

GUIDE TO **ETHICS** AND **HUMAN RIGHTS** IN COUNTER- TRAFFICKING

ETHICAL STANDARDS
FOR
COUNTER-TRAFFICKING
RESEARCH AND
PROGRAMMING



**United Nations Inter-Agency Project on
Human Trafficking**

Guide to Ethics and Human Rights in Counter-Trafficking

**Ethical Standards for Counter-Trafficking
Research and Programming**

**United Nations Inter-Agency Project on
Human Trafficking**

Bangkok, Thailand

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Cover photo (top): UNIAP-UNDP joint field team conducts trafficking vulnerability assessments in a village in the Myanmar Dry Zone (June 2007).

Cover photo (bottom): UNIAP field team conducts trafficking vulnerability assessments in a village near the Lao-China border (January 2008).

Back cover photo: Community gathering in Cambodia (March 2007).

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All photos in this Guide are in compliance with the ethical standards detailed herein. All photos were taken only after consent was gained from the subject, with all identifying characteristics of trafficked persons or possible traffickers concealed.

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INTRODUCTION

THE NEED FOR ETHICS & HUMAN RIGHTS CONSIDERATIONS IN COUNTER-TRAFFICKING

In 2003, the World Health Organization published a set of ten guidelines for interviewing trafficked women¹. These guidelines were a positive step to ensure that the rights of trafficked women would more likely be considered and respected during research, intake, and victim service interviews. Along with UNICEF's child-friendly guidelines², they remain the primary set of guidelines to which counter-trafficking practitioners can refer in their work with trafficked persons³. However, in the years since these hallmark guidelines were released, we have come to understand the numerous situations in counter-trafficking research and programming that are not addressed by any of these guidelines comprehensively, for example:

¹ WHO (2003). WHO Ethical and Safety Recommendations for Interviewing Trafficked Women.

² UNICEF (2006). Guidelines on the Protection of Child Victims of Trafficking.

³ The United Nations does not have the equivalent of a review board or guidelines for ethical conduct of research such as those found in academia and national research councils. Examples of such councils are listed in this Guide under Guiding Principle 4: Ensure anonymity and confidentiality to the greatest extent possible.

- What are the ethical considerations for interviewing adult male trafficked persons?
- What are the ethical considerations for interviewing or implementing programs involving family members or neighbors of possible trafficked persons or possible criminals, especially given issues of stigma and the fact that the relative or neighbor may have been involved in, or complicit in, the crime?
- What are the ethical considerations for interviewing or implementing programs involving people who are still working in the harm environment?

In response to these significant gaps, the United Nations Inter-Agency Project on Human Trafficking (UNIAP) launched its 2008 Ethics and Human Rights in Counter-Trafficking initiative, to serve the greater counter-trafficking community in line with UNIAP's role and mandate as a coordinating body, innovator, and technical service provider, particularly in six countries⁴ of the the Greater Mekong Sub-region where UNIAP maintains its offices. This Guide is part of a wider initiative with the purpose to:

- Address the need for a broader and more updated set of guiding principles for counter-trafficking research and programming that addresses all groups and persons involved, including men, communities, and trafficked persons still in the harm environment;

⁴ UNIAP's six country offices are in Cambodia, China, Lao PDR, Myanmar, Thailand, and Vietnam, with a regional office in Bangkok.

- Implement the Ethics and Human Rights in Counter-Trafficking set of seven guiding principles and practical tools, for mandatory use by all UNIAP-supported researchers and programmers interfacing with trafficked persons and those affected by human trafficking.
- Develop practical tools for researchers and programmers to ease the integration of ethical practices in day-to-day counter-trafficking research and programming, and to increase understanding, absorption, and application of human rights-oriented concepts such as informed consent, confidentiality, and non-coercion; and
- Disseminate the guidelines and tools to implementing partners and donors around the world to test, provide feedback on, and implement, with the goal of raising the standard of ethical conduct and rights-based practice in counter-trafficking world-wide.

As an inter-agency project, UNIAP works with stakeholders and partners in government, non-government organizations (NGOs), UN agencies and projects, multilateral agencies, academia, and the diplomatic and donor communities. Like many UNIAP initiatives, the Ethics and Human Rights in Counter-Trafficking initiative has benefited from the technical inputs of numerous key partners and colleagues around the world.

This Guide was authored by UNIAP's Dr. Lisa Rende Taylor. Invaluable technical inputs were provided by Matthew Friedman, Paul Buckley, and Oyvind Høyen from the UNIAP regional technical team; Melissa Brennan (Brooklyn Law), Lisha Li (Harvard Law), and Dr. Joy Wang (Harvard Law) from the UNIAP summer legal team; and UNIAP National Project Coordinators Lim Tith (Cambodia), Ohnmar Ei Ei Chaw (Myanmar), and Dr. Ratchada Jayagupta (Thailand). And as with everything else in the UNIAP regional office, this initiative would not have been possible without the financial, administrative, and moral support of Pornnipa Buddee and Onanong Anamarn.

A very special thanks for technical assistance and tremendous moral support are extended to Dr. David Feingold from UNESCO in Bangkok, Allan Beesey in Da Nang/Vientiane/Melbourne, and John Frederick from Ray of Hope in Kathmandu. Thanks also to those who worked through the pilot phase of this project, in the UNIAP Trafficking Estimates Competition Initiative, on whom this Guide and the UNIAP Ethics Review process were piloted: Dr. Thomas Steinfatt from University of Miami; Dr. Courtland Robinson and Charlotte Dolenz from Johns Hopkins School of Public Health; Labor Rights Promotion Network (LPN) in Thailand; and Lily Phan, with An Giang Dong Thap Alliance to Prevent Trafficking (ADAPT) in Vietnam.

Finally, it should be noted that referring to this Guide is not a guarantee that counter-trafficking research or programming will be in compliance with ethical standards. There is a need for proper planning, preparation and training of all counter-trafficking programs and research that cannot be overemphasized. Not everyone should be

engaging in certain counter-trafficking research or programming, even if equipped with this Guide. However, for those who do, we hope that this Guide provides guidance on the principles that should be maintained in counter-trafficking work.

