

CHAPTER I - INTRODUCTION

1.1 RELEVANCE OF STUDYING THE INTERRELATIONSHIP BETWEEN HUMAN TRAFFICKING AND CORRUPTION

The technological advances of the past century have brought about unprecedented levels of organized crime (Savona et al., 1996). In a world no longer restricted by geography, global criminality is on the rise. With the advent of new and ever-sophisticated technologies, the reach of criminal networks has expanded while domestic legal systems have struggled to keep pace.

As underground criminal organizations use the internet to operate more efficiently, both domestically and internationally, governments, bound by international treaties and domestic laws, are hampered by procedural and institutional problems.¹ It is ultimately these problems that restrain international law enforcement agencies, such as Interpol, from employing networking on a global scale.

One of the most urgent types of organized crime that researchers have been focusing on is the trafficking in human beings (THB) (European Commission, 2001:4). International sources state that some 700,000 to 2 million women and children are estimated to be trafficked across international borders each year.² Experts, such as Lyday (in 2001) and Bales (2005), have labeled this type of criminality the “new slave trade” with implications for human rights.³ In recent years, combating modern day slavery has been at the top of the agenda for many major international organizations.⁴

¹ Whereas criminal networks are able to move quickly, easily adapting to new situations and responding flexibly to new disadvantages, law enforcement agencies are forced to move slowly, encumbered as they are by a myriad of protocols and regulatory procedures. Without effective governmental response, criminals have little to inhibit their activities, and need only to be creative to fulfill their criminal mandates, giving them a considerable advantage. Law enforcement agencies, while upholding the law, are also constrained by it. When measuring the difference between law enforcement's ability to pursue criminals and criminal networks' ability to evade law enforcement, the comparative advantage of the latter becomes readily apparent. With this in mind, one can argue that those criminals who are caught are the least powerful, least well organized, and the most visible, and only represent the surface of criminal activity.

² IOM, Migration Policy Issues №2, March 2003

³ Human trafficking is more than a criminal activity. As victims are subjected to many forms of exploitation, THB constitutes a violation of human rights. Victims and/ or their families can be

Trafficking in human beings is considered one of the most lucrative crimes,⁵ as well as one of the most difficult to combat (Lyday, 2001:2).⁶ “Due to the clandestine nature of this type of crime, it is difficult to gather reliable data on its prevalence” (Ribando, 2005:3) to address better policies. This type of crime commodifies human beings into mere merchandise (Hughes, 1999), goods to be shipped with impunity across borders, traded for currency, and recycled through the domestic economy. But there is one crucial difference that distinguishes this kind of merchandise from standard contraband. In the eyes of a border patrol officer a trafficked person is not always recognizable as such. When crossing borders, the only things regularly subject to inspection are the documentation presented. The reason for travel and specific destination are not properly subject to control. This is precisely what distinguishes human trafficking from drug smuggling and gunrunning. Whereas other sorts of contraband are easily identified as such, and have proven methods of detection (dogs to sniff out drugs and explosives, etc.), trafficking in persons is far more difficult to identify. Consequently, greater emphasis is placed on the individual border patrol agents’ subjective assessment, increasing the potential for corrupt practices. Exponential rise in global traffic has increased pressure on national borders already inundated with unprecedented levels of trade and human movement.

The most problematic situation is that criminality is becoming increasingly endemic among government officials. As cited in the Trafficking Victims Protection Act, “in some countries, enforcement against traffickers is also hindered by official indifference, corruption,⁷ and sometimes even by official participation in trafficking” (2000).⁸ Indeed, there seems to be a fairly universal understanding that “trafficking in persons is often aided by corruption in countries of origin, transit, and destination, thereby threatening the rule of

forced to pay outrageous fees for transportation; they can have their personal documents and belonging confiscated; and in most cases are trapped by debt bondage (Salt and Stein, 1997). See also Leidholdt (1999).

⁴ World Bank, US Government Anti-Trafficking Programs, International Organization for Migration (IOM), Free the Slaves, United Nations (UN) Office against Drugs and Crime (UNODC) to name a few.

