

# Working Paper

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## Corruption and Human Trafficking

Human trafficking affects an estimated 12 million victims around the world, more than half of whom are women and girls.<sup>1</sup> Trafficking is driven by profit and may involve sexual exploitation or forced labour. Globally, trafficked workers generate US\$ 32 billion each year.<sup>2</sup> Yet in spite of the large scale of trafficking, most victims are never identified and few offenders — less than 1 in 10 — are ever convicted.<sup>3</sup>

Corruption is increasingly cited as a key reason for why trafficking continues and traffickers remain free. Corruption both facilitates trafficking and feeds the flow of people by destabilising democracies, weakening a country's rule of law and stalling a nation's development. At the same time, trafficking, which can involve global or regional networks, contributes to a country's corruption. To function, trafficking relies on pay-offs to police, judges and ministers at all levels.

Broader attention needs to be paid to this nexus between corruption and human trafficking. Despite advances, both issues tend to be tackled independently without recognising their inter-linkages. Only by addressing them together will related efforts to stop trafficking be more successful.

### The Role of Corruption in Victimising the Victim

Human trafficking is embedded in violence and shows complete disrespect for human dignity. The weakest and most disadvantaged are often its victims.

Some experts have argued that a trafficked person suffers four forms of victimisation on the part of different actors – each of which is facilitated by corruption.<sup>14</sup>

Victimisation can occur by:

- *corrupt officials.* These individuals may lead trafficking networks, use trafficked prostitutes, or employ cheap domestic help who have been trafficked;
- *private or individual groups.* These groups include criminals, their families, friends and extended networks;
- *the media.* While the media plays an important role in society, practices of showing trafficked persons without protecting their identities leads to their further exploitation. In contrast, some media outlets may obscure stories about trafficking, due to connections with the networks involved;
- *states and international organisations.* When officials and staff in these bodies do not behave with ethics and integrity, they can lead to distorted actions. This can include providing support to corrupt officials, treating victims as criminals, and not adequately educating their staff and officers about how to handle trafficking victims.<sup>15</sup>

In looking at how victimisation occurs by these different actors, the role and roots of corruption become clearer. Drawing on this knowledge is essential if policies are to effectively target trafficking and corruption simultaneously.

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## 1. The connection between corruption and human trafficking

Human trafficking is a 'high profit – low risk' venture. This cost-benefit equation results because the perpetrators of the crime have sizable monetary gains compared to the limited risk of getting caught and being brought to trial. Corruption allows this perverse incentive to continue.

Yet for trafficking to occur, there needs to be a supply of victims. Some of the main push and pull factors include the prospect of gaining employment (pull); attractive living conditions (pull); the demand for unskilled work (pull); poverty and unemployment (push); and war and political instability (push).

The push-pull forces of trafficking have been magnified following globalisation and the significant geo-political changes of the 1990s<sup>4</sup> that opened up borders and new markets. Unfortunately, these dual developments have also turned human beings into another commodity.

Many experts indicate that if it were not for corruption, human trafficking would not have expanded so rapidly in the wake of globalisation.<sup>5</sup> Corruption allows the trafficking process to remain protected from prosecution and facilitates the victimisation of innocent people (see side bar). Corruption assists the victim's movements within a country and across borders. When trafficking is discovered, corruption results in laws and judicial processes being disregarded. Corruption undoes institutional safeguards, rooted in basic human rights and other international norms, which should legally protect the victim. Corruption also helps criminals and their accomplices to hide the profits generated by human trafficking. Preventative mechanisms against money laundering currently do not exist globally, allowing for the use of bribery and one's influence to move illicit proceeds.<sup>6</sup> Finally, the networks employed in human trafficking often intersect with global and regional rings that control the trade in other contraband, such as drugs and arms.<sup>7</sup>

In recent decades, the growth of public sector corruption has correlated closely with the rise in human trafficking.<sup>8</sup> Numerous countries that are ranked poorly on Transparency International's Corruption Perceptions Index also tend to be among the largest source countries for human trafficking victims, including Indonesia, Thailand, Nigeria, the Philippines and Pakistan.<sup>9</sup> Strong correlations have been found between a country's tolerance towards trafficking (both within and across its borders) and its own level of public sector corruption.<sup>10</sup>

Corruption and human trafficking involves numerous institutions as well as other countries. Co-option may extend to ministries, legislatures and law enforcement bodies, and mutate into state capture. In Cameroon, evidence has been documented of local police commissioners allegedly blocking investigations of child trafficking.<sup>11</sup> Even countries that are considered to have a control over corruption are involved. For example, high-level staff members at the Belgian and French embassies in Bulgaria were found to be issuing numerous visas, often to prostitutes and organised crime networks, in return for payment.<sup>12</sup> In other cases, governments like the US may contract out services to third party vendors that are then implicated in the employment of trafficked persons.<sup>13</sup>

As all of these examples indicate, corruption is not just a question of lost funds and governance breakdowns. Where it occurs, corruption undermines justice, human rights and human dignity.