*The UNIAP Regional Team
Bangkok, Thailand
September 2008*



**Children in a village
in Kandal province,
Cambodia**

UNIAP GUIDING PRINCIPLES

ETHICS & HUMAN RIGHTS IN COUNTER-TRAFFICKING

- 1. Do no harm: be compassionate but neutral.**
- 2. Prioritize personal safety and security: identify and minimize risks.**
- 3. Get informed consent, with no coercion.**
- 4. Ensure anonymity and confidentiality to the greatest extent possible.**
- 5. Adequately select and prepare interpreters and field teams.**
- 6. Prepare referral information, and be prepared for emergency intervention.**
- 7. Do not hesitate to help others: put your information to good use.**

1. Do no harm: be compassionate but neutral.

What are the possible ways that a counter-trafficking researcher or programmer can do harm?

Anticipate ways that your work might result in security, emotional, or social risks to the research participant or program beneficiary, and safeguard against these negative impacts.

When carrying out interviews...

Ask yourself the following questions:

- If I interview this trafficked person (or include in my program), are there any security, emotional, social, economic, or other risks that I might be imposing on them?
- If I interview (or include in my program) this parent, relative, or neighbor of a migrant who may or may not be a trafficked person, am I doing harm in any way?

✓ **Observe the Do No Harm Checklist:**

- **Respect the rights of the participant.** Do you already have assumptions about him/her that are pre-judged? Are you prepared to hear an unexpected story without passing judgement? If so, readjust your thinking.
- **Look around.** Are there security cameras? Are there people listening in on your conversation? Does your research participant/program beneficiary look uncomfortable or traumatized in any way? If so, find a more suitable location to ensure privacy and comfort, or, do not hold the interview if these emotions are not alleviated.
- **Know the security and social environment.** Are there any signs or indicators that your work will increase risks of reprisal or stigma from an employer, supervisor, family member, community member, the authorities, or any others? When in doubt, consider postponing or rescheduling the discussion, or changing locations.
- **Know the participant/beneficiary's expectations.** Are you leading them to believe that you will be providing them with something that you will not? Be aware of this possibility. Ensure that the person being interviewed clearly understands the purpose of the discussion.
- **Pay attention to your own mannerisms and responses.** Are you asking questions in a neutral way? Do your facial expressions and body language convey that you are engaged but neutral and non-judgemental? It is important to practice conducting interviews, and to get feedback from experienced peers on your mannerisms. This will ensure that these factors do not pose problems in a real interview setting.

When setting up events/programs, ensure that...

- ✓ **Beneficiary inputs** are gained to ensure that the event/program accommodates their own personal needs and comfort levels.
- ✓ Nothing takes place that compromises **confidentiality** of the trafficked person or his/her family.
- ✓ **The media**, if involved in any way, understand the ethical and rights-related considerations associated with addressing trafficked persons.
- ✓ The event/program **will not stigmatize** a trafficked person in any way. This includes asking a trafficked person to present their story without counseling them to ensure informed consent.
- ✓ **Impact assessments** are put in place to demonstrate that the activity does not contribute to a person's vulnerability and or add an undue burden to their present situation.

Violating 'Do No Harm': Post-Tsunami Journalism in Indonesia

The 26 December 2004 tsunami in Indonesia was followed by a host of humanitarian and developmental challenges. One, unfortunately, was brought on by irresponsible reporting to journalists by an international agency dealing with child protection, including child trafficking.

Before any trafficking cases were substantiated with empirical evidence, the agency reported cases of child trafficking in tsunami-affected areas. As a result, there was a clampdown on adults who were legitimately trying to reach and assist the children of their deceased siblings and relatives – their own nieces, nephews, and cousins. Additionally, bringing attention to the issue of child trafficking took attention away from more immediate issues of much greater urgency and magnitude, including

hunger and starvation, food delivery logistical challenges, and disease and the need for medicine.

Backlash from other development agencies underscored how the negative impacts of the unsubstantiated report to the press outweighed the positive intentions.

Violating ‘Do No Harm’: Alternative Livelihood Programming in Cambodia

An intervention in one of the urban areas of Cambodia sought to provide women in the sex industry with the skills to transition out of the sex trade and into another livelihood. The program reached out to and recruited women in the sex industry, and then provided beautician skills training and an apprenticeship in a beauty shop. The women stopped their work in the sex industry in order to become full-time trainees, and then apprentices, at a beauty shop whose owner agreed to accept the women, train them, and have them apprentice at the shop.

Through an evaluation of this program, it was found that the women had been trained, and had been serving as apprentices for 16 months – but had never been paid. The women explained that they had worked full-time at the shop in the apprenticeship program, but the shop owner took their earnings. Since the women could not make a living under these conditions, several had to return to the sex trade. In re-entering the sex trade, some women re-entered lower in the hierarchy than when they left, thus enduring worse pay and worse conditions than that which they left. The women reported disappointment, since they had been led to believe the new skills would have translated to a viable new job by this point in time. But with no income to buy hair-cutting supplies, and no time to establish a job or workplace after working without wages, except through the brothels at night, this life transition had not happened for any of the beneficiaries.

The beauty shop owner and the program coordinator (an employee of one of the UN agencies) both intimated that these women were lucky to have such a work opportunity extended to women ‘like them,’ that is, women who have worked in the sex industry.

Ultimately, the social, economic, emotional, and possibly health impacts were harmful to the beneficiary women.

2. Prioritize personal safety and security: identify and minimize risks.

Programming and field research concerning a crime such as human trafficking carries inherent risks.

Interventions and investigative activities perceived as a threat to the business interests of those benefitting from trafficking can put counter-trafficking practitioners at risk. While elimination of all risks is generally not possible, personal safety must be given paramount importance and risks must be identified and minimized.

☑ ***Assess the risks. Carefully plan your research and intervention efforts, and understand the risks involved.***

- Consider the locations where work will be carried out and the people that you may potentially encounter. Will your work require you to travel after dark? Will you have a security escort (police or NGO)? With whom are you likely to interact?

- Consult with local non-governmental organizations (NGOs), police, local officials, and/or other relevant and safe persons to understand the security situation in the area where research or programming may be conducted. Understand how your presence in the area is likely to be perceived.
- Do not proceed with research or interventions that entail imbalanced risks to the safety and security of yourself or others.

☑ *Minimize risks.*

- Know your surroundings. Consult a map and/or ask local NGOs or government officials to familiarize you with the local area.
- Remain alert and be cognizant of whether you are being watched or followed.
- Work with a partner whenever necessary. If lone fieldwork is unavoidable, be sure that others know your whereabouts and travel plans.
- Carry a mobile phone or radio capable of contacting local authorities.

