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Foreword | *Prosecuting transnational crimes such as people trafficking is a complex and difficult task. It is often the case that the people who have been trafficked are the primary witnesses and provide the bulk of the evidence against a trafficker. Yet for a range of reasons, trafficked persons may be reluctant or unable to participate in criminal investigations and prosecutions.*

Using data from cases in the International Organization for Migration's Indonesian Counter-Trafficking Module database, the factors that inhibit a trafficked person's willingness and ability to be involved in criminal proceedings are assessed and considered within a broader review of current research.

An understanding of these factors may assist policymakers and practitioners—both in Australia and throughout the region—to better support trafficked people and increase their willingness and ability to participate in criminal proceedings.

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Barriers to trafficked persons' involvement in criminal justice proceedings: An Indonesian case study

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The clandestine nature of people trafficking means that persons who have been trafficked are often the only ones able to verify the details of the crime, particularly in relation to the exploitation they have experienced (David 2008a). As a result, they tend to be heavily relied upon to provide evidence in prosecutions. Yet trafficked persons have often endured severe trauma and/or exploitation, which may influence their ability or willingness to be involved in the investigation and prosecution of the perpetrator. Further, fear of traffickers and the stigma associated with being a trafficked person, a fear of re-victimisation and lack of trust in the criminal justice system have all been identified as barriers to victim participation in the investigation and prosecution of cases. These factors are not confined to any one country or region; however, they can be exacerbated by ineffective or inadequate legislation and/or corruption within governments and criminal justice systems. Further, where trafficked persons do not have access to adequate support, treatment and protection, they may be less likely to participate in criminal proceedings.

Given its prominence as both a destination and origin for people trafficking (Joudo Larsen 2010), an examination of these issues within southeast Asia can inform ways of overcoming barriers to trafficked persons' involvement in the criminal justice process. In this paper, Indonesia is used as a case study to examine the various barriers preventing trafficked persons from being involved with criminal justice proceedings. These barriers may apply to trafficking cases outside the southeast Asian region. Through a review of the available literature and analysis of the data collected by the International Organization for Migration's (IOM) Indonesia Counter-Trafficking Module (CTM; see Box 1), it is contended that improving services and support for trafficked persons can substantially increase their



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willingness and/or ability to engage with the criminal justice system to prosecute the perpetrators of trafficking and exploitation.

The impact of trauma

The experiences of trafficked persons can vary significantly; however, it is recognised that trafficked persons are often subject to traumatic experiences including forms of psychological and/or physical abuse. These traumatic experiences can have a profound and lasting impact on individuals, such that they may be unable to assist in criminal proceedings, at least initially (UNODC 2009a).

The UNODC (2009a: 10) noted that 'victims should be stabilized before they are interviewed in detail about what happened to them'. This means they may need to access a range of health care services, social support, secure and stable housing, and financial support. However, even where these services are available, some trafficked persons may never be able to be involved in criminal proceedings due to a range of factors that act as barriers to their involvement; these are described below.

Barriers to involvement in criminal justice proceedings

Fear of authorities, identification and reprisals

In some cases, people who have been trafficked have been conditioned by traffickers to be fearful of authorities; made to believe they will be arrested, imprisoned, deported or prosecuted because of their illegal status or the illegal activities they have engaged in as a result of being trafficked (UNODC 2009a). Such fears are not unfounded. In some cases, trafficked people and/or their family have been threatened or physically harmed to prevent them from engaging in criminal proceedings or as a consequence of them speaking out against their trafficker (IOM 2007). Further, trafficked persons may be reluctant to speak to authorities due to previous negative interactions with authorities, either in their home country or another country (IOM 2007). In interviews with trafficked males, the International Centre for Migration Policy

Box 1 International Organisation for Migration, Counter Trafficking Module

In 1999, IOM developed and implemented the CTM, which is the largest global database containing primary data on trafficked people. The CTM facilitates the management of IOM's direct assistance to trafficked people; specifically, the Return, Recovery and Reintegration Program. In doing so, it maps the experience of trafficked people and contains a wealth of information regarding the characteristics and histories of trafficked persons, the nature of the trafficking process (including recruitment and transportation methods), patterns of exploitation and abuse, instances of re-trafficking and the nature of assistance provided by IOM.

