

TRAFFICKING IN PERSONS DATA SHARING BROCHURE

Human Trafficking is modern day slavery and represents an estimated \$32 billion in profits annually. It is regarded as one of the fastest-growing transnational organised crimes that violates the basic human rights of victims.

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children is one of three protocols grounded in the *UN Protocol to the Convention against Transnational Organised Crime* and was signed in Palermo in 2000 (effective 25 December 2003). The Palermo Protocol defines human trafficking as:

“The recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments of benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” (United Nations, 2000, p.2).

Purpose of the Brochure

This brochure supports Jamaica’s national efforts to improve data sharing among members of the National Task Force Against Trafficking in Persons (NATFATIP), led by the Ministry of Justice, Jamaica. These initiatives are consistent with the country’s ratification of the Palermo Protocol, which obligates State’s parties to take action to prevent the crime, to prosecute perpetrators and to protect victims. It also provides an overview of the nature of the National Task-Force Against Trafficking in Persons Database – an information system developed to facilitate knowledge sharing among NATFATIP members to combat human trafficking in Jamaica.

Elements of Human Trafficking

Human Trafficking may be described in the context of three main elements: *The Act*, *The Means* and *The Purpose*.

The Act involves *what* is done in the process, both by perpetrator and victim. It encompasses activities such as recruitment, transportation, transfer, harbouring or receipt of persons.

The Means includes details of *how* the crime is committed, including threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.

The Purpose provides an explanation or theory surrounding *why* trafficking is taking place. For example for the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs (including eggs).

According to the UNODC (2015), to ascertain whether a particular circumstance constitutes trafficking in persons, the definition of trafficking in the Trafficking in Persons Protocol needs to be carefully considered, and the constituent elements of the offense, defined by relevant domestic legislation.

To ensure consistency with these commitments, Jamaica passed a Human Trafficking Act 2007 and amended this in 2013 to increase penalties.

In Jamaica, the most common forms identified to date are **commercial sexual exploitation** and **forced labour**.

Elements of the crime of human trafficking are defined in the Jamaican legislation as follows:

“slavery”... the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised by another and includes practices similar to slavery such as bondage and serfdom.’

“child” – a person under the age of eighteen years’

“exploitation” includes (a) the exploitation of the prosecution of a person; (b) compelling or causing a person to provide forced labour; (c) keeping a person in a state of slavery or servitude; (d) engaging in any form of sexual exploitation and (e) illicit removal of organs.’

“Sexual exploitation” – compelling the participation of a person in prostitution, the production of child pornography or other pornographic material, any other sexual activity, as a result of being subjected to threat, coercion, abduction, the effects of narcotic drugs, force abuse of authority or fraud.’

“victim”...a person against whom the offense of trafficking has been committed’

Initiatives to Tackle Human Trafficking in Jamaica

Jamaica’s Anti-Trafficking Programme supports national efforts to eliminate Human Trafficking support the goals of Vision 2030 Jamaica – a strategic plan for long-term development. It protects the rights of citizens, guaranteed under Jamaica’s Constitution. It also supports other human rights agreements such as the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW); The Convention of the Rights of the Child (CRC) among other conventions ratified. It also supports the National Policy for Gender Equality adopted in 2011 and the Child Care and Protection Act (2004) among other legislations.

Jamaica has continued efforts to address and report on the problem of human trafficking to ensure consistency with national and international agreements ratified.

National Anti-Trafficking Task Force (NATFATIP)

The National Task Force Against Trafficking in Persons (NATFATIP) was established in 2005. It operates as a multi-agency partnership to enhance Jamaica's legislative, operational and institutional capacity to tackle all forms of Human Trafficking in Jamaica. The Taskforce continues to actively work to strengthen national efforts aimed at TIP Prevention, Prosecution and Protection.

The NATFATIP Database

A NATFATIP Database has been developed to input TIP-related data and provide quick access to information on human trafficking. The Database includes several documents and statistics to be used by NATFATIP.