☑ *Be prepared for a security emergency and seek safety when appropriate.*

- Stay calm.

- Carry contact information of colleagues, local law enforcement agencies, government officials, and contacts in the local community.
- Carry contact information of colleagues, local law enforcement agencies, government officials, and contacts in the local community.

Good Practice and Lessons Learned: Personal Safety and Security

Good Practice in Samut Sakhon, Thailand: Staff on Stand-By When Research Teams are in High-Risk Areas

Thai NGO Labor Rights Promotion Network (LPN) and researchers from the Johns Hopkins School of Public Health joined forces to conduct research estimating the number of persons from Myanmar trafficked into exploitative labor in Samut Sakhon province, Thailand. After a careful risk assessment, they designed a protocol for adverse events that included having an LPN staff member on stand-by at the office, by the phone, while any research teams were in the field. The key roles of the stand-by staffer were to provide immediate assistance if necessary, making immediate referrals to police, clinics, or others.

The researchers also mitigated risks by scouting field research locations beforehand to identify security risks, using only interview sites that were found to be safe and private, and carrying mobile phones at all times.

Good Practice and Lessons Learned: Personal Safety and Security

Lesson Learned From Kolkata, India: Always Stay With Your Partner When in High-Risk Areas!

A team conducting research on Nepali sex workers in a Kolkata brothel area maintained a strict protocol for adverse events, including working in teams, carrying mobile phones, using highly trained professional researchers, and using NGO back-up when needed.

In one instance, a logistical issue led to an experienced two-woman team being separated from each other for approximately thirty minutes. One woman went into a brothel alone for an interview. She was abducted.

In the words of research team leader John Frederick of Ray of Hope,

“We had a rowdy time getting her back (with the help of the local mafia). This was one small slip in a strong protection system, and we almost had our own personal trafficking episode. Thus, there are certain situations which must be identified beforehand in which working with a partner is a must. And as the experience shows, even that is not bomb-proof.”

3. Get informed consent, with no coercion.

Counter-trafficking research and programming must be conducted with individuals who freely consent to participation after becoming fully aware of the possible risks and benefits of their participation.

For programming, this can become complicated, since interventions can be long-term and risks and concerns may change or increase over time. Throughout the full duration of research and programming, it is our ethical responsibility to:

☑ ***Inform participants and beneficiaries, in their own language, of:***

- The purpose of the interview or the intervention.
- Who is interviewing them or providing the intervention, and who is observing.
- Discussion topics and program topics.
- Potential risks and benefits of participating.
- How confidentiality will be maintained. not be a trafficked person, am I doing harm in any way?

- Their right to ask any questions at any time.
- Their right to skip questions, end the interview, or drop out of the program at any time, for any reason.
- Their right to decline photos or interviews.

✓ ***Consider how to make the informed consent process as participatory as possible.***

- Do not just inform the participant; listen to the participant! Ask the questions that are necessary to understand the participant's perception of risks; to understand if the participant's views of confidentiality and consent are on the mark; and, to ensure the full agency and understanding of the participant in the process.

✓ ***Ensure that there are no elements of coercion in your recruitment of participants:***

- Be mindful of how your status may create a sense of obligation to comply, particularly in socioeconomic and political contexts where people are not aware of their rights or accustomed to being able to say 'no.'
- If a fee is going to be offered for interviews or participation in a program, the fee should be based on a rationale that clearly outlines how the amount remunerated compensates for time, travel, and lost earnings during the interview or program.

- **Money can equal coercion!** Paying too much to interview/program participants can do harm in several ways, for example:
 1. It may make the participant feel indebted to you in an inappropriate way;
 2. It may make the participant feel they need to go out of their way or exaggerate their story to be included in the program, or, to provide you with what they think you want or expect;
 3. It may make the participant inconvenience him/herself in a way that is detrimental to him/herself;
 4. It may make the participant feel that he/she has to discuss sensitive, emotional, or traumatic matters that he/she is not prepared or equipped to discuss, and that you may not be prepared or qualified to handle; or
 5. It may inappropriately inflate the amount of money expected as remuneration by local officials and community members of other development partners that may be conducting research and programming in the locality.
- Instead of a cash-only individual compensation, consider a partial-cash compensation, non-cash compensation (gender and age appropriate), or communal compensation, for example:
 1. Are the participants located far from a road or market? Consider items they would ordinarily use but have difficulty obtaining or carrying, such as heavy or bulky food or practical items.

2. Do several participants have babies? Consider baby food, supplements, toys, or other items answering to practical baby needs.
3. Are there communal entities to which you should contribute, rather than (or in addition to) providing individual compensation? Depending on local sociopolitical governance structures, these might include some contributions to village headmen for redistribution among the community; contributions to the local women's cooperative; or contributions to other communal groups or funds.

See Appendix A1 – UNIAP Ethics Review Form for Counter-Trafficking Research for an example of a form for researchers to ensure ethical checks in their research methods.

See Appendix A2 – Payment Receipt with Informed Consent Statement for an example of how to incorporate informed consent language into a written payment receipt.

See Appendix A3 – Witnessed Verbal Informed Consent Guidelines and the following box text, regarding non-written informed consent.



UNIAP Lao PDR field team and local Hmong guides hike into a remote village three hours from the nearest road, with milk and heavy canned food as remuneration.

WRITTEN VS. VERBAL INFORMED CONSENT

Which is more appropriate, and in which situations?

Witnessed verbal informed consent collects the signature of a researcher/worker witness, attesting to witnessing the informed verbal consent of a participant. Witnessed verbal consent is appropriate when working in societies with non-written languages; with illiterate populations; when taking written signatures might threaten an informal setting that must be maintained; and in situations where collecting a written signature compromises the security of the participant in a way that may harm more than it protects.

A **'five-question verbal consent requirement'** is suggested, with a witness who can attest to, and sign to, positive responses for each of the five questions:

* * *

1. **Do you have any concerns about conducting this interview with me?**
2. **Is there anyone you want to talk to before we have this interview?** [Watch for fear of reprisals or concerns about the consent of others]
3. **Is this a good time and place for the interview?**
[Ensure convenience, relaxation, and security, including no inappropriate eavesdropping]
4. **Do you have any questions about this interview?**
[Ensure there are no outstanding needs or questions]
5. **Is it okay to have this interview?**
[Bottom-line consent]

* * *

Trafficked Persons, Publicity, and Informed Consent

MEDIA PRESENCE AT COUNTER-TRAFFICKING OPERATIONS

What is acceptable with regard to media presence in counter-trafficking research and programs?