From 2000 to 2011, IOM provided direct assistance on approximately 4,000 occasions to Indonesians who had been trafficked. Data analysed for this paper includes qualitative and quantitative information relating to 3,701 trafficked Indonesians identified between January 2005 and January 2010.

Development (ICMPD 2007: 59) observed that many

feared mistreatment at the hands of authorities, a fear often based on their knowledge of police corruption and brutality (both at home and abroad) and reinforced by stories from traffickers.

Trafficked minors may be repeatedly pressured by traffickers to claim they are of legal age (particularly in cases involving sexual exploitation) and to say they are consensually involved in sex work if asked by authorities (Department of State 2010). Moreover, trafficked persons may be subject to threats to keep them from revealing any indicators of trafficking, including involuntary confinement, debt bondage, or threats of violence against them and their families (Department of State 2010). As a result, such individuals may fear being identified (ICMPD 2007).

Analysis of the IOM Indonesia CTM data revealed that a large proportion of trafficked persons were subjected to a range of abuses including psychological abuse (eg being bullied; 77%; n=2,766), physical abuse (48%; n=1,763), sexual abuse/rape (22%; n=820), deprivation of supply of food and water (53%; n=1,970), ideological pressure (eg being forbidden to pray; 35%; n=1,294), forced consumption of alcohol (7%; n=262) or of drugs (5%; n=196).

Data regarding whether or not a person chose to cooperate with the police investigation was available in 858 cases. Of these, 14 percent (n=124) chose to cooperate with the police. Overall, trafficked persons who had experienced some form of abuse or trauma were more likely to cooperate with the police than those who had not experienced abuse or trauma (15% cf 6%), although this difference was not statistically significant. The willingness of

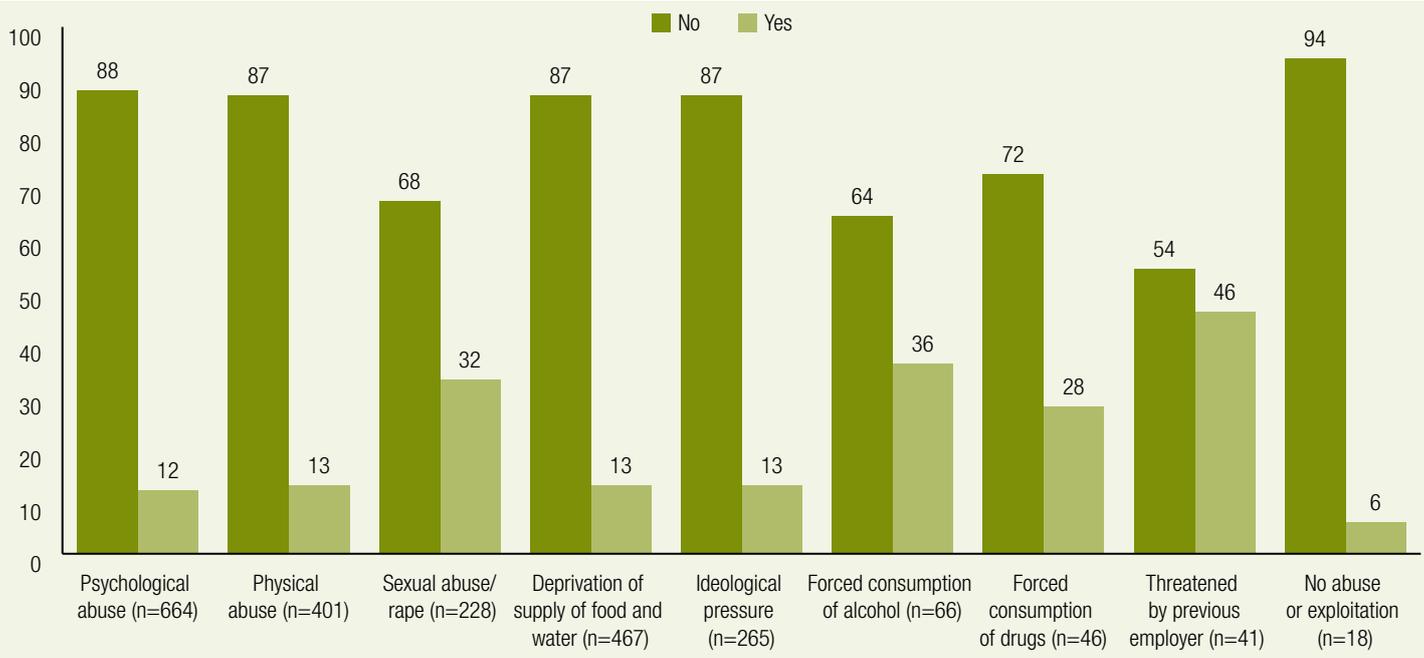
individuals to cooperate with the police and their experiences of various forms of abuse is presented in Figure 1. Further analysis revealed that trafficked persons who were exposed to a greater number of abuses (ie those for whom the experience was on the more severe end of the spectrum) were more likely to choose to cooperate with police. In fact, trafficked persons in the sample who experienced six or more forms of abuse were significantly more likely than those who experienced fewer forms of abuse and those who experienced none, to cooperate with police (28% cf 13% cf 6%, Fisher's exact test, $p=0.001$). This may be due to a range of reasons; it may be that trafficked persons who have suffered abuses more readily identify as a 'victim' and therefore to seek recourse through the justice system. Or, it may be that the support services they receive as a result of the abuses suffered empower trafficked persons to participate in criminal proceedings.