⁵ According to the United Nations Office on Drugs and Crime, international trafficking in women, children, and adolescents generates annual revenue of US\$ 7 to US\$ 9 billion. It is also estimated that criminal networks profit US\$ 30,000 with each human transported illegally from one country to another (UNODC Brazil, 2005).

⁶ Also found in IOM, Migration Policy Issues, №1, March 2003.

⁷ These two elements taken together, indifference and corruption, form the basis of what can be referred to as institutional enablement.

⁸ Cf. Victims of Trafficking and Violence Protection Act of 2000, United States (US) Department of Justice, Civil Rights Division, Public Law 106-386, OCT. 28, 2000, Section 102, 16. Also found in Budapest Group, 1999; Shelley, 2002; UN Division for the Advancement of Women, 2002.

law” (Trafficking Victims Protection Act of 2000).⁹ In this sense, corruption can be seen as a facilitator and hence a causal factor for THB.

As a result, many countries focus on training of professionals and raising of public awareness as necessary steps in the fight against human trafficking. However, as valuable as such initiatives may be, they are not enough. Of utmost importance are strategic approaches which promote the integrity of public officials in particular, a way of curbing THB-related corruption. Research focusing specifically on the symbiotic relationship between trafficking in human beings for the purpose of sexual exploitation and corruption is necessary for the development of specific approaches aimed at combating both phenomena.

1.2 HUMAN TRAFFICKING: A SOCIAL PROBLEM IN BRAZIL

THB in Brazil is not merely an isolated criminal phenomenon affecting its targeted victims, but is also a social problem rooted in the major issues of a given society. As has been correctly stated by Korvinus et al. (2005:1),¹⁰ “Trafficking in human beings is still an issue of great political and social concern.”

International literature (Bales, 2005; Ribando, 2005; Savona et al., 1996) has classified two types of factors, “push factors” and “pull factors,” that form the general causes of THB.¹¹ The “push factors” described are poverty,¹² income differentials, unemployment,¹³ illiteracy, history of physical or sexual abuse, gendered cultural practices, discrimination, lack of

⁹ Section 102 (b) (8). Also discussed by Shelley, 2002; Mameli, 2002; XXXI Assembly of Delegates, 2002. Several cases of THB suggesting the involvement of public officials in the trafficking chain were mentioned in the Brazilian report coordinated by Giannico in 2005.

¹⁰ Third Report of the Dutch National Rapporteur

¹¹ While “push factors” are typical of underdeveloped countries (generally the countries of origin of trafficked persons), “pull factors” are typical of developed countries.

¹² According to the Penal Law International Association (Association Internationale de Droit Pénal) cited by PESTRAF (2002), in 1999, 37 million people in Brazil (22% of the population) were situated below the poverty line, living on incomes less than \$25 dollars per month (approx), while 15.1 million (9%) were living on one dollar per day.

¹³ In Brazil, the employment market favors men, both in terms of numbers of jobs and income levels. In 2002, 70.2% of the male population was employed versus 50.3% of women. For women with at least 12 years of formal education, their earning potential stood at 63% of that of men with similar education. The income gap, however, narrows among less educated populations. Women with only 4 years of education stood to receive 81% of what men earned with the same level of education (Assembléia de Delegadas, 2004).

familial support and/ or strong social networks, homelessness and vulnerability associated with age.¹⁴ “Pull factors” include the search for better employment opportunities, improved standards and quality of life, as well as increasing demand for workers within the sex industry coupled with higher earnings, short-term rewards, and the hope of finding economic opportunity abroad.¹⁵ All of the “push factors” are actively present within Brazilian society, often to an extreme degree in keeping with its status as an underdeveloped country and as a country with high levels of corruption (according to TI’s CPI index). In addition to “push” and “pull” factors, the growing “internationalization of the world economy”¹⁶ has brought about the internationalization of organized crime. Technological progress, especially, has provided traffickers with ever more efficient means for their activities.¹⁷ These factors, taken together, form the typical “environment” for potential victims of trafficking, especially for the purpose of sexual exploitation.¹⁸

The complexity that comprises THB as a criminal phenomenon and a social problem implies that it is futile to address trafficking as an isolated phenomenon. As asserted by Lyday (2001:8), “there are strong reasons to incorporate human rights and development perspectives into anti-trafficking corruption work. Few other issues so well reflect not only government corruption and state failure, but the larger issues of poverty and the low status of women and children.”