Victims of exploitation, interview subjects, and others should always have a chance to decide, in an informed manner, whether they wish to be interviewed, photographed or to interact with media sources in any way.

Media content and purposes should always be clearly explained. Potential risks and consequences connected to media exposure should also be examined and discussed. Journalists, researchers, NGO workers, and others should be aware that, in some cases, anti-trafficking or other victim protection laws may impose penalties on individuals who risk compromising the identity of a victim of human trafficking.

Although it may be obvious, it is worth mentioning that it is highly unlikely that informed consent for media coverage can be obtained from all involved parties (including victims) prior to events such as raids and rescues, or repatriations and other assisted returns. Thus, as a general rule, media should not be present at these types of operations.

PHOTOGRAPHING & FILMING TRAFFICKED PERSONS AND OTHERS ASSOCIATED WITH HUMAN TRAFFICKING

What precautions should be taken with photographs, sound recordings, or films of trafficked persons or others associated with human trafficking?

First, informed consent should be obtained before taking photographs, videos, or sound recordings of anyone associated with human trafficking, whether victims, vulnerable individuals, responders, or others.

Second, the identity of trafficked persons should be kept anonymous in the recordings, photos, or videos used publicly (such as in reports or on websites) through concealing identifying characteristics, particularly facial characteristics.

Third, disclaimers and false names should be used to protect the identities of victims, and to clarify the identities of individuals whose identities might not be concealed. For example, persons whose faces are displayed in a counter-trafficking report or website but who are not trafficking victims or criminals could easily be wrongly assumed to be victims or criminals – disclaimers must be used to clarify this.

On the other hand, filmmaker and counter-trafficking practitioner Dr. David Feingold notes the right of adult trafficked persons to tell their story if they so choose:

“While peoples’ identities should be protected, adults have a right to tell their stories unmediated, if they so wish and if they have an informed understanding.”

4. Ensure anonymity and confidentiality to the greatest extent possible.

Researchers and programmers should ensure confidentiality and anonymity to the greatest extent possible, and should clearly discuss these issues with participants.

Protecting the identity and responses of participants is often crucial to ensuring their safety and security. At the same time, competing obligations may arise, and even the most experienced and well-intentioned researchers could be faced with ethical dilemmas in some instances, for example, concerning disclosure of program participants, research sources, and/or content to police.

As a general rule, confidentiality should be protected, but where an overriding ethical reason compelling disclosure arises, counter-trafficking practitioners are advised to consult professional codes of ethics. Authoritative sources include:

- Code of Ethics of the American Anthropological Association (1998)⁵;
- Ethical Principles of Psychologists and Code of Conduct (2002) of the American Psychological Association⁶;
- American Sociological Association Code of Ethics (1997);⁷
- Ethical Guidelines for Good Research Practice, The Association of Social Anthropologists of the UK and Commonwealth⁸;
- Ethical Conduct for Research Involving Humans (2005), Tri-Council Policy Statement of the Government of Canada⁹; and
- National Statement on Ethical Conduct in Human Research (2007), Australian Research Council and National Health and Medical Research Council.¹⁰

To ensure the confidentiality of participants, check your interview notes, your research instruments, your interviewee and program participant rosters, and how you discuss case elements with others:

⁵ <http://www.aaanet.org/committees/ethics/ethcode.htm>

⁶ <http://www.apa.org/ethics/code2002.pdf>

⁷ <http://www.asanet.org/galleries/default-file/Code%20of%20Ethics.pdf>

⁸ <http://www.theasa.org/ethics/guidelines.htm>

⁹ http://pre.ethics.gc.ca/english/pdf/TCPS%20October%202005_E.pdf

¹⁰ <http://www.nhmrc.gov.au/publications/synopses/e35syn.htm>

- ✓ ***Ensure that the participant understands what they can expect in terms of confidentiality and anonymity, at the beginning of an interview or a program.***
 - Explain this in appropriate terms. For research, participants should understand that no one will know exactly what they answered for each question, and that no one will be able to read their responses on paper and see their name attached. For programs, anonymity over time must be safeguarded, for example by providing options for services over the phone or in an office rather than in participants' homes and communities.

- ✓ ***Do not put all identifying information (full name, parent's names, hometown, photos, etc.) on the same sheet as responses.***
 - Use number codes if necessary, with a separate sheet indicating the name associated with each code. Or, use nicknames or fictitious names. If it is not necessary to take down the full name of a respondent, do not do so.

- ✓ ***Do not discuss individual cases with anyone, including village officials, village headmen, local authorities, or any others who are not bound by the same duty of confidentiality.***

- It is often more appropriate to speak generally only – such as about the circumstances and phenomena of the overall situation in a community.
- ☑ ***Alter personal details and identifying characteristics for any public presentation, of anyone who might be presumed to be a victim of trafficking.***
- This includes names in interview information, and personal (i.e., eyes) and locational (i.e., landmarks and signs) identifying characteristics in photographs.



Two examples of appropriately altered identifying characteristics. Note that facial expressions are still apparent.

Good Practice in Cambodia: Experience-Sharing by Trafficked Persons in Public Venues

When victims of trafficking or labor exploitation are invited to share their experiences in meetings or workshops, many in the Cambodia counter-trafficking community provide trafficked persons with the option of using booths or screens to conceal their identity, so that they can be heard but not seen by audience members.

Good Practice in Myanmar: Returnee Support Alternatives

An NGO in Myanmar providing support to returned trafficked persons and others became aware of the fact that their home visits and check-ups were leading some community members to make the assumptions that every person visited was a trafficked person. Some beneficiaries requested that the NGO staff not visit their house because of possible stigmas. In response, the NGO expanded their modes of service delivery, giving beneficiaries the choice to access services and assistance through telephone calls and appointments at the NGO's office.

Good Practice in Thailand: Fictitious Names

Academic researchers at Chulalongkorn University interviewing trafficked persons have asked interviewees to pick a name they prefer to be called, many of whom selected names of pop stars. In addition to providing anonymity, the interviewee's fictitious name choice also provided researchers with an ice-breaker conversation about the name, to increase rapport and trust.