Cases have been identified where trafficked persons have suffered reprisals by their traffickers after they testified against them in legal proceedings (IOM 2007). In deciding whether to participate in criminal justice proceedings, trafficked persons commonly focused on:

- the safety of both themselves and their family (Moskowitz 2008; IOM 2007; Gallagher 2009); and
- fear associated with being in the physical presence of the perpetrator (IOM 2007).

The Asia Regional Trafficking in Persons Project has identified a range of measures that can be employed to overcome a trafficked person's fear of being in the presence of their trafficker, many derived from approaches taken to reduce the trauma for victims of sexual offences who

Figure 1 Trafficked persons' willingness to cooperate with the police in an investigation by type of abuses and/or forms of exploitation experienced (%)



n= total number of trafficked people who experienced abuse and reported whether or not they co-operated with the police
Source: AIC, IOM Indonesia CTM dataset [computer file]

are testifying in court processes. These include erecting a temporary screen in court to protect the witness from having to testify in full view of the accused, allowing them to testify from a remote location via video link, conducting the court proceedings in-camera and allowing for pre-trial depositions, which remove the need for the trafficked person to appear during the trial (Smith 2010).

Stigma and denial associated with being a 'trafficking victim'

A trafficked person's willingness to cooperate in criminal justice proceedings may also be influenced by concerns associated with recounting the experience of being victimised. People who have been trafficked often fear being shamed or rejected by their family or community because of their trafficking experience (Moskowitz 2008; UNODC 2008).

In many cases, the stigma attached to victimisation, particularly where people have been trafficked for the purpose of sexual exploitation, can have a powerful influence over the decision to participate in the investigation and prosecution of offenders.

However, analysis of IOM Indonesia's CTM dataset seems to contradict the assertion in much of the literature that many of

those who are sexually exploited are less likely to report due to shame and stigma. Persons trafficked into non-sex industries represented the largest proportion of those who chose not to cooperate with the police for investigation purposes. This group was significantly less likely than persons trafficked for sexual exploitation to choose to cooperate with police in an investigation (58% *cf* 92%; $\chi^2=10.95$ $p<.01$).

Nevertheless, stigma associated with being a trafficking victim may impact on involvement in criminal proceedings. Such stigma may result in some trafficked persons supplying authorities with false information regarding their situation, particularly when they initially come into contact with authorities. Compounding this can be a reluctance or inability by some trafficked persons to identify themselves as victims of trafficking; many preferring to identify as irregular or 'unlucky' migrants instead (ICMPD 2007). The ICMPD found that the phrase 'trafficked victim' was particularly rejected by men who had been trafficked:

How to say this, I don't think I am a victim. It is even ridiculous for me to think that I am a victim. I think that any man will not like this word attributed to him. It sounds more like a comic

insult. People around him can mock him, especially if these men are young, without any life experience and who don't realize the possibility of men's exploitation (ICMPD 2007: 97).