## 2. What is the process?

Corruption plays a role in every stage of the human trafficking process. It is present from the initial planning to the point where a victim is trafficked — and the person's exploitation begins. To better understand the effects of corruption all along the process, the trafficking of persons can be divided into three main phases: recruitment, transport and exploitation. Each phase is vulnerable to corruption and enables victimisation.

### *Recruitment*

Recruitment is the first step in trafficking. It is at this stage that the person becomes a 'victim'. Traffickers employ many methods and individuals (such as local agents and middle-men) to recruit victims. In India, the government's home secretary has estimated that trafficking may involve up to 100 million Indians as middle-men, traders and employers.<sup>16</sup> Recruitment techniques often involve 'legitimate' and 'trustworthy' persons (and in many cases women) who may already be acquainted with the victim. According to the International Organization for Migration (IOM), 46 per cent of the victims of trafficking know their recruiter.<sup>17</sup>

The use of informal networks of families and/or friends is the most prevalent means of recruitment. Other methods include the use of advertisements (for work or study abroad); agencies (for employment or travel); false pretences of marriage and individual recruiters who scour public places for men and women.<sup>18</sup>

Corruption at this stage is likely to take the form of buying the silence of government bodies that are responsible for protecting society from such duplicitous actions. In the Philippines, government officials have been charged, along with three recruitment agencies, for the alleged trafficking of nearly 100 Filipino workers. It is alleged that Filipino government officials and public employees had received kickbacks in return for ignoring the traffickers' operations and the expired operating licenses of the accused agencies.<sup>19</sup>

### *Transport*

Methods of transporting trafficked persons depend upon geographical conditions<sup>21</sup> and may include crossing borders (legally or illegally). As with smuggling, modes of transportation can encompass every means available: airplanes, boats, railways, ferries, cars or even walking (see side bar). Large companies as well as local businesses can be complicit in the process by allowing the use of their transport to feed the trafficking of people in return for bribes and other illegal payments.<sup>22</sup>

In the case of transnational trafficking of persons, it is during border crossings that corruption often is the most probable and profitable. These transit points provide the entry point for the involvement of additional actors, such as law enforcement bodies and other public officials.<sup>23</sup> In Thailand, where numerous checkpoints are located throughout the border provinces, it has been alleged that the trafficking of illegal migrants would not be possible without help from corrupt officials.<sup>24</sup> In this sense, border officials are in a position of extreme power and can block or stop the trafficking chain. If they are corrupt, they can leverage this position against the victim and to benefit the trafficker. Forms of corruption include taking bribes from human traffickers, although in some cases it may

### **Smuggling versus Trafficking: What is the Difference?**

The distinction between human trafficking and people smuggling is fundamental. Yet at times the two phenomena may be confused.

The United Nations Office on Drugs and Crime (UNODC), one of the principal global bodies addressing human trafficking,<sup>20</sup> highlights three important differences between smuggling and trafficking:

- Although they incur dangerous and degrading conditions (sometimes resulting in death), smuggled migrants who enter a country illegally have agreed to be clandestinely transported.
- Smuggling ends with the arrival of migrants to their destination, whereas trafficking involves the continuous exploitation of the victims for the benefit of the traffickers.
- Smuggling always happens across borders. Trafficking includes not only those taken abroad but also those who are moved internally within a country.

Despite these differences, corruption can take similar forms in both smuggling and trafficking. This includes the use of bribery and networks to facilitate the movement of people and the profits that are exacted from them.

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involve officials directly partnering with them or leading trafficking operations. Bribes — whether in money, goods or in-kind — help to ensure that proper documentation is not requested or that vehicles or vessels holding trafficked persons escape inspection.<sup>25</sup>

### *Exploitation*

The third and final stage of trafficking occurs when the victim reaches the destination, allowing her or his exploitation to begin. Exploitation is the main objective of trafficking and can take the form of sexual exploitation, forced labour, slavery and servitude.<sup>26</sup>

In the case of sexual exploitation, traffickers usually rely on networks of trusted hotel owners or people who are willing to rent accommodations to them. Very often, these individuals pay bribes or are bribed to allow the trafficking network to set up operations, receiving a percentage of the money generated by the victim. In India, for example, it has been documented that brothel owners and traffickers bribe local police and public officials in exchange for their silence and protection.<sup>27</sup> When it comes to forced labour and corruption, it has been reported in many countries that employers of trafficked victims bribe police or other officials to overlook the crime.<sup>28</sup>