Good Practice in An Giang, Vietnam: Dealing with Reports of Possible Crimes in Community-Based Research

The An Giang Dong Thap Alliance to Prevent Trafficking (ADAPT) designed household research in An Giang, Vietnam to estimate trafficking incidence in the province. The methodology included household surveys with community members in possible hotspot areas – members who may or may not be involved in or related to a trafficking victim or criminal.

Thus, ADAPT had to prepare for the possibility of reports of alleged trafficking crimes. First, in noting that they would be interviewing persons who may disclose information constituting evidence of a crime or possibly implicating them in a crime, they inserted language in their informed consent form whereby the interviewer explicitly states that if there are cases of ongoing human trafficking that the participant would like ADAPT to report to the authorities anonymously, the participant must provide ADAPT with permission to do so.

Second, if there were cases to report, they would be filed after the three-month research was completed, and at no time would the survey forms be provided to the police. Good relations with local authorities would be established prior to research start, and forms would be kept anonymous (no nominal or address information), to minimize the chances of anonymity and confidentiality ever being compromised.

In the words of research team leader Lily Phan,

“Protecting the identity of the interviewees is very important to us. After all, it is based on this trust that we are able to get information from them in the first place.”

5. Adequately select and prepare interpreters and field teams.

Review Appendix A4 – UNIAP Do’s and Don’ts in the Field, and then:

- Ensure that all interpreters and field staff are oriented and trained to follow these guidelines for the conduct of interviews and programs.
- With your entire team, review the guidelines and discuss with your field teams how the guidelines might be relevant to the situation you in which you will be working.
- Clearly discuss the vocabulary that will be used for technical and/or sensitive topics, in English and/or the local language as appropriate.
- Work out seating arrangements for the interviewee or participant in relation to the primary interviewer, interpreter, note-taker, secondary interviewer, and anyone else involved (though there should not be a crowd of people around the interviewee/participant!).
- Snacks, drinks, toys, or other props might be appropriate: purchase and prepare beforehand.

- ✓ If interview ‘observers’ are present (sometimes these will be unavoidable, such as interested relatives or government minders), it is essential to discuss potential issues and contingencies with your team beforehand.
- ✓ Walk through other potentially difficult scenarios and obstacles, taking the time to carefully observe, train, and test all interpreters and field team members to ensure that they are able to respond appropriately to a possible emergency.
- ✓ Devise eye contact and other signals between team members to ensure that multiple interviewers and interpreters maintain an optimal interpretation and questioning pace. Take care to ensure interviewers and interpreters stay neutral, keep each other on topic, and do not overtalk. Ensure that team members know how to signal to each other if there is an urgent problem.



UNIAP and UNDP Myanmar field teams review methods and possible issues (left) before conducting focus groups in target villages (right).

Review the sample fieldwork photos below and ensure that your team carefully considers seating arrangements and body language – including key interviewers, secondary interviewers, note-takers, interpreters, and photographers.



SMALL, INFORMAL FOCUS GROUP DISCUSSION

- The key interviewer (adult woman, right) is sitting at the same level as the participants (four girls, left), and is sitting close to them.
- There is good eye contact between the interviewer and the girls, with an engaged but neutral facial expression, and body language oriented toward the girls.
- The interpreter is sitting immediately to the interviewer's left (out of the photo), so that the participants can look to both interviewer and interpreter in the same direction.

COMPLEX FOCUS GROUP EXERCISE

- The exercise facilitators (four women at the table) are numerous enough to ensure that the rules of the card game-based exercise are clear to all participants (five men), and that each participant is engaged and responding in line with his own individual perceptions and ideas.
- The relatively complex process is captured by a note-taker (woman, right) standing on the side, so that the facilitators can focus their attention on the participants.



Photo credit: Mark Taylor

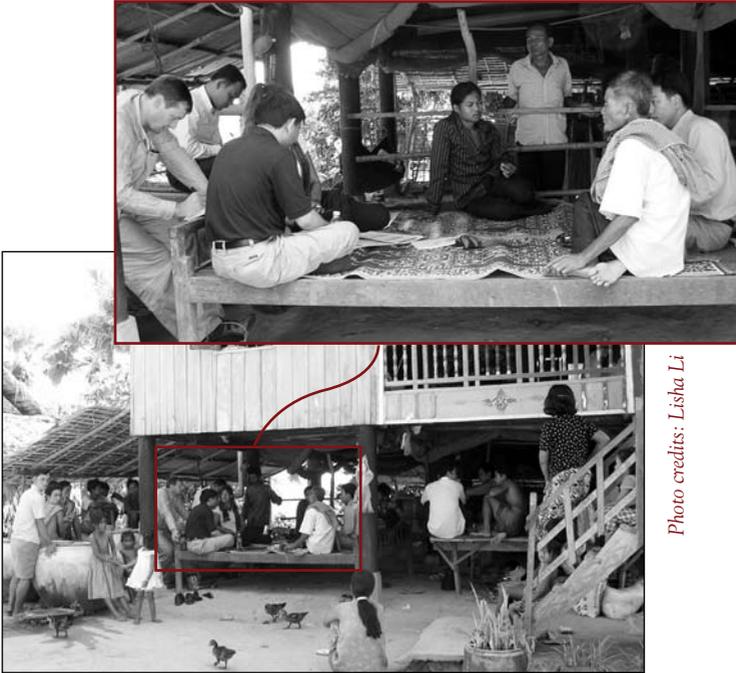


Photo credits: Lisha Li

SMALL GROUP DISCUSSION WITH OBSERVERS

- This small group interview took place in a village during a seasonal lull in labor; thus there were many people around who were interested in observing the small group interviews but who were not directly involved in the discussion. Sometimes this is unavoidable.
- The field team aimed to minimize sensitive information discussed and created a more closed discussion environment in the seating arrangements. The participants were at the center of this arrangement (man in dark shirt and man with scarf, inset photo), with the key interviewer between them (man at far right, inset photo). The secondary interviewer and note-takers (four people grouped at left of inset photo) were close to the participants, and also formed a barrier between the participants and the group of observers behind them.

Debate: The 'NGO'ing' of Research

RESEARCH ACCESS VS. RESEARCH QUALITY

Who should be conducting counter-trafficking research:

those with the community access and commitment, or those with the research training?