This may be exacerbated by stereotypes that associate victims of trafficking with women and children (IOM 2007). It may also be due to ideas about masculinity and reluctance among men to view themselves as 'victims' requiring assistance (IOM 2007). It is also the case that the legislation in some countries fails to acknowledge that men can be victims of trafficking (see ASEAN 2011). However, some female victims of trafficking do not view themselves as 'victims' either (IOM 2007). This may be due to a misconception that trafficking involves forced prostitution, to the exclusion of other forms of labour exploitation.

Further, in some cases, trafficked persons may not acknowledge that they have been mistreated by their trafficker and may, in fact, identify with them. This may lead to reluctance to acknowledge their victim status and an unwillingness to be involved in criminal justice proceedings against their trafficker (Brunovski & Surtees 2007; Moskowitz 2008; Surtees 2008). It is possible that this may be exacerbated

where there is a community or family connection between the trafficker and the person who has been trafficked; a factor worth considering given that diaspora networks have been identified as playing a role in some cases of trafficking in Australia (David 2010). Furthermore, trafficked people may feel they are complicit if they have knowingly entered into an employment arrangement and therefore may feel they are not 'victims' (IOM 2007).

In some instances, women who have been trafficked to Australia to work in brothels have repaid their debt to their trafficker and remained working for that employer (see Sieders, Johan v R; Somsri, Yotchomchin v R [2008] NSWCCA 187; R v D S [2005] VSCA 99), indicating that they may not view themselves as 'trafficking victims'.

Criminalisation and re-victimisation: Trafficked persons who are prosecuted or detained

Trafficked persons are also at risk of criminalisation or re-victimisation through involvement with criminal proceedings. In some countries, trafficked persons may be prosecuted for offences committed during the migration or trafficking process (such as entering a country illegally, working illegally, holding false documentation, or engaging in illegal activities; Gallagher & Holmes 2008). This may result in trafficked persons being detained, or deported (Moskowitz 2008). This occurs despite recommendations made by the UN Trafficking Recommended Principles and Guidelines that countries ensure trafficked persons are protected from prosecution, detention and punishment for crimes committed as a 'consequence of their situation as a trafficked person' (UNHCR 2002: 1).

The mandatory detention of both nationals and foreigners who have been trafficked has been identified as problematic in some regions (Craggs & Martens 2010; Smith 2010). The rationale behind detaining such individuals is not always clear, however, justifications include a need to protect persons who have been trafficked and to prevent them from running away, particularly where they are needed to assist in criminal proceedings (Gallagher & Pearson 2008).

For victims of transnational trafficking, detention is defended on the basis that they cannot be permitted to leave the shelter, as they have no legal status in that country (Gallagher & Pearson 2008).

Trafficked persons can sometimes remain in shelters for months or even years waiting for criminal justice proceedings to be finalised (Gallagher & Pearson 2008). While there are some shelters that allow trafficked persons to enter and exit as they please, others operate as 'closed' shelters and restrict the day-to-day movement of trafficked persons. This can lead to feelings of isolation and powerlessness and may exacerbate the harm experienced during the trafficking process, reducing the likelihood of the person being involved in criminal proceedings (ASEAN 2011; IOM 2007). Such practices have been reported in some southeast Asian countries, including Thailand, Malaysia and Cambodia (Gallagher & Pearson 2008).

Lack of trust in criminal justice officials

Each of the factors identified above can cultivate a lack of trust towards criminal justice officials and the system more generally. Initiatives have been introduced in southeast Asian countries to promote rapport-building between trafficked persons and criminal justice officials. These include provisions to ensure people who have been trafficked are not criminalised, referral systems for shelters, provision of temporary visas and adequate protection and support for people who have been trafficked (ASEAN 2011; Smith 2010).

Further, some countries have introduced trafficking-specific training for frontline police officers who tend to have first contact with people who have been trafficked. For example, Indonesia has established a specialist anti-trafficking unit within their national police force, as have all other members of the ASEAN region except Brunei, who has indicated an intention to do so (ASEAN 2011, 2008). Indonesia has also introduced specialist police units (known as Ruang Pelayanan Khusus), which are operated by female police officers in provincial and district police departments

to work on cases involving women and children, including trafficking cases (ASEAN 2011, 2006).

One lesson learned through the policing of culturally and linguistically diverse communities in Australia is that information sharing and communication are important factors that can influence victims' and/or community members' trust in criminal justice officials (Joudo Larsen 2010). Trafficked persons need to be informed of their rights and the risks associated with cooperating with the criminal justice process (IOM 2009, 2007). It is therefore essential that information be conveyed in a language that the trafficked person can understand (UNODC 2009a).