¹⁴ See Figueiredo and Hazeu, 2006; PESTRAF, 2002; Levi and Maguire, 2004; Ribando, 2005; Savona et al., 1996; European Commission, 2001; Europol, 2006; Ciconte, 2006; Bastia, 2005; UN Division for the Advancement of Women (2002); Spencer, 1995; Petit, 2004; Korvinus et al., 2005; Third and Fourth report of the Dutch National Rapporteur; Andrade, 2006; Kangaspunta, (2003); Women’s Commission for Refugee Women and Children (2005).

¹⁵ See IOM, Migration Research Series № 15, 2003; Europol, 2006; Richards, 2004.

¹⁶ Savona et al., 1996:11

¹⁷ On the globalization process and transnational organized crime, cf. Savona et al., 1998.

¹⁸ Of all of these factors, poverty is the factor with perhaps the greatest distributive impact. As has been noted by the Swedish Government Offices (2003:31), “poverty is not just a matter of income; to live in poverty is also to lack political influence, security, opportunities for social participation and access to health care, education and other social services. To live in poverty means to live in permanent uncertainty over what tomorrow may bring, to experience humiliation and degradation on a daily basis, and often to suffer the contempt of others.”

1.3 JUSTIFICATION OF THE STUDY

In Brazil, both corruption and trafficking in women for the purpose of sexual exploitation have increased drastically in the last few years (Ribando, 2005; PESTRAF, 2002).¹⁹ Although the country also serves as a “destination country”²⁰ for women trafficked from the Andes” (Ribando, 2005:6), Brazil is a “leading source country of victims moved to Europe on the Entertainer visa, and...leads by far the number of Entertainer visas issued to Japan” (Tsutsumi and Honda, 2005:35). At the same time, the *status quo* in Brazil reveals a huge gap in stringent field research, especially in the field of social sciences. Scientific literature and empirical documentation is scarce and very poor. This fact is the primary reason for selecting Brazil as the country of research. Despite increased federal government awareness of THB for sexual purposes in Brazil, the knowledge base is far from adequate. Research on trafficking for the purpose of sexual exploitation has not moved beyond descriptive analysis²¹ and route mapping, which, despite their basic importance, lack the substance of an analytical approach. As stated by international literature (Phinney, 2001:3), “trafficking in the Americas is less analysed and understood than trafficking in other regions of the world.”²²

Although trafficking for the purpose of sexual exploitation and corruption in Brazil has become an issue for the government in recent years, and various initiatives have been proposed to combat each phenomenon separately, no policy currently exists to combat both phenomena (THB and corruption) in combination.²³ Addressing this shortfall, this study focuses on the symbiosis between both THB for the purpose of sexual exploitation and corruption in Brazil in order to provide an in-depth analysis of the interconnectedness of both phenomena. The study also reveals how THB strongly depends on corruption.

¹⁹ In 1998, 461 Brazilian women were deported from Spain for “irregular legal status” (Osava, 2000). Most of them were suspected victims of THB. Also found in Bruggeman, 2002.

²⁰ The Trafficking in Persons Report (2005) credits Brazil as both a source and destination country for women and children trafficked for the purposes of sexual exploitation. Brazilian victims are also trafficked domestically and within South America (Cf. Ribando, 2005; Mameli, 2002; Bruggeman, 2002; Stitching Maxi Linder Association, 2001). The Organization of American States estimates that 500,000 adolescents are engaged in prostitution in Brazil, many of whom trafficked into the gold mining in the Amazon region (OAS, 2001).

²¹ Cf. Tráfico de Seres Humanos: Relatório da Pesquisa de Inquéritos e Processos Judiciais Instaurados em São Paulo, August, 2005; PESTRAF, 2002.

²² Also found in Langberg (2005).

²³ Política Nacional de Enfrentamento ao Tráfico de Pessoas (2007).