The issue of who should be conducting counter-trafficking research has been hotly contested in the counter-trafficking sector for years, and was even a subject of debate during the drafting of this Ethics Guide.

Often, the options available have been presented in a black-and-white manner: on the one hand, there are academically trained experts who are independent consultants or from academia, with the training in quantitative and qualitative data collection and analytical skills needed to design and conduct rigorous counter-trafficking research. Academically trained researchers often have experience in ethical conduct checks and human subject research reviews as well.

On the other hand, there are NGOs with a presence in the locality and access to local populations, but whose staff often lack the training to conduct rigorous research using systematic sampling frames and analytical frameworks that allow for extrapolation and generalization from research findings. NGOs also often lack experience in ethical conduct checks; proper data storage; and testing, refinement, and documentation of instrumentation and methodologies for replicability.

Since the NGO world has the corner on a large percentage of human trafficking program implementation around the world, NGOs are sometimes assumed to be qualified to do trafficking research of any kind, even if they lack the technical expertise to do so. This concerning assumption often results in so-called research initiatives, often with no ethical checks, that are in reality little more than non-representative situation analyses unsuitable for informing national-level or higher-level program design or policymaking.

However, does this mean that we need more academically trained researchers and consultants in the counter-trafficking sector? While many are appropriately trained, some are not: having an academic background does not guarantee the skills and ethical instinct needed to conduct successful counter-trafficking research. Even with proper training, without local ties and rapport with the community, academics 'parachuting in' to communities simply may not be able to collect good information due to lack of trust or local understanding.

Over the past ten years or so, the amount of systematic and replicable research within the human trafficking sector has grown, but the overall proportion of studies based on rigorous, refined research methodologies is woefully small. Likewise, data and statistics on human trafficking continue to be poor, and few countries publish reliable national figures and trend data on human trafficking that can truly be substantiated. Somehow, this must be rectified, and the way forward will probably – depending on the location – involve more innovative solutions such as academic-NGO joint research teams; research capacity building among NGOs and/or trafficked persons; and support to longer-term academic studies on human trafficking that allow for academic teams to establish long-term relationships and rapport with hotspot communities, community leaders, and NGOs.

6. Prepare referral information, and be prepared for emergency intervention.

Be prepared for the 8 possible situations below – and more.

Consult with local counter-trafficking practitioners and community members to collect appropriate referral information, and understand how to be well-prepared for emergencies such as if the participant:

1. Looks ill or physically abused.

Ascertain if the person is in need of medical assistance through conversation and questions. If the person declines, but it is apparent that this need exists (signs of fever, trauma, disorientation, bruising, etc.), a medical professional should be sought immediately. Individuals might want to avoid attention from medical personnel. This might be caused by embarrassment; fear of what the treatment might be (such as needles); wanting to avoid any further contact with those outside his/her support circle; or fear that if abuse is identified and documented, others might be implicated, bringing negative outcomes at a later time.

2. Shows signs of extreme mental or emotional distress.

Ascertain the person's present mental and emotional state through conversation and questions. Signs of disorientation, confusion, paranoia, depression, or anger can often be detected with limited effort. The person's state of mind could be the result of excessive abuse, stress, depression, fear of reprisals, and/or substance abuse. Under these circumstances, attempts should be made to seek immediate psychosocial support by a trained professional. Prior to any interview, seek and plan options to address this emergency beforehand.

3. Asks to call his/her family, or asks you to call his/her family.

Try to accommodate this request if possible. Having on-hand a mobile phone with long-distance capability can be useful. Prior to the call, clarify with the person what information he/she wants to pass on to family members. This helps to ensure that the intended message is not lost or forgotten in the emotions that the call might precipitate. Ideally, it is best that the person makes the call himself/herself.

4. Asks for help returning home, begs you to take them with you, tells you they do not feel safe or secure, or does not have a safe place to sleep.

Prior to any interview session, discuss options to address the possibility of these requests being made. Consider any request for assistance of this type important, and act on it immediately. Action could be through support provided by either the local authorities or a selected NGO/CBO. Determine beforehand which agency or organization is capable of reliably providing the assistance that might be required.

5. Tells you they need to pray but is not allowed to practice their religion.

If this request is made, determine why prayer has not been possible. Based on the responses, seek a solution that respects the person's right to practice his/her religion. Have referral information on hand.

6. Asks for food or money, or for food for his/her baby.

If food is sought for the participant and/or his/her baby, this should be provided upon request. It is normally easy to acquire food in any given situation, and the interview could be conducted over a meal. If money is requested, make the determination based on the compensation agreed upon prior to the interview.

- 7. Tells you they were rescued in a raid or initially arrested and ended up being forced to leave a baby behind, to leave the door to their house unlocked, to leave their valuables or documents behind, etc.**

Try to assist them if possible. First speak with the shelter personnel or the authorities of where they are being held to determine if there are procedures in place to resolve these problems. Determine the circumstances of the situation, and assist them in contacting a trusted family member or neighbor that could help look after their baby or property, if possible.

- 8. Says they were beaten, raped, or abused by the police, shelter staff, their employer, or other authorities; or was forced to have a body inspection or HIV test.**

The details of this violation should be documented. Discuss with the person what he/she would like to do – pursue the case, or not? Be sure to not raise expectations, but respect the wishes of the individual. Before sharing case information with the local authorities, if agreed by the victim, have a discussion among trusted informants to determine the most appropriate agency to which to report the violation. This might include the local police, an NGO that focuses on human rights violations, or a national department or agency that addresses cases against the police. The determination should be made based on the local context, for example, whether there is an existing history of corruption, misuse of power, threats, or risk of reprisal after your departure.

Be prepared! Common emergencies encountered in counter-trafficking programs and research.

1. Research or program monitoring visits to any victim protection program (shelters, alternative livelihood training programs) can yield emergencies. Always be prepared for encounters with inadequate shelter facilities and services, and try to have the space for private conversations with some of the victims without close supervision by the program manager or other authority. Trafficked persons are also sometimes entered into alternative livelihood programs before they are psychosocially prepared for the work and the environment; be vigilant for signs of distress.
2. Prison interviews with convicted traffickers may uncover where trafficked persons, scapegoats, or the innocent may be imprisoned due to corruption or some other weakness in the criminal justice response. Be prepared to document and deal with such cases.
3. Post-return or post-intervention victim tracing and follow-up can uncover how the trafficked person's life may still be fraught with challenges and threats. Be prepared to deal with requests for assistance with stigma, unemployment, cash shortfalls, debt, psychosocial troubles, marital or family troubles, or other issues which may or may not be connected to assistance received at some point.
4. Any visit to a hotspot community (source or destination) by a known counter-trafficking agency may leave a footprint of stigma, reprisal, or some other negative impact. Mitigate the potential of this negative impact by desensitizing community leaders and members to the nature of the visit as much as possible and appropriate. Develop a means to check up on this, whether through follow-up field visits or phone calls.