Factors that can exacerbate barriers

Even where trafficked persons are willing to cooperate with police for the purpose of investigation and prosecution, certain factors may exacerbate the barriers identified above.

Legal framework

A strong legal framework is essential to an effective criminal justice response to trafficking (ARTIP 2010; ASEAN 2011; David 2008a; Gallagher & Holmes 2008). According to ASEAN (2011), such a framework must criminalise the spectrum of crimes associated with trafficking, provide clear definitions, appropriate and proportionate penalties, enable mutual legal assistance and extradition between countries, and legally mandate protection, support and access to remedies for people who have been trafficked. National legislation needs to recognise that men, women, girls and boys are trafficked and that trafficking takes place for a range of purposes—not only for the purpose of sexual exploitation. Where countries do not have legislation that criminalises trafficking, or related types of exploitation, the ability to successfully prosecute traffickers is likely to be impeded.

Research has demonstrated that criminal justice practitioners find it easier to investigate and prosecute more established,

better understood crimes (Gallagher & Holmes 2008) and therefore, may be reluctant to use trafficking legislation. This has reportedly been the case in Indonesia, where specific trafficking legislation was only introduced in 2007 (Department of State 2010).

In Australia, amendments to the Criminal Code (Cth) have recently been passed in both houses of Parliament to strengthen existing legislation and to create stand-alone offences of forced marriage, forced labour and trafficking for the purpose of organ removal (Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012). Furthermore, the Migration Amendment (Reform Employer Sanctions) Bill 2012 proposes to amend the *Migration Act 1958* and strengthen sanctions against individuals who employ illegal migrant workers (Migration Amendment (Reform of Employer Sanctions) Bill 2012). Previous AIC work (David 2010) noted that earlier instances of labour trafficking might have been prosecuted under a number of different criminal provisions, given that there was no stand-alone offence.

Due to the mostly transnational nature of trafficking, it is necessary for countries to incorporate international legal cooperation into their legal framework, in particular, powers to extradite or prosecute individuals for trafficking crimes committed abroad. Mutual legal assistance arrangements (which can be either formal or informal arrangements) can be useful methods of enabling the sharing of evidence and intelligence across borders (ADB/OECD 2006; Smith 2010). In Indonesia, such functions are governed by legislation and cooperation can take place according to treaties or, in some cases, good bilateral relationships (ADB/OECD 2006).

Not only is cross-border cooperation essential to prosecuting cases with a transnational element, but as Gallagher (2009) highlights, regional information-sharing between countries contributes to the effectiveness and efficiency of criminal justice approaches to trafficking. Recently, there has been a focus on formal

cooperation among southeast Asian countries, which has led to the development of the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters (see ASEAN 2004), as well as various Memoranda of Understanding (Smith 2010).

Inadequate support and treatment for persons who have been trafficked

As indicated earlier, inadequate support and treatment for trafficked persons can also influence their willingness or ability to be involved in criminal justice proceedings. Ensuring victims are treated with respect and that efforts are made to support them through their involvement in proceedings are not just elements of a humanitarian response, but may enhance cooperation with criminal justice matters.

Further, trafficked persons will often require treatment and support before deciding whether to be involved in proceedings (IOM 2007). The trauma experienced may lead victims to distrust authorities, holds fears of mistreatment or deportation, or risks to the personal safety of themselves or their family (ICMPD 2006; IOM 2007; UNODC 2009b), all factors that may inhibit involvement in criminal proceedings.

The IOM (2007: 32) notes that

[i]t is not uncommon for trafficked persons to react...in a traumatized, hostile, suspicious, aggressive or defensive manner, or a combination of these.

Such individuals will also often have acute physical and psychological health needs resulting from abuse, which will require immediate attention (IOM 2007).

According to the ICMPD's (2006) *Anti-Trafficking Training Material for Judges and Prosecutors*, persons who have been trafficked must be sheltered (but not detained) immediately after their identification, assisted, allowed time to recover and provided with security before and during the trial. Under the UN Trafficking Protocol (UN 2000), parties are not obliged to implement support and treatment for persons who have been

trafficked, although they are encouraged to 'consider' implementing measures that provide for physical and psychological recovery and should 'endeavour' to provide for physical safety. By contrast, the UN *Trafficking Recommended Principles and Guidelines* (UNHCR 2002) are clear in stating that protection and assistance must be provided, however, these principles are not binding.