In cases where a raid or arrest happens, corruption is often used to pay off the police, prosecutors or judges to drop the charges. In Germany and Spain, there have been strong allegations of judges having links to human trafficking and other criminal networks, which are used to prevent or stall investigations.<sup>29</sup> Since most trafficked persons have no means to pay a bribe, they are arrested, detained and deported.<sup>30</sup>

As seen across all three stages of trafficking, corruption is an enabling factor that facilitates each step of the process. Corruption allows for the massive enrichment of traffickers and helps to lure individuals from the public and private sector into trafficking networks. As some experts have noted, human trafficking has become one of the most lucrative and challenging illicit networks.<sup>31</sup> Finding effective ways to prevent, mitigate and punish corruption can serve to sever key parts of the trafficking chain and help to create new momentum to anti-trafficking efforts.<sup>32</sup>

### 3. What are the remedies?

There is a need to bridge the gap between efforts that independently target corruption and human trafficking in order to bring them together within a single set of policy actions. The numerous cases of public and private officials escaping charges or prosecution for their alleged complicity in human trafficking underscore the urgency of the task at hand.<sup>33</sup>

As a first step, there needs to be a consensus reached among the international community, governments and civil society organisations about how to incorporate human trafficking into the anti-corruption agenda (and vice versa). Equally important, these programmes must be brought into larger anti-poverty efforts. In this way, interventions would properly recognise the high development and human costs triggered by human trafficking, as well as its true sources. As the different push and pull factors demonstrate, human trafficking is intrinsically

linked to questions of well-being, safety and security, and properly functioning labour markets.

Unfortunately, countries have not been willing or able to address these broader questions. The fluctuating economic and financial situations of countries, compounded with the unstable political contexts faced by many nations, have eroded the political will to successfully tackle the complex issue of corruption and human trafficking.

Yet combating human trafficking as part of fighting corruption would constitute one of the most effective and efficient strategies. International conventions already exist on the topic that can be leveraged, including the UN Convention against Transnational Organised Crime (UNTOC) and the UN Convention against Corruption (UNCAC; see side bar). The UNTOC and its three protocols enable states to tackle the problem of trafficking in a comprehensive manner. This is important as trafficking operations are often only one small part of organised crime and corruption networks that have formed. For its part, the UNCAC has relevant articles that include the criminalisation of active and passive bribery (articles 15 and 16) as well as obstruction of justice (article 25) and money laundering (article 23) — two issues which facilitate trafficking. The UNCAC also has provisions that cover corruption by the private sector (articles 12, 21 and 22) which are relevant given the role of businesses in employing bribery, embezzlement and fraud to allow human trafficking to continue.<sup>34</sup>

In addition to work based around existing global legal instruments, the following measures represent some potential areas for action:<sup>35</sup>

- 🌐 Assess trafficking in specific origin and destination countries. By looking at the push and pull factors (political and economic), one can better understand the role of corruption, the source of the trafficking, the major intermediary points and key destination areas (both within and outside of a country);
- 🌐 Identify and study the secondary beneficiaries involved in trafficking (i.e. sex-trade operators, illicit employers and drug gangs);
- 🌐 Demand strong leadership, vision and political will on the part of government officials to fight trafficking efficiently through anti-corruption and development efforts by providing them with clear goals of what actions are expected;
- 🌐 Raise the level of perception, education and awareness among citizens and governments on the linkages between human trafficking and corruption. Each of these actors plays a critical role in the occurrence and proliferation of trafficking;
- 🌐 Train journalists how to better understand, investigate and report on human trafficking stories and processes.

Each of these actions provides an entry-point for changing the discourse and interventions currently used to frame human trafficking. Recognising and addressing corruption's role in the human trafficking chain, both as a facilitator and source of the problem, is a vital component to effectively fight the phenomenon. 🌐

### The UNTOC and UNCAC: A Backgrounder

The *United Nations Convention against Transnational Organised Crime* (UNTOC) was adopted by General Assembly resolution 55/25 (15 November 2000). It is supplemented by three protocols, two of which are the: "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children"; and the "Protocol against the Smuggling of Migrants by Land, Sea and Air".

The *UN Convention against Corruption* (UNCAC) also has key provisions that are relevant for combating trafficking. Since entering into force in 2005, it has become the principal legal anti-corruption framework. There are currently 152 states party to the convention.<sup>36</sup>

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The cover photo, by Karen Robinson, is from a series of images she produced on trafficked women and girls in the UK. For more information, see: [www.karenrobinson.co.uk](http://www.karenrobinson.co.uk).

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