7. Do not hesitate to help others: put your information to good use.

What is the most good that can come from your counter-trafficking research or program?

For research, consider...

- Informing participants of the eventual results and next steps.
- Feeding your findings, with clear and practical recommendations, to development partners who could improve their interventions from learning from your findings.
- Training local researchers, academic institutions, and NGOs on your field and analytical methods, so that they can continue and/or expand more rigorous and ethical approaches where appropriate.
- Publishing in international and local publications, and give presentations on results in international and local fora.

For programs, consider...

- ✓ Conducting honest, independent evaluations and impact assessments, and widely share good and bad practice with development partners, donors, and governments.
- ✓ Asking the participants and beneficiaries to evaluate the effectiveness of the program, and request their advice about how it could have been improved.
- ✓ Replicating and expanding that which is demonstrated empirically to have had a positive impact, and revise or discontinue those aspects that do not.



China Government delegation discusses the results of an anthropologist's recent research findings regarding child sex tourism in Asia.

Appendix

**Tools to incorporate ethical standards
into counter-trafficking research
and programs**



**United Nations Inter-Agency Project on
Human Trafficking
Phase III: 2007-2010**



**ETHICS REVIEW FORM FOR
COUNTER-TRAFFICKING RESEARCH**

Instructions to UNIAP-supported researchers

1. Carefully review the 2008 UNIAP Guide to Ethics and Human Rights in Counter-Trafficking, with particular attention to the seven UNIAP Guiding Principles on Ethics and Human Rights in Counter-Trafficking.
2. Review your own research methods, and reflect on the security and ethical checks and considerations that are required for your research.
3. Complete this form and submit to UNIAP according to the deadline outlined in the cover letter attached to this Guide, using as much space as you need and noting the required attachments: informed consent forms in English and local language (Question 3).
4. Respond to further ethics-centered inquiries from UNIAP if required.

Many thanks from the UNIAP Team!

**GUIDING PRINCIPLE 1.
DO NO HARM: BE COMPASSIONATE BUT NEUTRAL.**

Question 1: What security, emotional, or other risks do you anticipate facing in your interviews with possible victims of trafficking (or persons related to human trafficking)? Please describe the physical environment in which you anticipate interviewing these persons, the anticipated risks, and your plan for mitigating risks.

[Insert your response here, using as much space as you need]

**GUIDING PRINCIPLE 2.
PRIORITIZE PERSONAL SAFETY AND SECURITY:
IDENTIFY AND MINIMIZE RISKS.**

Question 2: Please describe security risks and dangers you may potentially encounter and your plan for minimizing these risks. Please also describe your plans for responding to potential security emergencies.

[Insert your response here, using as much space as you need]

**GUIDING PRINCIPLE 3.
GET INFORMED CONSENT, WITH NO COERCION.**

Question 3: Please describe how you will remunerate participants, and the rationale behind the remuneration.

Attach the informed consent forms you will use in English and local language.

[Insert your response here, using as much space as you need]

**GUIDING PRINCIPLE 4.
ENSURE ANONYMITY AND CONFIDENTIALITY TO
THE GREATEST EXTENT POSSIBLE.**

Question 4: Please describe the assurances concerning confidentiality and anonymity you plan to give to research participants. Provide details on any limitations you foresee concerning your ability to maintain confidentiality and anonymity. Please also describe your data collection and storage system, and how it ensures anonymity and confidentiality.

[Insert your response here, using as much space as you need]

**GUIDING PRINCIPLE 5.
ADEQUATELY SELECT AND PREPARE INTERPRETERS
AND FIELD TEAMS.**

Question 5: Please describe the criteria and process by which you will select, hire and train your interpreters and field team. Provide details about the number of people on your team, their titles and responsibilities, their credentials, and chain of authority.

[Insert your response here, using as much space as you need]

**GUIDING PRINCIPLE 6.
PREPARE REFERRAL INFORMATION, AND BE PREPARED
FOR EMERGENCY INTERVENTION.**

Question 6: *[If interviewing trafficked persons]* Will you be interviewing victims of trafficking who might still be in the harm environment? If so, please describe how you will handle emergency situations such as discovering extreme abuse, or receiving requests for urgent assistance or rescue.

[If interviewing relatives, neighbors, or others possibly associated with trafficked persons]

Will you be interviewing persons who may disclose information constituting evidence of a crime, and/or possibly implicating themselves in a crime? If so, please describe how you will handle such information, and explain what you would do if the police asked for such information from you or your research team.

[Insert your response here, using as much space as you need]

**GUIDING PRINCIPLE 7.
DO NOT HESITATE TO HELP OTHERS:
PUT YOUR INFORMATION TO GOOD USE.**

Question 7: Please describe how you plan to maximize the positive impact that your research results have on the intended beneficiaries.

[Insert your response here, using as much space as you need]

Appendix A2

Payment Receipt with Informed Consent Statement

The following template is an example of how payment receipts to participants can be combined with informed consent statements, so that only one form and one signature is required of the participant – and the signature ensures that the participant only accepted the compensation after fully understanding and consenting to the interview or program.

- The signature must be obtained before the interview or program, not after.
- If the participant cannot read the form, or has difficulty in doing so, read it to them and follow witnessed informed consent guidelines (Appendix A3).
- When the participant signs the sheet, there should be no other participant names or signatures on the sheet – one consent form and name per slip only.
- Ensure that it is clearly understood that the person is not expected to do anything other than tell the truth – they are not expected to be able to tell a story or provide any sort of particular information in exchange for compensation.

UNITED NATIONS INTER-AGENCY PROJECT ON HUMAN TRAFFICKING

DATE:

LOCATION:

I acknowledge receipt of [insert compensation] for my time speaking with [insert names of interviewers], who work with [insert affiliation] and are interested in [insert the purpose of the research].