A set of IOM Indonesia guidelines setting out best practice for law enforcement officials working with trafficked persons highlight the need to ensure a victim-focused approach, in recognition that a trafficked person's willingness to report the crime and to participate in a criminal investigation often depends upon their treatment by 'police and judicial authorities, the protection of their safety and privacy and the availability of assistance' (IOM 2009: 35). The Guidelines encourage a shift from a traditional law enforcement approach towards one that focuses on the interests of the victim as the best means of ensuring justice is served.

ASEAN (2011) suggests that protection and support for trafficked persons should be legally mandated through domestic legislation. It is encouraging to note that some countries in the southeast Asian region, including Indonesia, Vietnam, Thailand and Cambodia have legislated, issued policies and/or entered into bilateral agreements regarding the provision of support and protection of all trafficked persons regardless of whether they give evidence (ASEAN 2011; Smith 2010).

However, some countries fail to acknowledge that men can be victims of trafficking and therefore provide limited or no support or treatment services for men who have been trafficked. Cambodia and Thailand only recently amended their legislation to recognise male victims of trafficking (Gallagher & Pearson 2008) and Myanmar, Vietnam and Singapore currently have no provisions for the protection and support of men who have been trafficked (ASEAN 2011).

Indonesia's trafficking legislation (*Eradication of the Criminal Act of Trafficking in Persons*

2007) acknowledges that women and children are more vulnerable to trafficking, but refers to victims as both male and female. The legislation outlines a number of principles regarding the treatment of trafficked persons. It requires that special units be established in each province and district and in the case that trafficked persons or their families are threatened, the Indonesian police must provide protection before, during and after the trial (*Eradication of the Criminal Act of Trafficking in Persons 2007*). Under this legislation, trafficked persons are also entitled to a translator, to be informed of all aspects of their case and to be given a new identity and a place to live.

Lack of corroborative evidence to support trafficked persons' statements

Only having access to insufficient or uncorroborated evidence undermines or substantially hampers the ability to investigate and prosecute trafficking offenders (David 2008b; Gallagher 2009; Moskowitz 2008). Trafficked persons are often the only ones able to verify all of the elements of the crime, yet their testimony is often not enough to meet the burden of proof (ie beyond reasonable doubt) in court.

A very small proportion of trafficked persons in the IOM Indonesia sample were able to produce documents, such as travel tickets (9%; n=327), immigration departure or landing cards (8%; n=308), medical reports related to the abuse suffered (4%; n=159), copies of bogus contracts or original advertisements (1%; n=33), or diary entries/letters written by the individual that documented their experience (1%; n=53), which could corroborate all or part of their claims.

It is common for individuals who have suffered trauma to provide inconsistent statements when they are first identified. Trauma can impact significantly on the memory and behaviour of a trafficked person and can lead to loss of memory, hostility, confusion regarding the chronology of events, or even an inability to recall events (David 2008a; ICMPD 2006; UNODC 2009a). Moreover, as noted above, trafficked persons may simply lack trust in

law enforcement and may be reluctant to provide a complete statement.

Erroneous statements made to law enforcement by trafficked persons (before they have received support and treatment) can weaken their credibility. Even where truthful statements are provided at a later date, any inconsistencies in the evidence provided by trafficked persons can reduce the chances of a successful conviction (Gallagher 2009). Further, trafficked persons may be targeted by the defendant's counsel in court for prior inconsistent statements, potentially increasing their trauma.

Some southeast Asian countries, including Indonesia, rely on victim impact statements so that trafficked persons do not have to appear in court (Smith 2010). While this relieves trafficked persons from having to endure the traumas associated with cross-examination and giving evidence in front of persons who were involved in their victimisation, it may also impact on the fairness of a trial for the accused (Smith 2010).

Corruption

Corruption has been identified as one of the major contributing factors to trafficking in persons. It can play a central role in facilitating the exploitation of trafficked persons and/or preventing criminal justice proceedings from taking place (UNGIFT 2008). Corruption in the southeast Asian region remains a significant problem.