The present study can be justified as follows:

- 1) As the linkage between THB and corruption has already been tested and proven by Lyday (2001) and Bales (2005) on a macro level (cross-country level), this thesis will not repeat the same comparison of different countries but will restrict its focus to the linkage that exists between the two phenomena within a given country. In contrast to the approaches of Lyday and Bales, who make use of estimates and perception indexes, this author will use more appropriate variables based on concrete occurrences of both THB and corruption. The purpose of this thesis is to determine, using concrete data, to what degree Brazil, as an underdeveloped country with high levels of corruption, according to TI's CPI index, demonstrates the predicted correlation between corruption and THB.
- 2) Scientifically speaking, no attempt outside this thesis has been made to prove, using concrete data from case files, the linkage between THB and corruption within an individual country. Previous studies of this linkage have focused on cross-country comparison and have relied exclusively upon estimates and surveys of perceptions.
- 3) Brazil is a major source country for trafficked persons (Bales, 2005; Trafficking in Persons Report, June, 2007).
- 4) Cross-sectional comparisons of Brazil's domestic territories (states and regions) can reveal regional differences.
- 5) Brazil is a highly scientifically under-researched country.
- 6) This author has been given unique and in some cases exclusive access to sources of data on all regions in Brazil that can be used for statistical analysis. With this data it is possible to identify the most vulnerable points for corruption within the trafficking and the criminal justice chains.

1.4 PURPOSES OF THIS THESIS

THB for the purpose of sexual exploitation and corruption are serious problems in Brazil. Combating them is crucial to the success of policing and crime prevention strategies. Although the interrelationship between THB and corruption has never been explored scientifically in Brazil, this thesis addresses the major problems relating to the interconnectedness of both phenomena, providing an answer to the cardinal question of whether corruption demonstrates a corollary impact (causality) on trafficking in human beings for the purpose of sexual exploitation in Brazil. Although international literature (Bales 2005; PACO Networking, 2002; Lyday, 2001) has already demonstrated the existence of a general link between both phenomena, those studies conducted in Brazil which suggest a tie between corruption and THB nevertheless, fail to provide any analytical evidence/ empirical support for their conclusions. In other words, this thesis provides an answer to the question whether corruption can be used to predictively gauge the occurrence of THB in Brazil (predictability).

The primary objective of this thesis is to demonstrate that human trafficking for the purpose of sexual exploitation (THB) is heavily dependent on corruption in Brazil. Although corruption is generally recognised as an important predictor to THB by scholars, such as Bales (2005), knowledge about their interrelationship and especially the causal mechanism is limited and incomplete. In this study, this author provides an unprecedented scientific analysis of the interrelationship between both phenomena. With a new cross-sectional study based on concrete and actual data from Brazilian case files, this thesis will expand the existing literature on the interrelationship between THB and corruption.

The second objective is to identify the points most vulnerable to corruption in the different phases of the trafficking and the criminal justice chains through an analysis of the frequency of occurrences of corruption in each phase. Phases analysed include victim recruitment, transportation, and transfer across borders (within the trafficking chain) and preliminary investigations, prosecution, enforcement of sanctions and the protection of victims (within the criminal justice chain). With this analysis it is possible to determine which points in the THB chain and in the criminal justice chain are most vulnerable to corrupt behaviour/ practices in Brazil.

Since corruption and human trafficking are rather abstract phenomena, it is necessary to enhance the analysis with additional qualitative information related to the main objective, in order to be able to provide focused policy recommendations and suggestions for additional research. As such, the third objective of this thesis is to provide answers to the following questions:

- How strong is the relationship between THB and corruption in Brazil?
- How extensive are THB and corruption in Brazil, and what are their underlying trends?
- Do regional differences exist in THB-related corruption rates in Brazil?
- What are the main roles of public officials in the THB process in Brazil?
- What are the consequences of public officials' involvement in THB in Brazil?

This thesis specifically addresses the criminal phenomena of THB for the purpose of sexual exploitation and corruption in Brazil. It does not, however, address issues pertaining to forced labour or services which are not sexual in nature,²⁴ such as the smuggling of migrants or other forms of irregular migration. Neither does it focus on specific routes for national and/or international trafficking, nor identify the particular inadequacies of Brazilian law. Although Brazil is in many ways idiosyncratic, this thesis proposes Brazil as a model for examining trends in Latin America, the recommendations for which this author believes are generally applicable to other nations in the region.

²⁴ I.e., those forms of forced labour that fall outside the traditional categories of prostitution or sex work.