Value of the Data

An integrated database facilitates data collection and data sharing among NATFATIP members and partners. The Database:

- provides access to a centralised information store with data on cases of human trafficking in Jamaica. This store will include pertinent local legislation and judicial reports from other Commonwealth jurisdictions, general reports, academic papers and other relevant documents on the subject; help with the preparation and dissemination of reports on progress to relevant local and international agencies.
- expedites the process of updating information on human trafficking from various authorised users and stakeholders.
- broadens the scope of TIP-related data currently being collected to achieve a better handle on the problem.
- enhances the capacity of the Task Force to prepare reports to local and international agencies
- helps to identify emerging trends for further investigation and

- monitors the emergence of new vulnerable groups.
- assists in the analysis of data.
- Supports evidence-based policy development
- identifies situations that can lead to TIP
- enables Agencies to share data and better detect the problem
- helps to set the agenda and focus on groups most at risk,
- supports the recovery of victims

Previous Research on Human Trafficking In Jamaica

Anecdotal reports have suggested the existence of various forms of human trafficking in Jamaica over several decades. In 2007, the then National Anti-Trafficking Task Force commissioned the first empirical study to explore the nature of trafficking in persons in Jamaica. The *Report on Human Trafficking for Sexual Exploitation and Forced Labour In Jamaica* highlighted several areas of concern and provided a profile of the most vulnerable groups being subjected to sexual exploitation and forced labour. These included females and males of different age groups and socioeconomic backgrounds within the country – taking into account cases across local parishes and international borders.

Since 2007, human trafficking has become more widespread, diverse and difficult to detect globally, hence the need to adopt more create methods to detect and address human trafficking. The development of the NATAFATIP Database in 2015 will improve national capacity to identify victims and offenders, convict perpetrators and protect victims.

Purpose of the Trafficking in Persons Data Sharing Protocol

In 2014, the NATFATIP members developed a Memorandum of Understanding (MOU) to Promote Data-Sharing. The 2015 Database has been developed to support these efforts.

In 2015 a Data Sharing Protocol has been developed to complement the MOU and mobilise more agencies within and outside the Government of Jamaica to share

TIP-related data. The Protocol will support the national policy framework for development and the process of implementation of data sharing activities within the NATFATIP Secretariat. It also serves to encourage anti-trafficking stakeholders and partners to share knowledge and information on Human Trafficking. This will streamline data and facilitate ease of access to information. With improved data sharing, the knowledge of various agencies can be better used to support the national programme of prevention, prosecution and protection.

Rationale for the TIP Database

The Database integrates TIP-related information into a single interface. This makes data more accessible, encourages knowledge-sharing, strategic management and supports evidenced-based policy-making.

The TIP Database also encourages data harmonisation among institutions represented on the National Anti-trafficking Task Force (NATFATIP). These partner organisations include relevant Government Ministries, Departments and Agencies, CBOs, and NGOs whose mandate can assist in prevention, prosecution and protection initiatives.

Who can use the Database?

The Database is for the use of members of NATFATIP.

How can I access the Database?

NATFATIP members can register online and gain different levels of access to update information and use the database. Training on how to access and use the database will be provided by the Ministry of Justice.

What types of information will contributing organisations share?

NATFATIP members will be able to contribute information in the following three areas:

- 1) Data Management Module – for entry of case data such as victim profile, trafficker profile and data on case status.
- 2) Document Management Module that includes information materials in document form – usually in narrative or tabular format such as that found in reports, policy frameworks or legal documents.
- 3) Statistics Management/Reports Module – This section of the database facilitates the processing and retrieval of data queries linked to the Data Management Module repository. has document management.

What format should the information submitted to the Database be in?

The format will include legislative documents, reports and statistics. Microsoft Word, Microsoft Excel and PDF formats will be accepted.

Raw case data can be entered manually using the usual QWERTY keyboard functions on any Smart Device, Laptop or Desktop computer.

How often should I submit TIP-related data?

Data can be entered into the database as soon as the requisite information becomes available and has been verified and approved for data sharing.

What happens to the information after I submit it?

The information entered will be saved in the data repository within the Database Management System. This system will be overseen by an Administrator and MIS specialist. The Database will be accessible to authorised personnel only – including NATFATIP collaborating agencies. The TIP Database is engineered with password protection, the capacity for user accessibility controls and audit trails. This will protect the integrity of the information sharing process and the interests of content developers and will prevent security breaches.

Can my organisation access the Database or will I need special permission?

NATFATIP members will be permitted to access the NATFATIP Database.

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