I understand that I will only answer the questions that I want to answer. I am only expected to answer the questions honestly, and if I want to skip a question or end the interview, I will tell the interviewer. If I have any further questions or concerns about the interview, I will contact the interviewer by [insert contact information].

Printed name

Signature or thumbprint

Appendix A3

Witnessed Verbal Informed Consent Guidelines

Purpose: The purpose of the Witnessed Verbal Informed Consent procedure is to ensure that the respondent (who may be illiterate, nervous, frightened, or feeling under pressure) gives full, free, and fully-informed consent to the interview.

Instructions:

- Ideally, this form should be memorized and told verbally to the respondent to maintain informality and rapport.
- If the respondent wishes to postpone, change the venue, or not conduct the interview, this should be respected.
- The interview should be conducted only if the respondent gives full and knowledgeable consent.
- If possible, another interviewer or a person whom the respondent trusts should be present to witness the Verbal Informed Consent procedure. A person in authority should not be present, as this might unduly influence the respondent to grant an interview.
- The other interviewer does not need to be present for the interview which follows this procedure. After the interview is over, and the respondent has departed, both persons sign a copy of this consent form. The form is then attached to the interview guidelines or notes.

Introduction

Hello, My name is I am a here at

Explanation of the interview process

We would like to take a half-hour of your time, and ask you some questions about.....[explain what the interview is about]. While we are talking, if you want to stop the interview at any time, please say so and we will do that.

Reason for the interview

We are doing this interview so that
[explain the reason for the interview].

Contents of interview

These are the things we would like to ask you:.....
[provide a general summary of the questions.....]. We will not ask you about [explain what will not be asked – for example, problems he/she might have had during the recent trafficking episode, due to the possibility of traumatic impact.]

Use of information

We will only use the information so that we can
[explain how the information will be used, and with whom it will be shared]. If we publish the information in any format, or give it to anyone else than those people we mentioned, this will be anonymous, and nobody will know the nature of our discussion.

Confidentiality

Everything you tell me will be confidential. Nobody will know that you gave us this interview. You do not even have to tell me your name, if you do not want to. And if you do, I will not write it down. The contents of your interview will be discussed only with..... [explain the designated information recipients] and with nobody else. We promise that what you tell us will not be shared with any other people, including the staff of the program, your friends, your family, or anybody outside the organization.

Protection concerns

We want to be certain that you feel safe and relaxed for this interview. If you think that talking with me could cause you any problems from other people, please tell me. Do you have any concerns about carrying out this interview with me? *[Wait for a response. Stop the interview if requested.]*

Consent of others

We have received the permission of.....[list whoever gave permission, such as a parent, or the director of a shelter] to interview you. They are satisfied with this interview taking place and you are free to participate in discussions as you wish. But if you have any doubts, you can ask whoever you want first, and then we can do the interview later. Is there anyone you want to talk to before we do the interview? *[Wait for a response. Postpone the interview if requested.]*

Convenience for respondent

If this time is not good, we can fix a time that would be better. We want to spend time with you in a place where you feel comfortable and where we will not be interrupted by other people, so if this time and place is not good for you, please tell me. Is this a good time and place for the interview? *[Wait for a response. Reschedule time and place if requested.]*

Any questions

Do you have any questions about this interview?

Request for permission to take interview

Is it okay for us to have an interview?

[Wait for a clear positive or negative response. Stop the interview if requested.]

Permission for this interview has been granted by the respondent, as witnessed by:

interviewer/witness

interviewer/witness

date

date

Appendix A4

UNIAP Do's & Don'ts in the Field

1. **Ensure informed consent!** Meet your ethical responsibility to ensure the free, informed, and fully participatory consent of all participants in your research or program.
2. **Introduce yourself and your colleagues** at the very beginning of any interview or discussion, and outline the purpose of your questions or your program. This may start as an informal conversation.
3. **Ask one question at a time**, particularly if using an interpreter, and use simple words and grammar in place of technical terminology and jargon.
4. Treat your subject as a friend. **Help them feel comfortable and make eye contact when you talk to them.** Use language that helps them feel at ease, and do not make eye contact with only your interpreter.
5. Have food and drinks available, and make any other efforts necessary and appropriate to **maintain an environment that is natural and at ease.**
6. **Make no assumptions.** Avoid letting your own past experience and assumptions prevent you from gaining the information from the interviewee in an unbiased way. Do not hear what you want to hear and ignore other facts.

7. **Use varied questioning techniques.** Use open questions to explore feelings and attitudes, and employ pointed follow-up questions to elicit more detailed information. When a subject area is exhausted, move on to the next topic.
8. **Avoid having more than one person directing questions** at any one time to the interviewee. If the conversation diverges from the topic you wish to discuss, allow the conversation to flow as naturally as possible without forcing the question at an awkward point. For any questions unanswered, these can be noted and asked at a later time.
9. Interpreters should translate the questions and answers as best possible. They should **refrain from answering the questions on behalf of the interviewee** despite any previous knowledge and experience they may have. Their knowledge can be solicited after the interview.
10. **Allow the subject to continue speaking without interrupting** – never finish their sentences. You do not know what other information may come to light, and you also do not want to be rude.
11. Be humble, friendly and gracious. The interviewee is giving you their time and knowledge; take only what you need. **Do not make the interviewee sit through your extensive side conversations or analyses with colleagues and interpreters**, with the interviewee not understanding your language or what is transpiring.

12. If the subject matter is potentially sensitive, use questions that lead the subject to shed light on the issue in a **non-direct** way. This is particularly relevant when speaking to officials, those in positions of authority, or people who were potentially exploited.
13. It is usually best to **use the vocabulary that your interviewee uses**. For example, if they refer to a middleman, do not refer to the same person as an agent, broker, or trafficker.
14. **Do not cross ethical boundaries** with the questions that you ask participants. Clearly identify areas of necessary versus unnecessary information required for your work beforehand. Questions regarding details on torture, physical or sexual abuse, or rape may cause retraumatization and are often not necessary or relevant to most counter-trafficking research or programming. This information should only be obtained from qualified, professionally trained counselors and/or psychologists.
15. Be **culturally sensitive**. For example, in most countries of the Greater Mekong Sub-region, it is impolite to sit with your feet pointing towards another person. Be observant and follow the mannerisms of other local people around you: in the way you sit; the way you handle your hands, gesturing, and posture; and the way you speak and maintain eye contact.



**United Nations Inter-Agency Project on
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