Disrupting the links between corruption and trafficking is made all the more difficult by the low salaries of civil servants, increased administrative discretion of civil servants as a result of government expansion, low risk of detection and punishment, cultural factors, such as traditions of gift-giving or favours for family or friends and a lack of political will combined with ineffective anti-corruption strategies (Quah 2006).

The 2011 United States *Trafficking in Persons Report* (Department of State 2011) drew attention to endemic corruption among Indonesian officials in relation to trafficking. Police, public prosecutors, judges and lawyers have been found to be involved in corrupt behaviour, facilitating incidents of trafficking or impeding

investigations or prosecutions of traffickers (Department of State 2011; Liasari 2008). Reports of identified corruption have included police failing to investigate cases of suspected trafficking, immigration officials 'turning a blind eye' to suspected trafficked persons crossing borders and government officials involved in document forgery. Seventy-six percent (n=2,726) of the IOM Indonesia sample crossed a border at an official entry point during the trafficking process, with 48 percent (n=1,306) of this group using forged documents to enter. This large proportion of trafficked persons crossing with forged documents at official entry points provides some support for the reports of corruption in the region; however, the quality of the forged documents and the ability of officials to identify forgeries are also factors to consider.

Moskowitz (2008) emphasised the corrosive effect that endemic corruption has on the investigation and prosecution of trafficking cases. For example, payoffs or threats against judges, prosecutors and witnesses undermine the participation of trafficked persons in criminal justice proceedings and if a trafficked person perceives a criminal justice system as unable to protect them or to secure justice, they are less likely to assist criminal proceedings.

Conclusion

Due to the hidden nature of trafficking, trafficked persons are often the only witnesses able to verify the details of the crime. As a result, they are usually critical to criminal matters proceeding. However, some victims may not want to cooperate with police investigations for a range of reasons outlined in this paper—they may fear reprisals from traffickers, arrest and/or deportation by authorities or the shame and stigma of being identified as a 'victim'. Others may not believe they are a victim, instead seeing themselves as 'unlucky' migrants.

While systemic barriers, such as weak legal frameworks and the corruption of officials can have a profound impact on criminal proceedings and must be addressed, addressing them will require a long-term investment. Other significant impediments

to victim participation in prosecution, such as those discussed in this paper, can be addressed more readily through the provision of appropriate support and treatment for trafficked persons, as described by key international agencies (see ICMPD 2006; UNODC 2009a).

In order to increase the willingness and capacity of trafficked people to assist in the detection and prosecution of traffickers, ASEAN (2011) recommends that support and treatment be provided to all trafficked persons. This should be formally incorporated into state legislation or policies to combat trafficking, regardless of a victim's initial willingness to assist criminal proceedings.

Indonesia has formally acknowledged the importance of ASEAN's recommended approach through legislation and has further reinforced this with the development of best practice guidelines for law enforcement officials working with trafficked persons. The Guidelines encourage officials to ensure the rights and needs of trafficked persons are met throughout investigations and any subsequent court proceedings.

Indonesia has been presented as a case study in this paper due to the availability of statistical information regarding criminal justice outcomes in the IOM Indonesia CTM database. While this data was somewhat limited, it did reveal that trafficked persons were slightly more likely to cooperate with police if they had experienced some form of abuse or trauma, although this was not statistically significant. Those persons who had been subjected to a great number of abuses were also more likely to cooperate with police. Interestingly, the data contradicted a widespread belief that trafficked persons who are sexually exploited are less likely to report due to shame and stigma.

In addition to broader support and treatment (see Lyneham & Joudo Larsen 2013 for a fuller discussion of the treatment and support needs of trafficked persons), a number of initiatives can be incorporated into criminal justice procedures in order to

remove barriers to involvement in criminal proceedings:

- specific training for frontline law officers and criminal justice practitioners that focuses on dealing with victims of trafficking;
- provision of information relating to criminal proceedings in the language of the trafficked person; and
- use of mechanisms in court to prevent victim-witnesses from having to see their trafficker while delivering evidence, as is the case for victims of sexual offences.

The nature of the abuse and/or exploitation experienced by the trafficked persons in the IOM Indonesia CTM database highlights the need to ensure that police and prosecutors are trained to deal appropriately with trafficked persons, to understand the very vulnerable position in which they have been placed and the implications this has on their ability to participate in criminal justice proceedings.

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