lives of others – including about some very sensitive, personal and painful aspects of their lives – must recognize the broad swath of harm that can potentially occur in the collection and/or use of this data (inadvertent or not) and avoid being a source of further harm.

There are many ways that anti-trafficking professionals can make mistakes or take actions with unintended negative consequences. Almost anyone who has worked in the anti-trafficking field is aware of situations where survivors’ interests have been compromised or placed at elevated risk or danger because of treatment of an individual’s data or how the data was obtained. This includes, but is not limited to, researchers not recognizing how their questions or approach can potentially re-traumatize TIP survivors; failure to obtain informed consent for participation in research; risking stigmatization and ostracism of trafficking victims when conducting research in ways that make TIP victims visible to others; or compromising victims’ personal and sensitive data. Working with children – defined by international law as anyone under 18 in human trafficking cases – raises additional layers of requirements and considerations to recognize, protect and advance the best interest of each child.

The question arises: how can we acquire and use data to accelerate understanding and progress to combat human trafficking both most effectively and most appropriately? We hope that this paper helps to introduce and illuminate for readers at least the first steps toward finding answers to this complex issue.

As elaborated in this paper, the starting point is the cardinal principle that must guide all who work on human trafficking issues, including data collection: “Do No Harm”. While being mindful of the fundamental principle to “do no harm”, the next critical touchstones involve working within the guardrails provided by legal requirements and ethical standards. This paper discusses in detail this protection framework of laws and ethics. These requirements, standards and principles exist to protect individuals, especially those who have survived human trafficking, from being subjected to harm from those who interact with them, including in collecting and using their data. As a result, to acquire the data needed to advance anti-trafficking objectives in appropriate ways, the full range of normative standards must be understood and addressed satisfactorily at every step along the way.

This paper, *Legal and Ethical Issues in Data Collection on Trafficking in Persons*, focuses a lens on the range of legal and ethical considerations that arise in the collection of TIP data. Our intention is to encourage thoughtful discussion about these critical issues. We do not attempt to answer for readers all of the questions and issues they will face, but rather to constructively contribute to thinking on the issues that the anti-trafficking field is now grappling with as data collection on TIP continues to emerge and evolve. We hope that next steps include all stakeholders engaging in thoughtful reflection, analysis and conversation to determine how these considerations can be practically addressed in the most appropriate ways.

The vision that inspired the creation of the NEXUS Institute included addressing the need for independent in-depth research and analysis on human trafficking to support the development and implementation of more effective laws, policies and practices to combat human trafficking and to support victims of trafficking to recover and rebuild their lives. While research and data collection on human trafficking around the world have grown and improved since NEXUS was founded nearly twenty years ago, there remain substantial gaps in data available to professionals and practitioners to inform anti-trafficking efforts. Before these gaps can be addressed effectively and appropriately, there is an urgent need to better understand how anti-trafficking data can be ethically and legally collected and used.

This paper is part of a series of studies produced in the context of the NEXUS Institute's research project *Good Practice in Global Data Collection on Trafficking in Persons: The Science (and Art) of Understanding Trafficking in Persons*. Over the course of three years, our team, led by NEXUS Senior Researcher Rebecca Surtees, conducted interviews with anti-trafficking actors engaged with TIP data collection both in and out of government from countries around the world who shared their thoughts and experiences about the complex legal and ethical issues that they have faced. This study benefits from their knowledge and experiences. The study also benefits from issues raised by trafficking victims who have participated in NEXUS research projects over many years. I am profoundly grateful to be able to work with my wonderful colleagues who comprise the NEXUS research team for this paper: Rebecca Surtees, Marika McAdam and Laura S. Johnson. These pre-eminent research professionals have decades of collective experience dedicated to analyzing human trafficking issues and sharing the insights and new knowledge that they discover with the rest of us. With this paper they have, once again, addressed important issues that are integral to well-considered research with thoughtfulness and sensitivity.

NEXUS conducted this research and produced this paper as part of our work on a multi-year project supported by the United States Department of State Office to Monitor and Combat Trafficking in Persons. This office is filled with individuals who have dedicated themselves and their professional lives to initiatives intended to help move our world closer to eradicating human trafficking and to providing meaningful support to its survivors around the world. NEXUS is grateful for the opportunity and support that this office has provided to conduct in-depth research to contribute to this objective.

Finally, in our over twenty years working on these issues we have been fortunate to work with many prominent leaders and superb colleagues in the field of combatting human trafficking around the world. I am grateful that the following individuals generously contributed their time and expertise as peer reviewers of this report. These include: Sarah Craggs (IOM Afghanistan); Mike Dottridge (Independent Consultant on human rights and human trafficking issues); Jordan Greenbaum (International Centre for Missing and Exploited Children); Benjamin Harkins (International Labour Organization); Duncan Jepson (Liberty Shared); Matthew Mullen (Institute of Human Rights and Peace Studies, Mahidol University); and Fabrizio Sarrica (UNODC Research on Trafficking in Persons and Smuggling of Migrants).

As always, I invite those who care about human trafficking and related issues and are interested in being part of seeking solutions to follow our work at www.NEXUSInstitute.net

and on Twitter @NEXUSInstitute and to sign up for material that we send out periodically to share our most recent work. If you are interested in our training and advisory services for professionals and officials based, in part, on the findings of NEXUS research, including the topics and issues addressed in this paper, please see what we offer at www.WarnathGroup.com.

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